

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 5115.07 <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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16131

(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 applies:	16149
	16150
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.	16151
	16152
	16153
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	16155
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	16157
(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (B)(2)(d)(i) of this section applies.	16158
	16159
	16160
	16161
	16162
(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.	16163
	16164
	16165
	16166
(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.	16167
	16168
	16169
(e) An insider, as otherwise defined in this section, of a person or entity to which division (B)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;	16170
	16171
	16172
	16173
(f) A managing agent of the person who claims an exemption.	16174
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	16175
	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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I dispute the claim for the following reasons:

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.....

16306

(Optional)

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.....

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.....

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.....

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(Name of Defendant)

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.....

16312

(Signature)

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.....

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(Date)

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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

and the following notice:	16361
"(Name and Address of the Court)	16362
(Case Caption) Case No.	16363
NOTICE	16364
You are hereby notified that this court has issued an order	16365
in the above case in favor of (name and address of plaintiff), the	16366
plaintiff in this proceeding, directing that property now in your	16367
possession, be taken from you. This order was issued on the basis	16368
of the plaintiff's claim against you as indicated in the documents	16369
that are enclosed with this notice.	16370
The law of Ohio and the United States provides that certain	16371
benefit payments cannot be taken from you to pay a debt. Typical	16372
among the benefits that cannot be attached or executed on by a	16373
creditor are:	16374
(1) Workers' compensation benefits;	16375
(2) Unemployment compensation payments;	16376
(3) Cash assistance payments under the Ohio works first	16377
program;	16378
(4) Benefits and services under the prevention, retention,	16379
and contingency program;	16380
(5) Disability <u>financial</u> assistance administered by the Ohio	16381
department of job and family services;	16382
(6) Social security benefits;	16383
(7) Supplemental security income (S.S.I.);	16384
(8) Veteran's benefits;	16385
(9) Black lung benefits;	16386
(10) Certain pensions.	16387
Additionally, your wages never can be taken to pay a debt	16388
until a judgment has been obtained against you. There may be other	16389

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

..... 16422
Date" 16423

(2) Along with the notice required by division (C)(1) of this 16424
section, the clerk of the court also shall deliver to the 16425
defendant a request for hearing form together with a postage-paid, 16426
self-addressed envelope or a request for hearing form on a 16427
postage-paid, self-addressed postcard. The request for hearing 16428
shall be in substantially the following form: 16429
 "(Name and Address of Court) 16430
Case Number Date 16431
 REQUEST FOR HEARING 16432

I dispute the claim for possession of property in the above 16433
case and request that a hearing in this matter be held within 16434
three business days after delivery of this request to the court. 16435

I dispute the claim for the following reasons: 16436
..... 16437
(Optional) 16438
..... 16439
..... 16440
..... 16441
 (Name of Defendant) 16442
..... 16443
 (Signature) 16444
..... 16445
 (Date) 16446

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 16447
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 16448
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 16449
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 16450
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 16451

(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

GARNISHEE" in section (B) of this form. Return one completed and signed copy of this form to the clerk of this court together with the amount determined in accordance with the "ANSWER OF GARNISHEE" by the following date on which a hearing is tentatively scheduled relative to this order of garnishment: Deliver one completed and signed copy of this form to the judgment debtor prior to that date. Keep the other completed and signed copy of this form for your files.

The total probable amount now due on this judgment is \$..... The total probable amount now due includes the unpaid portion of the judgment in favor of the judgment creditor, which is \$.....; interest on that judgment and, if applicable, prejudgment interest relative to that judgment at the rate of% per annum payable until that judgment is satisfied in full; and court costs in the amount of \$.....

You also are ordered to hold safely anything of value that belongs to the judgment debtor and that has to be paid to the court, as determined under the "ANSWER OF GARNISHEE" in section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seal of this court this day of,

.....
Judge

SECTION B. ANSWER OF GARNISHEE

Now comes the garnishee, who says:

1. That the garnishee has money, property, or credits, other than personal earnings, of the judgment debtor under the garnishee's control and in the garnishee's possession.

.....
yes no if yes, amount

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 16759
shall be based on the answer of the garnishee filed pursuant to 16760
this section. If the scheduled hearing is conducted or if it is 16761
continued and conducted, the court shall determine at the hearing 16762
the amount of the money, property, or credits, other than personal 16763
earnings, of the judgment debtor in the possession of the 16764
garnishee at the time of service of the notice and order, if any, 16765
that can be used to satisfy all or part of the debt owed by the 16766
judgment debtor to the judgment creditor, and issue an order, 16767
accordingly, to the garnishee to pay that amount into court if it 16768
has not already been paid to the court. 16769

(D) The notice to the judgment debtor form and the request 16770
for hearing form described in division (C) of this section shall 16771
be sent by the clerk by ordinary or regular mail service unless 16772
the judgment creditor requests that service be made in accordance 16773
with the Rules of Civil Procedure, in which case the forms shall 16774
be served in accordance with the Rules of Civil Procedure. Any 16775
court of common pleas that issues an order of garnishment of 16776
property, other than personal earnings, under this section has 16777
jurisdiction to serve process pursuant to this section upon a 16778
garnishee who does not reside within the jurisdiction of the 16779
court. Any county court or municipal court that issues an order of 16780
garnishment of property, other than personal earnings, under this 16781
section has jurisdiction to serve process pursuant to this section 16782
upon a garnishee who does not reside within the jurisdiction of 16783
the court. 16784

Sec. 2743.02. (A)(1) The state hereby waives its immunity 16785
from liability, except as provided for the office of the state 16786
fire marshal in division (G)(1) of section 9.60 and division (B) 16787
of section 3737.221 of the Revised Code and subject to division 16788
(H) of this section, and consents to be sued, and have its 16789
liability determined, in the court of claims created in this 16790

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 on, sponsor, or prepare for the operation of bingo or a game of chance. 17226
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(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. 17229
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(V) "Participant" means any person who plays bingo. 17241

(W) "Bingo session" means a period that includes both of the following: 17242
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(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards; 17244
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(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section. 17247
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(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting 17250
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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,	17440
symbols, or characters in winning or losing combinations.	17441
(5) It does not simulate or display rolling or spinning	17442
reels.	17443
(6) It is incapable of determining whether a dispensed bingo	17444
ticket or card is a winning or nonwinning ticket or card and	17445
requires a winning ticket or card to be paid by a bingo game	17446
operator.	17447
(7) It may provide accounting and security features to aid in	17448
accounting for the instant bingo tickets or cards it dispenses.	17449
(8) It is not part of an electronic network and is not	17450
interactive.	17451
(TT)(1) "Electronic bingo aid" means an electronic device	17452
used by a participant to monitor bingo cards or sheets purchased	17453
at the time and place of a bingo session and that does all of the	17454
following:	17455
(a) It provides a means for a participant to input numbers	17456
and letters announced by a bingo caller.	17457
(b) It compares the numbers and letters entered by the	17458
participant to the bingo faces previously stored in the memory of	17459
the device.	17460
(c) It identifies a winning bingo pattern.	17461
(2) "Electronic bingo aid" does not include any device into	17462
which a coin, currency, token, or an equivalent is inserted to	17463
activate play.	17464
(UU) "Deal of instant bingo tickets" means a single game of	17465
instant bingo tickets all with the same serial number.	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
 Sec. 2915.02. (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
or , 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 previous application refused, whether it previously has had a license revoked or suspended, and the reason stated by the attorney general for the refusal, revocation, or suspension;	17683 17684 17685 17686
(f) A statement of the charitable purposes for which the net profit derived from bingo, other than instant bingo, will be used, and a statement of how the net profit derived from instant bingo will be distributed in accordance with section 2915.101 of the Revised Code;	17687 17688 17689 17690 17691
(g) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code;	17692 17693 17694
(h) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;	17695 17696 17697 17698 17699 17700 17701
(i) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;	17702 17703 17704 17705 17706 17707 17708
(j) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the	17709 17710 17711 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 18058
section, no charitable organization shall provide to a bingo game 18059
operator any commission, wage, salary, reward, tip, donation, 18060
gratuity, or other form of compensation, directly or indirectly, 18061
regardless of the source, for conducting instant bingo other than 18062
at a bingo session at the site of instant bingo other than at a 18063
bingo session. 18064

(3) Nothing in division ~~does not prohibit~~ (D) of this section 18065
prohibits an employee of a fraternal organization or veteran's 18066
organization from selling instant bingo tickets or cards to the 18067
organization's members or invited guests, as long as no portion of 18068
the employee's compensation is paid from any receipts of bingo. 18069

(E) Notwithstanding division (B)(1) of this section, a 18070
charitable organization that, prior to December 6, 1977, has 18071
entered into written agreements for the lease of premises it owns 18072
to another charitable organization or other charitable 18073
organizations for the conducting of bingo sessions so that more 18074
than two bingo sessions are conducted per calendar week on the 18075
premises, and a person that is not a charitable organization and 18076
that, prior to December 6, 1977, has entered into written 18077
agreements for the lease of premises it owns to charitable 18078
organizations for the conducting of more than two bingo sessions 18079
per calendar week on the premises, may continue to lease the 18080
premises to those charitable organizations, provided that no more 18081
than four sessions are conducted per calendar week, that the 18082
lessor organization or person has notified the attorney general in 18083
writing of the organizations that will conduct the sessions and 18084
the days of the week and the times of the day on which the 18085
sessions will be conducted, that the initial lease entered into 18086
with each organization that will conduct the sessions was filed 18087
with the attorney general prior to December 6, 1977, and that each 18088

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
18495
18496

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
20411

(e) Nonrecurring or unsustainable income or cash flow items; 20412

(f) Adoption assistance and foster care maintenance payments 20413
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 20414
501, 42 U.S.C.A. 670 (1980), as amended. 20415

(8) "Nonrecurring or unsustainable income or cash flow item" 20416
means an income or cash flow item the parent receives in any year 20417
or for any number of years not to exceed three years that the 20418
parent does not expect to continue to receive on a regular basis. 20419
"Nonrecurring or unsustainable income or cash flow item" does not 20420
include a lottery prize award that is not paid in a lump sum or 20421
any other item of income or cash flow that the parent receives or 20422
expects to receive for each year for a period of more than three 20423
years or that the parent receives and invests or otherwise uses to 20424
produce income or cash flow for a period of more than three years. 20425

(9)(a) "Ordinary and necessary expenses incurred in 20426
generating gross receipts" means actual cash items expended by the 20427
parent or the parent's business and includes depreciation expenses 20428
of business equipment as shown on the books of a business entity. 20429

(b) Except as specifically included in "ordinary and 20430
necessary expenses incurred in generating gross receipts" by 20431
division (C)(9)(a) of this section, "ordinary and necessary 20432
expenses incurred in generating gross receipts" does not include 20433
depreciation expenses and other noncash items that are allowed as 20434
deductions on any federal tax return of the parent or the parent's 20435
business. 20436

(10) "Personal earnings" means compensation paid or payable 20437
for personal services, however denominated, and includes wages, 20438
salary, commissions, bonuses, draws against commissions, profit 20439
sharing, vacation pay, or any other compensation. 20440

(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 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 students in the third grade who have not attained the score designated for that test under division (A)(2)(b) of section 3301.0710 of the Revised Code and once each summer to students

receiving summer remediation services under section 3313.608 of the Revised Code. 20681
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(2) Administer the tests prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade. 20683
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(3) Administer the tests prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade. 20686
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(4) Administer the tests prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade. 20689
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(5) Administer the tests prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade. 20692
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(6) Except as provided in division (B)(7) of this ~~sections~~ section, administer any test prescribed under division (B) of section 3301.0710 of the Revised Code as follows: 20695
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(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that test designated under that division; 20698
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(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such test, at any time such test is administered in the district. 20702
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(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 20708
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administer any test prescribed under division (B) of section 20711
3301.0710 of the Revised Code at least twice annually to any 20712
student enrolled in the joint vocational school district who has 20713
not yet attained the score on that test designated under that 20714
division. A board of a joint vocational school district may also 20715
administer such a test to any student described in division 20716
(B)(6)(b) of this section. 20717

(8) If the district has been declared to be under an academic 20718
watch or in a state of academic emergency pursuant to section 20719
3302.03 of the Revised Code, administer each test prescribed by 20720
division (F) of section 3301.0710 of the Revised Code in September 20721
to all ninth grade students, beginning in the school year that 20722
starts July 1, 2004. 20723

(C)(1)(a) Any student receiving special education services 20724
under Chapter 3323. of the Revised Code may be excused from taking 20725
any particular test required to be administered under this section 20726
if the individualized education program developed for the student 20727
pursuant to section 3323.08 of the Revised Code excuses the 20728
student from taking that test and instead specifies an alternate 20729
assessment method approved by the department of education as 20730
conforming to requirements of federal law for receipt of federal 20731
funds for disadvantaged pupils. To the extent possible, the 20732
individualized education program shall not excuse the student from 20733
taking a test unless no reasonable accommodation can be made to 20734
enable the student to take the test. 20735

(b) Any alternate assessment approved by the department for a 20736
student under this division shall produce measurable results 20737
comparable to those produced by the tests which the alternate 20738
assessments are replacing in order to allow for the student's 20739
assessment results to be included in the data compiled for a 20740
school district under section 3302.03 of the Revised Code. 20741

(c) Any student enrolled in a chartered nonpublic school who 20742

has been identified, based on an evaluation conducted in 20743
accordance with section 3323.03 of the Revised Code or section 504 20744
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 20745
794, as amended, as a child with a disability shall be excused 20746
from taking any particular test required to be administered under 20747
this section if a plan developed for the student pursuant to rules 20748
adopted by the state board excuses the student from taking that 20749
test. In the case of any student so excused from taking a test, 20750
the chartered nonpublic school shall not prohibit the student from 20751
taking the test. 20752

(2) A district board may, for medical reasons or other good 20753
cause, excuse a student from taking a test administered under this 20754
section on the date scheduled, but any such test shall be 20755
administered to such excused student not later than nine days 20756
following the scheduled date. The board shall annually report the 20757
number of students who have not taken one or more of the tests 20758
required by this section to the state board of education not later 20759
than the thirtieth day of June. 20760

(3) As used in this division, "English-limited student" means 20761
a student whose primary language is not English, who has been 20762
enrolled in United States schools for less than three full school 20763
years, and who within the school year has been identified, in 20764
accordance with criteria provided by the department of education, 20765
as lacking adequate proficiency in English for a test under this 20766
section to produce valid results with respect to that student's 20767
academic progress. 20768

A school district board or governing authority of a nonpublic 20769
school may grant a temporary, one-year exemption from any test 20770
administered under this section to an English-limited student. Not 20771
more than three temporary one-year exemptions may be granted to 20772
any student. During any school year in which a student is excused 20773
from taking one or more tests administered under this section, the 20774

school district shall assess that student's progress in learning English, in accordance with procedures approved by the department.

No district board or governing authority of a chartered nonpublic school shall prohibit an English-limited student from taking a test under this section.

(D) This division does not apply to any student receiving services pursuant to an individualized education program developed for the student pursuant to section 3323.08 of the Revised Code.

(1) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to the effective date of this amendment September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's test performance, including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on a proficiency test or a score in the basic range on an achievement test. This division does not apply to any student receiving services pursuant to an individualized education program developed for the student pursuant to section 3323.08 of the Revised Code.

(2) Following any administration of the tests prescribed by division (F) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has been declared to be in a state of academic emergency pursuant to section 3302.03 of the Revised Code shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the tests. In determining which high schools shall provide intervention services

based on the resources available, the district shall consider each 20807
school's graduation rate and scores on the practice tests. If any 20808
achievement tests in reading and math are adopted by the state 20809
board of education for administration in the eighth grade, the 20810
district also shall consider the scores received by ninth grade 20811
students on those tests in the eighth grade in determining which 20812
high schools shall provide intervention services. 20813

Each high school selected to provide intervention services 20814
under this division shall provide intervention services to any 20815
student whose test results indicate that the student is failing to 20816
make satisfactory progress toward being able to attain scores at 20817
the proficient level on the Ohio Graduation Tests. Intervention 20818
services shall be provided in any skill in which a student 20819
demonstrates unsatisfactory progress and shall be commensurate 20820
with the student's test performance. Schools shall provide the 20821
intervention services prior to the end of the school year, during 20822
the summer following the ninth grade, in the next succeeding 20823
school year, or at any combination of those times. 20824

(E) Except as provided in section 3313.608 of the Revised 20825
Code and division (M) of this section, no school district board of 20826
education shall utilize any student's failure to attain a 20827
specified score on any test administered under this section as a 20828
factor in any decision to deny the student promotion to a higher 20829
grade level. However, a district board may choose not to promote 20830
to the next grade level any student who does not take any test 20831
administered under this section or make up such test as provided 20832
by division (C)(2) of this section and who is not exempted from 20833
the requirement to take the test under division (C)(1) or (3) of 20834
this section. 20835

(F) No person shall be charged a fee for taking any test 20836
administered under this section. 20837

(G) Not later than sixty days after any administration of any 20838

test prescribed by section 3301.0710 of the Revised Code, the 20839
department shall send to each school district board a list of the 20840
individual test scores of all persons taking the test. For any 20841
tests administered under this section by a joint vocational school 20842
district, the department shall also send to each city, local, or 20843
exempted village school district a list of the individual test 20844
scores of any students of such city, local, or exempted village 20845
school district who are attending school in the joint vocational 20846
school district. 20847

(H) Individual test scores on any tests administered under 20848
this section shall be released by a district board only in 20849
accordance with section 3319.321 of the Revised Code and the rules 20850
adopted under division (A) of this section. No district board or 20851
its employees shall utilize individual or aggregate test results 20852
in any manner that conflicts with rules for the ethical use of 20853
tests adopted pursuant to division (A) of this section. 20854

(I) Except as provided in division (G) of this section, the 20855
department shall not release any individual test scores on any 20856
test administered under this section and shall adopt rules to 20857
ensure the protection of student confidentiality at all times. 20858

(J) Notwithstanding division (D) of section 3311.52 of the 20859
Revised Code, this section does not apply to the board of 20860
education of any cooperative education school district except as 20861
provided under rules adopted pursuant to this division. 20862

(1) In accordance with rules that the state board of 20863
education shall adopt, the board of education of any city, 20864
exempted village, or local school district with territory in a 20865
cooperative education school district established pursuant to 20866
divisions (A) to (C) of section 3311.52 of the Revised Code may 20867
enter into an agreement with the board of education of the 20868
cooperative education school district for administering any test 20869
prescribed under this section to students of the city, exempted 20870

village, or local school district who are attending school in the 20871
cooperative education school district. 20872

(2) In accordance with rules that the state board of 20873
education shall adopt, the board of education of any city, 20874
exempted village, or local school district with territory in a 20875
cooperative education school district established pursuant to 20876
section 3311.521 of the Revised Code shall enter into an agreement 20877
with the cooperative district that provides for the administration 20878
of any test prescribed under this section to both of the 20879
following: 20880

(a) Students who are attending school in the cooperative 20881
district and who, if the cooperative district were not 20882
established, would be entitled to attend school in the city, 20883
local, or exempted village school district pursuant to section 20884
3313.64 or 3313.65 of the Revised Code; 20885

(b) Persons described in division (B)(6)(b) of this section. 20886

Any testing of students pursuant to such an agreement shall 20887
be in lieu of any testing of such students or persons pursuant to 20888
this section. 20889

(K)(1) Any chartered nonpublic school may participate in the 20890
testing program by administering any of the tests prescribed by 20891
section 3301.0710 of the Revised Code if the chief administrator 20892
of the school specifies which tests the school wishes to 20893
administer. Such specification shall be made in writing to the 20894
superintendent of public instruction prior to the first day of 20895
August of any school year in which tests are administered and 20896
shall include a pledge that the nonpublic school will administer 20897
the specified tests in the same manner as public schools are 20898
required to do under this section and rules adopted by the 20899
department. 20900

(2) The department of education shall furnish the tests 20901

prescribed by section 3301.0710 of the Revised Code to any 20902
chartered nonpublic school electing to participate under this 20903
division. 20904

(L)(1) The superintendent of the state school for the blind 20905
and the superintendent of the state school for the deaf shall 20906
administer the tests described by section 3301.0710 of the Revised 20907
Code. Each superintendent shall administer the tests in the same 20908
manner as district boards are required to do under this section 20909
and rules adopted by the department of education and in conformity 20910
with division (C)(1)(a) of this section. 20911

(2) The department of education shall furnish the tests 20912
described by section 3301.0710 of the Revised Code to each 20913
superintendent. 20914

(M) Notwithstanding division (E) of this section, a school 20915
district may use a student's failure to attain a score in at least 20916
the basic range on any of the tests described by division 20917
(A)(1)(b), (c), (d), or (e) of section 3301.0710 of the Revised 20918
Code as a factor in retaining that student in the current grade 20919
level. 20920

(N)(1) All tests required by section 3301.0710 of the Revised 20921
Code shall become public records pursuant to section 149.43 of the 20922
Revised Code on the first day of July following the school year 20923
that the test was administered. 20924

(2) The department may field test proposed test questions 20925
with samples of students to determine the validity, reliability, 20926
or appropriateness of test questions for possible inclusion in a 20927
future year's test. 20928

Field test questions shall not be considered in computing 20929
test scores for individual students. Field test questions may be 20930
included as part of the administration of any test required by 20931
section 3301.0710 of the Revised Code. 20932

(3) Any field test question administered under division 20933
(N)(2) of this section shall not be a public record. Such field 20934
test questions shall be redacted from any tests which are released 20935
as a public record pursuant to division (N)(1) of this section. 20936

Sec. 3301.0714. (A) The state board of education shall adopt 20937
rules for a statewide education management information system. The 20938
rules shall require the state board to establish guidelines for 20939
the establishment and maintenance of the system in accordance with 20940
this section and the rules adopted under this section. The 20941
guidelines shall include: 20942

(1) Standards identifying and defining the types of data in 20943
the system in accordance with divisions (B) and (C) of this 20944
section; 20945

(2) Procedures for annually collecting and reporting the data 20946
to the state board in accordance with division (D) of this 20947
section; 20948

(3) Procedures for annually compiling the data in accordance 20949
with division (G) of this section; 20950

(4) Procedures for annually reporting the data to the public 20951
in accordance with division (H) of this section. 20952

(B) The guidelines adopted under this section shall require 20953
the data maintained in the education management information system 20954
to include at least the following: 20955

(1) Student participation and performance data, for each 20956
grade in each school district as a whole and for each grade in 20957
each school building in each school district, that includes: 20958

(a) The numbers of students receiving each category of 20959
instructional service offered by the school district, such as 20960
regular education instruction, vocational education instruction, 20961
specialized instruction programs or enrichment instruction that is 20962

part of the educational curriculum, instruction for gifted 20963
students, instruction for handicapped students, and remedial 20964
instruction. The guidelines shall require instructional services 20965
under this division to be divided into discrete categories if an 20966
instructional service is limited to a specific subject, a specific 20967
type of student, or both, such as regular instructional services 20968
in mathematics, remedial reading instructional services, 20969
instructional services specifically for students gifted in 20970
mathematics or some other subject area, or instructional services 20971
for students with a specific type of handicap. The categories of 20972
instructional services required by the guidelines under this 20973
division shall be the same as the categories of instructional 20974
services used in determining cost units pursuant to division 20975
(C)(3) of this section. 20976

(b) The numbers of students receiving support or 20977
extracurricular services for each of the support services or 20978
extracurricular programs offered by the school district, such as 20979
counseling services, health services, and extracurricular sports 20980
and fine arts programs. The categories of services required by the 20981
guidelines under this division shall be the same as the categories 20982
of services used in determining cost units pursuant to division 20983
(C)(4)(a) of this section. 20984

(c) Average student grades in each subject in grades nine 20985
through twelve; 20986

(d) Academic achievement levels as assessed by the testing of 20987
student achievement under sections 3301.0710 and 3301.0711 of the 20988
Revised Code; 20989

(e) The number of students designated as having a 20990
handicapping condition pursuant to division (C)(1) of section 20991
3301.0711 of the Revised Code; 20992

(f) The numbers of students reported to the state board 20993

pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	20994 20995
(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.	20996 20997 20998 20999
(h) Expulsion rates;	21000
(i) Suspension rates;	21001
(j) The percentage of students receiving corporal punishment;	21002
(k) Dropout rates;	21003
(l) Rates of retention in grade;	21004
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	21005 21006 21007
(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;	21008 21009 21010 21011 21012
(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.	21013 21014 21015 21016 21017 21018 21019
(2) Personnel and classroom enrollment data for each school district, including:	21020 21021
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed	21022 21023

employees and nonlicensed employees providing each category of 21024
instructional service, instructional support service, and 21025
administrative support service used pursuant to division (C)(3) of 21026
this section. The guidelines adopted under this section shall 21027
require these categories of data to be maintained for the school 21028
district as a whole and, wherever applicable, for each grade in 21029
the school district as a whole, for each school building as a 21030
whole, and for each grade in each school building. 21031

(b) The total number of employees and the number of full-time 21032
equivalent employees providing each category of service used 21033
pursuant to divisions (C)(4)(a) and (b) of this section, and the 21034
total numbers of licensed employees and nonlicensed employees and 21035
the numbers of full-time equivalent licensed employees and 21036
nonlicensed employees providing each category used pursuant to 21037
division (C)(4)(c) of this section. The guidelines adopted under 21038
this section shall require these categories of data to be 21039
maintained for the school district as a whole and, wherever 21040
applicable, for each grade in the school district as a whole, for 21041
each school building as a whole, and for each grade in each school 21042
building. 21043

(c) The total number of regular classroom teachers teaching 21044
classes of regular education and the average number of pupils 21045
enrolled in each such class, in each of grades kindergarten 21046
through five in the district as a whole and in each school 21047
building in the school district. 21048

(3)(a) Student demographic data for each school district, 21049
including information regarding the gender ratio of the school 21050
district's pupils, the racial make-up of the school district's 21051
pupils, and an appropriate measure of the number of the school 21052
district's pupils who reside in economically disadvantaged 21053
households. The demographic data shall be collected in a manner to 21054
allow correlation with data collected under division (B)(1) of 21055

this section. Categories for data collected pursuant to division 21056
(B)(3) of this section shall conform, where appropriate, to 21057
standard practices of agencies of the federal government. 21058

(b) With respect to each student entering kindergarten, 21059
whether the student previously participated in a public preschool 21060
program, a private preschool program, or a head start program, and 21061
the number of years the student participated in each of these 21062
programs. 21063

(C) The education management information system shall include 21064
cost accounting data for each district as a whole and for each 21065
school building in each school district. The guidelines adopted 21066
under this section shall require the cost data for each school 21067
district to be maintained in a system of mutually exclusive cost 21068
units and shall require all of the costs of each school district 21069
to be divided among the cost units. The guidelines shall require 21070
the system of mutually exclusive cost units to include at least 21071
the following: 21072

(1) Administrative costs for the school district as a whole. 21073
The guidelines shall require the cost units under this division 21074
(C)(1) to be designed so that each of them may be compiled and 21075
reported in terms of average expenditure per pupil in formula ADM 21076
in the school district, as determined pursuant to section 3317.03 21077
of the Revised Code. 21078

(2) Administrative costs for each school building in the 21079
school district. The guidelines shall require the cost units under 21080
this division (C)(2) to be designed so that each of them may be 21081
compiled and reported in terms of average expenditure per 21082
full-time equivalent pupil receiving instructional or support 21083
services in each building. 21084

(3) Instructional services costs for each category of 21085
instructional service provided directly to students and required 21086

by guidelines adopted pursuant to division (B)(1)(a) of this 21087
section. The guidelines shall require the cost units under 21088
division (C)(3) of this section to be designed so that each of 21089
them may be compiled and reported in terms of average expenditure 21090
per pupil receiving the service in the school district as a whole 21091
and average expenditure per pupil receiving the service in each 21092
building in the school district and in terms of a total cost for 21093
each category of service and, as a breakdown of the total cost, a 21094
cost for each of the following components: 21095

(a) The cost of each instructional services category required 21096
by guidelines adopted under division (B)(1)(a) of this section 21097
that is provided directly to students by a classroom teacher; 21098

(b) The cost of the instructional support services, such as 21099
services provided by a speech-language pathologist, classroom 21100
aide, multimedia aide, or librarian, provided directly to students 21101
in conjunction with each instructional services category; 21102

(c) The cost of the administrative support services related 21103
to each instructional services category, such as the cost of 21104
personnel that develop the curriculum for the instructional 21105
services category and the cost of personnel supervising or 21106
coordinating the delivery of the instructional services category. 21107

(4) Support or extracurricular services costs for each 21108
category of service directly provided to students and required by 21109
guidelines adopted pursuant to division (B)(1)(b) of this section. 21110
The guidelines shall require the cost units under division (C)(4) 21111
of this section to be designed so that each of them may be 21112
compiled and reported in terms of average expenditure per pupil 21113
receiving the service in the school district as a whole and 21114
average expenditure per pupil receiving the service in each 21115
building in the school district and in terms of a total cost for 21116
each category of service and, as a breakdown of the total cost, a 21117
cost for each of the following components: 21118

(a) The cost of each support or extracurricular services 21119
category required by guidelines adopted under division (B)(1)(b) 21120
of this section that is provided directly to students by a 21121
licensed employee, such as services provided by a guidance 21122
counselor or any services provided by a licensed employee under a 21123
supplemental contract; 21124

(b) The cost of each such services category provided directly 21125
to students by a nonlicensed employee, such as janitorial 21126
services, cafeteria services, or services of a sports trainer; 21127

(c) The cost of the administrative services related to each 21128
services category in division (C)(4)(a) or (b) of this section, 21129
such as the cost of any licensed or nonlicensed employees that 21130
develop, supervise, coordinate, or otherwise are involved in 21131
administering or aiding the delivery of each services category. 21132

(D)(1) The guidelines adopted under this section shall 21133
require school districts to collect information about individual 21134
students, staff members, or both in connection with any data 21135
required by division (B) or (C) of this section or other reporting 21136
requirements established in the Revised Code. The guidelines may 21137
also require school districts to report information about 21138
individual staff members in connection with any data required by 21139
division (B) or (C) of this section or other reporting 21140
requirements established in the Revised Code. The guidelines shall 21141
not authorize school districts to request social security numbers 21142
of individual students. The guidelines shall prohibit the 21143
reporting under this section of a student's name, address, and 21144
social security number to the state board of education or the 21145
department of education. The guidelines shall also prohibit the 21146
reporting under this section of any personally identifiable 21147
information about any student, except for the purpose of assigning 21148
the data verification code required by division (D)(2) of this 21149
section, to any other person unless such person is employed by the 21150

school district or the data acquisition site operated under 21151
section 3301.075 of the Revised Code and is authorized by the 21152
district or acquisition site to have access to such information. 21153
The guidelines may require school districts to provide the social 21154
security numbers of individual staff members. 21155

(2) The guidelines shall provide for each school district or 21156
community school to assign a data verification code that is unique 21157
on a statewide basis over time to each student whose initial Ohio 21158
enrollment is in that district or school and to report all 21159
required individual student data for that student utilizing such 21160
code. The guidelines shall also provide for assigning data 21161
verification codes to all students enrolled in districts or 21162
community schools on the effective date of the guidelines 21163
established under this section. 21164

Individual student data shall be reported to the department 21165
through the data acquisition sites utilizing the code but at no 21166
time shall the state board or the department have access to 21167
information that would enable any data verification code to be 21168
matched to personally identifiable student data. 21169

Each school district shall ensure that the data verification 21170
code is included in the student's records reported to any 21171
subsequent school district or community school in which the 21172
student enrolls and shall remove all references to the code in any 21173
records retained in the district or school that pertain to any 21174
student no longer enrolled. Any such subsequent district or school 21175
shall utilize the same identifier in its reporting of data under 21176
this section. 21177

(E) The guidelines adopted under this section may require 21178
school districts to collect and report data, information, or 21179
reports other than that described in divisions (A), (B), and (C) 21180
of this section for the purpose of complying with other reporting 21181
requirements established in the Revised Code. The other data, 21182

information, or reports may be maintained in the education 21183
management information system but are not required to be compiled 21184
as part of the profile formats required under division (G) of this 21185
section or the annual statewide report required under division (H) 21186
of this section. 21187

(F) Beginning with the school year that begins July 1, 1991, 21188
the board of education of each school district shall annually 21189
collect and report to the state board, in accordance with the 21190
guidelines established by the board, the data required pursuant to 21191
this section. A school district may collect and report these data 21192
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 21193

(G) The state board shall, in accordance with the procedures 21194
it adopts, annually compile the data reported by each school 21195
district pursuant to division (D) of this section. The state board 21196
shall design formats for profiling each school district as a whole 21197
and each school building within each district and shall compile 21198
the data in accordance with these formats. These profile formats 21199
shall: 21200

(1) Include all of the data gathered under this section in a 21201
manner that facilitates comparison among school districts and 21202
among school buildings within each school district; 21203

(2) Present the data on academic achievement levels as 21204
assessed by the testing of student achievement maintained pursuant 21205
to division (B)(1)(e) of this section so that the academic 21206
achievement levels of students who are excused from taking any 21207
such test pursuant to division (C)(1) of section 3301.0711 of the 21208
Revised Code are distinguished from the academic achievement 21209
levels of students who are not so excused. 21210

(H)(1) The state board shall, in accordance with the 21211
procedures it adopts, annually prepare a statewide report for all 21212
school districts and the general public that includes the profile 21213

of each of the school districts developed pursuant to division (G) 21214
of this section. Copies of the report shall be sent to each school 21215
district. 21216

(2) The state board shall, in accordance with the procedures 21217
it adopts, annually prepare an individual report for each school 21218
district and the general public that includes the profiles of each 21219
of the school buildings in that school district developed pursuant 21220
to division (G) of this section. Copies of the report shall be 21221
sent to the superintendent of the district and to each member of 21222
the district board of education. 21223

(3) Copies of the reports received from the state board under 21224
divisions (H)(1) and (2) of this section shall be made available 21225
to the general public at each school district's offices. Each 21226
district board of education shall make copies of each report 21227
available to any person upon request and payment of a reasonable 21228
fee for the cost of reproducing the report. The board shall 21229
annually publish in a newspaper of general circulation in the 21230
school district, at least twice during the two weeks prior to the 21231
week in which the reports will first be available, a notice 21232
containing the address where the reports are available and the 21233
date on which the reports will be available. 21234

(I) Any data that is collected or maintained pursuant to this 21235
section and that identifies an individual pupil is not a public 21236
record for the purposes of section 149.43 of the Revised Code. 21237

(J) As used in this section: 21238

(1) "School district" means any city, local, exempted 21239
village, or joint vocational school district. 21240

(2) "Cost" means any expenditure for operating expenses made 21241
by a school district excluding any expenditures for debt 21242
retirement except for payments made to any commercial lending 21243
institution for any loan approved pursuant to section 3313.483 of 21244

the Revised Code.	21245
(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.	21246 21247 21248 21249 21250
(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:	21251 21252 21253 21254 21255 21256
(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;	21257 21258 21259
(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;	21260 21261 21262
(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.	21263 21264 21265 21266
Any report made under this division shall include recommendations for corrective action by the school district.	21267 21268
Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies.	21269 21270 21271 21272 21273 21274 21275

The department shall not release such funds unless it determines 21276
that the district has taken corrective action. However, no such 21277
release of funds shall occur if the district fails to take 21278
corrective action within forty-five days of the date upon which 21279
the report was made by the department. 21280

~~(M) The department of education, after consultation with the 21281
Ohio education computer network, may provide at no cost to school 21282
districts uniform computer software for use in reporting data to 21283
the education management information system, provided that no 21284
school district shall be required to utilize such software to 21285
report data to the education management information system if such 21286
district is so reporting data in an accurate, complete, and timely 21287
manner in a format compatible with that required by the education 21288
management information system No data acquisition site or school 21289
district shall acquire, change, or update its student 21290
administration software package to manage and report data required 21291
to be reported to the department unless it converts to a student 21292
software package that is certified by the department. 21293~~

(N) The state board of education, in accordance with sections 21294
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 21295
license as defined under division (A) of section 3319.31 of the 21296
Revised Code that has been issued to any school district employee 21297
found to have willfully reported erroneous, inaccurate, or 21298
incomplete data to the education management information system. 21299

(O) No person shall release or maintain any information about 21300
any student in violation of this section. Whoever violates this 21301
division is guilty of a misdemeanor of the fourth degree. 21302

(P) The department shall disaggregate the data collected 21303
under division (B)(1)(o) of this section according to the race and 21304
socioeconomic status of the students assessed. No data collected 21305
under that division shall be included on the report cards required 21306
by section 3302.03 of the Revised Code. 21307

(Q) If the department cannot compile any of the information 21308
required by division (D)(5) of section 3302.03 of the Revised Code 21309
based upon the data collected under this section, the department 21310
shall develop a plan and a reasonable timeline for the collection 21311
of any data necessary to comply with that division. 21312

Sec. 3301.31. As used in this section and sections 3301.32 to 21313
3301.38 of the Revised Code: 21314

(A) "Eligible individual" means an individual eligible for 21315
Title IV-A services. 21316

(B) "Head start agency" means any or all of the following: 21317

(1) An entity in this state that has been approved to be an 21318
agency for purposes of the "Head Start Act," 95 Stat. 489 (1981), 21319
42 U.S.C. 9831, as amended; 21320

(2) A Title IV-A head start agency; 21321

(3) A Title IV-A head start plus agency. 21322

(C) "Head start program" has the same meaning as in section 21323
5104.01 of the Revised Code. 21324

(D) "Title IV-A services" means benefits and services that 21325
are allowable under Title IV-A of the "Social Security Act," as 21326
specified in 42 U.S.C.A 604(a), except that they shall not be 21327
benefits and services included in the term "assistance" as defined 21328
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 21329
excluded from the definition of the term "assistance" under 45 21330
C.F.R. 260.31(b). 21331

(E) "Title IV-A head start agency" means an agency receiving 21332
funds to operate a head start program as prescribed in section 21333
3301.34 of the Revised Code. 21334

(F) "Title IV-A head start plus agency" means an agency 21335
receiving funds to operate a head start program as prescribed in 21336

section 3301.35 of the Revised Code. 21337

Sec. 3301.33. (A) There is hereby established the Title IV-A 21338
head start program to provide head start program services to 21339
eligible individuals. 21340

(B) In accordance with the interagency agreement described in 21341
division (C) of this section, there is hereby established the 21342
Title IV-A head start plus program to provide year-long head start 21343
program services and child care services to eligible individuals. 21344

(C) The programs established under divisions (A) and (B) of 21345
this section shall be administered by the department of education 21346
in accordance with an interagency agreement entered into with the 21347
department of job and family services under section 5101.801 of 21348
the Revised Code. This interagency agreement shall establish the 21349
implementation date of the Title IV-A head start plus program, 21350
which is July 1, 2004. The programs shall provide Title IV-A 21351
services to eligible individuals who meet eligibility requirements 21352
established in rules and administrative orders adopted by the 21353
department of job and family services under Chapter 5104. of the 21354
Revised Code. The department of job and family services and the 21355
department of education jointly shall adopt policies and 21356
procedures establishing program requirements for eligibility, 21357
services, program administration, fiscal accountability, and other 21358
criteria necessary to comply with the provisions of Title IV-A of 21359
the "Social Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), 21360
as amended. 21361

The department of education shall be responsible for 21362
approving all Title IV-A head start agencies and Title IV-A head 21363
start plus agencies for provision of services under the programs 21364
established under this section. An agency that is not approved by 21365
the department shall not be reimbursed for the cost of providing 21366
services under the programs. 21367

Sec. 3301.34. In administering the Title IV-A head start program established under division (A) of section 3301.33 of the Revised Code, the department of education shall enter into a contract with each Title IV-A head start agency establishing the terms and conditions applicable to the provision of Title IV-A services for eligible individuals. The contracts shall specify the respective duties of the Title IV-A head start agencies and the department of education, reporting requirements, eligibility requirements, reimbursement methodology, audit requirements, and other provisions determined necessary. The department of education shall reimburse the Title IV-A head start agencies for Title IV-A services provided to individuals determined eligible for Title IV-A services by the county department of job and family services in accordance with the terms of the contract, policies and procedures adopted by the department of education and the department of job and family services under section 3301.33 of the Revised Code, and the interagency agreement entered into by the departments.

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The department of education shall ensure that all reimbursements paid to a Title IV-A head start agency are only for Title IV-A services.

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The department of education shall ensure that all reimbursements paid to a Title IV-A head start agency are for only those individuals for Title IV-A services by the appropriate county department of job and family services, as provided for in section 3301.36 of the Revised Code.

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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

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reimburse the agency for allowable expenses in connection to 21398
services provided to eligible individuals. 21399

(B) Each county department of job and family services shall 21400
assist the department of education in administering the program 21401
within its respective county in accordance with requirements 21402
established by the state department of job and family services 21403
under section 5101.801 of the Revised Code. The county department 21404
shall ensure that all reimbursements paid to a Title IV-A head 21405
start plus agency are for only Title IV-A services. 21406

The administration of the Title IV-A head start plus program 21407
by the county department shall include all of the following: 21408

(1) Determining eligibility of individuals and establishing 21409
co-payment requirements in accordance with rules adopted by the 21410
state department of job and family services; 21411

(2) Ensuring that any invoices from a Title IV-A head start 21412
plus agency comply with requirements of Title IV-A of the "Social 21413
Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), as amended, 21414
including eligibility of individuals, reporting requirements, 21415
allowable benefits and services, use of funds, and audit 21416
requirements, as specified in state and federal laws and 21417
regulations, United States office of management and budget 21418
circulars, and the Title IV-A state plan; 21419

(3) Monitoring each Title IV-A head start plus agency that 21420
receives Title IV-A funds. The county department is responsible 21421
for assuring that all Title IV-A funds are used solely for 21422
purposes allowable under federal regulations, section 5101.801 of 21423
the Revised Code, and the Title IV-A state plan and shall take 21424
prompt action to recover funds that are not expended accordingly. 21425

(C) The department of education shall enter into contracts 21426
with only those agencies that have been approved by the department 21427
of education as a Title IV-A head start plus agency and that have 21428

been licensed in accordance with section 3301.37 of the Revised 21429
Code. Each contract entered into under this division shall specify 21430
all of the following: 21431

(1) Requirements applicable to the allowable use of and 21432
accountability for Title IV-A funds; 21433

(2) Requirements for access, inspection, and examination of 21434
the agency's financial and program records by the county 21435
department, the state department of job and family services, the 21436
department of education, the auditor of state, and any other state 21437
or federal agency with authority to inspect and examine such 21438
records; 21439

(3) Applicable audit requirements applicable to funds 21440
received under the contract; 21441

(4) Reporting requirements by and for the county department, 21442
the state department of job and family services, and the 21443
department of education; 21444

(5) Provisions for the department of education to suspend, 21445
modify, or terminate the contract if the department of education 21446
suspends or removes the agency from the list of approved Title 21447
IV-A head start plus agencies or if the state department of job 21448
and family services denies or revokes a license for the agency. 21449

Sec. 3301.36. Each county department of job and family 21450
services shall determine eligibility for Title IV-A services for 21451
individuals seeking Title IV-A services from a Title IV-A head 21452
start agency or Title IV-A head start plus agency. 21453

Sec. 3301.37. (A) Each entity operating a head start program 21454
shall be licensed or certified by the department of job and family 21455
services in accordance with Chapter 5104. of the Revised Code. 21456

(B) Notwithstanding division (A) of this section, any current 21457

license issued under section 3301.58 of the Revised Code by the 21458
department of education to an entity operating a head start 21459
program prior to the effective date of this section is hereby 21460
deemed to be a license issued by the department of job and family 21461
services under Chapter 5104. of the Revised Code. The expiration 21462
date of the license shall be the earlier of the expiration date 21463
specified in the license as issued under section 3301.58 of the 21464
Revised Code or September 1, 2005. In order to continue operation 21465
of its head start program after that expiration date, the entity 21466
shall obtain a license as prescribed in division (A) of this 21467
section. 21468

Sec. 3301.38. (A) The department of education shall adopt 21469
policies and procedures for the approval, suspension, and removal 21470
of Title IV-A head start and Title IV-A head start plus agencies 21471
from the approved list of providers. 21472

(B) If a head start program that received state funding prior 21473
to July 1, 2001, waives its right to state funding or has its 21474
state funding eliminated for not meeting financial standards or 21475
program performance standards, the grantee or delegates shall 21476
transfer control of title to property, equipment, and remaining 21477
supplies purchased with state funds to the department along with 21478
any reports prescribed by the department. 21479

(C) Title IV-A head start awards shall be distributed on a 21480
per-pupil basis, which the department may adjust so that the per 21481
pupil amount multiplied by the number of eligible children 21482
enrolled and receiving services, as defined by the department of 21483
education, reported on the first day of December or the first 21484
business day following that date equals the amount allocated. 21485

(D) The department of education shall prescribe the 21486
assessment instrument and determine target levels for critical 21487
performance indicators for the purpose of assessing Title IV-A 21488

head start and Title IV-A head start plus agencies. Onsite reviews 21489
and follow-up visits shall be based on progress in meeting the 21490
prescribed target levels. 21491

(E) The department of education shall require Title IV-A head 21492
start and Title IV-A head start plus agencies to: 21493

(1) Address federal head start education and assessment 21494
performance standards, as required by 45 C.F.R. 1304.20 to 1304.41 21495
and the Ohio department of education pre-kindergarten math and 21496
literacy content standards; 21497

(2) Comply with the department of education prescribed 21498
assessment requirements that are aligned with the assessment 21499
system for kindergarten through twelfth grade; 21500

(3) Comply with federal head start performance standards for 21501
comprehensive services in health, nutrition, mental health, family 21502
partnership, and social services as required by 45 C.F.R. 1304.20 21503
to 1304.41; 21504

(4) Require teachers to attend a minimum of twenty hours of 21505
professional development as prescribed by the department of 21506
education regarding the implementation of content standards and 21507
assessment; and 21508

(5) Document and report child progress using research-based 21509
indicators as prescribed by the department. 21510

(F) Costs for developing and administering a Title IV-A head 21511
start or Title IV-A head start plus program may not exceed fifteen 21512
percent of the total approved costs of the program. 21513

(G) In consultation with the department of job and family 21514
services, the department of education shall establish program 21515
requirements for Title IV-A head start and Title IV-A head start 21516
plus agencies. 21517

(H) The department of education may examine the financial and 21518

program records of Title IV-A head start agencies and Title IV-A 21519
head start plus agencies. The department of education shall 21520
monitor these agencies to ensure that all Title IV-A funds are 21521
used solely for purposes allowable under federal regulations, 21522
section 5101.801 of the Revised Code, and the Title IV-A state 21523
plan and shall take prompt action to recover funds that are not 21524
expended accordingly. The department of job and family services 21525
may examine the financial records of Title IV-A head start 21526
agencies and Title IV-A head start plus agencies. 21527

(I)(1) A Title IV-A head start agency or Title IV-A head 21528
start plus agency shall propose and implement a corrective action 21529
plan that has been approved by the department of education when 21530
the department determines either of the following: 21531

(a) The financial practices of the Title IV-A head start 21532
agency are not in accordance with standard accounting principles 21533
and federal requirements or do not meet financial standards 21534
required in the contract as specified under division (C) of 21535
section 3301.35 of the Revised Code; 21536

(b) The Title IV-A head start or Title IV-A head start plus 21537
agency fails to substantially meet the head start performance 21538
standards or exhibits below average performance as measured 21539
against the performance indicators. 21540

(2) The approved corrective action plan shall be signed by 21541
the appropriate official and agency governance body. 21542

(3) The corrective action plan shall include a schedule of 21543
monitoring by the department of education. This monitoring may 21544
include monthly reports, inspections, a timeline for correction of 21545
deficiencies, and technical assistance to be provided by the 21546
department or obtained by the Title IV-A head start agency or 21547
Title IV-A head start plus agency. The department may withhold 21548
funding to a Title IV-A head start agency or a Title IV-A head 21549

start plus agency. 21550

(4) If a Title IV-A head start agency or a Title IV-A head start plus agency fails to satisfactorily complete a corrective action, the department may suspend or terminate part or all of the funding to the agency and may remove the agency from the approved list. 21551
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(J) The department shall provide technical assistance to Title IV-A head start agencies in administering Title IV-A head start programs and to Title IV-A head start plus agencies and child care partners in administering head start plus programs. 21556
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Sec. ~~3301.33~~ 3301.40. (A) As used in this section, "adult education" has the meaning as established under the "adult education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as amended. 21560
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(B) Beginning July 1, 1996, the department of education may distribute state funds to organizations that qualify for federal funds under the "Adult Education Act," 102 Stat. 302 (1988), 20 1201 to 1213d, as amended. The funds shall be used by qualifying organizations to provide adult education services. State funds distributed pursuant to this section shall be distributed in accordance with the rules adopted by the state board of education pursuant to this section. 21564
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Each organization that receives funds under this section shall file program performance reports with the department. The reports shall be filed at times required by state board of education rule and contain assessments of individual students as they enter, progress through, and exit the adult education program; records regarding individual student program participation time; reports of individual student retention rates; and any other information required by rule. 21572
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(C) The state board of education shall adopt rules for the 21580
distribution of funds under this section. The rules shall include 21581
the following: 21582

(1) Requirements for program performance reports. 21583

(2) Indicators of adult education program quality, including 21584
indicators of learner achievement, program environment, program 21585
planning, curriculum and instruction, staff development, support 21586
services, and recruitment and retention. 21587

(3) A formula for the distribution of funds under this 21588
section. The formula shall include as a factor an organization's 21589
quantifiable success in meeting the indicators of program quality 21590
established pursuant to division (C)(2) of this section. 21591

(4) Standards and procedures for reducing or discontinuing 21592
funding to organizations that fail to meet the requirements of 21593
this section. 21594

(5) Any other requirements or standards considered 21595
appropriate by the board. 21596

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 21597
Revised Code: 21598

(A) "Preschool program" means either of the following: 21599

(1) A child day-care program for preschool children that is 21600
operated by a school district board of education, or an eligible 21601
nonpublic school, ~~a head start grantee, or a head start delegate~~ 21602
~~agency.~~ 21603

(2) A child day-care program for preschool children age three 21604
or older that is operated by a county MR/DD board. 21605

(B) "Preschool child" or "child" means a child who has not 21606
entered kindergarten and is not of compulsory school age. 21607

(C) "Parent, guardian, or custodian" means the person or 21608

government agency that is or will be responsible for a child's 21609
school attendance under section 3321.01 of the Revised Code. 21610

(D) "Superintendent" means the superintendent of a school 21611
district or the chief administrative officer of an eligible 21612
nonpublic school. 21613

(E) "Director" means the director, head teacher, elementary 21614
principal, or site administrator who is the individual on site and 21615
responsible for supervision of a preschool program. 21616

(F) "Preschool staff member" means a preschool employee whose 21617
primary responsibility is care, teaching, or supervision of 21618
preschool children. 21619

(G) "Nonteaching employee" means a preschool program or 21620
school child program employee whose primary responsibilities are 21621
duties other than care, teaching, and supervision of preschool 21622
children or school children. 21623

(H) "Eligible nonpublic school" means a nonpublic school 21624
chartered as described in division (B)(8) of section 5104.02 of 21625
the Revised Code or chartered by the state board of education for 21626
any combination of grades one through twelve, regardless of 21627
whether it also offers kindergarten. 21628

(I) "County MR/DD board" means a county board of mental 21629
retardation and developmental disabilities. 21630

(J) "School child program" means a child day-care program for 21631
only school children that is operated by a school district board 21632
of education, county MR/DD board, or eligible nonpublic school. 21633

(K) "School child" and "child day-care" have the same 21634
meanings as in section 5104.01 of the Revised Code. 21635

(L) "School child program staff member" means an employee 21636
whose primary responsibility is the care, teaching, or supervision 21637
of children in a school child program. 21638

~~(M) "Head start" means a program operated in accordance with subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C. 9831, and amendments thereto.~~

Sec. 3301.53. (A) Not later than July 1, 1988, the state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county MR/DD boards, or eligible nonpublic schools, ~~head start grantees, and head start delegate agencies.~~ The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program on or after March 17, 1989, demonstrate a need for a preschool program that is not being met by any existing program providing child day-care, prior to

establishing the program;	21669
(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;	21670 21671 21672
(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.	21673 21674 21675
(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers. The state board and the director of job and family services shall review all such rules at least once every five years.	21676 21677 21678 21679 21680 21681 21682 21683
(C) On or before January 1, 1992, the state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for school child day-care centers under Chapter 5104. of the Revised Code.	21684 21685 21686 21687 21688 21689
Sec. 3301.54. (A)(1) Each preschool program shall be directed and supervised by a director, a head teacher, an elementary principal, or a site administrator who is on site and responsible for supervision of the program. Except as otherwise provided in division (A)(2), (3), or (4) of this section, this person shall hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to section 3319.22 of the Revised Code and have completed at least four courses in child development or early childhood education from an accredited college, university, or technical	21690 21691 21692 21693 21694 21695 21696 21697 21698 21699

college. 21700

(2) If the person was employed prior to July 1, 1988, by a 21701
school district board of education or an eligible nonpublic school 21702
to direct a preschool program, the person shall be considered to 21703
meet the requirements of this section if the person holds a valid 21704
kindergarten-primary certificate described under former division 21705
(A) of section 3319.22 of the Revised Code as it existed on 21706
January 1, 1996. 21707

(3) If the person is employed to direct a preschool program 21708
operated by an eligible, nontax-supported, nonpublic school, the 21709
person shall be considered to meet the requirements of this 21710
section if the person holds a valid teaching certificate issued in 21711
accordance with section 3301.071 of the Revised Code. 21712

~~(4) If the person is a site administrator for a head start 21713
grantee or head start delegate agency, the person shall be 21714
considered to meet the requirements of this section if the person 21715
provides evidence that the person has attained at least a high 21716
school diploma or certification of high school equivalency issued 21717
by the state board of education or a comparable agency of another 21718
state, and that the person meets at least one of the following 21719
requirements: 21720~~

~~(a) Two years of experience working as a child care staff 21721
member in a child day care center or preschool program and at 21722
least four courses in child development or early childhood 21723
education from an accredited college, university, or technical 21724
college, except that a person who has two years of experience 21725
working as a child care staff member in a particular day care 21726
center or preschool program and who has been promoted to or 21727
designated director shall have one year from the time the person 21728
was promoted or designated to complete the required four courses; 21729~~

~~(b) Two years of training in an accredited college, 21730~~

~~university, or technical college that includes at least four 21731
courses in child development or early childhood education; 21732~~

~~(c) A child development associate credential issued by the 21733
national child development associate credentialing commission; 21734~~

~~(d) An associate or higher degree in child development or 21735
early childhood education from an accredited college, university, 21736
or technical college. 21737~~

(B) Each preschool staff member shall be at least eighteen 21738
years of age and have a high school diploma or a certification of 21739
high school equivalency issued by the state board of education or 21740
a comparable agency of another state, except that a staff member 21741
may be less than eighteen years of age if the staff member is a 21742
graduate of a two-year vocational child-care training program 21743
approved by the state board of education, or is a student enrolled 21744
in the second year of such a program that leads to high school 21745
graduation, provided that the student performs duties in the 21746
preschool program under the continuous supervision of an 21747
experienced preschool staff member and receives periodic 21748
supervision from the vocational child-care training program 21749
teacher-coordinator in the student's high school. 21750

A preschool staff member shall annually complete fifteen 21751
hours of inservice training in child development or early 21752
childhood education, child abuse recognition and prevention, and 21753
first aid, and in the prevention, recognition, and management of 21754
communicable diseases, until a total of forty-five hours has been 21755
completed, unless the staff member holds an associate or higher 21756
degree in child development or early childhood education from an 21757
accredited college, university, or technical college, or any type 21758
of educator license designated as appropriate for teaching in an 21759
associate teaching position in a preschool setting issued by the 21760
state board of education pursuant to section 3319.22 of the 21761
Revised Code. 21762

Sec. 3301.55. (A) A school district, county MR/DD board, or 21763
eligible nonpublic school, ~~head start grantee, or head start~~ 21764
~~delegate agency~~ operating a preschool program shall house the 21765
program in buildings that meet the following requirements: 21766

(1) The building is operated by the district, county MR/DD 21767
board, or eligible nonpublic school, ~~head start grantee, or head~~ 21768
~~start delegate agency~~ and has been approved by the division of 21769
industrial compliance in the department of commerce or a certified 21770
municipal, township, or county building department for the purpose 21771
of operating a program for preschool children. Any such structure 21772
shall be constructed, equipped, repaired, altered, and maintained 21773
in accordance with applicable provisions of Chapters 3781. and 21774
3791. and with rules adopted by the board of building standards 21775
under Chapter 3781. of the Revised Code for the safety and 21776
sanitation of structures erected for this purpose. 21777

(2) The building is in compliance with fire and safety laws 21778
and regulations as evidenced by reports of annual school fire and 21779
safety inspections as conducted by appropriate local authorities. 21780

(3) The school is in compliance with rules established by the 21781
state board of education regarding school food services. 21782

(4) The facility includes not less than thirty-five square 21783
feet of indoor space for each child in the program. Safe play 21784
space, including both indoor and outdoor play space, totaling not 21785
less than sixty square feet for each child using the space at any 21786
one time, shall be regularly available and scheduled for use. 21787

(5) First aid facilities and space for temporary placement or 21788
isolation of injured or ill children are provided. 21789

(B) Each school district, county MR/DD board, or eligible 21790
nonpublic school, ~~head start grantee, or head start delegate~~ 21791
~~agency~~ that operates, or proposes to operate, a preschool program 21792

shall submit a building plan including all information specified 21793
by the state board of education to the board not later than the 21794
first day of September of the school year in which the program is 21795
to be initiated. The board shall determine whether the buildings 21796
meet the requirements of this section and section 3301.53 of the 21797
Revised Code, and notify the superintendent of its determination. 21798
If the board determines, on the basis of the building plan or any 21799
other information, that the buildings do not meet those 21800
requirements, it shall cause the buildings to be inspected by the 21801
department of education. The department shall make a report to the 21802
superintendent specifying any aspects of the building that are not 21803
in compliance with the requirements of this section and section 21804
3301.53 of the Revised Code and the time period that will be 21805
allowed the district, county MR/DD board, or school, ~~grantee, or~~ 21806
~~agency~~ to meet the requirements. 21807

Sec. 3301.57. (A) For the purpose of improving programs, 21808
facilities, and implementation of the standards promulgated by the 21809
state board of education under section 3301.53 of the Revised 21810
Code, the state department of education shall provide consultation 21811
and technical assistance to school districts, county MR/DD boards, 21812
and eligible nonpublic schools, ~~head start grantees, and head~~ 21813
~~start delegate agencies~~ operating preschool programs or school 21814
child programs, and inservice training to preschool staff members, 21815
school child program staff members, and nonteaching employees. 21816

(B) The department and the school district board of 21817
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 21818
~~start grantee, or head start delegate agency~~ shall jointly monitor 21819
each preschool program and each school child program. 21820

If the program receives any grant or other funding from the 21821
state or federal government, the department annually shall monitor 21822
all reports on attendance, financial support, and expenditures 21823

according to provisions for use of the funds. 21824

~~(C) The department of job and family services and the 21825
department of education shall enter into a contract pursuant to 21826
which the department of education inspects preschool programs and 21827
school child programs in accordance with sections 3301.52 to 21828
3301.59 of the Revised Code, the rules adopted under those 21829
sections, and any applicable procedures in Chapter 5104. of the 21830
Revised Code and investigates any complaints filed pursuant to 21831
those sections or rules. The contract shall require the department 21832
of job and family services to pay the department of education for 21833
conducting the inspections and investigations an amount equal to 21834
the amount that the department of job and family services would 21835
expend conducting the same number of inspections and 21836
investigations with its employees under Chapter 5104. of the 21837
Revised Code. 21838~~

~~(D) The department of education, at least twice during every 21839
twelve-month period of operation of a preschool program or a 21840
licensed school child program, shall inspect the program and 21841
provide a written inspection report to the superintendent of the 21842
school district, county MR/DD board, or eligible nonpublic school, 21843
head start grantee, or head start delegate agency. At least one 21844
inspection shall be unannounced, and all inspections may be 21845
unannounced. No person shall interfere with any inspection 21846
conducted pursuant to this division or to the rules adopted 21847
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 21848~~

Upon receipt of any complaint that a preschool program or a 21849
licensed school child program is out of compliance with the 21850
requirements in sections 3301.52 to 3301.59 of the Revised Code or 21851
the rules adopted under those sections, the department shall 21852
investigate and may inspect the program. 21853

~~(E)~~(D) If a preschool program or a licensed school child 21854
program is determined to be out of compliance with the 21855

requirements of sections 3301.52 to 3301.59 of the Revised Code or 21856
the rules adopted under those sections, the department of 21857
education shall notify the appropriate superintendent, county 21858
MR/DD board, or eligible nonpublic school, ~~head start grantee, or~~ 21859
~~head start delegate agency~~ in writing regarding the nature of the 21860
violation, what must be done to correct the violation, and by what 21861
date the correction must be made. If the correction is not made by 21862
the date established by the department, it may commence action 21863
under Chapter 119. of the Revised Code to close the program or to 21864
revoke the license of the program. If a program does not comply 21865
with an order to cease operation issued in accordance with Chapter 21866
119. of the Revised Code, the department shall notify the attorney 21867
general, the prosecuting attorney of the county in which the 21868
program is located, or the city attorney, village solicitor, or 21869
other chief legal officer of the municipal corporation in which 21870
the program is located that the program is operating in violation 21871
of sections 3301.52 to 3301.59 of the Revised Code or the rules 21872
adopted under those sections and in violation of an order to cease 21873
operation issued in accordance with Chapter 119. of the Revised 21874
Code. Upon receipt of the notification, the attorney general, 21875
prosecuting attorney, city attorney, village solicitor, or other 21876
chief legal officer shall file a complaint in the court of common 21877
pleas of the county in which the program is located requesting the 21878
court to issue an order enjoining the program from operating. The 21879
court shall grant the requested injunctive relief upon a showing 21880
that the program named in the complaint is operating in violation 21881
of sections 3301.52 to 3301.59 of the Revised Code or the rules 21882
adopted under those sections and in violation of an order to cease 21883
operation issued in accordance with Chapter 119. of the Revised 21884
Code. 21885

~~(F)~~(E) The department of education shall prepare an annual 21886
report on inspections conducted under this section. The report 21887
shall include the number of inspections conducted, the number and 21888

types of violations found, and the steps taken to address the 21889
violations. The department shall file the report with the 21890
governor, the president and minority leader of the senate, and the 21891
speaker and minority leader of the house of representatives on or 21892
before the first day of January of each year, beginning in 1999. 21893

Sec. 3301.58. (A) The department of education is responsible 21894
for the licensing of preschool programs and school child programs 21895
and for the enforcement of sections 3301.52 to 3301.59 of the 21896
Revised Code and of any rules adopted under those sections. No 21897
school district board of education, county MR/DD board, or 21898
~~eligible nonpublic school, head start grantee, or head start~~ 21899
~~delegate agency~~ shall operate, establish, manage, conduct, or 21900
maintain a preschool program without a license issued under this 21901
section. A school district board of education, county MR/DD board, 21902
or eligible nonpublic school may obtain a license under this 21903
section for a school child program. The school district board of 21904
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 21905
~~start grantee, or head start delegate agency~~ shall post the 21906
current license for each preschool program and licensed school 21907
child program it operates, establishes, manages, conducts, or 21908
maintains in a conspicuous place in the preschool program or 21909
licensed school child program that is accessible to parents, 21910
custodians, or guardians and employees and staff members of the 21911
program at all times when the program is in operation. 21912

(B) Any school district board of education, county MR/DD 21913
board, or eligible nonpublic school, ~~head start grantee, or head~~ 21914
~~start delegate agency~~ that desires to operate, establish, manage, 21915
conduct, or maintain a preschool program shall apply to the 21916
department of education for a license on a form that the 21917
department shall prescribe by rule. Any school district board of 21918
education, county MR/DD board, or eligible nonpublic school that 21919
desires to obtain a license for a school child program shall apply 21920

to the department for a license on a form that the department 21921
shall prescribe by rule. The department shall provide at no charge 21922
to each applicant for a license under this section a copy of the 21923
requirements under sections 3301.52 to 3301.59 of the Revised Code 21924
and any rules adopted under those sections. The department shall 21925
mail application forms for the renewal of a license at least one 21926
hundred twenty days prior to the date of the expiration of the 21927
license, and the application for renewal of a license shall be 21928
filed with the department at least sixty days before the date of 21929
the expiration of the existing license. The department may 21930
establish application fees by rule adopted under Chapter 119. of 21931
the Revised Code, and all applicants for a license shall pay any 21932
fee established by the department at the time of making an 21933
application for a license. All fees collected pursuant to this 21934
section shall be paid into the state treasury to the credit of the 21935
general revenue fund. 21936

(C) Upon the filing of an application for a license, the 21937
department of education shall investigate and inspect the 21938
preschool program or school child program to determine the license 21939
capacity for each age category of children of the program and to 21940
determine whether the program complies with sections 3301.52 to 21941
3301.59 of the Revised Code and any rules adopted under those 21942
sections. When, after investigation and inspection, the department 21943
of education is satisfied that sections 3301.52 to 3301.59 of the 21944
Revised Code and any rules adopted under those sections are 21945
complied with by the applicant, the department of education shall 21946
issue the program a provisional license as soon as practicable in 21947
the form and manner prescribed by the rules of the department. The 21948
provisional license shall be valid for six months from the date of 21949
issuance unless revoked. 21950

(D) The department of education shall investigate and inspect 21951
a preschool program or school child program that has been issued a 21952

provisional license at least once during operation under the 21953
provisional license. If, after the investigation and inspection, 21954
the department of education determines that the requirements of 21955
sections 3301.52 to 3301.59 of the Revised Code and any rules 21956
adopted under those sections are met by the provisional licensee, 21957
the department of education shall issue a license that is 21958
effective for two years from the date of the issuance of the 21959
provisional license. 21960

(E) Upon the filing of an application for the renewal of a 21961
license by a preschool program or school child program, the 21962
department of education shall investigate and inspect the 21963
preschool program or school child program. If the department of 21964
education determines that the requirements of sections 3301.52 to 21965
3301.59 of the Revised Code and any rules adopted under those 21966
sections are met by the applicant, the department of education 21967
shall renew the license for two years from the date of the 21968
expiration date of the previous license. 21969

(F) The license or provisional license shall state the name 21970
of the school district board of education, county MR/DD board, or 21971
eligible nonpublic school, ~~head start grantee, or head start~~ 21972
~~delegate agency~~ that operates the preschool program or school 21973
child program and the license capacity of the program. The license 21974
shall include any other information required by section 5104.03 of 21975
the Revised Code for the license of a child day-care center. 21976

(G) The department of education may revoke the license of any 21977
preschool program or school child program that is not in 21978
compliance with the requirements of sections 3301.52 to 3301.59 of 21979
the Revised Code and any rules adopted under those sections. 21980

(H) If the department of education revokes a license or 21981
refuses to renew a license to a program, the department shall not 21982
issue a license to the program within two years from the date of 21983
the revocation or refusal. All actions of the department with 21984

respect to licensing preschool programs and school child programs 21985
shall be in accordance with Chapter 119. of the Revised Code. 21986

Sec. 3301.68. There is hereby created the legislative 21987
committee on education oversight as a subcommittee of the 21988
legislative service commission. The committee shall consist of 21989
five members of the house of representatives appointed by the 21990
speaker of the house of representatives and five members of the 21991
senate appointed by the president of the senate. Not more than 21992
three of the members appointed from each house shall be members of 21993
the same political party. Members shall serve during the term of 21994
office to which they were elected. 21995

The committee, subject to the oversight and direction of the 21996
legislative service commission, shall direct the work of the 21997
legislative office of education oversight, which is hereby 21998
established. The committee may employ a staff director and such 21999
other staff as are necessary for the operation of the office, who 22000
shall be in the unclassified service of the state, and may 22001
contract for the services of whatever technical advisors are 22002
necessary for the committee and the office to carry out their 22003
duties. 22004

The chairperson and vice-chairperson of the legislative 22005
service commission shall fix the compensation of the director. The 22006
director, with the approval of the director of the legislative 22007
service commission, shall fix the compensation of other staff of 22008
the office in accordance with a salary schedule established by the 22009
director of the legislative service commission. Contracts for the 22010
services of necessary technical advisors shall be approved by the 22011
director of the legislative service commission. 22012

All expenses incurred by the committee or office shall be 22013
paid upon vouchers approved by the chairperson of the committee. 22014
The committee shall adopt rules for the conduct of its business 22015

and the election of officers, except that the office of 22016
chairperson of the committee shall alternate each general assembly 22017
between a member of the house of representatives selected by the 22018
speaker and a member of the senate selected by the president. 22019

The committee shall select, for the office to review and 22020
evaluate, education and school-related programs that receive state 22021
financial assistance in any form. The reviews and evaluations may 22022
include any of the following: 22023

(A) Assessment of the uses school districts and institutions 22024
of higher education make of state money they receive and 22025
determination of the extent to which such money improves school 22026
district or institutional performance in the areas for which the 22027
money was intended to be used; 22028

(B) Determination of whether an education program meets its 22029
intended goals, has adequate operating or administrative 22030
procedures and fiscal controls, encompasses only authorized 22031
activities, has any undesirable or unintended effects, and is 22032
efficiently managed; 22033

(C) Examination of various pilot programs developed and 22034
initiated in school districts and at state-assisted colleges and 22035
universities to determine whether such programs suggest 22036
innovative, effective ways to deal with problems that may exist in 22037
other school districts or state-assisted colleges or universities, 22038
and to assess the fiscal costs and likely impact of adopting such 22039
programs throughout the state or in other state-assisted colleges 22040
and universities. 22041

The committee shall report the results of each program review 22042
the office conducts to the general assembly. 22043

If the general assembly directs the legislative office of 22044
education oversight to submit a study to the general assembly by a 22045
particular date, the committee has the authority to modify the 22046

scope and due date of the study to accommodate the availability of 22047
data and resources. 22048

Sec. 3301.80. (A) There is hereby created the Ohio SchoolNet 22049
commission as an independent agency. The commission shall 22050
administer programs to provide financial and other assistance to 22051
school districts and other educational institutions for the 22052
acquisition and utilization of educational technology. 22053

The commission is a body corporate and politic, an agency of 22054
the state performing essential governmental functions of the 22055
state. 22056

(B)(1) The commission shall consist of ~~eleven~~ thirteen 22057
members, ~~seven~~ nine of whom are voting members. Of the voting 22058
members, one shall be appointed by the speaker of the house of 22059
representatives ~~and~~, one shall be appointed by the president of 22060
the senate, and two shall be appointed by the governor. The 22061
members appointed by the speaker of the house and the president of 22062
the senate shall not be members of the general assembly. The state 22063
superintendent of public instruction or a designee of the 22064
superintendent, the director of budget and management or a 22065
designee of the director, the director of administrative services 22066
or a designee of the director, the chairperson of the public 22067
utilities commission or a designee of the chairperson, and the 22068
director of the Ohio educational telecommunications network 22069
commission or a designee of the director shall serve on the 22070
commission as ex officio voting members. Of the nonvoting members, 22071
two shall be members of the house of representatives appointed by 22072
the speaker of the house and two shall be members of the senate 22073
appointed by the president of the senate. The members appointed 22074
from each house shall not be members of the same political party. 22075
The commission shall appoint officers from among its members. 22076

(2) The members shall serve without compensation. The voting 22077

members appointed by the speaker of the house of representatives 22078
~~and~~, the president of the senate, and the governor shall be 22079
reimbursed, pursuant to office of budget and management 22080
guidelines, for necessary expenses incurred in the performance of 22081
official duties. 22082

(3) The terms of office for the members appointed by the 22083
speaker of the house ~~and~~, the president of the senate, and the 22084
governor shall be for two years, with each term ending on the same 22085
day of the same month as did the term that it succeeds, except 22086
that the voting members so appointed may be removed at ~~anytime~~ any 22087
time by their respective appointing authority. The members 22088
appointed by the speaker of the house ~~and~~, the president of the 22089
senate, and the governor may be reappointed. Any member appointed 22090
from the house of representatives or senate who ceases to be a 22091
member of the legislative house from which the member was 22092
appointed shall cease to be a member of the commission. Vacancies 22093
among appointed members shall be filled in the manner provided for 22094
original appointments. Any member appointed to fill a vacancy 22095
occurring prior to the expiration date of the term for which a 22096
predecessor was appointed shall hold office as a member for the 22097
remainder of that term. The members appointed by the speaker of 22098
the house ~~and~~, the president of the senate, and the governor shall 22099
continue in office subsequent to the expiration date of that 22100
member's term until a successor takes office or until a period of 22101
sixty days has elapsed, whichever occurs first. 22102

(C)(1) The commission shall be under the supervision of an 22103
executive director who shall be appointed by the commission. The 22104
executive director shall serve at the pleasure of the commission 22105
and shall direct commission employees in the administration of all 22106
programs for the provision of financial and other assistance to 22107
school districts and other educational institutions for the 22108
acquisition and utilization of educational technology. 22109

(2) The employees of the Ohio SchoolNet commission shall be placed in the unclassified service. The commission shall fix the compensation of the executive director. The executive director shall employ and fix the compensation for such employees as necessary to facilitate the activities and purposes of the commission. The employees shall serve at the pleasure of the executive director.

(3) The employees of the Ohio SchoolNet commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.

(D) The Ohio SchoolNet commission shall do all of the following:

(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions to utilize educational technology;

(2) Contract with the department of education, state institutions of higher education, private nonprofit institutions of higher education holding certificates of authorization under section 1713.02 of the Revised Code, and such other public or private entities as the executive director deems necessary for the administration and implementation of the programs under the commission's jurisdiction;

(3) Establish a reporting system to which school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions receiving financial assistance pursuant to this section for the acquisition of educational technology report information as to the manner in

which such assistance was expended, the manner in which the 22141
equipment or services purchased with the assistance is being 22142
utilized, the results or outcome of this utilization, and other 22143
information as may be required by the commission; 22144

(4) Establish necessary guidelines governing purchasing and 22145
procurement by participants in programs administered by the 22146
commission that facilitate the timely and effective implementation 22147
of such programs; 22148

(5) Take into consideration the efficiency and cost savings 22149
of statewide procurement prior to allocating and releasing funds 22150
for any programs under its administration. 22151

(E)(1) The executive director shall implement policies and 22152
directives issued by the Ohio SchoolNet commission. 22153

(2) The Ohio SchoolNet commission may establish a systems 22154
support network to facilitate the timely implementation of the 22155
programs, projects, or activities for which it provides 22156
assistance. 22157

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 22158
9.332, and 9.333 of the Revised Code do not apply to contracts, 22159
programs, projects, or activities of the Ohio SchoolNet 22160
commission. 22161

Sec. 3302.03. (A) Annually the department of education shall 22162
report for each school district the extent to which it meets each 22163
of the performance indicators created by the state board of 22164
education under section 3302.02 of the Revised Code and shall 22165
specify for each such district the number of performance 22166
indicators that have been achieved and whether the district is an 22167
excellent school district, an effective school district, needs 22168
continuous improvement, is under an academic watch, or is in a 22169
state of academic emergency. 22170

When possible, the department shall also determine for each 22171
school building in a district the extent to which it meets any of 22172
the performance indicators applicable to the grade levels of the 22173
students in that school building and whether the school building 22174
is an excellent school, an effective school, needs continuous 22175
improvement, is under an academic watch, or is in a state of 22176
academic emergency. 22177

(B) If the state board establishes seventeen performance 22178
indicators applicable to a school district or building under 22179
section 3302.02 of the Revised Code: 22180

(1) A school district or building shall be declared excellent 22181
if it meets at least sixteen of the applicable state performance 22182
indicators. 22183

(2) A school district or building shall be declared effective 22184
if it meets thirteen through fifteen of the applicable state 22185
performance indicators. 22186

(3) A school district or building shall be declared to be in 22187
need of continuous improvement if it meets more than eight but 22188
less than thirteen of the applicable state performance indicators. 22189

(4) A school district or building shall be declared to be 22190
under an academic watch if it meets more than five but not more 22191
than eight of the applicable state performance indicators. 22192

(5) A school district or building shall be declared to be in 22193
a state of academic emergency if it does not meet more than five 22194
of the applicable state performance indicators. 22195

(C) If the state board establishes more than seventeen 22196
performance indicators under section 3302.02 of the Revised Code, 22197
or if less than seventeen performance indicators are applicable to 22198
a school building, the state board shall establish the number of 22199
indicators that must be met in order for a district or building to 22200

be designated as excellent, effective, needs continuous 22201
improvement, is under an academic watch, or is in a state of 22202
academic emergency. The number established for each such category 22203
under this division shall bear a similar relationship to the total 22204
number of indicators as the number of indicators required for the 22205
respective categories stated in division (B) of this section bears 22206
to seventeen. 22207

(D)(1) The department shall issue annual report cards for 22208
each school district, each building within each district, and for 22209
the state as a whole reflecting performance on the indicators 22210
created by the state board under section 3302.02 of the Revised 22211
Code. 22212

(2) The department shall include on the report card for each 22213
district information pertaining to any change from the previous 22214
year made by the school district or school buildings within the 22215
district on any performance indicator. 22216

(3) When reporting data on student performance, the 22217
department shall disaggregate that data according to the following 22218
categories: 22219

(a) Performance of students by age group; 22220

(b) Performance of students by race and ethnic group; 22221

(c) Performance of students by gender; 22222

(d) Performance of students grouped by those who have been 22223
enrolled in a district or school for three or more years; 22224

(e) Performance of students grouped by those who have been 22225
enrolled in a district or school for more than one year and less 22226
than three years; 22227

(f) Performance of students grouped by those who have been 22228
enrolled in a district or school for one year or less; 22229

(g) ~~Performance of students grouped by those who are~~ 22230

~~classified as vocational education students pursuant to guidelines~~ 22231
~~adopted by the department for purposes of this division;~~ 22232

~~(h)~~ Performance of students grouped by those who are 22233
economically disadvantaged, to the extent that such data is 22234
available from the education management information system 22235
established under section 3301.0714 of the Revised Code; 22236

~~(i)~~(h) Performance of students grouped by those who are 22237
enrolled in a conversion community school established under 22238
Chapter 3314. of the Revised Code. 22239

The department may disaggregate data on student performance 22240
according to other categories that the department determines are 22241
appropriate. 22242

In reporting data pursuant to division (D)(3) of this 22243
section, the department shall not include in the report cards any 22244
data statistical in nature that is statistically unreliable or 22245
that could result in the identification of individual students. 22246

(4) The department may include with the report cards any 22247
additional education and fiscal performance data it deems 22248
valuable. 22249

(5) The department shall include on each report card a list 22250
of additional information collected by the department that is 22251
available regarding the district or building for which the report 22252
card is issued. When available, such additional information shall 22253
include student mobility data disaggregated by race and 22254
socioeconomic status, college enrollment data, and the reports 22255
prepared under section 3302.031 of the Revised Code. 22256

The department shall maintain a site on the world wide web. 22257
The report card shall include the address of the site and shall 22258
specify that such additional information is available to the 22259
public at that site. The department shall also provide a copy of 22260
each item on the list to the superintendent of each school 22261

district. The district superintendent shall provide a copy of any 22262
item on the list to anyone who requests it. 22263

(6) For any district that sponsors a conversion community 22264
school under Chapter 3314. of the Revised Code, the department 22265
shall combine data regarding the academic performance of students 22266
enrolled in the community school with comparable data from the 22267
schools of the district for the purpose of calculating the 22268
performance of the district as a whole on the report card issued 22269
for the district. 22270

(E) In calculating reading, writing, mathematics, social 22271
studies, or science proficiency or achievement test passage rates 22272
used to determine school district performance under this section, 22273
the department shall include all students taking a test with 22274
accommodation or to whom an alternate assessment is administered 22275
pursuant to division (C)(1) of section 3301.0711 of the Revised 22276
Code, but shall not include any student excused from taking a test 22277
pursuant to division (C)(3) of that section, whether or not the 22278
student chose to take the test voluntarily in spite of the 22279
exemption granted in that division. 22280

Sec. 3311.05. (A) The territory within the territorial limits 22281
of a county, or the territory included in a district formed under 22282
either section 3311.053 or 3311.059 of the Revised Code, exclusive 22283
of the territory embraced in any city school district or exempted 22284
village school district, and excluding the territory detached 22285
therefrom for school purposes and including the territory attached 22286
thereto for school purposes constitutes an educational service 22287
center. 22288

(B) A county school financing district created under section 22289
3311.50 of the Revised Code is not the school district described 22290
in division (A) of this section or any other school district but 22291
is a taxing district. 22292

Sec. 3311.059. The procedure prescribed in this section may 22293
be used in lieu of a transfer prescribed under section 3311.231 of 22294
the Revised Code. 22295

(A) Subject to divisions (B) and (C) of this section, a board 22296
of education of a local school district may by a resolution 22297
approved by a majority of all its members propose to sever that 22298
local school district from the territory of the educational 22299
service center in which the local school district is currently 22300
included and to instead annex the local school district to the 22301
territory of another educational service center, the current 22302
territory of which is adjacent to the territory of the educational 22303
service center in which the local school district is currently 22304
included. The resolution shall promptly be filed with the 22305
governing board of each educational service center affected by the 22306
resolution and with the superintendent of public instruction. 22307

(B) The resolution adopted under division (A) of this section 22308
shall not be effective unless it is approved by both the governing 22309
board of the educational service center to which the board of 22310
education proposes to annex the local school district and the 22311
state board of education. The severance of the local school 22312
district from one educational service center and its annexation to 22313
another educational service center under this section shall not be 22314
effective until one year after the first day of July following the 22315
later of the date that the governing board of the educational 22316
service center to which the local school district is proposed to 22317
be annexed approves the resolution or the date the board of 22318
elections certifies the results of the referendum election as 22319
provided in division (C) of this section. 22320

(C) Within sixty days following the date of the adoption of 22321
the resolution under division (A) of this section, the electors of 22322
the local school district may petition for a referendum vote on 22323

the resolution. The question whether to approve or disapprove the 22324
resolution shall be submitted to the electors of such school 22325
district if a number of qualified electors equal to twenty per 22326
cent of the number of electors in the school district who voted 22327
for the office of governor at the most recent general election for 22328
that office sign a petition asking that the question of whether 22329
the resolution shall be disapproved be submitted to the electors. 22330
The petition shall be filed with the board of elections of the 22331
county in which the school district is located. If the school 22332
district is located in more than one county, the petition shall be 22333
filed with the board of elections of the county in which the 22334
majority of the territory of the school district is located. The 22335
board shall certify the validity and sufficiency of the signatures 22336
on the petition. 22337

The board of elections shall immediately notify the board of 22338
education of the local school district and the governing board of 22339
each educational service center affected by the resolution that 22340
the petition has been filed. 22341

The effect of the resolution shall be stayed until the board 22342
of elections certifies the validity and sufficiency of the 22343
signatures on the petition. If the board of elections determines 22344
that the petition does not contain a sufficient number of valid 22345
signatures and sixty days have passed since the adoption of the 22346
resolution, the resolution shall become effective as provided in 22347
division (B) of this section. 22348

If the board of elections certifies that the petition 22349
contains a sufficient number of valid signatures, the board shall 22350
submit the question to the qualified electors of the school 22351
district on the day of the next general or primary election held 22352
at least seventy-five days after the board of elections certifies 22353
the validity and sufficiency of signatures on the petition. The 22354
election shall be conducted and canvassed and the results shall be 22355

certified in the same manner as in regular elections for the 22356
election of members of a board of education. 22357

If a majority of the electors voting on the question 22358
disapprove the resolution, the resolution shall not become 22359
effective. If a majority of the electors voting on the question 22360
approve the resolution, the resolution shall become effective as 22361
provided in division (B) of this section. 22362

(D) Upon the effective date of the severance of the local 22363
school district from one educational service center and its 22364
annexation to another educational service center as provided in 22365
division (B) of this section, the governing board of each 22366
educational service center shall take such steps for the election 22367
of members of the governing board and for organization of the 22368
governing board as prescribed in Chapter 3313. of the Revised 22369
Code. 22370

Sec. 3311.24. (A) Except as provided in division (B) of this 22371
section, if the board of education of a city, exempted village, or 22372
local school district deems it advisable to transfer territory 22373
from such district to an adjoining city, exempted village, or 22374
local school district, or if a petition, signed by seventy-five 22375
per cent of the qualified electors residing within that portion of 22376
a city, exempted village, or local school district proposed to be 22377
transferred voting at the last general election, requests such a 22378
transfer, the board of education of the district in which such 22379
proposal originates shall file such proposal, together with a map 22380
showing the boundaries of the territory proposed to be 22381
transferred, with the state board of education prior to the first 22382
day of April in any even-numbered year. The state board of 22383
education may, if it is advisable, provide for a hearing in any 22384
suitable place in any of the school districts affected by such 22385
proposed transfer of territory. The state board of education or 22386

its representatives shall preside at any such hearing. 22387

A board of education of a city, exempted village, or local 22388
school district that receives a petition of transfer under this 22389
division shall cause the board of elections to check the 22390
sufficiency of signatures on the petition. 22391

Not later than the first day of September the state board of 22392
education shall either approve or disapprove a proposed transfer 22393
of territory filed with it as provided by this section and shall 22394
notify, in writing, the boards of education of the districts 22395
affected by such proposed transfer of territory of its decision. 22396

If the decision of the state board of education is an 22397
approval of the proposed transfer of territory then the board of 22398
education of the district in which the territory is located shall, 22399
within thirty days after receiving the state board of education's 22400
decision, adopt a resolution transferring the territory and shall 22401
forthwith submit a copy of such resolution to the treasurer of the 22402
board of education of the city, exempted village, or local school 22403
district to which the territory is transferred. Such transfer 22404
shall not be complete however, until: 22405

(1) A resolution accepting the transfer has been passed by a 22406
majority vote of the full membership of the board of education of 22407
the city, exempted village, or local school district to which the 22408
territory is transferred; 22409

(2) An equitable division of the funds and indebtedness 22410
between the districts involved has been made by the board of 22411
education making the transfer; 22412

(3) A map showing the boundaries of the territory transferred 22413
has been filed, by the board of education accepting the transfer, 22414
with the county auditor of each county affected by the transfer. 22415

When such transfer is complete the legal title of the school 22416
property in the territory transferred shall be vested in the board 22417

of education or governing board of the school district to which 22418
the territory is transferred. 22419

(B) Whenever the transfer of territory pursuant to this 22420
section is initiated by a board of education, the board shall, 22421
before filing a proposal for transfer with the state board of 22422
education under this section, make a good faith effort to 22423
negotiate the terms of transfer with any other school district 22424
whose territory would be affected by the transfer. Before the 22425
state board may hold a hearing on the transfer, or approve or 22426
disapprove any such transfer, it must receive the following: 22427

(1) A resolution requesting approval of the transfer, passed 22428
by the school district submitting the proposal; 22429

(2) Evidence determined to be sufficient by the state board 22430
to show that good faith negotiations have taken place or that the 22431
district requesting the transfer has made a good faith effort to 22432
hold such negotiations; 22433

(3) If any negotiations took place, a statement signed by all 22434
boards that participated in the negotiations, listing the terms 22435
agreed on and the points on which no agreement could be reached. 22436

Negotiations held pursuant to this section shall be governed 22437
by the rules adopted by the state board under division (D) of 22438
section 3311.06 of the Revised Code. Districts involved in a 22439
transfer under division (B) of this section may agree to share 22440
revenues from the property included in the territory to be 22441
transferred, establish cooperative programs between the 22442
participating districts, and establish mechanisms for the 22443
settlement of any future boundary disputes. 22444

~~Sec. 3311.26. A governing board of an educational service~~ 22445
~~center~~ The state board of education may, by resolution adopted by 22446
majority vote of its full membership, propose the creation of a 22447

new local school district from one or more local school districts 22448
or parts thereof, including the creation of a local district with 22449
noncontiguous territory from one or more local school districts if 22450
one of those districts has entered into an agreement under section 22451
3313.42 of the Revised Code. Such proposal shall include an 22452
accurate map showing the territory affected. After the adoption of 22453
the resolution, the ~~governing~~ state board shall file a copy of 22454
such proposal with the board of education of each school district 22455
whose boundaries would be altered by such proposal. 22456

~~A governing board of a service center proposing~~ Upon the 22457
creation of a new district under this section, the state board 22458
shall at its next regular meeting that occurs not earlier than 22459
thirty days after the adoption by the ~~governing~~ state board of the 22460
resolution proposing such creation, adopt a resolution making the 22461
creation effective prior to the next succeeding first day of July, 22462
unless, prior to the expiration of such thirty-day period, 22463
qualified electors residing in the area included in such proposed 22464
new district, equal in number to thirty-five per cent of the 22465
qualified electors voting at the last general election, file a 22466
petition of referendum against the creation of the proposed new 22467
district. 22468

A petition of referendum filed under this section shall be 22469
filed at the office of the ~~educational service center~~ state 22470
superintendent of public instruction. The person presenting the 22471
petition shall be given a receipt containing thereon the time of 22472
day, the date, and the purpose of the petition. 22473

If a petition of referendum is filed, the ~~governing~~ state 22474
board shall, at the next regular meeting of the ~~governing~~ state 22475
board, certify the proposal to the board of elections for the 22476
purpose of having the proposal placed on the ballot at the next 22477
general or primary election which occurs not less than 22478
seventy-five days after the date of such certification, or at a 22479

special election, the date of which shall be specified in the 22480
certification, which date shall not be less than seventy-five days 22481
after the date of such certification. 22482

Upon certification of a proposal to the board or boards of 22483
elections pursuant to this section, the board or boards of 22484
elections shall make the necessary arrangements for the submission 22485
of such question to the electors of the county or counties 22486
qualified to vote thereon, and the election shall be conducted and 22487
canvassed and the results shall be certified in the same manner as 22488
in regular elections for the election of members of a board of 22489
education. 22490

The persons qualified to vote upon a proposal are the 22491
electors residing in the proposed new districts. 22492

If the proposed district be approved by at least a majority 22493
of the electors voting on the proposal, the ~~governing state~~ board 22494
shall then create such new district prior to the next succeeding 22495
first day of July, ~~and shall so notify the state board of~~ 22496
~~education.~~ 22497

Upon the creation of such district, the indebtedness of each 22498
former district becoming in its entirety a part of the new 22499
district shall be assumed in full by the new district. Upon the 22500
creation of such district, that part of the net indebtedness of 22501
each former district becoming only in part a part of the new 22502
district shall be assumed by the new district which bears the same 22503
ratio to the entire net indebtedness of the former district as the 22504
assessed valuation of the part taken by the new district bears to 22505
the entire assessed valuation of the former district as fixed on 22506
the effective date of transfer. As used in this section, "net 22507
indebtedness" means the difference between the par value of the 22508
outstanding and unpaid bonds and notes of the school district and 22509
the amount held in the sinking fund and other indebtedness 22510
retirement funds for their redemption. Upon the creation of such 22511

district, the funds of each former district becoming in its 22512
entirety a part of the new district shall be paid over in full to 22513
the new district. Upon the creation of such district, the funds of 22514
each former district becoming only in part a part of the new 22515
district shall be divided equitably by the ~~governing~~ state board 22516
between the new district and that part of the former district not 22517
included in the new district as such funds existed on the 22518
effective date of the creation of the new district. 22519

The ~~governing~~ state board shall, following the election, file 22520
with the county auditor of each county affected by the creation of 22521
a new district an accurate map showing the boundaries of such 22522
newly created district. 22523

When a new local school district is so created ~~within an~~ 22524
~~educational service center~~, a board of education for such newly 22525
created district shall be appointed by the ~~educational service~~ 22526
~~center~~ governing state board. The members of such appointed board 22527
of education shall hold their office until their successors are 22528
elected and qualified. A board of education shall be elected for 22529
such newly created district at the next general election held in 22530
an odd numbered year occurring more than thirty days after the 22531
appointment of the board of education of such newly created 22532
district. At such election two members shall be elected for a term 22533
of two years and three members shall be elected for a term of four 22534
years, and, thereafter, their successors shall be elected in the 22535
same manner and for the same terms as members of the board of 22536
education of a local school district. 22537

When the new district consists of territory lying in two or 22538
more counties, the state board shall determine to which 22539
educational service center the new district shall be assigned. 22540

The legal title of all property of the board of education in 22541
the territory taken shall become vested in the board of education 22542
of the newly created school district. 22543

Foundation program moneys accruing to a district created 22544
under the provisions of this section or previous section 3311.26 22545
of the Revised Code, shall not be less, in any year during the 22546
next succeeding three years following the creation, than the sum 22547
of the amounts received by the districts separately in the year in 22548
which the creation of the district became effective. 22549

If, prior to the effective date of this amendment, a local 22550
school district board of education or a group of individuals 22551
requests the governing board of an educational service center to 22552
consider proposing the creation of a new local school district, 22553
the governing board, at any time during the one-year period 22554
following the date that request is made, may adopt a resolution 22555
proposing the creation of a new local school district in response 22556
to that request and in accordance with the first paragraph of the 22557
version of this section in effect prior to the effective date of 22558
this amendment. If the governing board so proposes within that 22559
one-year period, the governing board may proceed to create the new 22560
local school district as it proposed, in accordance with the 22561
version of this section in effect prior to the effective date of 22562
this amendment, subject to the provisions of that version 22563
authorizing a petition and referendum on the matter. 22564

Consolidations of school districts which include all of the 22565
schools of a county and which become effective on or after July 1, 22566
1959, shall be governed and included under this section. 22567

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 22568
(F), and (G) of this section, when a board of education decides to 22569
dispose of real or personal property that it owns in its corporate 22570
capacity, and that exceeds in value ten thousand dollars, it shall 22571
sell the property at public auction, after giving at least thirty 22572
days' notice of the auction by publication in a newspaper of 22573
general circulation or by posting notices in five of the most 22574

public places in the school district in which the property, if it 22575
is real property, is situated, or, if it is personal property, in 22576
the school district of the board of education that owns the 22577
property. The board may offer real property for sale as an entire 22578
tract or in parcels. 22579

(B) When the board of education has offered real or personal 22580
property for sale at public auction at least once pursuant to 22581
division (A) of this section, and the property has not been sold, 22582
the board may sell it at a private sale. Regardless of how it was 22583
offered at public auction, at a private sale, the board shall, as 22584
it considers best, sell real property as an entire tract or in 22585
parcels, and personal property in a single lot or in several lots. 22586

(C) If a board of education decides to dispose of real or 22587
personal property that it owns in its corporate capacity and that 22588
exceeds in value ten thousand dollars, it may sell the property to 22589
the adjutant general; to any subdivision or taxing authority as 22590
respectively defined in divisions (A) and (C) of section 5705.01 22591
of the Revised Code, township park district, board of park 22592
commissioners established under Chapter 755. of the Revised Code, 22593
or park district established under Chapter 1545. of the Revised 22594
Code; to a wholly or partially tax-supported university, 22595
university branch, or college; or to the board of trustees of a 22596
school district library, upon such terms as are agreed upon. The 22597
sale of real or personal property to the board of trustees of a 22598
school district library is limited, in the case of real property, 22599
to a school district library within whose boundaries the real 22600
property is situated, or, in the case of personal property, to a 22601
school district library whose boundaries lie in whole or in part 22602
within the school district of the selling board of education. 22603

(D) When a board of education decides to trade as a part or 22604
an entire consideration, an item of personal property on the 22605
purchase price of an item of similar personal property, it may 22606

trade the same upon such terms as are agreed upon by the parties 22607
to the trade. 22608

(E) The president and the treasurer of the board of education 22609
shall execute and deliver deeds or other necessary instruments of 22610
conveyance to complete any sale or trade under this section. 22611

(F) When a board of education has identified a parcel of real 22612
property that it determines is needed for school purposes, the 22613
board may, upon a majority vote of the members of the board, 22614
acquire that property by exchanging real property that the board 22615
owns in its corporate capacity for the identified real property or 22616
by using real property that the board owns in its corporate 22617
capacity as part or an entire consideration for the purchase price 22618
of the identified real property. Any exchange or acquisition made 22619
pursuant to this division shall be made by a conveyance executed 22620
by the president and the treasurer of the board. 22621

(G)(1) When a school district board of education decides to 22622
dispose of real property suitable for use as classroom space, 22623
prior to disposing of such property under division (A) through (F) 22624
of this section, it shall first offer that property for sale to 22625
the governing authorities of the start-up community schools, 22626
established under Chapter 3314. of the Revised Code and located 22627
within the territory of the school district, at a price that is 22628
not higher than the appraised fair market value of that property. 22629
If more than one community school governing authority accepts the 22630
offer made by the school district board, the board shall sell the 22631
property to the governing authority that accepted the offer first 22632
in time. If no community school governing authority accepts the 22633
offer within sixty days after the offer is made by the school 22634
district board, the board may dispose of the property in the 22635
applicable manner prescribed under divisions (A) to (F) of this 22636
section. 22637

(2) If disposal of real property is planned as a part of a 22638

school district project under Chapter 3318. of the Revised Code, 22639
the Ohio school facilities commission shall not release any state 22640
funds to a school district until the district has complied with 22641
the provisions of division (G)(1) of this section, except for 22642
funds specified for demolition of a facility to clear a site for 22643
construction of a replacement facility included in the district's 22644
project. 22645

Sec. 3313.843. (A) Notwithstanding division (D) of section 22646
3311.52 of the Revised Code, this section does not apply to either 22647
of the following: 22648

(1) Any cooperative education school district; 22649

(2) Any city or exempted village school district with a total 22650
student count of thirteen thousand or more determined pursuant to 22651
section 3317.03 of the Revised Code that has not entered into one 22652
or more agreements pursuant to this section prior to July 1, 1993, 22653
unless the district's total student count did not exceed thirteen 22654
thousand at the time it entered into an initial agreement under 22655
this section. 22656

(B) The board of education of a city or exempted village 22657
school district and the governing board of an educational service 22658
center with territory in a county in which the city or exempted 22659
village school district also has territory may enter into an 22660
agreement, through adoption of identical resolutions, under which 22661
the educational service center governing board will provide 22662
services to the city or exempted village school district. 22663

Services provided under the agreement shall be specified in 22664
the agreement, and may include any one or a combination of the 22665
following: supervisory teachers; in-service and continuing 22666
education programs for city or exempted village school district 22667
personnel; curriculum services as provided to the local school 22668
districts under the supervision of the service center governing 22669

board; research and development programs; academic instruction for 22670
which the governing board employs teachers pursuant to section 22671
3319.02 of the Revised Code; and assistance in the provision of 22672
special accommodations and classes for handicapped students. 22673
Services included in the agreement shall be provided to the city 22674
or exempted village district in the same manner they are provided 22675
to local school districts under the governing board's supervision, 22676
unless otherwise specified in the agreement. The city or exempted 22677
village board of education shall reimburse the educational service 22678
center governing board pursuant to section 3317.11 of the Revised 22679
Code. 22680

(C)(1) If an educational service center received funding 22681
under division (B) of former section 3317.11 or division (F) of 22682
section 3317.11 of the Revised Code for an agreement under this 22683
section involving a city school district whose total student count 22684
was less than thirteen thousand, the service center may continue 22685
to receive funding under that division for such an agreement in 22686
any subsequent year if the city district's total student count 22687
exceeds thirteen thousand. However, only the first thirteen 22688
thousand pupils in the formula ADM of such district shall be 22689
included in determining the amount of the per pupil subsidy the 22690
service center shall receive under division ~~(B)~~(F) of section 22691
3317.11 of the Revised Code. 22692

(2) If, prior to ~~the effective date of this amendment~~ July 1, 22693
1998, an educational service center received funding under 22694
division (B) of former section 3317.11 of the Revised Code for a 22695
period of at least three years, for a good faith agreement under 22696
this section involving a city school district with no territory in 22697
the county in which the educational service center has territory, 22698
that educational service center and that city school district may 22699
enter into an agreement under this section, and the service center 22700
shall receive funding under division ~~(B)~~(F) of section 3317.11 of 22701

the Revised Code for any such agreement, notwithstanding the 22702
territorial boundaries of the service center and the city school 22703
district. 22704

(D) Any agreement entered into pursuant to this section shall 22705
be valid only if a copy is filed with the department of education 22706
by the first day of the school year for which the agreement is in 22707
effect. 22708

Sec. 3313.976. (A) No private school may receive scholarship 22709
payments from parents pursuant to section 3313.979 of the Revised 22710
Code until the chief administrator of the private school registers 22711
the school with the superintendent of public instruction. The 22712
state superintendent shall register any school that meets the 22713
following requirements: 22714

(1) The school is located within the boundaries of the pilot 22715
project school district; 22716

(2) The school indicates in writing its commitment to follow 22717
all requirements for a state-sponsored scholarship program 22718
specified under sections 3313.974 to 3313.979 of the Revised Code, 22719
including, but not limited to, the requirements for admitting 22720
students pursuant to section 3313.977 of the Revised Code; 22721

(3) The school meets all state minimum standards for 22722
chartered nonpublic schools in effect on July 1, 1992, except that 22723
the state superintendent at the superintendent's discretion may 22724
register nonchartered nonpublic schools meeting the other 22725
requirements of this division; 22726

(4) The school does not discriminate on the basis of race, 22727
religion, or ethnic background; 22728

(5) The school enrolls a minimum of ten students per class or 22729
a sum of at least twenty-five students in all the classes offered; 22730

(6) The school does not advocate or foster unlawful behavior 22731

or teach hatred of any person or group on the basis of race, 22732
ethnicity, national origin, or religion; 22733

(7) The school does not provide false or misleading 22734
information about the school to parents, students, or the general 22735
public; 22736

(8) The school agrees not to charge any tuition to low-income 22737
families ~~participating in receiving ninety per cent of the~~ 22738
scholarship amount through the scholarship program, pursuant to 22739
division (A) of section 3313.978 of the Revised Code, in excess of 22740
ten per cent of the scholarship amount established pursuant to 22741
division (C)(1) of section 3313.978 of the Revised Code, excluding 22742
any increase described in division (C)(2) of that section. The 22743
school shall permit any such tuition, at the discretion of the 22744
parent, to be satisfied by the low-income family's provision of 22745
in-kind contributions or services. 22746

(9) The school agrees not to charge any tuition to low-income 22747
families receiving a seventy-five per cent scholarship amount 22748
through the scholarship program, pursuant to division (A) of 22749
section 3313.978 of the Revised Code, in excess of the difference 22750
between the actual tuition charge of the school and seventy-five 22751
per cent of the scholarship amount established pursuant to 22752
division (C)(1) of section 3313.978 of the Revised Code, excluding 22753
any increase described in division (C)(2) of that section. The 22754
school shall permit such tuition, at the discretion of the parent, 22755
to be satisfied by the low-income family's provision of in-kind 22756
contributions or services. 22757

(B) The state superintendent shall revoke the registration of 22758
any school if, after a hearing, the superintendent determines that 22759
the school is in violation of any of the provisions of division 22760
(A) of this section. 22761

(C) Any public school located in a school district adjacent 22762

to the pilot project district may receive scholarship payments on 22763
behalf of parents pursuant to section 3313.979 of the Revised Code 22764
if the superintendent of the district in which such public school 22765
is located notifies the state superintendent prior to the first 22766
day of March that the district intends to admit students from the 22767
pilot project district for the ensuing school year pursuant to 22768
section 3327.06 of the Revised Code. 22769

(D) Any parent wishing to purchase tutorial assistance from 22770
any person or governmental entity pursuant to the pilot project 22771
program under sections 3313.974 to 3313.979 of the Revised Code 22772
shall apply to the state superintendent. The state superintendent 22773
shall approve providers who appear to possess the capability of 22774
furnishing the instructional services they are offering to 22775
provide. 22776

Sec. 3313.978. (A) Annually by the first day of November, the 22777
superintendent of public instruction shall notify the pilot 22778
project school district of the number of initial scholarships that 22779
the state superintendent will be awarding in each of grades 22780
kindergarten through third. 22781

The state superintendent shall provide information about the 22782
scholarship program to all students residing in the district, 22783
shall accept applications from any such students until such date 22784
as shall be established by the state superintendent as a deadline 22785
for applications, and shall establish criteria for the selection 22786
of students to receive scholarships from among all those applying 22787
prior to the deadline, which criteria shall give preference to 22788
students from low-income families. For each student selected, the 22789
state superintendent shall also determine whether the student 22790
qualifies for seventy-five or ninety per cent of the scholarship 22791
amount. Students whose family income is at or above two hundred 22792
per cent of the maximum income level established by the state 22793

superintendent for low-income families shall qualify for 22794
seventy-five per cent of the scholarship amount and students whose 22795
family income is below two hundred per cent of that maximum income 22796
level shall qualify for ninety per cent of the scholarship amount. 22797
The state superintendent shall notify students of their selection 22798
prior to the fifteenth day of January and whether they qualify for 22799
seventy-five or ninety per cent of the scholarship amount. 22800

(1) A student receiving a pilot project scholarship may 22801
utilize it at an alternative public school by notifying the 22802
district superintendent, at any time before the beginning of the 22803
school year, of the name of the public school in an adjacent 22804
school district to which the student has been accepted pursuant to 22805
section 3327.06 of the Revised Code. 22806

(2) A student may decide to utilize a pilot project 22807
scholarship at a registered private school in the district if all 22808
of the following conditions are met: 22809

(a) By the fifteenth day of February of the preceding school 22810
year, or at any time prior to the start of the school year, the 22811
parent makes an application on behalf of the student to a 22812
registered private school. 22813

(b) The registered private school notifies the parent and the 22814
state superintendent as follows that the student has been 22815
admitted: 22816

(i) By the fifteenth day of March of the preceding school 22817
year if the student filed an application by the fifteenth day of 22818
February and was admitted by the school pursuant to division (A) 22819
of section 3313.977 of the Revised Code; 22820

(ii) Within one week of the decision to admit the student if 22821
the student is admitted pursuant to division (C) of section 22822
3313.977 of the Revised Code. 22823

(c) The student actually enrolls in the registered private 22824

school to which the student was first admitted or in another 22825
registered private school in the district or in a public school in 22826
an adjacent school district. 22827

(B) The state superintendent shall also award in any school 22828
year tutorial assistance grants to a number of students equal to 22829
the number of students who receive scholarships under division (A) 22830
of this section. Tutorial assistance grants shall be awarded 22831
solely to students who are enrolled in the public schools of the 22832
district in a grade level covered by the pilot project. Tutorial 22833
assistance grants may be used solely to obtain tutorial assistance 22834
from a provider approved pursuant to division (D) of section 22835
3313.976 of the Revised Code. 22836

All students wishing to obtain tutorial assistance grants 22837
shall make application to the state superintendent by the first 22838
day of the school year in which the assistance will be used. The 22839
state superintendent shall award assistance grants in accordance 22840
with criteria the superintendent shall establish. For each student 22841
awarded a grant, the state superintendent shall also determine 22842
whether the student qualifies for seventy-five or ninety per cent 22843
of the grant amount and so notify the student. Students whose 22844
family income is at or above two hundred per cent of the maximum 22845
income level established by the state superintendent for 22846
low-income families shall qualify for seventy-five per cent of the 22847
grant amount and students whose family income is below two hundred 22848
per cent of that maximum income level shall qualify for ninety per 22849
cent of the grant amount. 22850

(C)(1) In the case of basic scholarships, the scholarship 22851
amount shall not exceed the lesser of the tuition charges of the 22852
alternative school the scholarship recipient attends or an amount 22853
established by the state superintendent not in excess of 22854
~~twenty-five hundred~~ three thousand dollars. 22855

(2) The state superintendent shall provide for an increase in 22856

the basic scholarship amount in the case of any student who is a 22857
mainstreamed handicapped student and shall further increase such 22858
amount in the case of any separately educated handicapped child. 22859
Such increases shall take into account the instruction, related 22860
services, and transportation costs of educating such students. 22861

(3) In the case of tutorial assistance grants, the grant 22862
amount shall not exceed the lesser of the provider's actual 22863
charges for such assistance or a percentage established by the 22864
state superintendent, not to exceed twenty per cent, of the amount 22865
of the pilot project school district's average basic scholarship 22866
amount. 22867

(4) No scholarship or tutorial assistance grant shall be 22868
awarded unless the state superintendent determines that 22869
twenty-five or ten per cent, as applicable, of the amount 22870
specified for such scholarship or grant pursuant to division 22871
(C)(1), (2), or (3) of this section will be furnished by a 22872
political subdivision, a private nonprofit or for profit entity, 22873
or another person. Only seventy-five or ninety per cent of such 22874
amounts, as applicable, shall be paid from state funds pursuant to 22875
section 3313.979 of the Revised Code. 22876

(D)(1) Annually by the first day of November, the state 22877
superintendent shall estimate the maximum per-pupil scholarship 22878
amounts for the ensuing school year. The state superintendent 22879
shall make this estimate available to the general public at the 22880
offices of the district board of education together with the forms 22881
required by division (D)(2) of this section. 22882

(2) Annually by the fifteenth day of January, the chief 22883
administrator of each registered private school located in the 22884
pilot project district and the principal of each public school in 22885
such district shall complete a parental information form and 22886
forward it to the president of the board of education. The 22887
parental information form shall be prescribed by the department of 22888

education and shall provide information about the grade levels 22889
offered, the numbers of students, tuition amounts, achievement 22890
test results, and any sectarian or other organizational 22891
affiliations. 22892

Sec. 3313.979. Each scholarship ~~or grant~~ to be used for 22893
payments to a registered private school ~~or to an approved tutorial~~ 22894
~~assistance provider~~ is payable to the parents of the student 22895
entitled to the scholarship ~~or grant~~. Each scholarship to be used 22896
for payments to a public school in an adjacent school district is 22897
payable to the school district of attendance by the superintendent 22898
of public instruction. Each grant to be used for payments to an 22899
approved tutorial assistance provider is payable to the approved 22900
tutorial assistance provider. 22901

(A)(1) By the fifteenth day of each month of the school year 22902
that any scholarship students are enrolled in a registered private 22903
school, the chief administrator of that school shall notify the 22904
state superintendent of: 22905

(a) The number of students who were reported to the school 22906
district as having been admitted by that private school pursuant 22907
to division (A)(2)(b) of section 3313.978 of the Revised Code and 22908
who were still enrolled in the private school as of the first day 22909
of such month, and the numbers of such students who qualify for 22910
seventy-five and ninety per cent of the scholarship amount; 22911

(b) The number of students who were reported to the school 22912
district as having been admitted by another private school 22913
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 22914
Code and since the date of admission have transferred to the 22915
school providing the notification under division (A)(1) of this 22916
section, and the numbers of such students who qualify for 22917
seventy-five and ninety per cent of the scholarship amount. 22918

(2) From time to time, the state superintendent shall make a 22919

payment to the parent of each student entitled to a scholarship. 22920
Each payment shall include for each student reported under 22921
division (A)(1) of this section, a portion of seventy-five or 22922
ninety per cent, as applicable, of the scholarship amount 22923
specified in divisions (C)(1) and (2) of section 3313.978 of the 22924
Revised Code. This amount shall be proportionately reduced in the 22925
case of any such student who is not enrolled in a registered 22926
private school for the entire school year. 22927

(3) The first payment under this division shall be made by 22928
the last day of November and shall equal one-third of seventy-five 22929
or ninety per cent, as applicable, of the estimated total amount 22930
that will be due to the parent for the school year pursuant to 22931
division (A)(2) of this section. 22932

(B) The state superintendent, on behalf of the parents of a 22933
scholarship student enrolled in a public school in an adjacent 22934
school district pursuant to section 3327.06 of the Revised Code, 22935
shall make the tuition payments required by that section to the 22936
school district admitting the student, except that, 22937
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 22938
Revised Code, the total payments in any school year shall not 22939
exceed seventy-five or ninety per cent, as applicable, of the 22940
scholarship amount provided in divisions (C)(1) and (2) of section 22941
3313.978 of the Revised Code. 22942

(C) Whenever an approved provider provides tutorial 22943
assistance to a student, the state superintendent shall pay the 22944
~~parent~~ approved provider for such costs upon receipt of a 22945
statement ~~from the parent~~ specifying the services provided and the 22946
costs of the services, which statement shall be signed by the 22947
provider and verified by the chief administrator having 22948
supervisory control over the tutoring site. The total payments to 22949
any ~~parent~~ approved provider under this division for all provider 22950
services to any individual student in any school year shall not 22951

exceed seventy-five or ninety per cent, as applicable, of the 22952
grant amount provided in division (C)(3) of section 3313.978 of 22953
the Revised Code. 22954

Sec. 3313.981. (A) The state board shall adopt rules 22955
requiring all of the following: 22956

(1) The board of education of each city, exempted village, 22957
and local school district to annually report to the department of 22958
education all of the following: 22959

(a) The number of adjacent district or other district 22960
students, as applicable, and adjacent district or other district 22961
joint vocational students, as applicable, enrolled in the district 22962
and the number of native students enrolled in adjacent or other 22963
districts, in accordance with a policy adopted under division (B) 22964
of section 3313.98 of the Revised Code; 22965

(b) Each adjacent district or other district student's or 22966
adjacent district or other district joint vocational student's 22967
date of enrollment in the district; 22968

(c) The full-time equivalent number of adjacent district or 22969
other district students enrolled in vocational education programs 22970
or classes described in division (A) of section 3317.014 of the 22971
Revised Code and the full-time equivalent number of such students 22972
enrolled in vocational education programs or classes described in 22973
division (B) of that section; 22974

(d) Each native student's date of enrollment in an adjacent 22975
or other district. 22976

(2) The board of education of each joint vocational school 22977
district to annually report to the department all of the 22978
following: 22979

(a) The number of adjacent district or other district joint 22980
vocational students, as applicable, enrolled in the district; 22981

(b) The full-time equivalent number of adjacent district or other district joint vocational 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 division (B) of that section;

(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled.

(3) Prior to the first full school week in October each year, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to notify each adjacent or other district where those students are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code of the number of the adjacent or other district's native students who are enrolled in the superintendent's district under the policy.

The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student.

(B) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually subtract both of the following:

(1) An amount equal to the number of the district's native students reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section

3313.98 of the Revised Code multiplied by the adjusted formula amount for the district; 23013
23014

(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student; 23015
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(3) For the full-time equivalent number of the district's native students reported under division (A)(1)(c) or (2)(b) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section. 23020
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(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following: 23026
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23028

(1) An amount equal to the adjusted formula amount for the district multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students enrolled in the district, as reported under division (A)(1) of this section; 23029
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(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students, except for any adjacent or other district joint vocational students, receiving special education and related services in the district; 23035
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(3) For the full-time equivalent number of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(c) of this section as enrolled in vocational education 23040
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programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section;

(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to ~~one-fourth~~ ten per cent of the adjusted formula amount for the district.

(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:

(1) An amount equal to the adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled;

(2) An amount equal to the full-time equivalent number of students reported pursuant to division (A)(2)(b) of this section times the formula amount times the applicable multiple prescribed by section 3317.014 of the Revised Code.

(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:

(a) Subtract the adjusted formula amount for the district from the actual costs to educate the student;

(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.

(2) The board shall report the excess costs computed under 23074
this division to the department of education. 23075

(3) If any student for whom excess costs are computed under 23076
division (E)(1) of this section is an adjacent or other district 23077
joint vocational student, the department of education shall add 23078
the amount of such excess costs to the payments made under Chapter 23079
3317. of the Revised Code to the joint vocational school district 23080
enrolling the student. 23081

(F) As provided in division (D)(1)(b) of section 3317.03 of 23082
the Revised Code, no joint vocational school district shall count 23083
any adjacent or other district joint vocational student enrolled 23084
in the district in its formula ADM certified under section 3317.03 23085
of the Revised Code. 23086

(G) No city, exempted village, or local school district shall 23087
receive a payment under division (C) of this section for a 23088
student, and no joint vocational school district shall receive a 23089
payment under division (D) of this section for a student, if for 23090
the same school year that student is counted in the district's 23091
formula ADM certified under section 3317.03 of the Revised Code. 23092

(H) Upon request of a parent, and provided the board offers 23093
transportation to native students of the same grade level and 23094
distance from school under section 3327.01 of the Revised Code, a 23095
city, exempted village, or local school board enrolling an 23096
adjacent or other district student shall provide transportation 23097
for the student within the boundaries of the board's district, 23098
except that the board shall be required to pick up and drop off a 23099
nonhandicapped student only at a regular school bus stop 23100
designated in accordance with the board's transportation policy. 23101
Pursuant to rules of the state board of education, such board may 23102
reimburse the parent from funds received under division (D) of 23103
section 3317.022 of the Revised Code for the reasonable cost of 23104

transportation from the student's home to the designated school 23105
bus stop if the student's family has an income below the federal 23106
poverty line. 23107

Sec. 3314.02. (A) As used in this chapter: 23108

(1) "Sponsor" means an entity listed in division (C)(1) of 23109
this section, which has been approved by the department of 23110
education to sponsor community schools and with which the 23111
governing authority of the proposed community school enters into a 23112
contract pursuant to this section. 23113

(2) "Pilot project area" means the school districts included 23114
in the territory of the former community school pilot project 23115
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 23116
the 122nd general assembly. 23117

(3) "Challenged school district" means any of the following: 23118

(a) A school district that is part of the pilot project area; 23119

(b) A school district that is either in a state of academic 23120
emergency or in a state of academic watch under section 3302.03 of 23121
the Revised Code; 23122

(c) A big eight school district; 23123

~~(d) An urban school district.~~ 23124

(4) "Big eight school district" means a school district that 23125
for fiscal year 1997 had both of the following: 23126

(a) A percentage of children residing in the district and 23127
participating in the predecessor of Ohio works first greater than 23128
thirty per cent, as reported pursuant to section 3317.10 of the 23129
Revised Code; 23130

(b) An average daily membership greater than twelve thousand, 23131
as reported pursuant to former division (A) of section 3317.03 of 23132
the Revised Code. 23133

(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 governing authority for the school, and negotiate a contract with the board of education. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board of education shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(C)(1) Any person or group of individuals may propose under 23165
this division the establishment of a new start-up school to be 23166
located in a challenged school district. The proposal may be made 23167
to any of the following entities: 23168

(a) The board of education of the district in which the 23169
school is proposed to be located; 23170

(b) The board of education of any joint vocational school 23171
district with territory in the county in which is located the 23172
majority of the territory of the district in which the school is 23173
proposed to be located; 23174

(c) The board of education of any other city, local, or 23175
exempted village school district having territory in the same 23176
county where the district in which the school is proposed to be 23177
located has the major portion of its territory; 23178

(d) The governing board of any educational service center as 23179
long as the proposed school will be located in a county within the 23180
territory of the service center or in a county contiguous to such 23181
county; 23182

(e) A sponsoring authority designated by the board of 23183
trustees of any of the thirteen state universities listed in 23184
section 3345.011 of the Revised Code or the board of trustees 23185
itself as long as a mission of the proposed school to be specified 23186
in the contract under division (A)(2) of section 3314.03 of the 23187
Revised Code and as approved by the department of education under 23188
division (B)(2) of section 3314.015 of the Revised Code will be 23189
the practical demonstration of teaching methods, educational 23190
technology, or other teaching practices that are included in the 23191
curriculum of the university's teacher preparation program 23192
approved by the state board of education; 23193

(f) Any qualified tax-exempt entity under section 501(c)(3) 23194
of the Internal Revenue Code as long as all of the following 23195

conditions are satisfied:	23196
(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.	23197 23198
(ii) The entity has assets of at least five hundred thousand dollars.	23199 23200
(iii) The department of education has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code.	23201 23202 23203
Until July 1, 2005, any entity described in division (C)(1)(f) of this section may sponsor only schools that formerly were sponsored by the state board of education under division (C)(1)(d) of this section, as it existed prior to April 8, 2003. After July 1, 2005, such entity may sponsor any new or existing school.	23204 23205 23206 23207 23208 23209
Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group.	23210 23211 23212
(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.	23213 23214 23215 23216 23217 23218 23219 23220 23221 23222
(3) A new start-up school that is established in a school district while that district is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code may continue in existence once the school	23223 23224 23225 23226

district is no longer in a state of academic emergency or academic 23227
watch, provided there is a valid contract between the school and a 23228
sponsor. 23229

(4) A copy of every preliminary agreement entered into under 23230
this division shall be filed with the superintendent of public 23231
instruction. 23232

(D) A majority vote of the board of a sponsoring entity and a 23233
majority vote of the members of the governing authority of a 23234
community school shall be required to adopt a contract and convert 23235
the public school to a community school or establish the new 23236
start-up school. Up to the statewide limit prescribed in section 23237
3314.013 of the Revised Code, an unlimited number of community 23238
schools may be established in any school district provided that a 23239
contract is entered into for each community school pursuant to 23240
this chapter. 23241

(E) As used in this division, "immediate relatives" are 23242
limited to spouses, children, parents, grandparents, siblings, and 23243
in-laws. 23244

Each new start-up community school established under this 23245
chapter shall be under the direction of a governing authority 23246
which shall consist of a board of not less than five individuals 23247
who are not owners or employees, or immediate relatives of owners 23248
or employees, of any for-profit firm that operates or manages a 23249
school for the governing authority. 23250

No person shall serve on the governing authority or operate 23251
the community school under contract with the governing authority 23252
so long as the person owes the state any money or is in a dispute 23253
over whether the person owes the state any money concerning the 23254
operation of a community school that has closed. 23255

(F) Nothing in this chapter shall be construed to permit the 23256
establishment of a community school in more than one school 23257

district under the same contract. 23258

(G) A new start-up school that is established prior to the 23259
effective date of this amendment in an urban school district that 23260
is not also a big-eight school district may continue to operate 23261
after the effective date of this amendment and the contract 23262
between the school's governing authority and the school's sponsor 23263
may be renewed, as provided under this chapter, after the 23264
effective date of this amendment, but no additional new start-up 23265
schools may be established in such a district unless the district 23266
is a challenged school district as defined in this section as it 23267
exists on and after the effective date of this amendment. 23268

Sec. 3314.033. (A) Not later than ninety days after the 23269
effective date of this section, the state board of education shall 23270
adopt rules in accordance with Chapter 119. of the Revised Code 23271
establishing standards governing the operation of internet- or 23272
computer-based community schools, as defined in section 3314.02 of 23273
the Revised Code, and other educational courses delivered 23274
primarily via electronic media. 23275

(B) Each internet- or computer-based community school in 23276
operation on or after the effective date of this section shall 23277
comply with the standards adopted by the state board under 23278
division (A) of this section regardless of whether the school's 23279
contract with its sponsor contains a stipulation requiring such 23280
compliance. 23281

Sec. 3314.041. The governing authority of each community 23282
school and any operator of such school shall ~~place in a~~ 23283
~~conspicuous manner in all documents that are distributed~~ 23284
distribute to parents of students of the school ~~or to the general~~ 23285
~~public~~ upon their enrollment in the school the following statement 23286
in writing: 23287

"The (here fill in name of the school) school 23288
is a community school established under Chapter 3314. of the 23289
Revised Code. The school is a public school and students enrolled 23290
in and attending the school are required to take proficiency tests 23291
and other examinations prescribed by law. In addition, there may 23292
be other requirements for students at the school that are 23293
prescribed by law. Students who have been excused from the 23294
compulsory attendance law for the purpose of home education as 23295
defined by the Administrative Code shall no longer be excused for 23296
that purpose upon their enrollment in a community school. For more 23297
information about this matter contact the school administration or 23298
the Ohio Department of Education." 23299

Sec. 3314.07. (A) The expiration of the contract for a 23300
community school between a sponsor and a school shall be the date 23301
provided in the contract. A successor contract may be entered into 23302
pursuant to division (E) of section 3314.03 of the Revised Code 23303
unless the contract is terminated or not renewed pursuant to this 23304
section. 23305

(B)(1) A sponsor may choose not to renew a contract at its 23306
expiration or may choose to terminate a contract prior to its 23307
expiration for any of the following reasons: 23308

(a) Failure to meet student performance requirements stated 23309
in the contract; 23310

(b) Failure to meet generally accepted standards of fiscal 23311
management; 23312

(c) Violation of any provision of the contract or applicable 23313
state or federal law; 23314

(d) Other good cause. 23315

(2) A sponsor may choose to terminate a contract prior to its 23316
expiration if the sponsor has suspended the operation of the 23317

contract under section 3314.072 of the Revised Code. 23318

(3) At least ninety days prior to the termination or 23319
nonrenewal of a contract, the sponsor shall notify the school of 23320
the proposed action in writing. The notice shall include the 23321
reasons for the proposed action in detail, the effective date of 23322
the termination or nonrenewal, and a statement that the school 23323
may, within fourteen days of receiving the notice, request an 23324
informal hearing before the sponsor. Such request must be in 23325
writing. The informal hearing shall be held within seventy days of 23326
the receipt of a request for the hearing. Promptly following the 23327
informal hearing, the sponsor shall issue a written decision 23328
either affirming or rescinding the decision to terminate or not 23329
renew the contract. 23330

(4) A decision by the sponsor to terminate a contract may be 23331
appealed to the state board of education. The decision by the 23332
state board pertaining to an appeal under this division is final. 23333
If the sponsor is the state board, its decision to terminate a 23334
contract under division (B)(3) of this section shall be final. 23335

(5) The termination of a contract under this section shall be 23336
effective upon the occurrence of the later of the following 23337
events: 23338

(a) Ninety days following the date the sponsor notifies the 23339
school of its decision to terminate the contract as prescribed in 23340
division (B)(3) of this section; 23341

(b) If an informal hearing is requested under division (B)(3) 23342
of this section and as a result of that hearing the sponsor 23343
affirms its decision to terminate the contract, the effective date 23344
of the termination specified in the notice issued under division 23345
(B)(3) of this section, or if that decision is appealed to the 23346
state board under division (B)(4) of this section and the state 23347
board affirms that decision, the date established in the 23348

resolution of the state board affirming the sponsor's decision. 23349

(6) Any community school whose contract is terminated under this division shall not enter into a contract with any other sponsor. 23350
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(C) A child attending a community school whose contract has been terminated, nonrenewed, or suspended or that closes for any reason shall be admitted to the schools of the district in which the child is entitled to attend under section 3313.64 or 3313.65 of the Revised Code. Any deadlines established for the purpose of admitting students under section 3313.97 or 3313.98 of the Revised Code shall be waived for students to whom this division pertains. 23353
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(D) If a community school does not intend to renew a contract with its sponsor, the community school shall notify its sponsor in writing of that fact at least one hundred eighty days prior to the expiration of the contract. Such a community school may enter into a contract with a new sponsor in accordance with section 3314.03 of the Revised Code upon the expiration of the previous contract. 23360
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(E) A sponsor of a community school and the officers, directors, or employees of such a sponsor are not liable in damages in a tort or other civil action for harm allegedly arising from either of the following: 23366
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(1) A failure of the community school or any of its officers, directors, or employees to perform any statutory or common law duty or responsibility or any other legal obligation; 23370
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23372

(2) An action or omission of the community school or any of its officers, directors, or employees that results in harm. 23373
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~~(E)~~(F) As used in this section: 23375

(1) "Harm" means injury, death, or loss to person or property. 23376
23377

(2) "Tort action" means a civil action for damages for 23378

injury, death, or loss to person or property other than a civil 23379
action for damages for a breach of contract or another agreement 23380
between persons. 23381

Sec. 3314.08. (A) As used in this section: 23382

(1) "Base formula amount" means the amount specified as such 23383
in a community school's financial plan for a school year pursuant 23384
to division (A)(15) of section 3314.03 of the Revised Code. 23385

(2) "Cost-of-doing-business factor" has the same meaning as 23386
in section 3317.02 of the Revised Code. 23387

(3) "IEP" means an individualized education program as 23388
defined in section 3323.01 of the Revised Code. 23389

(4) "Applicable special education weight" means the multiple 23390
specified in section 3317.013 of the Revised Code for a handicap 23391
described in that section. 23392

(5) "Applicable vocational education weight" means: 23393

(a) For a student enrolled in vocational education programs 23394
or classes described in division (A) of section 3317.014 of the 23395
Revised Code, the multiple specified in that division; 23396

(b) For a student enrolled in vocational education programs 23397
or classes described in division (B) of section 3317.014 of the 23398
Revised Code, the multiple specified in that division. 23399

(6) "Entitled to attend school" means entitled to attend 23400
school in a district under section 3313.64 or 3313.65 of the 23401
Revised Code. 23402

(7) A community school student is "included in the DPIA 23403
student count" of a school district if the student is entitled to 23404
attend school in the district and: 23405

(a) For school years prior to fiscal year 2004, the student's 23406
family receives assistance under the Ohio works first program. 23407

(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, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are

enrolled in all-day kindergarten in their community school, and 23439
for each child, the community school in which the child is 23440
enrolled. 23441

(2) The governing authority of each community school 23442
established under this chapter to annually report all of the 23443
following: 23444

(a) The number of students enrolled in grades one through 23445
twelve and the number of students enrolled in kindergarten in the 23446
school who are not receiving special education and related 23447
services pursuant to an IEP; 23448

(b) The number of enrolled students in grades one through 23449
twelve and the number of enrolled students in kindergarten, who 23450
are receiving special education and related services pursuant to 23451
an IEP; 23452

(c) The number of students reported under division (B)(2)(b) 23453
of this section receiving special education and related services 23454
pursuant to an IEP for a handicap described in each of divisions 23455
(A) to (F) of section 3317.013 of the Revised Code; 23456

(d) The full-time equivalent number of students reported 23457
under divisions (B)(2)(a) and (b) of this section who are enrolled 23458
in vocational education programs or classes described in each of 23459
divisions (A) and (B) of section 3317.014 of the Revised Code that 23460
are provided by the community school; 23461

(e) ~~One-fourth~~ Ten per cent of the number of students 23462
reported under divisions (B)(2)(a) and (b) of this section who are 23463
not reported under division (B)(2)(d) of this section but who are 23464
enrolled in vocational education programs or classes described in 23465
each of divisions (A) and (B) of section 3317.014 of the Revised 23466
Code at a joint vocational school district under a contract 23467
between the community school and the joint vocational school 23468
district and are entitled to attend school in a city, local, or 23469

exempted village school district whose territory is part of the	23470
territory of the joint vocational district;	23471
(f) The number of enrolled preschool handicapped students	23472
receiving special education services in a state-funded unit;	23473
(g) The community school's base formula amount;	23474
(h) For each student, the city, exempted village, or local	23475
school district in which the student is entitled to attend school;	23476
(i) Any DPIA reduction factor that applies to a school year.	23477
(C) From the payments <u>SF-3 payment</u> made to a city, exempted	23478
village, or local school district under Chapter 3317. of the	23479
Revised Code and, if necessary, <u>from the payment made to the</u>	23480
<u>district under</u> sections 321.14 <u>321.24</u> and 323.156 of the Revised	23481
Code, the department of education shall annually subtract all the	23482
<u>sum of the following: amounts described in divisions (C)(1) to (5)</u>	23483
<u>of this section. However, the aggregate amount deducted under this</u>	23484
<u>division shall not exceed the sum of the district's SF-3 payment</u>	23485
<u>and its payment under sections 321.24 and 323.156 of the Revised</u>	23486
<u>Code.</u>	23487
(1) An amount equal to the sum of the amounts obtained when,	23488
for each community school where the district's students are	23489
enrolled, the number of the district's students reported under	23490
divisions (B)(2)(a), (b), and (e) of this section who are enrolled	23491
in grades one through twelve, and one-half the number of students	23492
reported under those divisions who are enrolled in kindergarten,	23493
in that community school is multiplied by the base formula amount	23494
of that community school as adjusted by the school district's	23495
cost-of-doing-business factor.	23496
(2) The sum of the amounts calculated under divisions	23497
(C)(2)(a) and (b) of this section:	23498
(a) For each of the district's students reported under	23499

division (B)(2)(c) of this section as enrolled in a community 23500
school in grades one through twelve and receiving special 23501
education and related services pursuant to an IEP for a handicap 23502
described in section 3317.013 of the Revised Code, the product of 23503
the applicable special education weight times the community 23504
school's base formula amount; 23505

(b) For each of the district's students reported under 23506
division (B)(2)(c) of this section as enrolled in kindergarten in 23507
a community school and receiving special education and related 23508
services pursuant to an IEP for a handicap described in section 23509
3317.013 of the Revised Code, one-half of the amount calculated as 23510
prescribed in division (C)(2)(a) of this section. 23511

(3) For each of the district's students reported under 23512
division (B)(2)(d) of this section for whom payment is made under 23513
division (D)(4) of this section, the amount of that payment; 23514

(4) An amount equal to the sum of the amounts obtained when, 23515
for each community school where the district's students are 23516
enrolled, the number of the district's students enrolled in that 23517
community school who are included in the district's DPIA student 23518
count is multiplied by the per pupil amount of disadvantaged pupil 23519
impact aid the school district receives that year pursuant to 23520
division (B) or (C) of section 3317.029 of the Revised Code, as 23521
adjusted by any DPIA reduction factor of that community school. If 23522
the district receives disadvantaged pupil impact aid under 23523
division (B) of that section, the per pupil amount of that aid is 23524
the quotient of the amount the district received under that 23525
division divided by the district's DPIA student count, as defined 23526
in that section. If the district receives disadvantaged pupil 23527
impact aid under division (C) of section 3317.029 of the Revised 23528
Code, the per pupil amount of that aid is the per pupil dollar 23529
amount prescribed for the district in division (C)(1) or (2) of 23530
that section. 23531

(5) An amount equal to the sum of the amounts obtained when, 23532
for each community school where the district's students are 23533
enrolled, the district's per pupil amount of aid received under 23534
division (E) of section 3317.029 of the Revised Code, as adjusted 23535
by any DPIA reduction factor of the community school, is 23536
multiplied by the sum of the following: 23537

(a) The number of the district's students reported under 23538
division (B)(2)(a) of this section who are enrolled in grades one 23539
to three in that community school and who are not receiving 23540
special education and related services pursuant to an IEP; 23541

(b) One-half of the district's students who are enrolled in 23542
all-day or any other kindergarten class in that community school 23543
and who are not receiving special education and related services 23544
pursuant to an IEP; 23545

(c) One-half of the district's students who are enrolled in 23546
all-day kindergarten in that community school and who are not 23547
receiving special education and related services pursuant to an 23548
IEP. 23549

The district's per pupil amount of aid under division (E) of 23550
section 3317.029 of the Revised Code is the quotient of the amount 23551
the district received under that division divided by the 23552
district's kindergarten through third grade ADM, as defined in 23553
that section. 23554

(D) The department shall annually pay to a community school 23555
established under this chapter ~~all the sum of the following:~~ 23556
amounts described in divisions (D)(1) to (6) of this section. 23557
However, the sum of the payments to all community schools under 23558
divisions (D)(1), (2), (4), (5), and (6) of this section for the 23559
students entitled to attend school in any particular school 23560
district shall not exceed the sum of that district's SF-3 payment 23561
and its payment under sections 321.24 and 323.156 of the Revised 23562

Code. If the sum of the payments calculated under those divisions 23563
for the students entitled to attend school in a particular school 23564
district exceeds the sum of that district's SF-3 payment and its 23565
payment under sections 321.24 and 323.156 of the Revised Code, the 23566
department shall calculate and apply a proration factor to the 23567
payments to all community schools under those divisions for the 23568
students entitled to attend school in that district. 23569

(1) An amount equal to the sum of the amounts obtained when 23570
the number of students enrolled in grades one through twelve, plus 23571
one-half of the kindergarten students in the school, reported 23572
under divisions (B)(2)(a), (b), and (e) of this section who are 23573
not receiving special education and related services pursuant to 23574
an IEP for a handicap described in section 3317.013 of the Revised 23575
Code is multiplied by the community school's base formula amount, 23576
as adjusted by the cost-of-doing-business factor of the school 23577
district in which the student is entitled to attend school; 23578

(2) The greater of the following: 23579

(a) The aggregate amount that the department paid to the 23580
community school in fiscal year 1999 for students receiving 23581
special education and related services pursuant to IEPs, excluding 23582
federal funds and state disadvantaged pupil impact aid funds; 23583

(b) The sum of the amounts calculated under divisions 23584
(D)(2)(b)(i) and (ii) of this section: 23585

(i) For each student reported under division (B)(2)(c) of 23586
this section as enrolled in the school in grades one through 23587
twelve and receiving special education and related services 23588
pursuant to an IEP for a handicap described in section 3317.013 of 23589
the Revised Code, the following amount: 23590

(the community school's base formula amount 23591

X the cost-of-doing-business factor 23592

of the district where the student 23593

is entitled to attend school) + 23594
(the applicable special education weight X 23595
the community school's base formula amount); 23596

(ii) For each student reported under division (B)(2)(c) of 23597
this section as enrolled in kindergarten and receiving special 23598
education and related services pursuant to an IEP for a handicap 23599
described in section 3317.013 of the Revised Code, one-half of the 23600
amount calculated under the formula prescribed in division 23601
(D)(2)(b)(i) of this section. 23602

(3) An amount received from federal funds to provide special 23603
education and related services to students in the community 23604
school, as determined by the superintendent of public instruction. 23605

(4) For each student reported under division (B)(2)(d) of 23606
this section as enrolled in vocational education programs or 23607
classes that are described in section 3317.014 of the Revised 23608
Code, are provided by the community school, and are comparable as 23609
determined by the superintendent of public instruction to school 23610
district vocational education programs and classes eligible for 23611
state weighted funding under section 3317.014 of the Revised Code, 23612
an amount equal to the applicable vocational education weight 23613
times the community school's base formula amount times the 23614
percentage of time the student spends in the vocational education 23615
programs or classes. 23616

(5) An amount equal to the sum of the amounts obtained when, 23617
for each school district where the community school's students are 23618
entitled to attend school, the number of that district's students 23619
enrolled in the community school who are included in the 23620
district's DPIA student count is multiplied by the per pupil 23621
amount of disadvantaged pupil impact aid that school district 23622
receives that year pursuant to division (B) or (C) of section 23623
3317.029 of the Revised Code, as adjusted by any DPIA reduction 23624
factor of the community school. The per pupil amount of aid shall 23625

be determined as described in division (C)(4) of this section. 23626

(6) An amount equal to the sum of the amounts obtained when, 23627
for each school district where the community school's students are 23628
entitled to attend school, the district's per pupil amount of aid 23629
received under division (E) of section 3317.029 of the Revised 23630
Code, as adjusted by any DPIA reduction factor of the community 23631
school, is multiplied by the sum of the following: 23632

(a) The number of the district's students reported under 23633
division (B)(2)(a) of this section who are enrolled in grades one 23634
to three in that community school and who are not receiving 23635
special education and related services pursuant to an IEP; 23636

(b) One-half of the district's students who are enrolled in 23637
all-day or any other kindergarten class in that community school 23638
and who are not receiving special education and related services 23639
pursuant to an IEP; 23640

(c) One-half of the district's students who are enrolled in 23641
all-day kindergarten in that community school and who are not 23642
receiving special education and related services pursuant to an 23643
IEP. 23644

The district's per pupil amount of aid under division (E) of 23645
section 3317.029 of the Revised Code shall be determined as 23646
described in division (C)(5) of this section. 23647

(E)(1) If a community school's costs for a fiscal year for a 23648
student receiving special education and related services pursuant 23649
to an IEP for a handicap described in divisions (B) to (F) of 23650
section 3317.013 of the Revised Code exceed the threshold 23651
catastrophic cost for serving the student as specified in division 23652
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 23653
submit to the superintendent of public instruction documentation, 23654
as prescribed by the superintendent, of all its costs for that 23655
student. Upon submission of documentation for a student of the 23656

type and in the manner prescribed, the department shall pay to the 23657
community school an amount equal to the school's costs for the 23658
student in excess of the threshold catastrophic costs. 23659

(2) The community school shall only report under division 23660
(E)(1) of this section, and the department shall only pay for, the 23661
costs of educational expenses and the related services provided to 23662
the student in accordance with the student's individualized 23663
education program. Any legal fees, court costs, or other costs 23664
associated with any cause of action relating to the student may 23665
not be included in the amount. 23666

(F) A community school may apply to the department of 23667
education for preschool handicapped or gifted unit funding the 23668
school would receive if it were a school district. Upon request of 23669
its governing authority, a community school that received unit 23670
funding as a school district-operated school before it became a 23671
community school shall retain any units awarded to it as a school 23672
district-operated school provided the school continues to meet 23673
eligibility standards for the unit. 23674

A community school shall be considered a school district and 23675
its governing authority shall be considered a board of education 23676
for the purpose of applying to any state or federal agency for 23677
grants that a school district may receive under federal or state 23678
law or any appropriations act of the general assembly. The 23679
governing authority of a community school may apply to any private 23680
entity for additional funds. 23681

(G) A board of education sponsoring a community school may 23682
utilize local funds to make enhancement grants to the school or 23683
may agree, either as part of the contract or separately, to 23684
provide any specific services to the community school at no cost 23685
to the school. 23686

(H) A community school may not levy taxes or issue bonds 23687

secured by tax revenues. 23688

(I) No community school shall charge tuition for the 23689
enrollment of any student. 23690

(J)(1)(a) A community school may borrow money to pay any 23691
necessary and actual expenses of the school in anticipation of the 23692
receipt of any portion of the payments to be received by the 23693
school pursuant to division (D) of this section. The school may 23694
issue notes to evidence such borrowing . The proceeds of the notes 23695
shall be used only for the purposes for which the anticipated 23696
receipts may be lawfully expended by the school. 23697

(b) A school may also borrow money for a term not to exceed 23698
fifteen years for the purpose of acquiring facilities. 23699

(2) Except for any amount guaranteed under section 3318.50 of 23700
the Revised Code, the state is not liable for debt incurred by the 23701
governing authority of a community school. 23702

(K) For purposes of determining the number of students for 23703
which divisions (D)(5) and (6) of this section applies in any 23704
school year, a community school may submit to the department of 23705
job and family services, no later than the first day of March, a 23706
list of the students enrolled in the school. For each student on 23707
the list, the community school shall indicate the student's name, 23708
address, and date of birth and the school district where the 23709
student is entitled to attend school. Upon receipt of a list under 23710
this division, the department of job and family services shall 23711
determine, for each school district where one or more students on 23712
the list is entitled to attend school, the number of students 23713
residing in that school district who were included in the 23714
department's report under section 3317.10 of the Revised Code. The 23715
department shall make this determination on the basis of 23716
information readily available to it. Upon making this 23717
determination and no later than ninety days after submission of 23718

the list by the community school, the department shall report to 23719
the state department of education the number of students on the 23720
list who reside in each school district who were included in the 23721
department's report under section 3317.10 of the Revised Code. In 23722
complying with this division, the department of job and family 23723
services shall not report to the state department of education any 23724
personally identifiable information on any student. 23725

(L) The department of education shall adjust the amounts 23726
subtracted and paid under divisions (C) and (D) of this section to 23727
reflect any enrollment of students in community schools for less 23728
than the equivalent of a full school year. The state board of 23729
education within ninety days after ~~the effective date of this~~ 23730
~~amendment~~ April 8, 2003, shall adopt in accordance with Chapter 23731
119. of the Revised Code rules governing the payments to community 23732
schools under this section including initial payments in a school 23733
year and adjustments and reductions made in subsequent periodic 23734
payments to community schools and corresponding deductions from 23735
school district accounts as provided under divisions (C) and (D) 23736
of this section. For purposes of this section: 23737

(1) A student shall be considered enrolled in the community 23738
school for any portion of the school year the student is 23739
participating at a college under Chapter 3365. of the Revised 23740
Code. 23741

(2) A student shall be considered to be enrolled in a 23742
community school during a school year for the period of time 23743
between the date on which the school both has received 23744
documentation of the student's enrollment from a parent and has 23745
commenced participation in learning opportunities as defined in 23746
the contract with the sponsor. For purposes of applying this 23747
division to a community school student, "learning opportunities" 23748
shall be defined in the contract, which shall describe both 23749
classroom-based and non-classroom-based learning opportunities and 23750

shall be in compliance with criteria and documentation 23751
requirements for student participation which shall be established 23752
by the department. Any student's instruction time in 23753
non-classroom-based learning opportunities shall be certified by 23754
an employee of the community school. A student's enrollment shall 23755
be considered to cease on the date on which any of the following 23756
occur: 23757

(a) The community school receives documentation from a parent 23758
terminating enrollment of the student. 23759

(b) The community school is provided documentation of a 23760
student's enrollment in another public or private school. 23761

(c) The community school ceases to offer learning 23762
opportunities to the student pursuant to the terms of the contract 23763
with the sponsor or the operation of any provision of this 23764
chapter. 23765

(3) A student's percentage of full-time equivalency shall be 23766
considered to be the percentage the hours of learning opportunity 23767
offered to that student is of nine hundred and twenty hours. 23768

(M) The department of education shall reduce the amounts paid 23769
under division (D) of this section to reflect payments made to 23770
colleges under division (B) of section 3365.07 of the Revised 23771
Code. 23772

(N)(1) No student shall be considered enrolled in any 23773
internet- or computer-based community school unless ~~the~~ both of 23774
the following conditions are satisfied: 23775

(a) The student possesses or has been provided with all 23776
required hardware and software materials and all such materials 23777
are fully operational and the so that the student is capable of 23778
fully participating in the learning opportunities specified in the 23779
contract between the school and the school's sponsor as required 23780
by division (A)(23) of section 3314.03 of the Revised Code; 23781

(b) The school is in compliance with division (A)(1) or (2) 23782
of section 3314.032 of the Revised Code, relative to such student. 23783
~~In~~ 23784

(2) In accordance with policies adopted jointly by the 23785
superintendent of public instruction and the auditor of state, the 23786
department shall reduce the amounts otherwise payable under 23787
division (D) of this section to any internet- or computer-based 23788
community school that includes in its program the provision of 23789
computer hardware and software materials to each student, if such 23790
hardware and software materials have not been delivered, 23791
installed, and activated for all students in a timely manner or 23792
other educational materials or services have not been provided 23793
according to the contract between the individual community school 23794
and its sponsor. 23795

The superintendent of public instruction and the auditor of 23796
state shall jointly establish a method for auditing any community 23797
school to which this division pertains to ensure compliance with 23798
this section. 23799

The superintendent, auditor of state, and the governor shall 23800
jointly make recommendations to the general assembly for 23801
legislative changes that may be required to assure fiscal and 23802
academic accountability for such internet- or computer-based 23803
schools. 23804

(O)(1) If the department determines that a review of a 23805
community school's enrollment is necessary, such review shall be 23806
completed and written notice of the findings shall be provided to 23807
the governing authority of the community school and its sponsor 23808
within ninety days of the end of the community school's fiscal 23809
year, unless extended for a period not to exceed thirty additional 23810
days for one of the following reasons: 23811

(a) The department and the community school mutually agree to 23812

the extension.	23813
(b) Delays in data submission caused by either a community school or its sponsor.	23814 23815
(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:	23816 23817 23818 23819 23820
(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.	23821 23822 23823
(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.	23824 23825 23826 23827
(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.	23828 23829 23830 23831
(d) Any decision made by the board under this division is final.	23832 23833
(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.	23834 23835 23836 23837
<u>Sec. 3314.083. If the department of education pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a handicapped student who is enrolled in a community school, as calculated under division</u>	23838 23839 23840 23841 23842

(G)(2) of that section, the department shall deduct the amount of 23843
that payment from the amount calculated for payment to the 23844
community school under section 3314.08 of the Revised Code. 23845

Sec. 3314.17. (A) Each community school established under 23846
this chapter shall participate in the statewide education 23847
management information system established under section 3301.0714 23848
of the Revised Code. All provisions of that section and the rules 23849
adopted under that section apply to each community school as if it 23850
were a school district, except as modified for community schools 23851
under division (B) of this section. 23852

(B) The rules adopted by the state board of education under 23853
section 3301.0714 of the Revised Code may distinguish methods and 23854
timelines for community schools to annually report data, which 23855
methods and timelines differ from those prescribed for school 23856
districts. Any methods and timelines prescribed for community 23857
schools shall be appropriate to the academic schedule and 23858
financing of community schools. The guidelines, however, shall not 23859
modify the actual data required to be reported under that section. 23860

(C) Each fiscal officer appointed under section 3314.011 of 23861
the Revised Code is responsible for annually reporting the 23862
community school's data under section 3301.0714 of the Revised 23863
Code. If the superintendent of public instruction determines that 23864
a community school fiscal officer has willfully failed to report 23865
data or has willfully reported erroneous, inaccurate, or 23866
incomplete data in any year, or has negligently reported 23867
erroneous, inaccurate, or incomplete data in the current and any 23868
previous year, the superintendent may impose a civil penalty of 23869
one hundred dollars on the fiscal officer after providing the 23870
officer with notice and an opportunity for a hearing in accordance 23871
with Chapter 119. of the Revised Code. The superintendent's 23872
authority to impose civil penalties under this division does not 23873

preclude the state board of education from suspending or revoking 23874
the license of a community school employee under division (N) of 23875
section 3301.0714 of the Revised Code. 23876

(D) No community school shall acquire, change, or update its 23877
student administration software package to manage and report data 23878
required to be reported to the department unless it converts to a 23879
student software package that is certified by the department. 23880

Sec. 3316.031. (A) The state superintendent of public 23881
instruction, in consultation with the auditor of state, shall 23882
develop guidelines for identifying fiscal practices and budgetary 23883
conditions that, if uncorrected, could result in a future 23884
declaration of a fiscal watch or fiscal emergency within a school 23885
district. 23886

The guidelines shall not include a requirement that a school 23887
district submit financial statements according to generally 23888
accepted accounting principles. 23889

(B)(1) If the state superintendent determines from a school 23890
district's five-year forecast submitted under section 5705.391 of 23891
the Revised Code that a district is engaging in any of those 23892
practices or that any of those conditions exist within the 23893
district, after consulting with the district board of education 23894
concerning the practices or conditions, the state superintendent 23895
may declare the district to be under a fiscal caution. 23896

(2) If the auditor of state finds that a district is engaging 23897
in any of those practices or that any of those conditions exist 23898
within the district, the auditor of state shall report that 23899
finding to the state superintendent and, after consulting with the 23900
district board of education concerning the practices or 23901
conditions, the state superintendent may declare the district to 23902
be under a fiscal caution. 23903

(3) Unless the auditor of state has elected to declare a state of fiscal watch under division (A)(4) of section 3316.03 of the Revised Code, the state superintendent shall declare a school district to be under a fiscal caution if the conditions described in divisions (A)(4)(a) and (b) of that section are both satisfied with respect to the school district.

(C) When the state superintendent declares a district to be under fiscal caution, the state superintendent shall promptly notify the district board of education of that declaration and shall request the board to provide written proposals for discontinuing or correcting the fiscal practices or budgetary conditions that prompted the declaration and for preventing the district from experiencing further fiscal difficulties that could result in the district being declared to be in a state of fiscal watch or fiscal emergency.

(D) The state superintendent, or a designee, may visit and inspect any district that is declared to be under a fiscal caution. The department of education shall provide technical assistance to the district board in implementing proposals to eliminate the practices or budgetary conditions that prompted the declaration of fiscal caution and may make recommendations concerning the board's proposals.

(E) If the state superintendent finds that a school district declared to be under a fiscal caution has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal caution, and if the state superintendent considers it necessary to prevent further fiscal decline, the state superintendent may determine that the district should be in a state of fiscal watch. As provided in division (A)(3) of section 3316.03 of the Revised Code, the auditor of state shall declare the district to be in a state of fiscal watch if the auditor of

state finds the superintendent's determination to be reasonable. 23936

Sec. 3316.08. During a school district's fiscal emergency 23937
period, the auditor of state shall determine annually, or at any 23938
other time upon request of the financial planning and supervision 23939
commission, whether the school district will incur an operating 23940
deficit. If the auditor of state determines that a school district 23941
will incur an operating deficit, the auditor of state shall 23942
certify that determination to the superintendent of public 23943
instruction, the financial planning and supervision commission, 23944
and the board of education of the school district. Upon receiving 23945
the auditor of state's certification, the ~~board of education or~~ 23946
commission shall adopt a resolution ~~to submit a ballot question~~ 23947
~~proposing the levy of a tax requesting that the board of education~~ 23948
~~work with the county auditor or tax commissioner to estimate the~~ 23949
~~amount and rate of a tax levy that is needed~~ under section 23950
5705.194 or 5705.21 or Chapter 5748. of the Revised Code to 23951
produce a positive fund balance not later than the fifth year of 23952
the five-year forecast submitted under section 5705.391 of the 23953
Revised Code. ~~Except~~ 23954

The board of education shall recommend to the commission 23955
whether the board supports or opposes a tax levy under section 23956
5705.194 or 5705.21 or Chapter 5748. of the Revised Code and shall 23957
provide supporting documentation to the commission of its 23958
recommendation. 23959

After considering the board of education's recommendation and 23960
supporting documentation, the commission shall adopt a resolution 23961
to either submit a ballot question proposing a tax levy or not to 23962
submit such a question. 23963

Except as otherwise provided in this division, the tax shall 23964
be levied in the manner prescribed for a tax levied under section 23965
5705.194 or 5705.21 or under Chapter 5748. of the Revised Code. 23966

~~The If the commission decides that a tax shall should be levied,~~ 23967
~~the tax shall be levied~~ for the purpose of paying current 23968
operating expenses of the school district. ~~The question shall~~ 23969
~~propose that the tax be levied at the rate required to produce~~ 23970
~~annual revenue sufficient to eliminate the operating deficit as~~ 23971
~~certified by the auditor of state and to repay outstanding loans~~ 23972
~~or other obligations incurred by the board of education for the~~ 23973
~~purpose of reducing or eliminating operating deficits, as~~ 23974
~~determined by the financial planning and supervision commission.~~ 23975
The rate of a tax levied under section 5705.194 or 5705.21 of the 23976
Revised Code shall be determined by the county auditor, and the 23977
rate of a tax levied under section 5748.02 or 5748.08 of the 23978
Revised Code shall be determined by the tax commissioner, upon the 23979
request of the commission. The commission, in consultation with 23980
the board of education, shall determine the election at which the 23981
question of the tax shall appear on the ballot, and the ~~board of~~ 23982
~~education or~~ commission shall submit a copy of its resolution to 23983
the board of elections not later than seventy-five days prior to 23984
the day of that election. The board of elections conducting the 23985
election shall certify the results of the election to the board of 23986
education and to the financial planning and supervision 23987
commission. 23988

Sec. 3317.012. (A)(1) The general assembly, having analyzed 23989
school district expenditure and cost data for fiscal year 1999, 23990
performed the calculation described in division (B) of this 23991
section, adjusted the results for inflation, and added the amounts 23992
described in division (A)(2) of this section, hereby determines 23993
that the base cost of an adequate education per pupil for the 23994
fiscal year beginning July 1, 2001, is \$4,814. For the ~~five~~ three 23995
following fiscal years, the base cost per pupil for each of those 23996
years, reflecting an annual rate of inflation of two and 23997
eight-tenths per cent, is \$4,949 for fiscal year 2003, \$5,088 for 23998

fiscal year 2004, and \$5,230 for fiscal year 2005, ~~\$5,376 for~~ 23999
~~fiscal year 2006, and \$5,527 for fiscal year 2007.~~ 24000

(2) The base cost per pupil amounts specified in division 24001
(A)(1) of this section include amounts to reflect the cost to 24002
school districts of increasing the minimum number of high school 24003
academic units required for graduation beginning September 15, 24004
2001, under section 3313.603 of the Revised Code. Analysis of 24005
fiscal year 1999 data revealed that the school districts meeting 24006
the requirements of division (B) of this section on average 24007
required high school students to complete a minimum of nineteen 24008
and eight-tenths units to graduate. The general assembly 24009
determines that the cost of funding the additional two-tenths unit 24010
required by section 3313.603 of the Revised Code is \$12 per pupil 24011
in fiscal year 2002. This amount was added after the calculation 24012
described in division (B) of this section and the adjustment for 24013
inflation from fiscal year 1999 to fiscal year 2002. It is this 24014
total amount, the calculated base cost plus the supplement to pay 24015
for the additional partial unit, that constitutes the base cost 24016
amount specified in division (A)(1) of this section for fiscal 24017
year 2002 and that is inflated to produce the base cost amounts 24018
for fiscal years 2003 through ~~2007~~ 2005. 24019

(B) In determining the base cost stated in division (A) of 24020
this section, capital and debt costs, costs paid for by federal 24021
funds, and costs covered by funds provided for disadvantaged pupil 24022
impact aid and transportation were excluded, as were the effects 24023
on the districts' state funds of the application of the 24024
cost-of-doing-business factors, assuming a seven and one-half per 24025
cent variance. 24026

The base cost for fiscal year 1999 was calculated as the 24027
unweighted average cost per student, on a school district basis, 24028
of educating students who were not receiving vocational education 24029
or services pursuant to Chapter 3323. of the Revised Code and who 24030

were enrolled in a city, exempted village, or local school district that in fiscal year 1999 met all of the following criteria:

(1) The district met at least twenty of the following twenty-seven performance indicators:

(a) A ninety per cent or higher graduation rate;

(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;

(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;

(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;

(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;

(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;

(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;

(h) At least seventy-five per cent of sixth graders proficient on the reading test prescribed under former division (A)(2) of section 3301.0710 of the Revised Code;

(i) At least seventy-five per cent of sixth graders proficient on the writing test prescribed under former division (A)(2) of section 3301.0710 of the Revised Code;

(j) At least seventy-five per cent of sixth graders	24061
proficient on the citizenship test prescribed under <u>former</u>	24062
division (A)(2) of section 3301.0710 of the Revised Code;	24063
(k) At least seventy-five per cent of sixth graders	24064
proficient on the science test prescribed under <u>former</u> division	24065
(A)(2) of section 3301.0710 of the Revised Code;	24066
(l) At least seventy-five per cent of ninth graders	24067
proficient on the mathematics test prescribed under Section 4 of	24068
Am. Sub. S.B. 55 of the 122nd general assembly;	24069
(m) At least seventy-five per cent of ninth graders	24070
proficient on the reading test prescribed under Section 4 of Am.	24071
Sub. S.B. 55 of the 122nd general assembly;	24072
(n) At least seventy-five per cent of ninth graders	24073
proficient on the writing test prescribed under Section 4 of Am.	24074
Sub. S.B. 55 of the 122nd general assembly;	24075
(o) At least seventy-five per cent of ninth graders	24076
proficient on the citizenship test prescribed under Section 4 of	24077
Am. Sub. S.B. 55 of the 122nd general assembly;	24078
(p) At least seventy-five per cent of ninth graders	24079
proficient on the science test prescribed under Section 4 of Am.	24080
Sub. S.B. 55 of the 122nd general assembly;	24081
(q) At least eighty-five per cent of tenth graders proficient	24082
on the mathematics test prescribed under Section 4 of Am. Sub.	24083
S.B. 55 of the 122nd general assembly;	24084
(r) At least eighty-five per cent of tenth graders proficient	24085
on the reading test prescribed under Section 4 of Am. Sub. S.B. 55	24086
of the 122nd general assembly;	24087
(s) At least eighty-five per cent of tenth graders proficient	24088
on the writing test prescribed under Section 4 of Am. Sub. S.B. 55	24089
of the 122nd general assembly;	24090

(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;	24091 24092 24093
(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;	24094 24095 24096
(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;	24097 24098 24099
(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;	24100 24101 24102
(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;	24103 24104 24105
(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;	24106 24107 24108
(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;	24109 24110 24111
(aa) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.	24112 24113
In determining whether a school district met any of the performance standards specified in divisions (B)(1)(a) to (aa) of this section, the general assembly used a rounding procedure previously recommended by the department of education. It is the same rounding procedure the general assembly used in 1998 to determine whether a district had met the standards of former divisions (B)(1)(a) to (r) of this section for purposes of	24114 24115 24116 24117 24118 24119 24120

constructing the previous model based on fiscal year 1996 data. 24121

(2) The district was not among the five per cent of all 24122
districts with the highest income, nor among the five per cent of 24123
all districts with the lowest income. 24124

(3) The district was not among the five per cent of all 24125
districts with the highest valuation per pupil, nor among the five 24126
per cent of all districts with the lowest valuation per pupil. 24127

This model for calculating the base cost of an adequate 24128
education is expenditure-based. The general assembly recognizes 24129
that increases in state funding to school districts since fiscal 24130
year 1996, the fiscal year upon which the general assembly based 24131
its model for calculating state funding to school districts for 24132
fiscal years 1999 through 2001, has increased school district base 24133
cost expenditures for fiscal year 1999, the fiscal year upon which 24134
the general assembly based its model for calculating state funding 24135
for fiscal years 2002 through ~~2007~~ 2005. In the case of school 24136
districts included in the fiscal year 1999 model that also had met 24137
the fiscal year 1996 performance criteria of former division 24138
(B)(1) of this section, the increased state funding may have 24139
driven the districts' expenditures beyond the expenditures that 24140
were actually needed to maintain their educational programs at the 24141
level necessary to maintain their ability to meet the fiscal year 24142
1999 performance criteria of current division (B)(1) of this 24143
section. The general assembly has determined to control for this 24144
effect by stipulating in the later model that the fiscal year 1999 24145
base cost expenditures of the districts that also met the 24146
performance criteria of former division (B)(1) of this section 24147
equals their base cost expenditures per pupil for fiscal year 24148
1996, inflated to fiscal year 1999 using an annual rate of 24149
inflation of two and eight-tenths per cent. However, if this 24150
inflated amount exceeded the district's actual fiscal year 1999 24151
base cost expenditures per pupil, the district's actual fiscal 24152

year 1999 base cost expenditures per pupil were used in the 24153
calculation. For districts in the 1999 model that did not also 24154
meet the performance criteria of former division (B)(1) of this 24155
section, the actual 1999 base cost per pupil expenditures were 24156
used in the calculation of the average district per pupil costs of 24157
the model districts. 24158

~~(C) In July of 2005, and in July of every six years 24159
thereafter, the speaker of the house of representatives and the 24160
president of the senate shall each appoint three members to a 24161
committee to reexamine the cost of an adequate education. No more 24162
than two members from any political party shall represent each 24163
house. The director of budget and management and the 24164
superintendent of public instruction shall serve as nonvoting ex 24165
officio members of the committee. 24166~~

~~The committee shall select a rational methodology for 24167
calculating the costs of an adequate education system for the 24168
ensuing six year period, and shall report the methodology and the 24169
resulting costs to the general assembly. In performing its 24170
function, the committee is not bound by any method used by 24171
previous general assemblies to examine and calculate costs and 24172
instead may utilize any rational method it deems suitable and 24173
reasonable given the educational needs and requirements of the 24174
state at that time. 24175~~

~~The methodology for determining the cost of an adequate 24176
education system shall take into account the basic educational 24177
costs that all districts incur in educating regular students, the 24178
unique needs of special categories of students, and significant 24179
special conditions encountered by certain classifications of 24180
school districts. 24181~~

~~The committee also shall redetermine, for purposes of 24182
updating the parity aid calculation under section 3317.0217 of the 24183
Revised Code, the average number of effective operating mills that 24184~~

~~school districts in the seventieth to ninetieth percentiles of 24185
valuations per pupil collect above the revenues required to 24186
finance their attributed local shares of the calculated cost of an 24187
adequate education. 24188~~

~~Any committee appointed pursuant to this section shall make 24189
its report to the office of budget and management and the general 24190
assembly within one year of its appointment so that the 24191
information is available for use by the office and the general 24192
assembly in preparing the next biennial appropriations act. 24193~~

~~(D)(1) For purposes of this division, an "update year" is the 24194
first fiscal year for which the per pupil base cost of an adequate 24195
education is in effect after being recalculated by the general 24196
assembly. The first update year is fiscal year 2002. The second 24197
update year is fiscal year 2008. 24198~~

~~(2) The general assembly shall recalculate the per pupil base 24199
cost of an adequate education every six years after considering 24200
the recommendations of the committee appointed under division (C) 24201
of this section. At the time of the recalculation, for each of the 24202
five fiscal years following the update year, the general assembly 24203
shall adjust the base cost recalculated for the update year using 24204
an annual rate of inflation that the general assembly determines 24205
appropriate. 24206~~

~~(3) The general assembly shall include, in the act 24207
appropriating state funds for education programs for a fiscal 24208
biennium that begins with an update year, a statement of its 24209
determination of the total state share percentage of base cost and 24210
parity aid funding for the update year. 24211~~

~~(4) During its biennial budget deliberations, the general 24212
assembly shall determine the total state share percentage of base 24213
cost and parity aid funding for each fiscal year of the upcoming 24214
biennium. This determination shall be based on the latest 24215~~

~~projections and data provided by the department of education under 24216
division (D)(6) of this section prior to the enactment of 24217
education appropriations for the upcoming biennium. If, based on 24218
those latest projections and data, the general assembly determines 24219
that the total state share percentage for either or both nonupdate 24220
fiscal years varies more than two and one half percentage points 24221
more or less than the total state share percentage for the most 24222
recent update year, as previously stated by the general assembly 24223
under division (D)(3) of this section, the general assembly shall 24224
determine and enact a method that it considers appropriate to 24225
restrict the estimated variance for each year to within two and 24226
one half percentage points. The general assembly's methods may 24227
include, but are not required to include and need not be limited 24228
to, reexamining the rate of millage charged off as the local share 24229
of base cost funding under divisions (A)(1) and (2) of section 24230
3317.022 of the Revised Code. Regardless of any changes in 24231
charge off millage rates in years between update years, however, 24232
the charge off millage rate for update years shall be twenty three 24233
mills, unless the general assembly determines that a different 24234
millage rate is more appropriate to share the total calculated 24235
base cost between the state and school districts. 24236~~

~~(5) The total state share percentage of base cost and parity 24237
aid funding for any fiscal year is calculated as follows: 24238~~

~~{(Total state base cost + total state parity aid funding) — 24239
statewide charge off amount} / (Total state base cost + total 24240
state parity aid funding) 24241~~

~~Where: 24242~~

~~(a) The total state base cost equals the sum of the base 24243
costs for all school districts for the fiscal year. 24244~~

~~(b) The base cost for each school district equals: 24245~~

~~formula amount X cost of doing business factor X 24246~~

~~the greater of formula ADM or 24247~~

three year average formula ADM	24248
(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.	24249 24250 24251
(d) The statewide charge off amount equals the sum of the charge off amounts for all school districts.	24252 24253
(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.	24254 24255 24256 24257 24258 24259 24260 24261 24262 24263 24264 24265 24266
(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 amount, as those terms are defined in division (D)(5) of this section, for each year of the upcoming fiscal biennium, and all data it used to make the projections.	24267 24268 24269 24270 24271 24272 24273 24274 24275
Sec. 3317.013. This section does not apply to handicapped preschool students.	24276 24277

Analysis of special education cost data has resulted in a 24278
finding that the average special education additional cost per 24279
pupil, including the costs of related services, can be expressed 24280
as a multiple of the base cost per pupil calculated under section 24281
3317.012 of the Revised Code. The multiples for the following 24282
categories of special education programs, as these programs are 24283
defined for purposes of Chapter 3323. of the Revised Code, and 24284
adjusted as provided in this section, are as follows: 24285

(A) A multiple of 0.2892 for students whose primary or only 24286
identified handicap is a speech and language handicap, as this 24287
term is defined pursuant to Chapter 3323. of the Revised Code; 24288

(B) A multiple of 0.3691 for students identified as specific 24289
learning disabled or developmentally handicapped, as these terms 24290
are defined pursuant to Chapter 3323. of the Revised Code, or 24291
other health handicapped-minor; 24292

(C) A multiple of 1.7695 for students identified as hearing 24293
handicapped, vision impaired, or severe behavior handicapped, as 24294
these terms are defined pursuant to Chapter 3323. of the Revised 24295
Code; 24296

(D) A multiple of 2.3646 for students identified as 24297
orthopedically handicapped, as this term is defined pursuant to 24298
Chapter 3323. of the Revised Code or other health handicapped - 24299
major; 24300

(E) A multiple of 3.1129 for students identified as 24301
multihandicapped, as this term is defined pursuant to Chapter 24302
3323. of the Revised Code; 24303

(F) A multiple of 4.7342 for students identified as autistic, 24304
having traumatic brain injuries, or as both visually and hearing 24305
disabled, as these terms are defined pursuant to Chapter 3323. of 24306
the Revised Code. 24307

In fiscal year ~~2002~~ 2004, the multiples specified in 24308
divisions (A) to (F) of this section shall be adjusted by 24309
multiplying them by ~~0.825~~ 0.88. In fiscal year ~~2003~~ 2005, the 24310
multiples specified in those divisions shall be adjusted by 24311
multiplying them by ~~0.875~~ 0.90. 24312

Not later than May 30, 2004, and May 30, 2005, the department 24313
shall submit to the office of budget and management a report that 24314
specifies for each city, local, exempted village, and joint 24315
vocational school district the fiscal year allocation of the state 24316
and local shares of special education and related services 24317
additional weighted funding and federal special education funds 24318
passed through to the district. 24319

Sec. 3317.014. The average vocational education additional 24320
cost per pupil can be expressed as a multiple of the base cost per 24321
pupil calculated under section 3317.012 of the Revised Code. the 24322
multiples for the following categories of vocational education 24323
programs are as follows: 24324

(A) A multiple of 0.57 for students enrolled in vocational 24325
education job-training and workforce development programs approved 24326
by the department of education in accordance with rules adopted 24327
under section 3313.90 of the Revised Code. 24328

(B) A multiple of 0.28 for students enrolled in vocational 24329
education classes other than job-training and workforce 24330
development programs. 24331

Vocational education associated services costs can be 24332
expressed as a multiple of 0.05 of the base cost per pupil 24333
calculated under section 3317.012 of the Revised Code. 24334

The general assembly has adjusted the multiples specified in 24335
this section for calculating payments beginning in fiscal year 24336
2002 in recognition that its policy change regarding the 24337

application of the cost-of-doing-business factor produces a higher 24338
base cost amount than would exist if no change were made to its 24339
application. The adjustment maintains the same weighted costs as 24340
would exist if no change were made to the application of the 24341
cost-of-doing-business factor. 24342

The department of education shall annually report to the 24343
governor and the general assembly the amount of weighted funding 24344
for vocational education and associated services that is spent by 24345
each city, local, exempted village, and joint vocational school 24346
district specifically for vocational educational and associated 24347
services. 24348

Sec. 3317.022. (A)(1) The department of education shall 24349
compute and distribute state base cost funding to each school 24350
district for the fiscal year in accordance with the following 24351
formula, making any adjustment required by division (A)(2) of this 24352
section and using the information obtained under section 3317.021 24353
of the Revised Code in the calendar year in which the fiscal year 24354
begins. 24355

Compute the following for each eligible district: 24356

$$\dagger(\text{cost-of-doing-business factor X} \quad 24357$$

$$\text{the formula amount X } \dagger \text{the greater of formula ADM} \quad 24358$$

$$\text{or three-year average formula ADM})\dagger - \quad 24359$$

$$(.023 \text{ X recognized valuation}) \quad 24360$$

If the difference obtained is a negative number, the 24361
district's computation shall be zero. 24362

(2)(a) For each school district for which the tax exempt 24363
value of the district equals or exceeds twenty-five per cent of 24364
the potential value of the district, the department of education 24365
shall calculate the difference between the district's tax exempt 24366
value and twenty-five per cent of the district's potential value. 24367

(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.	24368 24369 24370 24371 24372
(B) As used in this section:	24373
(1) The "total special education weight" for a district means the sum of the following amounts:	24374 24375
(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;	24376 24377 24378
(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;	24379 24380 24381
(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;	24382 24383 24384
(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;	24385 24386 24387
(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;	24388 24389 24390
(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code.	24391 24392 24393
(2) "State share percentage" means the percentage calculated for a district as follows:	24394 24395
(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section.	24396 24397

If the district would not receive any state base cost funding for 24398
that year under that division, the district's state share 24399
percentage is zero. 24400

(b) If the district would receive state base cost funding 24401
under that division, divide that amount by an amount equal to the 24402
following: 24403

Cost-of-doing-business factor X 24404
the formula amount X ~~(the greater of formula~~ 24405
~~ADM or three-year average formula ADM)~~ 24406

The resultant number is the district's state share 24407
percentage. 24408

(3) "Related services" includes: 24409

(a) Child study, special education supervisors and 24410
coordinators, speech and hearing services, adaptive physical 24411
development services, occupational or physical therapy, teacher 24412
assistants for handicapped children whose handicaps are described 24413
in division (B) of section 3317.013 or division (F)(3) of section 24414
3317.02 of the Revised Code, behavioral intervention, interpreter 24415
services, work study, nursing services, and specialized 24416
integrative services as those terms are defined by the department; 24417

(b) Speech and language services provided to any student with 24418
a handicap, including any student whose primary or only handicap 24419
is a speech and language handicap; 24420

(c) Any related service not specifically covered by other 24421
state funds but specified in federal law, including but not 24422
limited to, audiology and school psychological services; 24423

(d) Any service included in units funded under former 24424
division (O)(1) of section 3317.023 of the Revised Code; 24425

(e) Any other related service needed by handicapped children 24426
in accordance with their individualized education plans. 24427

(4) The "total vocational education weight" for a district means the sum of the following amounts:	24428
	24429
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	24430
	24431
	24432
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	24433
	24434
	24435
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	24436
	24437
	24438
	24439
The district's state share percentage	24440
X the formula amount for the year	24441
for which the aid is calculated	24442
X the district's total special education weight	24443
(2) The attributed local share of special education and related services additional weighted costs equals:	24444
	24445
(1 - the district's state share percentage) X	24446
the district's total special education weight X	24447
the formula amount	24448
(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department	24449
	24450
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	24458

shall pay to the district an amount equal to the sum of the 24459
following: 24460

(i) One-half of the district's costs for the student in 24461
excess of the threshold catastrophic cost; 24462

(ii) The product of one-half of the district's costs for the 24463
student in excess of the threshold catastrophic cost multiplied by 24464
the district's state share percentage. 24465

(b) For purposes of division (C)(3)(a) of this section, the 24466
threshold catastrophic cost for serving a student equals: 24467

(i) For a student in the school district's category two, 24468
three, four, or five special education ADM, twenty-five thousand 24469
dollars in fiscal year 2002 and twenty-five thousand seven hundred 24470
dollars in fiscal ~~year~~ years 2003, 2004, and 2005; 24471

(ii) For a student in the district's category six special 24472
education ADM, thirty thousand dollars in fiscal year 2002 and 24473
thirty thousand eight hundred forty dollars in fiscal ~~year~~ years 24474
2003, 2004, and 2005. 24475

~~The threshold catastrophic costs for fiscal year 2003 24476
represent a two and eight tenths per cent inflationary increase 24477
over fiscal year 2002. 24478~~

(c) The district shall only report under division (C)(3)(a) 24479
of this section, and the department shall only pay for, the costs 24480
of educational expenses and the related services provided to the 24481
student in accordance with the student's individualized education 24482
program. Any legal fees, court costs, or other costs associated 24483
with any cause of action relating to the student may not be 24484
included in the amount. 24485

~~(5)(4)~~(4)(a) As used in this division, the "personnel allowance" 24486
means thirty thousand dollars in fiscal years 2002 ~~and~~ 2003, 24487
2004, and 2005. 24488

(b) For the provision of speech services to students, 24489
including students who do not have individualized education 24490
programs prepared for them under Chapter 3323. of the Revised 24491
Code, and for no other purpose, the department of education shall 24492
pay each school district an amount calculated under the following 24493
formula: 24494

(formula ADM divided by 2000) X 24495

the personnel allowance X the state share percentage 24496

(5) In any fiscal year, a school district shall spend for 24497
purposes that the department designates as approved for special 24498
education and related services expenses at least the amount 24499
calculated as follows: 24500

(cost-of-doing-business factor X 24501

formula amount X the sum of categories 24502

one through six special education ADM) + 24503

(total special education weight X formula amount) 24504

The purposes approved by the department for special education 24505
expenses shall include, but shall not be limited to, 24506
identification of handicapped children, compliance with state 24507
rules governing the education of handicapped children and 24508
prescribing the continuum of program options for handicapped 24509
children, and the portion of the school district's overall 24510
administrative and overhead costs that are attributable to the 24511
district's special education student population. 24512

The department shall require school districts to report data 24513
annually to allow for monitoring compliance with division (C)(5) 24514
of this section. The department shall annually report to the 24515
governor and the general assembly the amount of money spent by 24516
each school district for special education and related services. 24517

(D)(1) As used in this division: 24518

(a) "Daily bus miles per student" equals the number of bus 24519

miles traveled per day, divided by transportation base. 24520

(b) "Transportation base" equals total student count as 24521
defined in section 3301.011 of the Revised Code, minus the number 24522
of students enrolled in preschool handicapped units, plus the 24523
number of nonpublic school students included in transportation 24524
ADM. 24525

(c) "Transported student percentage" equals transportation 24526
ADM divided by transportation base. 24527

(d) "Transportation cost per student" equals total operating 24528
costs for board-owned or contractor-operated school buses divided 24529
by transportation base. 24530

(2) Analysis of student transportation cost data has resulted 24531
in a finding that an average efficient transportation use cost per 24532
student can be calculated by means of a regression formula that 24533
has as its two independent variables the number of daily bus miles 24534
per student and the transported student percentage. For fiscal 24535
year 1998 transportation cost data, the average efficient 24536
transportation use cost per student is expressed as follows: 24537

51.79027 + (139.62626 X daily bus miles per student) + 24538
(116.25573 X transported student percentage) 24539

The department of education shall annually determine the 24540
average efficient transportation use cost per student in 24541
accordance with the principles stated in division (D)(2) of this 24542
section, updating the intercept and regression coefficients of the 24543
regression formula modeled in this division, based on an annual 24544
statewide analysis of each school district's daily bus miles per 24545
student, transported student percentage, and transportation cost 24546
per student data. The department shall conduct the annual update 24547
using data, including daily bus miles per student, transported 24548
student percentage, and transportation cost per student data, from 24549
the prior fiscal year. The department shall notify the office of 24550

budget and management of such update by the fifteenth day of 24551
February of each year. 24552

(3) In addition to funds paid under divisions (A), (C), and 24553
(E) of this section, each district with a transported student 24554
percentage greater than zero shall receive a payment equal to a 24555
percentage of the product of the district's transportation base 24556
from the prior fiscal year times the annually updated average 24557
efficient transportation use cost per student, times an inflation 24558
factor of two and eight tenths per cent to account for the 24559
one-year difference between the data used in updating the formula 24560
and calculating the payment and the year in which the payment is 24561
made. The percentage shall be the following percentage of that 24562
product specified for the corresponding fiscal year: 24563

FISCAL YEAR	PERCENTAGE	24564
2000	52.5%	24565
2001	55%	24566
2002	57.5%	24567
2003 and thereafter	The greater of 60% or the district's state share percentage	24568

The payments made under division (D)(3) of this section each 24569
year shall be calculated based on all of the same prior year's 24570
data used to update the formula. 24571

(4) In addition to funds paid under divisions (D)(2) and (3) 24572
of this section, a school district shall receive a rough road 24573
subsidy if both of the following apply: 24574

(a) Its county rough road percentage is higher than the 24575
statewide rough road percentage, as those terms are defined in 24576
division (D)(5) of this section; 24577

(b) Its district student density is lower than the statewide 24578
student density, as those terms are defined in that division. 24579

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:

(per rough mile subsidy X total rough road miles) X
density multiplier

where:

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.

(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor.

(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation.

(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage.

(c) "Density multiplier" means a figure calculated in accordance with the following formula:

1 - [(minimum student density - district student density)/(minimum student density - statewide student density)]

(i) "Minimum student density" means the lowest district student density in the state.

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.

(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts.

(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (J) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula:

$$\frac{\text{state share percentage} \times \text{the formula amount}}{\text{total vocational education weight}}$$

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to

career-technical students. The department shall require the school 24641
district to report data annually so that the department may 24642
monitor the district's compliance with the requirements regarding 24643
the manner in which funding received under division (E)(1) of this 24644
section may be spent. 24645

(2) The department shall compute for each school district 24646
state funds for vocational education associated services in 24647
accordance with the following formula: 24648

state share percentage X .05 X 24649

the formula amount X the sum of categories one and two 24650

vocational education ADM 24651

In any fiscal year, a school district receiving funds under 24652
division (E)(2) of this section, or through a transfer of funds 24653
pursuant to division (L) of section 3317.023 of the Revised Code, 24654
shall spend those funds only for the purposes that the department 24655
designates as approved for vocational education associated 24656
services expenses, which may include such purposes as 24657
apprenticeship coordinators, coordinators for other vocational 24658
education services, vocational evaluation, and other purposes 24659
designated by the department. The department may deny payment 24660
under division (E)(2) of this section to any district that the 24661
department determines is not operating those services or is using 24662
funds paid under division (E)(2) of this section, or through a 24663
transfer of funds pursuant to division (L) of section 3317.023 of 24664
the Revised Code, for other purposes. 24665

(F) Beginning in fiscal year 2003, the actual local share in 24666
any fiscal year for the combination of special education and 24667
related services additional weighted costs funding calculated 24668
under division (C)(1) of this section, transportation funding 24669
calculated under divisions (D)(2) and (3) of this section, and 24670
vocational education and associated services additional weighted 24671
costs funding calculated under divisions (E)(1) and (2) of this 24672

section shall not exceed for any school district the product of 24673
three mills times the district's recognized valuation. Beginning 24674
in fiscal year 2003, the department annually shall pay each school 24675
district as an excess cost supplement any amount by which the sum 24676
of the district's attributed local shares for that funding exceeds 24677
that product. For purposes of calculating the excess cost 24678
supplement: 24679

(1) The attributed local share for special education and 24680
related services additional weighted costs funding is the amount 24681
specified in division (C)(2) of this section. 24682

(2) The attributed local share of transportation funding 24683
equals the difference of the total amount calculated for the 24684
district using the formula developed under division (D)(2) of this 24685
section minus the actual amount paid to the district after 24686
applying the percentage specified in division (D)(3) of this 24687
section. 24688

(3) The attributed local share of vocational education and 24689
associated services additional weighted costs funding is the 24690
amount determined as follows: 24691

(1 - state share percentage) X 24692
[(total vocational education weight X the formula amount) + 24693
the payment under division (E)(2) of this section] 24694

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 24695
Revised Code, the amounts required to be paid to a district under 24696
this chapter shall be adjusted by the amount of the computations 24697
made under divisions (B) to ~~(L)~~(M) of this section. 24698

As used in this section: 24699

(1) "Classroom teacher" means a licensed employee who 24700
provides direct instruction to pupils, excluding teachers funded 24701
from money paid to the district from federal sources; educational 24702

service personnel; and vocational and special education teachers. 24703

(2) "Educational service personnel" shall not include such 24704
specialists funded from money paid to the district from federal 24705
sources or assigned full-time to vocational or special education 24706
students and classes and may only include those persons employed 24707
in the eight specialist areas in a pattern approved by the 24708
department of education under guidelines established by the state 24709
board of education. 24710

(3) "Annual salary" means the annual base salary stated in 24711
the state minimum salary schedule for the performance of the 24712
teacher's regular teaching duties that the teacher earns for 24713
services rendered for the first full week of October of the fiscal 24714
year for which the adjustment is made under division (C) of this 24715
section. It shall not include any salary payments for supplemental 24716
teachers contracts. 24717

(4) "Regular student population" means the formula ADM plus 24718
the number of students reported as enrolled in the district 24719
pursuant to division (A)(1) of section 3313.981 of the Revised 24720
Code; minus the number of students reported under division (A)(2) 24721
of section 3317.03 of the Revised Code; minus the FTE of students 24722
reported under division (B)~~(5)~~, (6), (7), (8), (9), (10), (11), or 24723
(12) of that section who are enrolled in a vocational education 24724
class or receiving special education; and minus ~~one-fourth~~ ten per
cent of the students enrolled concurrently in a joint vocational 24725
school district. 24726
24727

(5) "State share percentage" has the same meaning as in 24728
section 3317.022 of the Revised Code. 24729

(6) "VEPD" means a school district or group of school 24730
districts designated by the department of education as being 24731
responsible for the planning for and provision of vocational 24732
education services to students within the district or group. 24733

(7) "Lead district" means a school district, including a joint vocational school district, designated by the department as a VEPD, or designated to provide primary vocational education leadership within a VEPD composed of a group of districts.

(B) If the district employs less than one full-time equivalent classroom teacher for each twenty-five pupils in the regular student population in any school district, deduct the sum of the amounts obtained from the following computations:

(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth;

(2) Subtract the quotient in (1) from the district's regular student population;

(3) Multiply the difference in (2) by seven hundred fifty-two dollars.

(C) If a positive amount, add one-half of the amount obtained by multiplying the number of full-time equivalent classroom teachers by:

(1) The mean annual salary of all full-time equivalent classroom teachers employed by the district at their respective training and experience levels minus;

(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section.

The number of full-time equivalent classroom teachers used in this computation shall not exceed one twenty-fifth of the district's regular student population. In calculating the district's mean salary under this division, those full-time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order. Within the respective

training levels, teachers with the highest years of service shall 24764
be counted first, the next highest years of service second, and so 24765
on, in descending order. 24766

(D) This division does not apply to a school district that 24767
has entered into an agreement under division (A) of section 24768
3313.42 of the Revised Code. Deduct the amount obtained from the 24769
following computations if the district employs fewer than five 24770
full-time equivalent educational service personnel, including 24771
elementary school art, music, and physical education teachers, 24772
counselors, librarians, visiting teachers, school social workers, 24773
and school nurses for each one thousand pupils in the regular 24774
student population: 24775

(1) Divide the number of full-time equivalent educational 24776
service personnel employed by the district by five 24777
one-thousandths; 24778

(2) Subtract the quotient in (1) from the district's regular 24779
student population; 24780

(3) Multiply the difference in (2) by ninety-four dollars. 24781

(E) If a local school district, or a city or exempted village 24782
school district to which a governing board of an educational 24783
service center provides services pursuant to section 3313.843 of 24784
the Revised Code, deduct the amount of the payment required for 24785
the reimbursement of the governing board under section 3317.11 of 24786
the Revised Code. 24787

(F)(1) If the district is required to pay to or entitled to 24788
receive tuition from another school district under division (C)(2) 24789
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 24790
or if the superintendent of public instruction is required to 24791
determine the correct amount of tuition and make a deduction or 24792
credit under section 3317.08 of the Revised Code, deduct and 24793
credit such amounts as provided in division (I) of section 3313.64 24794

or section 3317.08 of the Revised Code. 24795

(2) For each child for whom the district is responsible for 24796
tuition or payment under division (A)(1) of section 3317.082 or 24797
section 3323.091 of the Revised Code, deduct the amount of tuition 24798
or payment for which the district is responsible. 24799

(G) If the district has been certified by the superintendent 24800
of public instruction under section 3313.90 of the Revised Code as 24801
not in compliance with the requirements of that section, deduct an 24802
amount equal to ten per cent of the amount computed for the 24803
district under section 3317.022 of the Revised Code. 24804

(H) If the district has received a loan from a commercial 24805
lending institution for which payments are made by the 24806
superintendent of public instruction pursuant to division (E)(3) 24807
of section 3313.483 of the Revised Code, deduct an amount equal to 24808
such payments. 24809

(I)(1) If the district is a party to an agreement entered 24810
into under division (D), (E), or (F) of section 3311.06 or 24811
division (B) of section 3311.24 of the Revised Code and is 24812
obligated to make payments to another district under such an 24813
agreement, deduct an amount equal to such payments if the district 24814
school board notifies the department in writing that it wishes to 24815
have such payments deducted. 24816

(2) If the district is entitled to receive payments from 24817
another district that has notified the department to deduct such 24818
payments under division (I)(1) of this section, add the amount of 24819
such payments. 24820

(J) If the district is required to pay an amount of funds to 24821
a cooperative education district pursuant to a provision described 24822
by division (B)(4) of section 3311.52 or division (B)(8) of 24823
section 3311.521 of the Revised Code, deduct such amounts as 24824
provided under that provision and credit those amounts to the 24825

cooperative education district for payment to the district under 24826
division (B)(1) of section 3317.19 of the Revised Code. 24827

(K)(1) If a district is educating a student entitled to 24828
attend school in another district pursuant to a shared education 24829
contract, compact, or cooperative education agreement other than 24830
an agreement entered into pursuant to section 3313.842 of the 24831
Revised Code, credit to that educating district on an FTE basis 24832
both of the following: 24833

(a) An amount equal to the formula amount times the cost of 24834
doing business factor of the school district where the student is 24835
entitled to attend school pursuant to section 3313.64 or 3313.65 24836
of the Revised Code; 24837

(b) An amount equal to the formula amount times the state 24838
share percentage times any multiple applicable to the student 24839
pursuant to section 3317.013 or 3317.014 of the Revised Code. 24840

(2) Deduct any amount credited pursuant to division (K)(1) of 24841
this section from amounts paid to the school district in which the 24842
student is entitled to attend school pursuant to section 3313.64 24843
or 3313.65 of the Revised Code. 24844

(3) If the district is required by a shared education 24845
contract, compact, or cooperative education agreement to make 24846
payments to an educational service center, deduct the amounts from 24847
payments to the district and add them to the amounts paid to the 24848
service center pursuant to section 3317.11 of the Revised Code. 24849

(L)(1) If a district, including a joint vocational school 24850
district, is a lead district of a VEPD, credit to that district 24851
the amounts calculated for all the school districts within that 24852
VEPD pursuant to division (E)(2) of section 3317.022 of the 24853
Revised Code. 24854

(2) Deduct from each appropriate district that is not a lead 24855
district, the amount attributable to that district that is 24856

credited to a lead district under division (L)(1) of this section. 24857

(M) If the department pays a joint vocational school district 24858
under division (G)(4) of section 3317.16 of the Revised Code for 24859
excess costs of providing special education and related services 24860
to a handicapped student, as calculated under division (G)(2) of 24861
that section, the department shall deduct the amount of that 24862
payment from the city, local, or exempted village school district 24863
that is responsible as specified in that section for the excess 24864
costs. 24865

Sec. 3317.024. In addition to the moneys paid to eligible 24866
school districts pursuant to section 3317.022 of the Revised Code, 24867
moneys appropriated for the education programs in divisions (A) to 24868
(H), (J) to (L), (O), (P), and (R) of this section shall be 24869
distributed to school districts meeting the requirements of 24870
section 3317.01 of the Revised Code; in the case of divisions (J) 24871
and (P) of this section, to educational service centers as 24872
provided in section 3317.11 of the Revised Code; in the case of 24873
divisions (E), (M), and (N) of this section, to county MR/DD 24874
boards; in the case of division (R) of this section, to joint 24875
vocational school districts; in the case of division (K) of this 24876
section, to cooperative education school districts; and in the 24877
case of division (Q) of this section, to the institutions defined 24878
under section 3317.082 of the Revised Code providing elementary or 24879
secondary education programs to children other than children 24880
receiving special education under section 3323.091 of the Revised 24881
Code. The following shall be distributed monthly, quarterly, or 24882
annually as may be determined by the state board of education: 24883

(A) A per pupil amount to each school district that 24884
establishes a summer school remediation program that complies with 24885
rules of the state board of education. 24886

(B) An amount for each island school district and each joint 24887

state school district for the operation of each high school and 24888
each elementary school maintained within such district and for 24889
capital improvements for such schools. Such amounts shall be 24890
determined on the basis of standards adopted by the state board of 24891
education. 24892

(C) An amount for each school district operating classes for 24893
children of migrant workers who are unable to be in attendance in 24894
an Ohio school during the entire regular school year. The amounts 24895
shall be determined on the basis of standards adopted by the state 24896
board of education, except that payment shall be made only for 24897
subjects regularly offered by the school district providing the 24898
classes. 24899

(D) An amount for each school district with guidance, 24900
testing, and counseling programs approved by the state board of 24901
education. The amount shall be determined on the basis of 24902
standards adopted by the state board of education. 24903

(E) An amount for the emergency purchase of school buses as 24904
provided for in section 3317.07 of the Revised Code; 24905

(F) An amount for each school district required to pay 24906
tuition for a child in an institution maintained by the department 24907
of youth services pursuant to section 3317.082 of the Revised 24908
Code, provided the child was not included in the calculation of 24909
the district's average daily membership for the preceding school 24910
year. 24911

(G) In fiscal year 2000 only, an amount to each school 24912
district for supplemental salary allowances for each licensed 24913
employee except those licensees serving as superintendents, 24914
assistant superintendents, principals, or assistant principals, 24915
whose term of service in any year is extended beyond the term of 24916
service of regular classroom teachers, as described in section 24917
3301.0725 of the Revised Code; 24918

(H) An amount for adult basic literacy education for each 24919
district participating in programs approved by the state board of 24920
education. The amount shall be determined on the basis of 24921
standards adopted by the state board of education. 24922

(I) Notwithstanding section 3317.01 of the Revised Code, but 24923
only until June 30, 1999, to each city, local, and exempted 24924
village school district, an amount for conducting driver education 24925
courses at high schools for which the state board of education 24926
prescribes minimum standards and to joint vocational and 24927
cooperative education school districts and educational service 24928
centers, an amount for conducting driver education courses to 24929
pupils enrolled in a high school for which the state board 24930
prescribes minimum standards. No payments shall be made under this 24931
division after June 30, 1999. 24932

(J) An amount for the approved cost of transporting 24933
developmentally handicapped pupils whom it is impossible or 24934
impractical to transport by regular school bus in the course of 24935
regular route transportation provided by the district or service 24936
center. No district or service center is eligible to receive a 24937
payment under this division for the cost of transporting any pupil 24938
whom it transports by regular school bus and who is included in 24939
the district's transportation ADM. The state board of education 24940
shall establish standards and guidelines for use by the department 24941
of education in determining the approved cost of such 24942
transportation for each district or service center. 24943

(K) An amount to each school district, including each 24944
cooperative education school district, pursuant to section 3313.81 24945
of the Revised Code to assist in providing free lunches to needy 24946
children and an amount to assist needy school districts in 24947
purchasing necessary equipment for food preparation. The amounts 24948
shall be determined on the basis of rules adopted by the state 24949
board of education. 24950

(L) An amount to each school district, for each pupil 24951
attending a chartered nonpublic elementary or high school within 24952
the district. The amount shall equal the amount appropriated for 24953
the implementation of section 3317.06 of the Revised Code divided 24954
by the average daily membership in grades kindergarten through 24955
twelve in nonpublic elementary and high schools within the state 24956
as determined during the first full week in October of each school 24957
year. 24958

(M) An amount for each county MR/DD board, distributed on the 24959
basis of standards adopted by the state board of education, for 24960
the approved cost of transportation required for children 24961
attending special education programs operated by the county MR/DD 24962
board under section 3323.09 of the Revised Code; 24963

(N) An amount for each county MR/DD board, distributed on the 24964
basis of standards adopted by the state board of education, for 24965
supportive home services for preschool children; 24966

(O) An amount for each school district that establishes a 24967
mentor teacher program that complies with rules of the state board 24968
of education. No school district shall be required to establish or 24969
maintain such a program in any year unless sufficient funds are 24970
appropriated to cover the district's total costs for the program. 24971

(P) An amount to each school district or educational service 24972
center for the total number of gifted units approved pursuant to 24973
section 3317.05 of the Revised Code. The amount for each such unit 24974
shall be the sum of the minimum salary for the teacher of the 24975
unit, calculated on the basis of the teacher's training level and 24976
years of experience pursuant to the salary schedule prescribed in 24977
the version of section 3317.13 of the Revised Code in effect prior 24978
to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 24979
per cent of that minimum salary amount, plus two thousand six 24980
hundred seventy-eight dollars. 24981

(Q) An amount to each institution defined under section 24982
3317.082 of the Revised Code providing elementary or secondary 24983
education to children other than children receiving special 24984
education under section 3323.091 of the Revised Code. This amount 24985
for any institution in any fiscal year shall equal the total of 24986
all tuition amounts required to be paid to the institution under 24987
division (A)(1) of section 3317.082 of the Revised Code. 24988

(R) A grant to each school district and joint vocational 24989
school district that operates a "graduation, reality, and 24990
dual-role skills" (GRADS) program for pregnant and parenting 24991
students that is approved by the department. The amount of the 24992
payment shall be the district's state share percentage, as defined 24993
in section 3317.022 or 3317.16 of the Revised Code, times the 24994
GRADS personnel allowance times the full-time-equivalent number of 24995
GRADS teachers approved by the department. The GRADS personnel 24996
allowance is ~~\$46,260~~ \$47,555 in fiscal years ~~2002~~ 2004 and ~~2003~~ 24997
2005. 24998

The state board of education or any other board of education 24999
or governing board may provide for any resident of a district or 25000
educational service center territory any educational service for 25001
which funds are made available to the board by the United States 25002
under the authority of public law, whether such funds come 25003
directly or indirectly from the United States or any agency or 25004
department thereof or through the state or any agency, department, 25005
or political subdivision thereof. 25006

Sec. 3317.029. (A) As used in this section: 25007

(1) "DPIA percentage" means: 25008

(a) In fiscal years prior to fiscal year 2004, the quotient 25009
obtained by dividing the five-year average number of children ages 25010
five to seventeen residing in the school district and living in a 25011

family receiving assistance under the Ohio works first program or 25012
an antecedent program known as TANF or ADC, as certified or 25013
adjusted under section 3317.10 of the Revised Code, by the 25014
district's three-year average formula ADM. 25015

(b) Beginning in fiscal year 2004, the unduplicated number of 25016
children ages five to seventeen residing in the school district 25017
and living in a family that has family income not exceeding the 25018
federal poverty guidelines and that receives family assistance, as 25019
certified or adjusted under section 3317.10 of the Revised Code, 25020
divided by the district's three-year average formula ADM. 25021

(2) "Family assistance" means assistance received under one 25022
of the following: 25023

(a) The Ohio works first program; 25024

(b) The food stamp program; 25025

(c) The medical assistance program, including the healthy 25026
start program, established under Chapter 5111. of the Revised 25027
Code; 25028

(d) The children's health insurance program part I 25029
established under section 5101.50 of the Revised Code or, prior to 25030
fiscal year 2000, an executive order issued under section 107.17 25031
of the Revised Code; 25032

(e) The disability financial assistance program established 25033
under Chapter 5115. of the Revised Code; 25034

(f) The disability medical assistance program established 25035
under Chapter 5115. of the Revised Code. 25036

(3) "Statewide DPIA percentage" means: 25037

(a) In fiscal years prior to fiscal year 2004, the five-year 25038
average of the total number of children ages five to seventeen 25039
years residing in the state and receiving assistance under the 25040
Ohio works first program or an antecedent program known as TANF or 25041

ADC, divided by the sum of the three-year average formula ADMs for all school districts in the state. 25042
25043

(b) Beginning in fiscal year 2004, the total unduplicated number of children ages five to seventeen residing in the state and living in a family that has family income not exceeding the federal poverty guidelines and that receives family assistance, divided by the sum of the three-year average formula ADMs for all school districts in the state. 25044
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(4) "DPIA index" means the quotient obtained by dividing the school district's DPIA percentage by the statewide DPIA percentage. 25050
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(5) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 25053
25054

(6) "DPIA student count" means: 25055

(a) In fiscal years prior to fiscal year 2004, the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified under section 3317.10 of the Revised Code; 25056
25057
25058
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25061

(b) Beginning in fiscal year 2004, the unduplicated number of children ages five to seventeen residing in the school district and living in a family that has family income not exceeding the federal poverty guidelines and that receives family assistance, as certified or adjusted under section 3317.10 of the Revised Code. 25062
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(7) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten. 25067
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(8) "Kindergarten through third grade ADM" means the amount calculated as follows: 25070
25071

(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;	25072 25073
(b) Add the number of students in grades one through three;	25074
(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three.	25075 25076 25077
(9) "Statewide average teacher salary" means forty-two thousand four hundred sixty-nine dollars in fiscal year 2002, and forty-three thousand six hundred fifty-eight dollars in fiscal year 2003, which includes an amount for the value of fringe benefits.	25078 25079 25080 25081 25082
(10) "All-day kindergarten" means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for pupils in grades one through six.	25083 25084 25085
(11) "All-day kindergarten percentage" means the percentage of a district's actual total number of students enrolled in kindergarten who are enrolled in all-day kindergarten.	25086 25087 25088
(12) "Buildings with the highest concentration of need" means:	25089 25090
(a) In fiscal years prior to fiscal year 2004, the school buildings in a district with percentages of students in grades kindergarten through three receiving assistance under Ohio works first at least as high as the district-wide percentage of students receiving such assistance.	25091 25092 25093 25094 25095
(b) Beginning in fiscal year 2004, the school buildings in a district with percentages of students in grades kindergarten through three receiving family assistance at least as high as the district-wide percentage of students receiving family assistance.	25096 25097 25098 25099
(c) If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the	25100 25101

Revised Code is insufficient to determine the Ohio works first or 25102
family assistance percentage in each building, "buildings with the 25103
highest concentration of need" has the meaning given in rules that 25104
the department of education shall adopt. The rules shall base the 25105
definition of "buildings with the highest concentration of need" 25106
on family income of students in grades kindergarten through three 25107
in a manner that, to the extent possible with available data, 25108
approximates the intent of this division and division (G) of this 25109
section to designate buildings where the Ohio works first or 25110
family assistance percentage in those grades equals or exceeds the 25111
district-wide Ohio works first or family assistance percentage. 25112

(B) In addition to the amounts required to be paid to a 25113
school district under section 3317.022 of the Revised Code, a 25114
school district shall receive the greater of the amount the 25115
district received in fiscal year 1998 pursuant to division (B) of 25116
section 3317.023 of the Revised Code as it existed at that time or 25117
the sum of the computations made under divisions (C) to (E) of 25118
this section. 25119

(C) A supplemental payment that may be utilized for measures 25120
related to safety and security and for remediation or similar 25121
programs, calculated as follows: 25122

(1) If the DPIA index of the school district is greater than 25123
or equal to thirty-five-hundredths, but less than one, an amount 25124
obtained by multiplying the district's DPIA student count by two 25125
hundred thirty dollars; 25126

(2) If the DPIA index of the school district is greater than 25127
or equal to one, an amount obtained by multiplying the DPIA index 25128
by two hundred thirty dollars and multiplying that product by the 25129
district's DPIA student count. 25130

Except as otherwise provided in division (F) of this section, 25131
beginning with the school year that starts July 1, 2002, each 25132

school district annually shall use at least twenty per cent of the 25133
funds calculated for the district under this division for 25134
intervention services required by section 3313.608 of the Revised 25135
Code. 25136

(D) A payment for all-day kindergarten if the DPIA index of 25137
the school district is greater than or equal to one or if the 25138
district's three-year average formula ADM exceeded seventeen 25139
thousand five hundred, calculated by multiplying the all-day 25140
kindergarten percentage by the kindergarten ADM and multiplying 25141
that product by the formula amount. 25142

(E) A class-size reduction payment based on calculating the 25143
number of new teachers necessary to achieve a lower 25144
student-teacher ratio, as follows: 25145

(1) Determine or calculate a formula number of teachers per 25146
one thousand students based on the DPIA index of the school 25147
district as follows: 25148

(a) If the DPIA index of the school district is less than 25149
six-tenths, the formula number of teachers is 43.478, which is the 25150
number of teachers per one thousand students at a student-teacher 25151
ratio of twenty-three to one; 25152

(b) If the DPIA index of the school district is greater than 25153
or equal to six-tenths, but less than two and one-half, the 25154
formula number of teachers is calculated as follows: 25155

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 25156$$

Where 43.478 is the number of teachers per one thousand 25157
students at a student-teacher ratio of twenty-three to one; 1.9 is 25158
the interval from a DPIA index of six-tenths to a DPIA index of 25159
two and one-half; and 23.188 is the difference in the number of 25160
teachers per one thousand students at a student-teacher ratio of 25161
fifteen to one and the number of teachers per one thousand 25162
students at a student-teacher ratio of twenty-three to one. 25163

(c) If the DPIA index of the school district is greater than 25164
or equal to two and one-half, the formula number of teachers is 25165
66.667, which is the number of teachers per one thousand students 25166
at a student-teacher ratio of fifteen to one. 25167

(2) Multiply the formula number of teachers determined or 25168
calculated in division (E)(1) of this section by the kindergarten 25169
through third grade ADM for the district and divide that product 25170
by one thousand; 25171

(3) Calculate the number of new teachers as follows: 25172

(a) Multiply the kindergarten through third grade ADM by 25173
43.478, which is the number of teachers per one thousand students 25174
at a student-teacher ratio of twenty-three to one, and divide that 25175
product by one thousand; 25176

(b) Subtract the quotient obtained in division (E)(3)(a) of 25177
this section from the product in division (E)(2) of this section. 25178

(4) Multiply the greater of the difference obtained under 25179
division (E)(3) of this section or zero by the statewide average 25180
teachers salary. 25181

(F) This division applies only to school districts whose DPIA 25182
index is one or greater. 25183

(1) Each school district subject to this division shall first 25184
utilize funds received under this section so that, when combined 25185
with other funds of the district, sufficient funds exist to 25186
provide all-day kindergarten to at least the number of children in 25187
the district's all-day kindergarten percentage. 25188

(2) Up to an amount equal to the district's DPIA index 25189
multiplied by its DPIA student count multiplied by two hundred 25190
thirty dollars of the money distributed under this section may be 25191
utilized for one or both of the following: 25192

(a) Programs designed to ensure that schools are free of 25193

drugs and violence and have a disciplined environment conducive to 25194
learning; 25195

(b) Remediation for students who have failed or are in danger 25196
of failing any of the tests administered pursuant to section 25197
3301.0710 of the Revised Code. 25198

Beginning with the school year that starts on July 1, 2002, 25199
each school district shall use at least twenty per cent of the 25200
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 25201
this section to provide intervention services required by section 25202
3313.608 of the Revised Code. 25203

(3) Except as otherwise required by division (G) or permitted 25204
under division (K) of this section, all other funds distributed 25205
under this section to districts subject to this division shall be 25206
utilized for the purpose of the third grade guarantee. The third 25207
grade guarantee consists of increasing the amount of instructional 25208
attention received per pupil in kindergarten through third grade, 25209
either by reducing the ratio of students to instructional 25210
personnel or by increasing the amount of instruction and 25211
curriculum-related activities by extending the length of the 25212
school day or the school year. 25213

School districts may implement a reduction of the ratio of 25214
students to instructional personnel through any or all of the 25215
following methods: 25216

(a) Reducing the number of students in a classroom taught by 25217
a single teacher; 25218

(b) Employing full-time educational aides or educational 25219
paraprofessionals issued a permit or license under section 25220
3319.088 of the Revised Code; 25221

(c) Instituting a team-teaching method that will result in a 25222
lower student-teacher ratio in a classroom. 25223

Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.

Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.

(G) Each district subject to division (F) of this section shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one in each kindergarten and first grade class in all buildings with the highest concentration of need. This division does not require that the funds used in buildings with the highest concentration of need be spent solely to reduce the ratio of instructional personnel to students in kindergarten and first grade. A school district may spend the funds in those buildings in any manner permitted by division (F)(3) of this section, but may not spend the money in other buildings unless the fifteen-to-one ratio required by this division is attained.

(H)(1) By the first day of August of each fiscal year, each 25256
school district wishing to receive any funds under division (D) of 25257
this section shall submit to the department of education an 25258
estimate of its all-day kindergarten percentage. Each district 25259
shall update its estimate throughout the fiscal year in the form 25260
and manner required by the department, and the department shall 25261
adjust payments under this section to reflect the updates. 25262

(2) Annually by the end of December, the department of 25263
education, utilizing data from the information system established 25264
under section 3301.0714 of the Revised Code and after consultation 25265
with the legislative office of education oversight, shall 25266
determine for each school district subject to division (F) of this 25267
section whether in the preceding fiscal year the district's ratio 25268
of instructional personnel to students and its number of 25269
kindergarten students receiving all-day kindergarten appear 25270
reasonable, given the amounts of money the district received for 25271
that fiscal year pursuant to divisions (D) and (E) of this 25272
section. If the department is unable to verify from the data 25273
available that students are receiving reasonable amounts of 25274
instructional attention and all-day kindergarten, given the funds 25275
the district has received under this section and that class-size 25276
reduction funds are being used in school buildings with the 25277
highest concentration of needs as required by division (G) of this 25278
section, the department shall conduct a more intensive 25279
investigation to ensure that funds have been expended as required 25280
by this section. The department shall file an annual report of its 25281
findings under this division with the chairpersons of the 25282
committees in each house of the general assembly dealing with 25283
finance and education. 25284

(I) Any school district with a DPIA index less than one and a 25285
three-year average formula ADM exceeding seventeen thousand five 25286
hundred shall first utilize funds received under this section so 25287

that, when combined with other funds of the district, sufficient 25288
funds exist to provide all-day kindergarten to at least the number 25289
of children in the district's all-day kindergarten percentage. 25290
Such a district shall expend at least seventy per cent of the 25291
remaining funds received under this section, and any other 25292
district with a DPIA index less than one shall expend at least 25293
seventy per cent of all funds received under this section, for any 25294
of the following purposes: 25295

- (1) The purchase of technology for instructional purposes; 25296
- (2) All-day kindergarten; 25297
- (3) Reduction of class sizes; 25298
- (4) Summer school remediation; 25299
- (5) Dropout prevention programs; 25300
- (6) Guaranteeing that all third graders are ready to progress 25301
to more advanced work; 25302
- (7) Summer education and work programs; 25303
- (8) Adolescent pregnancy programs; 25304
- (9) Head start or preschool programs; 25305
- (10) Reading improvement programs described by the department 25306
of education; 25307
- (11) Programs designed to ensure that schools are free of 25308
drugs and violence and have a disciplined environment conducive to 25309
learning; 25310
- (12) Furnishing, free of charge, materials used in courses of 25311
instruction, except for the necessary textbooks or electronic 25312
textbooks required to be furnished without charge pursuant to 25313
section 3329.06 of the Revised Code, to pupils living in families 25314
participating in Ohio works first in accordance with section 25315
3313.642 of the Revised Code; 25316

(13) School breakfasts provided pursuant to section 3313.813 25317
of the Revised Code. 25318

Each district shall submit to the department, in such format 25319
and at such time as the department shall specify, a report on the 25320
programs for which it expended funds under this division. 25321

(J) If at any time the superintendent of public instruction 25322
determines that a school district receiving funds under division 25323
(D) of this section has enrolled less than the all-day 25324
kindergarten percentage reported for that fiscal year, the 25325
superintendent shall withhold from the funds otherwise due the 25326
district under this section a proportional amount as determined by 25327
the difference in the certified all-day kindergarten percentage 25328
and the percentage actually enrolled in all-day kindergarten. 25329

The superintendent shall also withhold an appropriate amount 25330
of funds otherwise due a district for any other misuse of funds 25331
not in accordance with this section. 25332

(K)(1) A district may use a portion of the funds calculated 25333
for it under division (D) of this section to modify or purchase 25334
classroom space to provide all-day kindergarten, if both of the 25335
following conditions are met: 25336

(a) The district certifies to the department, in a manner 25337
acceptable to the department, that it has a shortage of space for 25338
providing all-day kindergarten. 25339

(b) The district provides all-day kindergarten to the number 25340
of children in the all-day kindergarten percentage it certified 25341
under this section. 25342

(2) A district may use a portion of the funds described in 25343
division (F)(3) of this section to modify or purchase classroom 25344
space to enable it to further reduce class size in grades 25345
kindergarten through two with a goal of attaining class sizes of 25346

fifteen students per licensed teacher. To do so, the district must 25347
certify its need for additional space to the department, in a 25348
manner satisfactory to the department. 25349

Sec. 3317.0217. The department of education shall annually 25350
compute and pay state parity aid to school districts, as follows: 25351

(A) Calculate the local wealth per pupil of each school 25352
district, which equals the following sum: 25353

(1) Two-thirds times the quotient of (a) the district's 25354
recognized valuation divided by (b) its formula ADM; plus 25355

(2) One-third times the quotient of (a) the average of the 25356
total federal adjusted gross income of the school district's 25357
residents for the three years most recently reported under section 25358
3317.021 of the Revised Code divided by (b) its formula ADM. 25359

(B) Rank all school districts in order of local wealth per 25360
pupil, from the district with the lowest local wealth per pupil to 25361
the district with the highest local wealth per pupil. 25362

(C) Compute the per pupil state parity aid funding for each 25363
school district in accordance with the following formula: 25364

Payment percentage X (threshold local wealth 25365
per pupil - the district's local 25366
wealth per pupil) X 0.0095 25367

Where: 25368

(1) "Payment percentage," for purposes of division (C) of 25369
this section, equals 20% in fiscal year 2002, 40% in fiscal year 25370
2003, 60% in fiscal year 2004, 80% in fiscal year 2005, and 100% 25371
after fiscal year 2005. 25372

(2) Nine and one-half mills (0.0095) is the general 25373
assembly's determination of the average number of effective 25374
operating mills that districts in the seventieth to ninetieth 25375
percentiles of valuations per pupil collected in fiscal year 2001 25376

above the revenues required to finance their attributed local 25377
shares of the calculated cost of an adequate education. This was 25378
determined by (a) adding the district revenues from operating 25379
property tax levies and income tax levies, (b) subtracting from 25380
that total the sum of (i) twenty-three mills times adjusted 25381
recognized valuation plus (ii) the attributed local shares of 25382
special education, transportation, and vocational education 25383
funding as described in divisions (F)(1) to (3) of section 25384
3317.022 of the Revised Code, and (c) converting the result to an 25385
effective operating property tax rate. 25386

(3) The "threshold local wealth per pupil" is the local 25387
wealth per pupil of the school district with the 25388
four-hundred-ninetieth lowest local wealth per pupil. 25389

If the result of the calculation for a school district under 25390
division (C) of this section is less than zero, the district's per 25391
pupil parity aid shall be zero. 25392

(D) Compute the per pupil alternative parity aid for each 25393
school district that has a combination of an income factor of 1.0 25394
or less, a DPIA index of 1.0 or greater, and a 25395
cost-of-doing-business factor of 1.0375 or greater, in accordance 25396
with the following formula: 25397

Payment percentage X \$60,000 X 25398

(1 - income factor) X 4/15 X 0.023 25399

Where: 25400

(1) "DPIA index" has the same meaning as in section 3317.029 25401
of the Revised Code. 25402

(2) "Payment percentage," for purposes of division (D) of 25403
this section, equals 50% in fiscal year 2002 and 100% after fiscal 25404
year 2002. 25405

(E) Pay each district that has a combination of an income 25406
factor 1.0 or less, a DPIA index of 1.0 or greater, and a 25407

cost-of-doing-business factor of 1.0375 or greater, the greater of 25408
the following: 25409

(1) The product of the district's per pupil parity aid 25410
calculated under division (C) of this section times its formula 25411
ADM; 25412

(2) The product of its per pupil alternative parity aid 25413
calculated under division (D) of this section times its formula 25414
ADM. 25415

(F) Pay every other district the product of its per pupil 25416
parity aid calculated under division (C) of this section times its 25417
formula ADM. 25418

~~Every six years, the general assembly shall redetermine, 25419
after considering the report of the committee appointed under 25420
section 3317.012 of the Revised Code, the average number of 25421
effective operating mills that districts in the seventieth to 25422
ninetieth percentiles of valuations per pupil collect above the 25423
revenues required to finance their attributed local shares of the 25424
cost of an adequate education. 25425~~

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 25426
(C) of this section, any student enrolled in kindergarten more 25427
than half time shall be reported as one-half student under this 25428
section. 25429

(A) The superintendent of each city and exempted village 25430
school district and of each educational service center shall, for 25431
the schools under the superintendent's supervision, certify to the 25432
state board of education on or before the fifteenth day of October 25433
in each year for the first full school week in October the formula 25434
ADM, which shall consist of the average daily membership during 25435
such week of the sum of the following: 25436

(1) On an FTE basis, the number of students in grades 25437

kindergarten through twelve receiving any educational services	25438
from the district, except that the following categories of	25439
students shall not be included in the determination:	25440
(a) Students enrolled in adult education classes;	25441
(b) Adjacent or other district students enrolled in the	25442
district under an open enrollment policy pursuant to section	25443
3313.98 of the Revised Code;	25444
(c) Students receiving services in the district pursuant to a	25445
compact, cooperative education agreement, or a contract, but who	25446
are entitled to attend school in another district pursuant to	25447
section 3313.64 or 3313.65 of the Revised Code;	25448
(d) Students for whom tuition is payable pursuant to sections	25449
3317.081 and 3323.141 of the Revised Code.	25450
(2) On an FTE basis, the number of students entitled to	25451
attend school in the district pursuant to section 3313.64 or	25452
3313.65 of the Revised Code, but receiving educational services in	25453
grades kindergarten through twelve from one or more of the	25454
following entities:	25455
(a) A community school pursuant to Chapter 3314. of the	25456
Revised Code, including any participation in a college pursuant to	25457
Chapter 3365. of the Revised Code while enrolled in such community	25458
school;	25459
(b) An alternative school pursuant to sections 3313.974 to	25460
3313.979 of the Revised Code as described in division (I)(2)(a) or	25461
(b) of this section;	25462
(c) A college pursuant to Chapter 3365. of the Revised Code,	25463
except when the student is enrolled in the college while also	25464
enrolled in a community school pursuant to Chapter 3314. of the	25465
Revised Code;	25466
(d) An adjacent or other school district under an open	25467

enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	25468 25469
(e) An educational service center or cooperative education district;	25470 25471
(f) Another school district under a cooperative education agreement, compact, or contract.	25472 25473
(3) One-fourth <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;	25474 25475 25476 25477 25478 25479 25480 25481
(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.	25482 25483 25484 25485 25486 25487 25488
(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:	25489 25490 25491 25492
(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;	25493 25494 25495 25496
(2) The number of all handicapped preschool children enrolled as of the first day of December in classes in the district that	25497 25498

are eligible for approval ~~by the state board of education~~ under 25499
division (B) of section 3317.05 of the Revised Code and the number 25500
of those classes, which shall be reported not later than the 25501
fifteenth day of December, in accordance with rules adopted under 25502
that section; 25503

(3) The number of children entitled to attend school in the 25504
district pursuant to section 3313.64 or 3313.65 of the Revised 25505
Code who are participating in a pilot project scholarship program 25506
established under sections 3313.974 to 3313.979 of the Revised 25507
Code as described in division (I)(2)(a) or (b) of this section, 25508
are enrolled in a college under Chapter 3365. of the Revised Code, 25509
except when the student is enrolled in the college while also 25510
enrolled in a community school pursuant to Chapter 3314. of the 25511
Revised Code, are enrolled in an adjacent or other school district 25512
under section 3313.98 of the Revised Code, are enrolled in a 25513
community school established under Chapter 3314. of the Revised 25514
Code, including any participation in a college pursuant to Chapter 25515
3365. of the Revised Code while enrolled in such community school, 25516
or are participating in a program operated by a county MR/DD board 25517
or a state institution; 25518

(4) The number of pupils enrolled in joint vocational 25519
schools; 25520

(5) The average daily membership of handicapped children 25521
reported under division (A)(1) or (2) of this section receiving 25522
special education services for the category one handicap described 25523
in division (A) of section 3317.013 of the Revised Code; 25524

(6) The average daily membership of handicapped children 25525
reported under division (A)(1) or (2) of this section receiving 25526
special education services for category two handicaps described in 25527
division (B) of section 3317.013 of the Revised Code; 25528

(7) 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 three handicaps described	25531
in division (C) of section 3317.013 of the Revised Code;	25532
(8) The average daily membership of handicapped children	25533
reported under division (A)(1) or (2) of this section receiving	25534
special education services for category four handicaps described	25535
in division (D) of section 3317.013 of the Revised Code;	25536
(9) The average daily membership of handicapped children	25537
reported under division (A)(1) or (2) of this section receiving	25538
special education services for the category five handicap	25539
described in division (E) of section 3317.013 of the Revised Code;	25540
(10) The average daily membership of handicapped children	25541
reported under division (A)(1) or (2) of this section receiving	25542
special education services for category six handicaps described in	25543
division (F) of section 3317.013 of the Revised Code;	25544
(11) The average daily membership of pupils reported under	25545
division (A)(1) or (2) of this section enrolled in category one	25546
vocational education programs or classes, described in division	25547
(A) of section 3317.014 of the Revised Code, operated by the	25548
school district or by another district, other than a joint	25549
vocational school district, or by an educational service center;	25550
(12) The average daily membership of pupils reported under	25551
division (A)(1) or (2) of this section enrolled in category two	25552
vocational education programs or services, described in division	25553
(B) of section 3317.014 of the Revised Code, operated by the	25554
school district or another school district, other than a joint	25555
vocational school district, or by an educational service center;	25556
(13) The average number of children transported by the school	25557
district on board-owned or contractor-owned and -operated buses,	25558
reported in accordance with rules adopted by the department of	25559
education;	25560

(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;	25561 25562 25563
(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	25564 25565 25566 25567 25568
(c) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;	25569 25570 25571 25572 25573
(d) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	25574 25575 25576 25577 25578
(e) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	25579 25580 25581 25582 25583
(f) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	25584 25585 25586 25587 25588
(g) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services	25589 25590 25591

for category six handicaps described in division (F) of section 25592
3317.013 of the Revised Code. 25593

(C)(1) Except as otherwise provided in this section for 25594
kindergarten students, the average daily membership in divisions 25595
(B)(1) to (12) of this section shall be based upon the number of 25596
full-time equivalent students. The state board of education shall 25597
adopt rules defining full-time equivalent students and for 25598
determining the average daily membership therefrom for the 25599
purposes of divisions (A), (B), and (D) of this section. 25600

(2) A student enrolled in a community school established 25601
under Chapter 3314. of the Revised Code shall be counted in the 25602
formula ADM and, if applicable, the category one, two, three, 25603
four, five, or six special education ADM of the school district in 25604
which the student is entitled to attend school under section 25605
3313.64 or 3313.65 of the Revised Code for the same proportion of 25606
the school year that the student is counted in the enrollment of 25607
the community school for purposes of section 3314.08 of the 25608
Revised Code. 25609

(3) No child shall be counted as more than a total of one 25610
child in the sum of the average daily memberships of a school 25611
district under division (A), divisions (B)(1) to (12), or division 25612
(D) of this section, except as follows: 25613

(a) A child with a handicap described in section 3317.013 of 25614
the Revised Code may be counted both in formula ADM and in 25615
category one, two, three, four, five, or six special education ADM 25616
and, if applicable, in category one or two vocational education 25617
ADM. As provided in division (C) of section 3317.02 of the Revised 25618
Code, such a child shall be counted in category one, two, three, 25619
four, five, or six special education ADM in the same proportion 25620
that the child is counted in formula ADM. 25621

(b) A child enrolled in vocational education programs or 25622

classes described in section 3317.014 of the Revised Code may be 25623
counted both in formula ADM and category one or two vocational 25624
education ADM and, if applicable, in category one, two, three, 25625
four, five, or six special education ADM. Such a child shall be 25626
counted in category one or two vocational education ADM in the 25627
same proportion as the percentage of time that the child spends in 25628
the vocational education programs or classes. 25629

(4) Based on the information reported under this section, the 25630
department of education shall determine the total student count, 25631
as defined in section 3301.011 of the Revised Code, for each 25632
school district. 25633

(D)(1) The superintendent of each joint vocational school 25634
district shall certify to the superintendent of public instruction 25635
on or before the fifteenth day of October in each year for the 25636
first full school week in October the formula ADM, which, except 25637
as otherwise provided in this division, shall consist of the 25638
average daily membership during such week, on an FTE basis, of the 25639
number of students receiving any educational services from the 25640
district, including students enrolled in a community school 25641
established under Chapter 3314. of the Revised Code who are 25642
attending the joint vocational district under an agreement between 25643
the district board of education and the governing authority of the 25644
community school and are entitled to attend school in a city, 25645
local, or exempted village school district whose territory is part 25646
of the territory of the joint vocational district. 25647

The following categories of students shall not be included in 25648
the determination made under division (D)(1) of this section: 25649

(a) Students enrolled in adult education classes; 25650

(b) Adjacent or other district joint vocational students 25651
enrolled in the district under an open enrollment policy pursuant 25652
to section 3313.98 of the Revised Code; 25653

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

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

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students:

(a) Students enrolled in each grade included in the joint vocational district schools;

(b) Handicapped children receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;

(c) Handicapped children receiving special education services for the category two handicaps described in division (B) of section 3317.013 of the Revised Code;

(d) Handicapped children receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;

(e) Handicapped children receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;

(f) Handicapped children receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;

(g) Handicapped children receiving special education services	25684
for category six handicaps described in division (F) of section	25685
3317.013 of the Revised Code;	25686
(h) Students receiving category one vocational education	25687
services, described in division (A) of section 3317.014 of the	25688
Revised Code;	25689
(i) Students receiving category two vocational education	25690
services, described in division (B) of section 3317.014 of the	25691
Revised Code.	25692
The superintendent of each joint vocational school district	25693
shall also indicate the city, local, or exempted village school	25694
district in which each joint vocational district pupil is entitled	25695
to attend school pursuant to section 3313.64 or 3313.65 of the	25696
Revised Code.	25697
(E) In each school of each city, local, exempted village,	25698
joint vocational, and cooperative education school district there	25699
shall be maintained a record of school membership, which record	25700
shall accurately show, for each day the school is in session, the	25701
actual membership enrolled in regular day classes. For the purpose	25702
of determining average daily membership, the membership figure of	25703
any school shall not include any pupils except those pupils	25704
described by division (A) of this section. The record of	25705
membership for each school shall be maintained in such manner that	25706
no pupil shall be counted as in membership prior to the actual	25707
date of entry in the school and also in such manner that where for	25708
any cause a pupil permanently withdraws from the school that pupil	25709
shall not be counted as in membership from and after the date of	25710
such withdrawal. There shall not be included in the membership of	25711
any school any of the following:	25712
(1) Any pupil who has graduated from the twelfth grade of a	25713
public high school;	25714

(2) Any pupil who is not a resident of the state;	25715
(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;	25716 25717 25718 25719 25720
(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.	25721 25722 25723 25724 25725 25726 25727
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.	25728 25729 25730 25731 25732
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.	25733 25734 25735 25736 25737 25738 25739
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 is actually open for instruction during the first full school week	25740 25741 25742 25743 25744 25745

in October by the total number of days the school was actually 25746
open for instruction during that week. For purposes of state 25747
funding, "enrolled" persons are only those pupils who are 25748
attending school, those who have attended school during the 25749
current school year and are absent for authorized reasons, and 25750
those handicapped children currently receiving home instruction. 25751

The average daily membership figure of any cooperative 25752
education school district shall be determined in accordance with 25753
rules adopted by the state board of education. 25754

(F)(1) If the formula ADM for the first full school week in 25755
February is at least three per cent greater than that certified 25756
for the first full school week in the preceding October, the 25757
superintendent of schools of any city, exempted village, or joint 25758
vocational school district or educational service center shall 25759
certify such increase to the superintendent of public instruction. 25760
Such certification shall be submitted no later than the fifteenth 25761
day of February. For the balance of the fiscal year, beginning 25762
with the February payments, the superintendent of public 25763
instruction shall use the increased formula ADM in calculating or 25764
recalculating the amounts to be allocated in accordance with 25765
section 3317.022 or 3317.16 of the Revised Code. In no event shall 25766
the superintendent use an increased membership certified to the 25767
superintendent after the fifteenth day of February. 25768

(2) If on the first school day of April the total number of 25769
classes or units for handicapped preschool children that are 25770
eligible for approval under division (B) of section 3317.05 of the 25771
Revised Code exceeds the number of units that have been approved 25772
for the year under that division, the superintendent of schools of 25773
any city, exempted village, or cooperative education school 25774
district or educational service center shall make the 25775
certifications required by this section for that day. If the ~~state~~ 25776
~~board of education~~ department determines additional units can be 25777

approved for the fiscal year within any limitations set forth in 25778
the acts appropriating moneys for the funding of such units, the 25779
~~board~~ department shall approve additional units for the fiscal 25780
year on the basis of such average daily membership. For each unit 25781
so approved, the department ~~of education~~ shall pay an amount 25782
computed in the manner prescribed in section 3317.052 or 3317.19 25783
and section 3317.053 of the Revised Code. 25784

(3) If a student attending a community school under Chapter 25785
3314. of the Revised Code is not included in the formula ADM 25786
certified for the first full school week of October for the school 25787
district in which the student is entitled to attend school under 25788
section 3313.64 or 3313.65 of the Revised Code, the department of 25789
education shall adjust the formula ADM of that school district to 25790
include the community school student in accordance with division 25791
(C)(2) of this section, and shall recalculate the school 25792
district's payments under this chapter for the entire fiscal year 25793
on the basis of that adjusted formula ADM. This requirement 25794
applies regardless of whether the student was enrolled, as defined 25795
in division (E) of this section, in the community school during 25796
the first full school week in October. 25797

(G)(1)(a) The superintendent of an institution operating a 25798
special education program pursuant to section 3323.091 of the 25799
Revised Code shall, for the programs under such superintendent's 25800
supervision, certify to the state board of education the average 25801
daily membership of all handicapped children in classes or 25802
programs approved annually by the ~~state board~~ department of 25803
education, in the manner prescribed by the superintendent of 25804
public instruction. 25805

(b) The superintendent of an institution with vocational 25806
education units approved under division (A) of section 3317.05 of 25807
the Revised Code shall, for the units under the superintendent's 25808
supervision, certify to the state board of education the average 25809

daily membership in those units, in the manner prescribed by the 25810
superintendent of public instruction. 25811

(2) The superintendent of each county MR/DD board that 25812
maintains special education classes under section 3317.20 of the 25813
Revised Code or units approved ~~by the state board of education~~ 25814
pursuant to section 3317.05 of the Revised Code shall do both of 25815
the following: 25816

(a) Certify to the state board, in the manner prescribed by 25817
the board, the average daily membership in classes under section 25818
3317.20 of the Revised Code for each school district that has 25819
placed children in the classes; 25820

(b) Certify to the state board, in the manner prescribed by 25821
the board, the number of all handicapped preschool children 25822
enrolled as of the first day of December in classes eligible for 25823
approval under division (B) of section 3317.05 of the Revised 25824
Code, and the number of those classes. 25825

(3)(a) If on the first school day of April the number of 25826
classes or units maintained for handicapped preschool children by 25827
the county MR/DD board that are eligible for approval under 25828
division (B) of section 3317.05 of the Revised Code is greater 25829
than the number of units approved for the year under that 25830
division, the superintendent shall make the certification required 25831
by this section for that day. 25832

(b) If the ~~state board~~ department determines that additional 25833
classes or units can be approved for the fiscal year within any 25834
limitations set forth in the acts appropriating moneys for the 25835
funding of the classes and units described in division (G)(3)(a) 25836
of this section, the ~~board~~ department shall approve and fund 25837
additional units for the fiscal year on the basis of such average 25838
daily membership. For each unit so approved, the department ~~of~~ 25839
~~education~~ shall pay an amount computed in the manner prescribed in 25840

sections 3317.052 and 3317.053 of the Revised Code. 25841

(H) Except as provided in division (I) of this section, when 25842
any city, local, or exempted village school district provides 25843
instruction for a nonresident pupil whose attendance is 25844
unauthorized attendance as defined in section 3327.06 of the 25845
Revised Code, that pupil's membership shall not be included in 25846
that district's membership figure used in the calculation of that 25847
district's formula ADM or included in the determination of any 25848
unit approved for the district under section 3317.05 of the 25849
Revised Code. The reporting official shall report separately the 25850
average daily membership of all pupils whose attendance in the 25851
district is unauthorized attendance, and the membership of each 25852
such pupil shall be credited to the school district in which the 25853
pupil is entitled to attend school under division (B) of section 25854
3313.64 or section 3313.65 of the Revised Code as determined by 25855
the department of education. 25856

(I)(1) A city, local, exempted village, or joint vocational 25857
school district admitting a scholarship student of a pilot project 25858
district pursuant to division (C) of section 3313.976 of the 25859
Revised Code may count such student in its average daily 25860
membership. 25861

(2) In any year for which funds are appropriated for pilot 25862
project scholarship programs, a school district implementing a 25863
state-sponsored pilot project scholarship program that year 25864
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 25865
count in average daily membership: 25866

(a) All children residing in the district and utilizing a 25867
scholarship to attend kindergarten in any alternative school, as 25868
defined in section 3313.974 of the Revised Code; 25869

(b) All children who were enrolled in the district in the 25870
preceding year who are utilizing a scholarship to attend any such 25871

alternative school. 25872

(J) The superintendent of each cooperative education school 25873
district shall certify to the superintendent of public 25874
instruction, in a manner prescribed by the state board of 25875
education, the applicable average daily memberships for all 25876
students in the cooperative education district, also indicating 25877
the city, local, or exempted village district where each pupil is 25878
entitled to attend school under section 3313.64 or 3313.65 of the 25879
Revised Code. 25880

Sec. 3317.032. (A) Each city, local, exempted village, and 25881
cooperative education school district, each educational service 25882
center, each county MR/DD board, and each institution operating a 25883
special education program pursuant to section 3323.091 of the 25884
Revised Code shall, in accordance with procedures adopted by the 25885
state board of education, maintain a record of district membership 25886
of both of the following: 25887

(1) All handicapped preschool children in units approved 25888
under division (B) of section 3317.05 of the Revised Code; 25889

(2) All handicapped preschool children who are not in units 25890
approved ~~by the state board~~ under division (B) of section 3317.05 25891
of the Revised Code but who are otherwise served by a special 25892
education program. 25893

(B) The superintendent of each district, board, or 25894
institution subject to division (A) of this section shall certify 25895
to the state board of education, in accordance with procedures 25896
adopted by that board, membership figures of all handicapped 25897
preschool children whose membership is maintained under division 25898
(A)(2) of this section. The figures certified under this division 25899
shall be used in the determination of the ADM used to compute 25900
funds for educational service center governing boards under 25901
~~division (B) of~~ section 3317.11 of the Revised Code. 25902

Sec. 3317.05. (A) For the purpose of calculating payments 25903
under sections 3317.052 and 3317.053 of the Revised Code, the 25904
~~state board~~ department of education shall determine for each 25905
institution, by the last day of January of each year and based on 25906
information certified under section 3317.03 of the Revised Code, 25907
the number of vocational education units or fractions of units 25908
approved by the ~~state board~~ department on the basis of standards 25909
and rules adopted by the state board of education. As used in this 25910
division, "institution" means an institution operated by a 25911
department specified in section 3323.091 of the Revised Code and 25912
that provides vocational education programs under the supervision 25913
of the division of vocational education of the department ~~of~~ 25914
~~education~~ that meet the standards and rules for these programs, 25915
including licensure of professional staff involved in the 25916
programs, as established by the state board ~~of education~~. 25917

(B) For the purpose of calculating payments under sections 25918
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 25919
~~state board~~ department shall determine, based on information 25920
certified under section 3317.03 of the Revised Code, the following 25921
by the last day of January of each year for each educational 25922
service center, for each school district, including each 25923
cooperative education school district, for each institution 25924
eligible for payment under section 3323.091 of the Revised Code, 25925
and for each county MR/DD board: the number of classes operated by 25926
the school district, service center, institution, or county MR/DD 25927
board for handicapped preschool children, or fraction thereof, 25928
including in the case of a district or service center that is a 25929
funding agent, classes taught by a licensed teacher employed by 25930
that district or service center under section 3313.841 of the 25931
Revised Code, approved annually by the ~~state board~~ department on 25932
the basis of standards and rules adopted by the state board. 25933

(C) For the purpose of calculating payments under sections 25934
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 25935
~~state board~~ department shall determine, based on information 25936
certified under section 3317.03 of the Revised Code, the following 25937
by the last day of January of each year for each school district, 25938
including each cooperative education school district, for each 25939
institution eligible for payment under section 3323.091 of the 25940
Revised Code, and for each county MR/DD board: the number of 25941
preschool handicapped related services units for child study, 25942
occupational, physical, or speech and hearing therapy, special 25943
education supervisors, and special education coordinators approved 25944
annually by the ~~state board~~ department on the basis of standards 25945
and rules adopted by the state board. 25946

(D) For the purpose of calculating payments under sections 25947
3317.052 and 3317.053 of the Revised Code, the ~~state board~~ 25948
department shall determine, based on information certified under 25949
section 3317.03 of the Revised Code, the following by the last day 25950
of January of each year for each institution eligible for payment 25951
under section 3323.091 of the Revised Code: 25952

(1) The number of classes operated by an institution for 25953
handicapped children other than handicapped preschool children, or 25954
fraction thereof, approved annually by the ~~state board~~ department 25955
on the basis of standards and rules adopted by the state board; 25956

(2) The number of related services units for children other 25957
than handicapped preschool children for child study, occupational, 25958
physical, or speech and hearing therapy, special education 25959
supervisors, and special education coordinators approved annually 25960
by the ~~state board~~ department on the basis of standards and rules 25961
adopted by the state board. 25962

(E) All of the arithmetical calculations made under this 25963
section shall be carried to the second decimal place. The total 25964

number of units for school districts, service centers, and 25965
institutions approved annually ~~by the state board~~ under this 25966
section shall not exceed the number of units included in the ~~state~~ 25967
~~board's~~ estimate of cost for these units and appropriations made 25968
for them by the general assembly. 25969

In the case of units described in division (D)(1) of this 25970
section operated by institutions eligible for payment under 25971
section 3323.091 of the Revised Code, the ~~state board~~ department 25972
shall approve only units for persons who are under age twenty-two 25973
on the first day of the academic year, but not less than six years 25974
of age on the thirtieth day of September of that year, except that 25975
such a unit may include one or more children who are under six 25976
years of age on the thirtieth day of September if such children 25977
have been admitted to the unit pursuant to rules of the state 25978
board. In the case of handicapped preschool units described in 25979
division (B) of this section ~~operated by county MR/DD boards and~~ 25980
~~institutions eligible for payment under section 3323.091 of the~~ 25981
~~Revised Code, the state board~~ department shall approve only 25982
preschool units for children who are under age six but not less 25983
than age three on the ~~thirtieth~~ first day of ~~September~~ December 25984
of the academic year, except that such a unit may include one or more 25985
children who are under age three or are age six or over on the 25986
~~thirtieth~~ first day of ~~September~~ December, as reported under 25987
division (B)(2) or (G)(2)(b) of section 3317.03 of the Revised 25988
Code, if such children have been admitted to the unit pursuant to 25989
rules of the state board ~~of education~~. The number of units for 25990
county MR/DD boards and institutions eligible for payment under 25991
section 3323.091 of the Revised Code approved ~~by the state board~~ 25992
under this section shall not exceed the number that can be funded 25993
with appropriations made for such purposes by the general 25994
assembly. 25995

No unit shall be approved under divisions (B) to (D) of this 25996

section unless a plan has been submitted and approved under 25997
Chapter 3323. of the Revised Code. 25998

(F) The department shall approve units or fractions thereof 25999
for gifted children on the basis of standards and rules adopted by 26000
the state board. 26001

Sec. 3317.064. (A) There is hereby established in the state 26002
treasury the auxiliary services ~~mobile unit replacement and repair~~ 26003
reimbursement fund. By the thirtieth day of January of each 26004
odd-numbered year, the director of job and family services and the 26005
superintendent of public instruction shall determine the amount of 26006
any excess moneys in the auxiliary services personnel unemployment 26007
compensation fund not reasonably necessary for the purposes of 26008
section 4141.47 of the Revised Code, and shall certify such amount 26009
to the director of budget and management for transfer to the 26010
auxiliary services ~~mobile unit replacement and repair~~ 26011
reimbursement fund. If the director of job and family services and 26012
the superintendent disagree on such amount, the director of budget 26013
and management shall determine the amount to be transferred. 26014

(B) Moneys in the auxiliary services ~~mobile unit replacement~~ 26015
~~and repair~~ reimbursement fund shall be used for the relocation or 26016
for the replacement and repair of mobile units used to provide the 26017
services specified in division (E), (F), (G), or (I) of section 26018
3317.06 of the Revised Code. The state board of education shall 26019
adopt guidelines and procedures for replacement, repair, and 26020
relocation of mobile units and the procedures under which a school 26021
district may apply to receive moneys with which to repair or 26022
replace or relocate such units. 26023

(C) School districts may apply to the department for moneys 26024
from the auxiliary services ~~mobile unit replacement and repair~~ 26025
reimbursement fund for payment of incentives for early retirement 26026
and severance for school district personnel assigned to provide 26027

services authorized by section 3317.06 of the Revised Code at 26028
chartered nonpublic schools. The portion of the cost of any early 26029
retirement or severance incentive for any employee that is paid 26030
using money from the auxiliary services ~~mobile unit replacement~~ 26031
~~and repair reimbursement~~ fund shall not exceed the percentage of 26032
such employee's total service credit that the employee spent 26033
providing services to chartered nonpublic school students under 26034
section 3317.06 of the Revised Code. 26035

Sec. 3317.07. The state board of education shall establish 26036
rules for the purpose of distributing subsidies for the purchase 26037
of school buses under division (E) of section 3317.024 of the 26038
Revised Code. 26039

No school bus subsidy payments shall be paid to any district 26040
unless such district can demonstrate that pupils residing more 26041
than one mile from the school could not be transported without 26042
such additional aid. 26043

The amount paid to a county MR/DD board for buses purchased 26044
for transportation of children in special education programs 26045
operated by the board shall be one hundred per cent of the board's 26046
net cost. 26047

The amount paid to a school district for buses purchased for 26048
transportation of handicapped and nonpublic school pupils shall be 26049
one hundred per cent of the school district's net cost. 26050

The state board of education shall adopt a formula to 26051
determine the amount of payments that shall be distributed to 26052
school districts to purchase school buses for pupils other than 26053
handicapped or nonpublic school pupils. 26054

If any district or MR/DD board obtains bus services for pupil 26055
transportation pursuant to a contract, such district or board may 26056
use payments received under this section to defray the costs of 26057

contracting for bus services in lieu of for purchasing buses. 26058

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. 26059
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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. 26072
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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 26086
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state board of education with the clerk of the senate and the 26089
chief administrative officer of the house of representatives, the 26090
Ohio legislative service commission, the governor, and the auditor 26091
of state. The report shall contain an analysis for the prior 26092
fiscal year on an accrual basis of revenue receipts from all 26093
sources and expenditures for all purposes for each school district 26094
~~and each educational service center~~, including each joint 26095
vocational and cooperative education school district, in the 26096
state. If any board of education ~~or any educational service center~~ 26097
~~governing board~~ fails to make the report required in ~~sections~~ 26098
section 3319.33 ~~and 3319.34~~ of the Revised Code, the 26099
superintendent of public instruction shall be without authority to 26100
distribute funds to that school district or educational service 26101
center pursuant to sections 3317.022 to 3317.0212, 3317.11, 26102
3317.16, 3317.17, or 3317.19 of the Revised Code until such time 26103
as the required reports are filed with all specified officers, 26104
boards, or agencies. 26105

Sec. 3317.10. (A) On or before the first day of March of each 26106
year, the department of job and family services shall certify to 26107
the state board of education the unduplicated number of children 26108
ages five through seventeen residing in each school district and 26109
living in a family that, during the preceding October, had family 26110
income not exceeding the federal poverty guidelines as defined in 26111
section 5101.46 of the Revised Code and participated in one of the 26112
following: 26113

(1) Ohio works first; 26114

(2) The food stamp program; 26115

(3) The medical assistance program, including the healthy 26116
start program, established under Chapter 5111. of the Revised 26117
Code; 26118

(4) The children's health insurance program part I 26119

established under section 5101.50 of the Revised Code;	26120
(5) The disability <u>financial</u> assistance program established	26121
under Chapter 5115. of the Revised Code;	26122
<u>(6) The disability medical assistance program established</u>	26123
<u>under Chapter 5115. of the Revised Code.</u>	26124
The department of job and family services shall certify this	26125
information according to the school district of residence for each	26126
child. Except as provided under division (B) of this section, the	26127
number of children so certified in any year shall be used by the	26128
department of education in calculating the distribution of moneys	26129
for the ensuing fiscal year as provided in section 3317.029 of the	26130
Revised Code.	26131
(B) Upon the transfer of part of the territory of one school	26132
district to the territory of one or more other school districts,	26133
the department of education may adjust the number of children	26134
certified under division (A) of this section for any district	26135
gaining or losing territory in such a transfer in order to take	26136
into account the effect of the transfer on the number of such	26137
children who reside in the district. Within sixty days of receipt	26138
of a request for information from the department of education, the	26139
department of job and family services shall provide any	26140
information the department of education determines is necessary to	26141
make such adjustments. The department of education may use the	26142
adjusted number for any district for the applicable fiscal year,	26143
in lieu of the number certified for the district for that fiscal	26144
year under division (A) of this section, in the calculation of the	26145
distribution of moneys provided in section 3317.029 of the Revised	26146
Code.	26147
<u>Sec. 3317.11. (A) As used in this section:</u>	26148
<u>(1) "Client school district" means a city or exempted village</u>	26149

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. 26150
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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. 26153
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(3) "Total student count" has the same meaning as in section 3301.011 of the Revised Code. 26157
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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. 26159
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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: 26171
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(a) The minimum salary prescribed by section 3317.13 of the Revised Code for the licensed supervisory employee of the 26179
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<u>governing board;</u>	26181
<u>(b) An amount equal to fifteen per cent of the salary</u>	26182
<u>prescribed by section 3317.13 of the Revised Code;</u>	26183
<u>(c) An allowance for necessary travel expenses, limited to</u>	26184
<u>the lesser of two hundred twenty-three dollars and sixteen cents</u>	26185
<u>per month or two thousand six hundred seventy-eight dollars per</u>	26186
<u>year.</u>	26187
<u>(2) If a majority of the boards of education, or</u>	26188
<u>superintendents acting on behalf of the boards, of the local and</u>	26189
<u>client school districts receiving services from the educational</u>	26190
<u>service center agree to receive additional supervisory services</u>	26191
<u>and to pay the cost of a corresponding number of supervisory units</u>	26192
<u>in excess of the services and units specified in division (B)(1)</u>	26193
<u>of this section, the service center shall provide the additional</u>	26194
<u>services as agreed to by the majority of districts to, and the</u>	26195
<u>department of education shall apportion the cost of the</u>	26196
<u>corresponding number of additional supervisory units pursuant to</u>	26197
<u>division (B)(3) of this section among, all of the service center's</u>	26198
<u>local and client school districts.</u>	26199
<u>(3) The department shall apportion the total cost for all</u>	26200
<u>supervisory units among the service center's local and client</u>	26201
<u>school districts based on each district's total student count. The</u>	26202
<u>department shall deduct each district's apportioned share pursuant</u>	26203
<u>to division (E) of section 3317.023 of the Revised Code and pay</u>	26204
<u>the apportioned share to the service center.</u>	26205
<u>(C) The department annually shall deduct from each local and</u>	26206
<u>client school district of each educational service center,</u>	26207
<u>pursuant to division (E) of section 3317.023 of the Revised Code,</u>	26208
<u>and pay to the service center an amount equal to six dollars and</u>	26209
<u>fifty cents times the school district's total student count. The</u>	26210
<u>board of education, or the superintendent acting on behalf of the</u>	26211

board, of any local or client school district may agree to pay an 26212
amount in excess of six dollars and fifty cents per student in 26213
total student count. If a majority of the boards of education, or 26214
superintendents acting on behalf of the boards, of the local 26215
school districts within a service center's territory approve an 26216
amount in excess of six dollars and fifty cents per student in 26217
total student count, the department shall deduct the approved 26218
excess per student amount from all of the local school districts 26219
within the service center's territory and pay the excess amount to 26220
the service center. 26221

(D) The department shall pay each educational service center 26222
the amounts due to it from school districts pursuant to contracts, 26223
compacts, or agreements under which the service center furnishes 26224
services to the districts or their students. In order to receive 26225
payment under this division, an educational service center shall 26226
furnish either a copy of the contract, compact, or agreement 26227
clearly indicating the amounts of the payments, or a written 26228
statement that clearly indicates the payments owed and is signed 26229
by the superintendent or treasurer of the responsible school 26230
district. The amounts paid to service centers under this division 26231
shall be deducted from payments to school districts pursuant to 26232
division (K)(3) of section 3317.023 of the Revised Code. 26233

(E) Each school district's deduction under this section and 26234
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 26235
shall be made from the total payment computed for the district 26236
under this chapter, after making any other adjustments in that 26237
payment required by law. 26238

(F)(1) Except as provided in division (F)(2) of this section, 26239
the department annually shall pay the governing board of each 26240
educational service center state funds equal to thirty-seven 26241
dollars times its service center ADM. 26242

(2) The department annually shall pay state funds equal to 26243

forty dollars and fifty-two cents times the service center ADM to 26244
each educational service center comprising territory that was 26245
included in the territory of at least three former service centers 26246
or county school districts, which former centers or districts 26247
engaged in one or more mergers under section 3311.053 of the 26248
Revised Code to form the present center. 26249

(G) Each city, exempted village, local, joint vocational, or 26250
cooperative education school district shall pay to the governing 26251
board of an educational service center any amounts agreed to for 26252
each child enrolled in the district who receives special education 26253
and related services or career-technical education from the 26254
educational service center, unless these educational services are 26255
provided pursuant to a contract, compact, or agreement for which 26256
the department deducts and transfers payments under division (D) 26257
of this section and division (K)(3) of section 3317.023 of the 26258
Revised Code. 26259

(H) An educational service center: 26260

(1) May provide special education and career-technical 26261
education to students in its local or client school districts; 26262

(2) Is eligible for transportation funding under division (J) 26263
of section 3317.024 of the Revised Code and for state subsidies 26264
for the purchase of school buses under section 3317.07 of the 26265
Revised Code; 26266

(3) May apply for and receive gifted education units and 26267
provide gifted education services to students in its local or 26268
client school districts; 26269

(4) May conduct driver education for high school students in 26270
accordance with Chapter 4508. of the Revised Code. 26271

Sec. 3317.15. (A) As used in this section, "handicapped" 26272
child" has the same meaning as in section 3323.01 of the Revised 26273

Code.	26274
(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.	26275 26276 26277 26278 26279 26280 26281
(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.	26282 26283 26284 26285 26286 26287
(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.	26288 26289 26290 26291
(E) The department annually shall audit a sample of school districts to ensure that handicapped children are being appropriately reported.	26292 26293 26294
(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	26295 26296 26297 26298 26299 26300 26301 26302 26303 26304

may obtain the services of speech-language pathologists and school 26305
psychologists by any means permitted by law, including contracting 26306
with an educational service center. If, however, a district is 26307
unable to obtain the services of the required number of 26308
speech-language pathologists or school psychologists, the district 26309
may request from the superintendent of public instruction, and the 26310
superintendent may grant, a waiver of this provision for a period 26311
of time established by the superintendent. 26312

Sec. 3317.16. (A) As used in this section: 26313

(1) "State share percentage" means the percentage calculated 26314
for a joint vocational school district as follows: 26315

(a) Calculate the state base cost funding amount for the 26316
district under division (B) of this section. If the district would 26317
not receive any base cost funding for that year under that 26318
division, the district's state share percentage is zero. 26319

(b) If the district would receive base cost funding under 26320
that division, divide that base cost amount by an amount equal to 26321
the following: 26322

cost-of-doing-business factor X 26323

the formula amount X 26324

~~the greater of formula ADM or~~ 26325

~~three-year average~~ formula ADM 26326

The resultant number is the district's state share 26327
percentage. 26328

(2) The "total special education weight" for a joint 26329
vocational school district shall be calculated in the same manner 26330
as prescribed in division (B)(1) of section 3317.022 of the 26331
Revised Code. 26332

(3) The "total vocational education weight" for a joint 26333
vocational school district shall be calculated in the same manner 26334

as prescribed in division (B)(4) of section 3317.022 of the Revised Code. 26335
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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. 26337
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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. 26341
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(6) "Community school" means a community school established under Chapter 3314. of the Revised Code. 26344
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(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: 26346
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(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) 26349
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If the difference obtained under this division is a negative number, the district's computation shall be zero. 26353
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(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: 26355
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state share percentage X formula amount X
total vocational education weight 26359
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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 26361
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connected to the delivery of career-technical programming to 26366
career-technical students. The department shall require the joint 26367
vocational school district to report data annually so that the 26368
department may monitor the district's compliance with the 26369
requirements regarding the manner in which funding received under 26370
division (C)(1) of this section may be spent. 26371

(2) The department shall compute for each joint vocational 26372
school district state funds for vocational education associated 26373
services costs in accordance with the following formula: 26374

state share percentage X .05 X 26375
the formula amount X the sum of 26376
categories one and two vocational 26377
education ADM 26378

In any fiscal year, a joint vocational school district 26379
receiving funds under division (C)(2) of this section, or through 26380
a transfer of funds pursuant to division (L) of section 3317.023 26381
of the Revised Code, shall spend those funds only for the purposes 26382
that the department designates as approved for vocational 26383
education associated services expenses, which may include such 26384
purposes as apprenticeship coordinators, coordinators for other 26385
vocational education services, vocational evaluation, and other 26386
purposes designated by the department. The department may deny 26387
payment under division (C)(2) of this section to any district that 26388
the department determines is not operating those services or is 26389
using funds paid under division (C)(2) of this section, or through 26390
a transfer of funds pursuant to division (L) of section 3317.023 26391
of the Revised Code, for other purposes. 26392

(D)(1) The department shall compute and distribute state 26393
special education and related services additional weighted costs 26394
funds to each joint vocational school district in accordance with 26395
the following formula: 26396

state share percentage X formula amount X 26397

total special education weight 26398

(2)(a) As used in this division, the "personnel allowance" 26399
means thirty thousand dollars in fiscal years 2002 ~~and~~, 2003, 26400
2004, and 2005. 26401

(b) For the provision of speech services to students, 26402
including students who do not have individualized education 26403
programs prepared for them under Chapter 3323. of the Revised 26404
Code, and for no other purpose, the department shall pay each 26405
joint vocational school district an amount calculated under the 26406
following formula: 26407

(formula ADM divided by 2000) X the personnel 26408
allowance X state share percentage 26409

(3) In any fiscal year, a joint vocational school district 26410
shall spend for purposes that the department designates as 26411
approved for special education and related services expenses at 26412
least the amount calculated as follows: 26413

(cost-of-doing-business factor X formula amount 26414
X the sum of categories one through 26415
six special education ADM) + 26416
(total special education weight X 26417
formula amount) 26418

The purposes approved by the department for special education 26419
expenses shall include, but shall not be limited to, compliance 26420
with state rules governing the education of handicapped children, 26421
providing services identified in a student's individualized 26422
education program as defined in section 3323.01 of the Revised 26423
Code, and the portion of the district's overall administrative and 26424
overhead costs that are attributable to the district's special 26425
education student population. 26426

The department shall require joint vocational school 26427
districts to report data annually to allow for monitoring 26428

compliance with division (D)(3) of this section. The department 26429
shall annually report to the governor and the general assembly the 26430
amount of money spent by each joint vocational school district for 26431
special education and related services. 26432

(E)~~(2)~~(1) If a joint vocational school district's costs for a 26433
fiscal year for a student in its categories ~~one~~ two through six 26434
special education ADM exceed the threshold catastrophic cost for 26435
serving the student, as specified in division (C)(3)(b) of section 26436
3317.022 of the Revised Code, the district may submit to the 26437
superintendent of public instruction documentation, as prescribed 26438
by the superintendent, of all of its costs for that student. Upon 26439
submission of documentation for a student of the type and in the 26440
manner prescribed, the department shall pay to the district an 26441
amount equal to the sum of the following: 26442

(a) One-half of the district's costs for the student in 26443
excess of the threshold catastrophic cost; 26444

(b) The product of one-half of the district's costs for the 26445
student in excess of the threshold catastrophic cost multiplied by 26446
the district's state share percentage. 26447

(2) The district shall only report under division (E)(1) of 26448
this section, and the department shall only pay for, the costs of 26449
educational expenses and the related services provided to the 26450
student in accordance with the student's individualized education 26451
program. Any legal fees, court costs, or other costs associated 26452
with any cause of action relating to the student may not be 26453
included in the amount. 26454

(F) Each fiscal year, the department shall pay each joint 26455
vocational school district an amount for adult technical and 26456
vocational education and specialized consultants. 26457

(G)(1) A joint vocational school district's local share of 26458
special education and related services additional weighted costs 26459

equals: 26460

(1 - state share percentage) X 26461

Total special education weight X 26462

the formula amount 26463

(2) For each handicapped student receiving special education 26464

and related services under an individualized education program, as 26465

defined in section 3323.01 of the Revised Code, at a joint 26466

vocational district, the resident district or, if the student is 26467

enrolled in a community school, the community school shall be 26468

responsible for the amount of any costs of providing those special 26469

education and related services to that student that exceed the sum 26470

of the amount calculated for those services attributable to that 26471

student under divisions (B), (D), (E), and (G)(1) of this section. 26472

Those excess costs shall be calculated by subtracting the sum 26473

of the following from the actual cost to provide special education 26474

and related services to the student: 26475

(a) The product of the formula amount times the 26476

cost-of-doing-business factor; 26477

(b) The product of the formula amount times the applicable 26478

multiple specified in section 3317.013 of the Revised Code; 26479

(c) Any funds paid under division (E) of this section for the 26480

student; 26481

(d) Any other funds received by the joint vocational school 26482

district under this chapter to provide special education and 26483

related services to the student, not including the amount 26484

calculated under division (G)(2) of this section. 26485

(3) The board of education of the joint vocational school 26486

district shall report the excess costs calculated under division 26487

(G)(2) of this section to the department of education. 26488

(4) The department shall pay the amount of excess cost 26489

calculated under division (G)(2) of this section to the joint 26490
vocational school district and shall deduct that amount as 26491
provided in division (G)(4)(a) or (b) of this section, as 26492
applicable: 26493

(a) If the student is not enrolled in a community school, the 26494
department shall deduct the amount from the account of the 26495
student's resident district pursuant to division (M) of section 26496
3317.023 of the Revised Code. 26497

(b) If the student is enrolled in a community school, the 26498
department shall deduct the amount from the account of the 26499
community school pursuant to section 3314.083 of the Revised Code. 26500

(H) In any fiscal year, if the total of all payments made to 26501
a joint vocational school district under divisions (B) to (D) of 26502
this section and division (R) of section 3317.024 of the Revised 26503
Code is less than the amount that district received in fiscal year 26504
1999 under the version of this section in effect that year, plus 26505
the amount that district received under the version of section 26506
3317.162 of the Revised Code in effect that year and minus the 26507
amounts received that year for driver education and adult 26508
education, the department shall pay the district an additional 26509
amount equal to the difference between those two amounts. 26510

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 26511
Revised Code: 26512

(A) "Ohio school facilities commission" means the commission 26513
created pursuant to section 3318.30 of the Revised Code. 26514

(B) "Classroom facilities" means rooms in which pupils 26515
regularly assemble in public school buildings to receive 26516
instruction and education and such facilities and building 26517
improvements for the operation and use of such rooms as may be 26518
needed in order to provide a complete educational program, and may 26519

include space within which a child day-care facility or a 26520
community resource center is housed. "Classroom facilities" 26521
includes any space necessary for the operation of a vocational 26522
education program for secondary students in any school district 26523
that operates such a program. 26524

(C) "Project" means a project to construct or acquire 26525
classroom facilities, or to reconstruct or make additions to 26526
existing classroom facilities, to be used for housing the 26527
applicable school district and its functions. 26528

(D) "School district" means a local, exempted village, or 26529
city school district as such districts are defined in Chapter 26530
3311. of the Revised Code, acting as an agency of state 26531
government, performing essential governmental functions of state 26532
government pursuant to sections 3318.01 and 3318.20 of the Revised 26533
Code. 26534

For purposes of assistance provided under sections 3318.40 to 26535
3318.45 of the Revised Code, the term "school district" as used in 26536
this section and in divisions (A), (C), and (D) of section 3318.03 26537
and in sections 3318.031, ~~3318.033~~, 3318.042, 3318.07, 3318.08, 26538
3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 26539
3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the 26540
Revised Code means a joint vocational school district established 26541
pursuant to section 3311.18 of the Revised Code. 26542

(E) "School district board" means the board of education of a 26543
school district. 26544

(F) "Net bonded indebtedness" means the difference between 26545
the sum of the par value of all outstanding and unpaid bonds and 26546
notes which a school district board is obligated to pay, any 26547
amounts the school district is obligated to pay under 26548
lease-purchase agreements entered into under section 3313.375 of 26549
the Revised Code, and the par value of bonds authorized by the 26550

electors but not yet issued, the proceeds of which can lawfully be 26551
used for the project, and the amount held in the sinking fund and 26552
other indebtedness retirement funds for their redemption. Notes 26553
issued for school buses in accordance with section 3327.08 of the 26554
Revised Code, notes issued in anticipation of the collection of 26555
current revenues, and bonds issued to pay final judgments shall 26556
not be considered in calculating the net bonded indebtedness. 26557

"Net bonded indebtedness" does not include indebtedness 26558
arising from the acquisition of land to provide a site for 26559
classroom facilities constructed, acquired, or added to pursuant 26560
to sections 3318.01 to 3318.20 of the Revised Code. 26561

(G) "Board of elections" means the board of elections of the 26562
county containing the most populous portion of the school 26563
district. 26564

(H) "County auditor" means the auditor of the county in which 26565
the greatest value of taxable property of such school district is 26566
located. 26567

(I) "Tax duplicates" means the general tax lists and 26568
duplicates prescribed by sections 319.28 and 319.29 of the Revised 26569
Code. 26570

(J) "Required level of indebtedness" means: 26571

(1) In the case of districts in the first percentile, five 26572
per cent of the district's valuation for the year preceding the 26573
year in which the controlling board approved the project under 26574
section 3318.04 of the Revised Code. 26575

(2) In the case of districts ranked in a subsequent 26576
percentile, five per cent of the district's valuation for the year 26577
preceding the year in which the controlling board approved the 26578
project under section 3318.04 of the Revised Code, plus [two 26579
one-hundredths of one per cent multiplied by (the percentile in 26580
which the district ranks for the fiscal year preceding the fiscal 26581

year in which the controlling board approved the district's 26582
project minus one)]]. 26583

(K) "Required percentage of the basic project costs" means 26584
one per cent of the basic project costs times the percentile in 26585
which the district ranks for the fiscal year preceding the fiscal 26586
year in which the controlling board approved the district's 26587
project. 26588

(L) "Basic project cost" means a cost amount determined in 26589
accordance with rules adopted under section 111.15 of the Revised 26590
Code by the Ohio school facilities commission. The basic project 26591
cost calculation shall take into consideration the square footage 26592
and cost per square foot necessary for the grade levels to be 26593
housed in the classroom facilities, the variation across the state 26594
in construction and related costs, the cost of the installation of 26595
site utilities and site preparation, the cost of demolition of all 26596
or part of any existing classroom facilities that are abandoned 26597
under the project, the cost of insuring the project until it is 26598
completed, any contingency reserve amount prescribed by the 26599
commission under section 3318.086 of the Revised Code, and the 26600
professional planning, administration, and design fees that a 26601
district may have to pay to undertake a classroom facilities 26602
project. 26603

For a joint vocational school district that receives 26604
assistance under sections 3318.40 to 3318.45 of the Revised Code, 26605
the basic project cost calculation for a project under those 26606
sections shall also take into account the types of laboratory 26607
spaces and program square footages needed for the vocational 26608
education programs for high school students offered by the school 26609
district. 26610

~~"Basic project cost" also includes the value of classroom 26611
facilities authorized in a pre-existing bond issue as described in 26612
section 3318.033 of the Revised Code. 26613~~

(M)(1) Except for a joint vocational school district that 26614
receives assistance under sections 3318.40 to 3318.45 of the 26615
Revised Code, a "school district's portion of the basic project 26616
cost" means the amount determined under section 3318.032 of the 26617
Revised Code. 26618

(2) For a joint vocational school district that receives 26619
assistance under sections 3318.40 to 3318.45 of the Revised Code, 26620
a "school district's portion of the basic project cost" means the 26621
amount determined under division (C) of section 3318.42 of the 26622
Revised Code. 26623

(N) "Child day-care facility" means space within a classroom 26624
facility in which the needs of infants, toddlers, preschool 26625
children, and school children are provided for by persons other 26626
than the parent or guardian of such children for any part of the 26627
day, including persons not employed by the school district 26628
operating such classroom facility. 26629

(O) "Community resource center" means space within a 26630
classroom facility in which comprehensive services that support 26631
the needs of families and children are provided by community-based 26632
social service providers. 26633

(P) "Valuation" means the total value of all property in the 26634
district as listed and assessed for taxation on the tax 26635
duplicates. 26636

(Q) "Percentile" means the percentile in which the district 26637
is ranked pursuant to division (D) of section 3318.011 of the 26638
Revised Code. 26639

(R) "Installation of site utilities" means the installation 26640
of a site domestic water system, site fire protection system, site 26641
gas distribution system, site sanitary system, site storm drainage 26642
system, and site telephone and data system. 26643

(S) "Site preparation" means the earthwork necessary for 26644
preparation of the building foundation system, the paved 26645
pedestrian and vehicular circulation system, playgrounds on the 26646
project site, and lawn and planting on the project site. 26647

Sec. 3318.024. In the first year of a capital biennium, any 26648
funds appropriated to the Ohio school facilities commission for 26649
classroom facilities projects under this chapter in the previous 26650
capital biennium that were not spent or encumbered, or for which 26651
an encumbrance has been canceled under section 3318.05 of the 26652
Revised Code, shall be used by the commission only for projects 26653
under sections 3318.01 to 3318.20 of the Revised Code, subject to 26654
appropriation by the general assembly. 26655

In the second year of a capital biennium, any funds 26656
appropriated to the Ohio school facilities commission for 26657
classroom facilities projects under this chapter that were not 26658
spent or encumbered in the first year of the biennium and which 26659
are in excess of an amount equal to half of the appropriations for 26660
the capital biennium, or for which an encumbrance has been 26661
canceled under section 3318.05 of the Revised Code, shall be used 26662
by the commission only for projects under sections 3318.01 to 26663
3318.20 of the Revised Code, subject to appropriation by the 26664
general assembly. 26665

Sec. 3318.03. (A) Before conducting an on-site evaluation of 26666
a school district under section 3318.02 of the Revised Code, at 26667
the request of the district board of education, the Ohio school 26668
facilities commission shall examine any classroom facilities needs 26669
assessment that has been conducted by the district and any master 26670
plan developed for meeting the facility needs of the district. 26671

(B) Upon conducting the on-site evaluation under section 26672
3318.02 of the Revised Code, the Ohio school facilities commission 26673

shall make a determination of all of the following: 26674

(1) The needs of the school district for additional classroom facilities; 26675
26676

(2) The number of classroom facilities to be included in a project, ~~including classroom facilities authorized by a bond issue described in section 3318.033 of the Revised Code,~~ and the basic project cost of constructing, acquiring, reconstructing, or making additions to each such facility; 26677
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(3) The amount of such cost that the school district can supply from available funds, by the issuance of bonds previously authorized by the electors of the school district the proceeds of which can lawfully be used for the project, ~~including bonds authorized by the district's electors as described in section 3318.033 of the Revised Code,~~ and by the issuance of bonds under section 3318.05 of the Revised Code; 26682
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(4) The remaining amount of such cost that shall be supplied by the state; 26689
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(5) The amount of the state's portion to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal bienniums from funds appropriated for purposes of sections 3318.01 to 3318.20 of the Revised Code. 26691
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(C) The commission shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility only upon evidence that the proposed project conforms to sound educational practice, that it is in keeping with the orderly process of school district reorganization and consolidation, and that the actual or projected enrollment in each classroom facility proposed to be included in the project is at least three hundred fifty pupils. Exceptions shall be authorized only in those districts where topography, sparsity of population, and other factors make larger schools impracticable. 26695
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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 26736
following circumstances: 26737

(1) Additional work is needed to correct an oversight or 26738
deficiency not identified or included in the district's initial 26739
assessment. 26740

(2) Other conditions exist that, in the opinion of the 26741
commission, warrant additions or remodeling of the project 26742
facilities or changes to infrastructure associated with the 26743
district's project that were not identified in the initial 26744
assessment and plan. 26745

(C) If the commission decides in favor of providing 26746
additional assistance to any school district under this section, 26747
the school district shall be responsible for paying for its 26748
portion of the cost of the additions, remodeling, or 26749
infrastructure changes pursuant to section 3318.083 of the Revised 26750
Code. If, after making a financial evaluation of the school 26751
district, the commission determines that the school district is 26752
unable without undue hardship, according to the guidelines adopted 26753
by the commission, to fund the school district portion of the 26754
increase, then the state and the school district shall enter into 26755
an agreement whereby the state shall pay the portion of the cost 26756
increase attributable to the school district which is determined 26757
to be in excess of any local resources available to the district 26758
and the district shall thereafter reimburse the state. The 26759
commission shall establish the district's schedule for reimbursing 26760
the state, which shall not extend beyond five ten years. The 26761
commission may lengthen the reimbursement schedule of a school 26762
district that has entered into an agreement under this section 26763
prior to the effective date of this amendment as long as the total 26764
term of that schedule does not extend beyond ten years. Debt 26765
incurred under this section shall not be included in the 26766
calculation of the net indebtedness of the school district under 26767

section 133.06 of the Revised Code. 26768

Sec. 3318.05. The conditional approval of the Ohio school 26769
facilities commission for a project shall lapse and the amount 26770
reserved and encumbered for such project shall be released unless 26771
the school district board accepts such conditional approval within 26772
one hundred twenty days following the date of certification of the 26773
conditional approval to the school district board and the electors 26774
of the school district vote favorably on both of the propositions 26775
described in divisions (A) and (B) of this section within one year 26776
of the date of such certification, except that a school district 26777
described in division (C) of this section does not need to submit 26778
the proposition described in division (B) of this section. The 26779
propositions described in divisions (A) and (B) of this section 26780
shall be combined in a single proposal. If the district board or 26781
the district's electors fail to meet such requirements and the 26782
amount reserved and encumbered for the district's project is 26783
released, the district shall be given first priority for project 26784
funding as such funds become available. 26785

(A) On the question of issuing bonds of the school district 26786
board, for the school district's portion of the basic project 26787
cost, in an amount equal to the school district's portion of the 26788
basic project cost ~~less any deduction made under section 3318.033~~ 26789
~~of the Revised Code and~~ less the amount of the proceeds of any 26790
securities authorized or to be authorized under division (J) of 26791
section 133.06 of the Revised Code and dedicated by the school 26792
district board to payment of the district's portion of the basic 26793
project cost; and 26794

(B) On the question of levying a tax the proceeds of which 26795
shall be used to pay the cost of maintaining the classroom 26796
facilities included in the project. Such tax shall be at the rate 26797
of not less than one-half mill for each dollar of valuation for a 26798

period of twenty-three years, subject to any extension approved 26799
under section 3318.061 of the Revised Code. 26800

(C) If a school district has in place a tax levied under 26801
section 5705.21 of the Revised Code for general ongoing permanent 26802
improvements ~~of at least two mills for each dollar of valuation~~ 26803
and the proceeds of such tax can be used for maintenance, the 26804
school district need not levy the additional tax required under 26805
division (B) of this section, provided the school district board 26806
includes in the agreement entered into under section 3318.08 of 26807
the Revised Code provisions earmarking an amount from the proceeds 26808
of that permanent improvement tax for maintenance of classroom 26809
facilities equivalent to the amount of the additional tax and for 26810
the equivalent number of years otherwise required under this 26811
section. 26812

(D) Proceeds of the tax to be used for maintenance of the 26813
classroom facilities under either division (B) or (C) of this 26814
section shall be deposited into a separate fund established by the 26815
school district for such purpose. 26816

Sec. 3318.052. At any time after the electors of a school 26817
district have approved either or both a property tax levied under 26818
section 5705.21 or 5705.218 of the Revised Code for the purpose of 26819
general ongoing permanent improvements or a school district income 26820
tax levied under Chapter 5748. of the Revised Code, the proceeds 26821
of which, pursuant to the ballot measures approved by the 26822
electors, are not so restricted that they cannot be used to pay 26823
the costs of a project or maintaining classroom facilities, the 26824
school district board may: 26825

(A) Within one year following the date of the certification 26826
of the conditional approval of the school district's classroom 26827
facilities project by the Ohio school facilities commission, enter 26828
into a written agreement with the commission, which may be part of 26829

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: 26830
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(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; 26833
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(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. 26839
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(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; 26845
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(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; 26854
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(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 26894
that the school district board has covenanted to levy, collect, 26895
and appropriate annually, to pay the debt charges on and financing 26896
costs related to securities issued under this section shall be 26897
repealed while those securities are outstanding. If such a tax is 26898
reduced by the electors of the district or by the district board 26899
while those securities are outstanding, the school district board 26900
shall continue to levy and collect the tax under the authority of 26901
the original election authorizing the tax at a rate in each year 26902
that the board reasonably estimates will produce an amount in that 26903
year equal to the debt charges on the securities in that year. 26904

No state moneys shall be released for a project to which this 26905
section applies until the proceeds of the tax securities issued 26906
under this section that are dedicated for the payment of the 26907
district portion of the basic project cost of its classroom 26908
facilities project are first deposited into the district's project 26909
construction fund. 26910

Sec. 3318.06. (A) After receipt of the conditional approval 26911
of the Ohio school facilities commission, the school district 26912
board by a majority of all of its members shall, if it desires to 26913
proceed with the project, declare all of the following by 26914
resolution: 26915

(1) That by issuing bonds in an amount equal to the school 26916
district's portion of the basic project cost, ~~including bonds~~ 26917
~~previously authorized by the district's electors as described in~~ 26918
~~section 3318.033 of the Revised Code,~~ the district is unable to 26919
provide adequate classroom facilities without assistance from the 26920
state; 26921

(2) Unless the school district board has resolved to apply 26922
the proceeds of a property tax or the proceeds of an income tax, 26923
or a combination of proceeds from such taxes, as authorized under 26924

section 3318.052 of the Revised Code, that to qualify for such 26925
state assistance it is necessary to do either of the following: 26926

(a) Levy a tax outside the ten-mill limitation the proceeds 26927
of which shall be used to pay the cost of maintaining the 26928
classroom facilities included in the project; 26929

(b) Earmark for maintenance of classroom facilities from the 26930
proceeds of an existing permanent improvement tax levied under 26931
section 5705.21 of the Revised Code, if such tax ~~is of at least~~ 26932
~~two mills for each dollar of valuation and~~ can be used for 26933
maintenance, an amount equivalent to the amount of the additional 26934
tax otherwise required under this section and sections 3318.05 and 26935
3318.08 of the Revised Code. 26936

(3) That the question of any tax levy specified in a 26937
resolution described in division (A)(2)(a) of this section, if 26938
required, shall be submitted to the electors of the school 26939
district at the next general or primary election, if there be a 26940
general or primary election not less than seventy-five and not 26941
more than ninety-five days after the day of the adoption of such 26942
resolution or, if not, at a special election to be held at a time 26943
specified in the resolution which shall be not less than 26944
seventy-five days after the day of the adoption of the resolution 26945
and which shall be in accordance with the requirements of section 26946
3501.01 of the Revised Code. 26947

Such resolution shall also state that the question of issuing 26948
bonds of the board shall be combined in a single proposal with the 26949
question of such tax levy. More than one election under this 26950
section may be held in any one calendar year. Such resolution 26951
shall specify both of the following: 26952

(a) That the rate which it is necessary to levy shall be at 26953
the rate of not less than one-half mill for each one dollar of 26954
valuation, and that such tax shall be levied for a period of 26955

twenty-three years; 26956

(b) That the proceeds of the tax shall be used to pay the 26957
cost of maintaining the classroom facilities included in the 26958
project. 26959

(B) A copy of a resolution adopted under division (A) of this 26960
section shall after its passage and not less than seventy-five 26961
days prior to the date set therein for the election be certified 26962
to the county board of elections. 26963

The resolution of the school district board, in addition to 26964
meeting other applicable requirements of section 133.18 of the 26965
Revised Code, shall state that the amount of bonds to be issued 26966
will be an amount equal to the school district's portion of the 26967
basic project cost, and state the maximum maturity of the bonds 26968
which may be any number of years not exceeding the term calculated 26969
under section 133.20 of the Revised Code as determined by the 26970
board. In estimating the amount of bonds to be issued, the board 26971
shall take into consideration the amount of moneys then in the 26972
bond retirement fund and the amount of moneys to be collected for 26973
and disbursed from the bond retirement fund during the remainder 26974
of the year in which the resolution of necessity is adopted. 26975

If the bonds are to be issued in more than one series, the 26976
resolution may state, in addition to the information required to 26977
be stated under division (B)(3) of section 133.18 of the Revised 26978
Code, the number of series, which shall not exceed five, the 26979
principal amount of each series, and the approximate date each 26980
series will be issued, and may provide that no series, or any 26981
portion thereof, may be issued before such date. Upon such a 26982
resolution being certified to the county auditor as required by 26983
division (C) of section 133.18 of the Revised Code, the county 26984
auditor, in calculating, advising, and confirming the estimated 26985
average annual property tax levy under that division, shall also 26986
calculate, advise, and confirm by certification the estimated 26987

average property tax levy for each series of bonds to be issued. 26988

Notice of the election shall include the fact that the tax 26989
levy shall be at the rate of not less than one-half mill for each 26990
one dollar of valuation for a period of twenty-three years, and 26991
that the proceeds of the tax shall be used to pay the cost of 26992
maintaining the classroom facilities included in the project. 26993

If the bonds are to be issued in more than one series, the 26994
board of education, when filing copies of the resolution with the 26995
board of elections as required by division (D) of section 133.18 26996
of the Revised Code, may direct the board of elections to include 26997
in the notice of election the principal amount and approximate 26998
date of each series, the maximum number of years over which the 26999
principal of each series may be paid, the estimated additional 27000
average property tax levy for each series, and the first calendar 27001
year in which the tax is expected to be due for each series, in 27002
addition to the information required to be stated in the notice 27003
under division (E)(3)(a) to (e) of section 133.18 of the Revised 27004
Code. 27005

(C)(1) Except as otherwise provided in division (C)(2) of 27006
this section, the form of the ballot to be used at such election 27007
shall be: 27008

"A majority affirmative vote is necessary for passage. 27009

Shall bonds be issued by the (here insert name 27010
of school district) school district to pay the local share of 27011
school construction under the State of Ohio Classroom Facilities 27012
Assistance Program in the principal amount of (here 27013
insert principal amount of the bond issue), to be repaid annually 27014
over a maximum period of (here insert the maximum 27015
number of years over which the principal of the bonds may be paid) 27016
years, and an annual levy of property taxes be made outside the 27017
ten-mill limitation, estimated by the county auditor to average 27018

over the repayment period of the bond issue (here 27019
insert the number of mills estimated) mills for each one dollar of 27020
tax valuation, which amounts to (rate expressed in 27021
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 27022
for each one hundred dollars of tax valuation to pay the annual 27023
debt charges on the bonds and to pay debt charges on any notes 27024
issued in anticipation of the bonds?" 27025

and, unless the additional levy 27026
of taxes is not required pursuant 27027
to division (C) of section 27028
3318.05 of the Revised Code, 27029

"Shall an additional levy of taxes be made for a period of 27030
twenty-three years to benefit the (here insert name 27031
of school district) school district, the proceeds of which shall 27032
be used to pay the cost of maintaining the classroom facilities 27033
included in the project at the rate of (here insert the 27034
number of mills, which shall not be less than one-half mill) mills 27035
for each one dollar of valuation? 27036

	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 27041
series and the board of education so elects, the form of the 27042
ballot shall be as prescribed in section 3318.062 of the Revised 27043
Code. If the board of education elects the form of the ballot 27044
prescribed in that section, it shall so state in the resolution 27045
adopted under this section. 27046

(D) If it is necessary for the school district to acquire a 27047
site for the classroom facilities to be acquired pursuant to 27048
sections 3318.01 to 3318.20 of the Revised Code, the district 27049

board may propose either to issue bonds of the board or to levy a 27050
tax to pay for the acquisition of such site, and may combine the 27051
question of doing so with the questions specified in division (B) 27052
of this section. Bonds issued under this division for the purpose 27053
of acquiring a site are a general obligation of the school 27054
district and are Chapter 133. securities. 27055

The form of that portion of the ballot to include the 27056
question of either issuing bonds or levying a tax for site 27057
acquisition purposes shall be one of the following: 27058

(1) "Shall bonds be issued by the (here insert 27059
name of the school district) school district to pay costs of 27060
acquiring a site for classroom facilities under the State of Ohio 27061
Classroom Facilities Assistance Program in the principal amount of 27062
..... (here insert principal amount of the bond issue), to be 27063
repaid annually over a maximum period of (here insert 27064
maximum number of years over which the principal of the bonds may 27065
be paid) years, and an annual levy of property taxes be made 27066
outside the ten-mill limitation, estimated by the county auditor 27067
to average over the repayment period of the bond issue 27068
(here insert number of mills) mills for each one dollar of tax 27069
valuation, which amount to (here insert rate expressed 27070
in cents or dollars and cents, such as "thirty-six cents" or 27071
"\$0.36") for each one hundred dollars of valuation to pay the 27072
annual debt charges on the bonds and to pay debt charges on any 27073
notes issued in anticipation of the bonds?" 27074

(2) "Shall an additional levy of taxes outside the ten-mill 27075
limitation be made for the benefit of the (here insert 27076
name of the school district) school district for the 27077
purpose of acquiring a site for classroom facilities in the sum of 27078
..... (here insert annual amount the levy is to produce) 27079
estimated by the county auditor to average (here insert 27080
number of mills) mills for each one hundred dollars of valuation, 27081

for a period of (here insert number of years the millage 27082
is to be imposed) years?" 27083

Where it is necessary to combine the question of issuing 27084
bonds of the school district and levying a tax as described in 27085
division (B) of this section with the question of issuing bonds of 27086
the school district for acquisition of a site, the question 27087
specified in that division to be voted on shall be "For the Bond 27088
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 27089
Levy." 27090

Where it is necessary to combine the question of issuing 27091
bonds of the school district and levying a tax as described in 27092
division (B) of this section with the question of levying a tax 27093
for the acquisition of a site, the question specified in that 27094
division to be voted on shall be "For the Bond Issue and the Tax 27095
Levies" and "Against the Bond Issue and the Tax Levies." 27096

Where the school district board chooses to combine the 27097
question in division (B) of this section with any of the 27098
additional questions described in divisions (A) to (D) of section 27099
3318.056 of the Revised Code, the question specified in division 27100
(B) of this section to be voted on shall be "For the Bond Issues 27101
and the Tax Levies" and "Against the Bond Issues and the Tax 27102
Levies." 27103

If a majority of those voting upon a proposition hereunder 27104
which includes the question of issuing bonds vote in favor 27105
thereof, and if the agreement provided for by section 3318.08 of 27106
the Revised Code has been entered into, the school district board 27107
may proceed under Chapter 133. of the Revised Code, with the 27108
issuance of bonds or bond anticipation notes in accordance with 27109
the terms of the agreement. 27110

Sec. 3318.08. Except in the case of a joint vocational school 27111
district that receives assistance under sections 3318.40 to 27112

3318.45 of the Revised Code, if the requisite favorable vote on 27113
the election is obtained, or if the school district board has 27114
resolved to apply the proceeds of a property tax levy or the 27115
proceeds of an income tax, or a combination of proceeds from such 27116
taxes, as authorized in section 3318.052 of the Revised Code, the 27117
Ohio school facilities commission, upon certification to it of 27118
either the results of the election or the resolution under section 27119
3318.052 of the Revised Code, shall enter into a written agreement 27120
with the school district board for the construction and sale of 27121
the project. In the case of a joint vocational school district 27122
that receives assistance under sections 3318.40 to 3318.45 of the 27123
Revised Code, if the school district board of education and the 27124
school district electors have satisfied the conditions prescribed 27125
in division (D)(1) of section 3318.41 of the Revised Code, the 27126
commission shall enter into an agreement with the school district 27127
board for the construction and sale of the project. In either 27128
case, the agreement shall include, but need not be limited to, the 27129
following provisions: 27130

(A) The sale and issuance of bonds or notes in anticipation 27131
thereof, as soon as practicable after the execution of the 27132
agreement, in an amount equal to the school district's portion of 27133
the basic project cost, including ~~any bonds previously authorized~~ 27134
~~by the district's electors as described in section 3318.033 of the~~ 27135
~~Revised Code and~~ any securities authorized under division (J) of 27136
section 133.06 of the Revised Code and dedicated by the school 27137
district board to payment of the district's portion of the basic 27138
project cost of the project; provided, that if at that time the 27139
county treasurer of each county in which the school district is 27140
located has not commenced the collection of taxes on the general 27141
duplicate of real and public utility property for the year in 27142
which the controlling board approved the project, the school 27143
district board shall authorize the issuance of a first installment 27144
of bond anticipation notes in an amount specified by the 27145

agreement, which amount shall not exceed an amount necessary to 27146
raise the net bonded indebtedness of the school district as of the 27147
date of the controlling board's approval to within five thousand 27148
dollars of the required level of indebtedness for the preceding 27149
year. In the event that a first installment of bond anticipation 27150
notes is issued, the school district board shall, as soon as 27151
practicable after the county treasurer of each county in which the 27152
school district is located has commenced the collection of taxes 27153
on the general duplicate of real and public utility property for 27154
the year in which the controlling board approved the project, 27155
authorize the issuance of a second and final installment of bond 27156
anticipation notes or a first and final issue of bonds. 27157

The combined value of the first and second installment of 27158
bond anticipation notes or the value of the first and final issue 27159
of bonds shall be equal to the school district's portion of the 27160
basic project cost. The proceeds of any such bonds shall be used 27161
first to retire any bond anticipation notes. Otherwise, the 27162
proceeds of such bonds and of any bond anticipation notes, except 27163
the premium and accrued interest thereon, shall be deposited in 27164
the school district's project construction fund. In determining 27165
the amount of net bonded indebtedness for the purpose of fixing 27166
the amount of an issue of either bonds or bond anticipation notes, 27167
gross indebtedness shall be reduced by moneys in the bond 27168
retirement fund only to the extent of the moneys therein on the 27169
first day of the year preceding the year in which the controlling 27170
board approved the project. Should there be a decrease in the tax 27171
valuation of the school district so that the amount of 27172
indebtedness that can be incurred on the tax duplicates for the 27173
year in which the controlling board approved the project is less 27174
than the amount of the first installment of bond anticipation 27175
notes, there shall be paid from the school district's project 27176
construction fund to the school district's bond retirement fund to 27177
be applied against such notes an amount sufficient to cause the 27178

net bonded indebtedness of the school district, as of the first 27179
day of the year following the year in which the controlling board 27180
approved the project, to be within five thousand dollars of the 27181
required level of indebtedness for the year in which the 27182
controlling board approved the project. The maximum amount of 27183
indebtedness to be incurred by any school district board as its 27184
share of the cost of the project is either an amount that will 27185
cause its net bonded indebtedness, as of the first day of the year 27186
following the year in which the controlling board approved the 27187
project, to be within five thousand dollars of the required level 27188
of indebtedness, or an amount equal to the required percentage of 27189
the basic project costs, whichever is greater. All bonds and bond 27190
anticipation notes shall be issued in accordance with Chapter 133. 27191
of the Revised Code, and notes may be renewed as provided in 27192
section 133.22 of the Revised Code. 27193

(B) The transfer of such funds of the school district board 27194
available for the project, together with the proceeds of the sale 27195
of the bonds or notes, except premium, accrued interest, and 27196
interest included in the amount of the issue, to the school 27197
district's project construction fund; 27198

(C) For all school districts except joint vocational school 27199
districts that receive assistance under sections 3318.40 to 27200
3318.45 of the Revised Code, the following provisions as 27201
applicable: 27202

(1) If section 3318.052 of the Revised Code applies, the 27203
earmarking of the proceeds of a tax levied under section 5705.21 27204
of the Revised Code for general ongoing permanent or under section 27205
5705.218 of the Revised Code for the purpose of permanent 27206
improvements, or the proceeds of a school district income tax 27207
levied under Chapter 5748. of the Revised Code, or the proceeds 27208
from a combination of those two taxes, in an amount to pay all or 27209
part of the service charges on bonds issued to pay the school 27210

district portion of the project and an amount equivalent to all or 27211
part of the tax required under division (B) of section 3318.05 of 27212
the Revised Code; 27213

(2) If section 3318.052 of the Revised Code does not apply, 27214
either of the following: 27215

(a) The levy of the tax authorized at the election for the 27216
payment of maintenance costs, as specified in division (B) of 27217
section 3318.05 of the Revised Code; 27218

(b) If the school district electors have approved a 27219
~~continuing tax of at least two mills for each dollar of valuation~~ 27220
for general ongoing permanent improvements under section 5705.21 27221
of the Revised Code and that tax can be used for maintenance, the 27222
earmarking of an amount of the proceeds from such tax for 27223
maintenance of classroom facilities as specified in division (B) 27224
of section 3318.05 of the Revised Code. 27225

(D) For joint vocational school districts that receive 27226
assistance under sections 3318.40 to 3318.45 of the Revised Code, 27227
provision for deposit of school district moneys dedicated to 27228
maintenance of the classroom facilities acquired under those 27229
sections as prescribed in section 3318.43 of the Revised Code; 27230

(E) Dedication of any local donated contribution as provided 27231
for under section 3318.084 of the Revised Code, including a 27232
schedule for depositing such moneys applied as an offset of the 27233
district's obligation to levy the tax described in division (B) of 27234
section 3318.05 of the Revised Code as required under division 27235
(D)(2) of section 3318.084 of the Revised Code; 27236

(F) Ownership of or interest in the project during the period 27237
of construction, which shall be divided between the commission and 27238
the school district board in proportion to their respective 27239
contributions to the school district's project construction fund; 27240

(G) Maintenance of the state's interest in the project until 27241

any obligations issued for the project under section 3318.26 of 27242
the Revised Code are no longer outstanding; 27243

(H) The insurance of the project by the school district from 27244
the time there is an insurable interest therein and so long as the 27245
state retains any ownership or interest in the project pursuant to 27246
division (F) of this section, in such amounts and against such 27247
risks as the commission shall require; provided, that the cost of 27248
any required insurance until the project is completed shall be a 27249
part of the basic project cost; 27250

(I) The certification by the director of budget and 27251
management that funds are available and have been set aside to 27252
meet the state's share of the basic project cost as approved by 27253
the controlling board pursuant to either section 3318.04 or 27254
division (B)(1) of section 3318.41 of the Revised Code; 27255

(J) Authorization of the school district board to advertise 27256
for and receive construction bids for the project, for and on 27257
behalf of the commission, and to award contracts in the name of 27258
the state subject to approval by the commission; 27259

(K) Provisions for the disbursement of moneys from the school 27260
district's project account upon issuance by the commission or the 27261
commission's designated representative of vouchers for work done 27262
to be certified to the commission by the treasurer of the school 27263
district board; 27264

(L) Disposal of any balance left in the school district's 27265
project construction fund upon completion of the project; 27266

(M) Limitations upon use of the project or any part of it so 27267
long as any obligations issued to finance the project under 27268
section 3318.26 of the Revised Code are outstanding; 27269

(N) Provision for vesting the state's interest in the project 27270
to the school district board when the obligations issued to 27271
finance the project under section 3318.26 of the Revised Code are 27272

outstanding;	27273
(O) Provision for deposit of an executed copy of the agreement in the office of the commission;	27274 27275
(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;	27276 27277 27278 27279 27280 27281 27282
(Q) Provision for the school district to maintain the project in accordance with a plan approved by the commission;	27283 27284
(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;	27285 27286 27287 27288 27289 27290 27291 27292 27293 27294 27295 27296 27297 27298 27299 27300 27301
(2) For a school district undertaking a project under section 3318.38 of the Revised Code or a joint vocational school district	27302 27303

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 27336
to clear a site for construction of a replacement facility 27337
included in the district's project. 27338

Sec. 3318.30. (A) There is hereby created the Ohio school 27339
facilities commission. The commission shall administer the 27340
provision of financial assistance to school districts for the 27341
acquisition or construction of classroom facilities in accordance 27342
with sections 3318.01 to 3318.33 of the Revised Code. 27343

The commission is a body corporate and politic, an agency of 27344
state government and an instrumentality of the state, performing 27345
essential governmental functions of this state. The carrying out 27346
of the purposes and the exercise by the commission of its powers 27347
conferred by sections 3318.01 to 3318.33 of the Revised Code are 27348
essential public functions and public purposes of the state. The 27349
commission may, in its own name, sue and be sued, enter into 27350
contracts, and perform all the powers and duties given to it by 27351
sections 3318.01 to 3318.33 of the Revised Code, but it does not 27352
have and shall not exercise the power of eminent domain. In its 27353
discretion and as it determines appropriate, the commission may 27354
delegate to any of its members, executive director, or other 27355
employees any of the commission's powers and duties to carry out 27356
its functions. 27357

(B) The commission shall consist of seven members, three of 27358
whom are voting members. The voting members of the commission 27359
shall be the director of the office of budget and management, the 27360
director of administrative services, and the superintendent of 27361
public instruction, or their designees. Of the nonvoting members, 27362
two shall be members of the senate appointed by the president of 27363
the senate, and two shall be members of the house of 27364
representatives appointed by the speaker of the house. Each of the 27365
appointees of the president, and each of the appointees of the 27366

speaker, shall be members of different political parties. 27367

Nonvoting members shall serve as members of the commission 27368
during the legislative biennium for which they are appointed, 27369
except that any such member who ceases to be a member of the 27370
legislative house from which the member was appointed shall cease 27371
to be a member of the commission. Each nonvoting member shall be 27372
appointed within thirty-one days of the end of the term of that 27373
member's predecessor. Such members may be reappointed. Vacancies 27374
of nonvoting members shall be filled in the manner provided for 27375
original appointments. 27376

Members of the commission shall serve without compensation. 27377

After the initial nonvoting members of the commission have 27378
been appointed, the commission shall meet and organize by electing 27379
voting members as the chairperson and vice-chairperson of the 27380
commission, who shall hold their offices until the next 27381
organizational meeting of the commission. Organizational meetings 27382
of the commission shall be held at the first meeting of each 27383
calendar year. At each organizational meeting, the commission 27384
shall elect from among its voting members a chairperson and 27385
vice-chairperson, who shall serve until the next annual 27386
organizational meeting. The commission shall adopt rules pursuant 27387
to section 111.15 of the Revised Code for the conduct of its 27388
internal business and shall keep a journal of its proceedings. 27389
Including the organizational meeting, the commission shall meet at 27390
least once each calendar quarter. 27391

Two voting members of the commission constitute a quorum, and 27392
the affirmative vote of two members is necessary for approval of 27393
any action taken by the commission. A vacancy in the membership of 27394
the commission does not impair a quorum from exercising all the 27395
rights and performing all the duties of the commission. Meetings 27396
of the commission may be held anywhere in the state and shall be 27397
held in compliance with section 121.22 of the Revised Code. 27398

(C) The commission shall file an annual report of its 27399
activities and finances with the governor, speaker of the house of 27400
representatives, president of the senate, and chairpersons of the 27401
house and senate finance committees. 27402

(D) The commission shall be exempt from the requirements of 27403
sections 101.82 to 101.87 of the Revised Code. 27404

Sec. 3318.31. (A) The Ohio school facilities commission may 27405
perform any act and ensure the performance of any function 27406
necessary or appropriate to carry out the purposes of, and 27407
exercise the powers granted under, Chapter 3318. of the Revised 27408
Code, including any of the following: 27409

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 27410
the Revised Code, rules for the administration of programs 27411
authorized under Chapter 3318. of the Revised Code. 27412

(2) Contract with, retain the services of, or designate, and 27413
fix the compensation of, such agents, accountants, consultants, 27414
advisers, and other independent contractors as may be necessary or 27415
desirable to carry out the programs authorized under Chapter 3318. 27416
of the Revised Code, or authorize the executive director to 27417
perform such powers and duties. 27418

(3) Receive and accept any gifts, grants, donations, and 27419
pledges, and receipts therefrom, to be used for the programs 27420
authorized under Chapter 3318. of the Revised Code. 27421

(4) Make and enter into all contracts, commitments, and 27422
agreements, and execute all instruments, necessary or incidental 27423
to the performance of its duties and the execution of its rights 27424
and powers under Chapter 3318. of the Revised Code, or authorize 27425
the executive director to perform such powers and duties. 27426

(B) The commission shall appoint and fix the compensation of 27427
an executive director who shall serve at the pleasure of the 27428

commission. The executive director shall supervise the operations 27429
of the commission and perform such other duties as delegated by 27430
the commission. The executive director also shall employ and fix 27431
the compensation of such employees as will facilitate the 27432
activities and purposes of the commission, who shall serve at the 27433
pleasure of the executive director. The employees of the 27434
commission shall be exempt from Chapter 4117. of the Revised Code 27435
and shall not be public employees as defined in section 4117.01 of 27436
the Revised Code. 27437

(C) The attorney general shall serve as the legal 27438
representative for the commission and may appoint other counsel as 27439
necessary for that purpose in accordance with section 109.07 of 27440
the Revised Code. 27441

Sec. 3318.37. (A)(1) As used in this section: 27442

~~(1)~~(a) "Large land area school district" means a school 27443
district with a territory of greater than three hundred fifty 27444
square miles in any percentile as determined under section 27445
3318.011 of the Revised Code. 27446

(b) "Low wealth school district" means a school district in 27447
the first through fiftieth percentiles as determined under section 27448
3318.011 of the Revised Code. 27449

~~(2)~~(c) A "school district with an exceptional need for 27450
immediate classroom facilities assistance" means a low wealth or 27451
large land area school district with an exceptional need for new 27452
facilities in order to protect the health and safety of all or a 27453
portion of its students. ~~School~~ 27454

(2) School districts reasonably expected to be eligible for 27455
state assistance under sections 3318.01 to 3318.20 of the Revised 27456
Code within three fiscal years after the year of the application 27457
for assistance under this section ~~is being considered by the Ohio~~ 27458

~~school facilities commission~~, and school districts that 27459
participate in the school building assistance expedited local 27460
partnership program under section 3318.36 of the Revised Code, 27461
except for such districts described in division (A)(3) of this 27462
section, shall not be eligible for assistance under this section. 27463

(3) School districts that participate in the school building 27464
assistance expedited local partnership program under section 27465
3318.36 of the Revised Code may receive assistance under the 27466
program established under this section only if the following 27467
conditions are satisfied: 27468

(a) The district board adopted a resolution certifying its 27469
intent to participate in the school building assistance expedited 27470
local partnership program under section 3318.36 of the Revised 27471
Code prior to September 14, 2000. 27472

(b) The district was selected by the Ohio school facilities 27473
commission for participation in the school building assistance 27474
expedited local partnership program under section 3318.36 of the 27475
Revised Code in the manner prescribed by the commission under that 27476
section as it existed prior to September 14, 2000. 27477

(B)(1) There is hereby established the exceptional needs 27478
school facilities assistance program. Under the program, the Ohio 27479
school facilities commission may set aside from the moneys 27480
annually appropriated to it for classroom facilities assistance 27481
projects up to twenty-five per cent for assistance to school 27482
districts with exceptional needs for immediate classroom 27483
facilities assistance. 27484

(2)(a) After consulting with education and construction 27485
experts, the commission shall adopt guidelines for identifying 27486
school districts with an exceptional need for immediate classroom 27487
facilities assistance. 27488

(b) The guidelines shall include application forms and 27489

instructions for school districts ~~that believe they have an~~ 27490
~~exceptional need for immediate classroom facilities to use in~~ 27491
applying for assistance under this section. 27492

(3) The commission shall evaluate the classroom facilities, 27493
and the need for replacement classroom facilities from the 27494
applications received under this section. The commission, 27495
utilizing the guidelines adopted under division (B)(2)(a) of this 27496
section, shall prioritize the school districts to be assessed. 27497

Notwithstanding section 3318.02 of the Revised Code, the 27498
commission may conduct on-site evaluation of the school districts 27499
prioritized under this section and approve and award funds until 27500
such time as all funds set aside under division (B)(1) of this 27501
section have been encumbered ~~under section 3318.04 of the Revised~~ 27502
Code. However, the commission need not conduct the evaluation of 27503
facilities if the commission determines that a district's 27504
assessment conducted under section 3318.36 of the Revised Code is 27505
sufficient for purposes of this section. 27506

(4) Notwithstanding division (A) of section 3318.05 of the 27507
Revised Code, the school district's portion of the basic project 27508
cost under this section shall be the "required percentage of the 27509
basic project costs," as defined in division (K) of section 27510
3318.01 of the Revised Code. 27511

(5) Except as otherwise specified in this section, any 27512
project undertaken with assistance under this section shall comply 27513
with all provisions of sections 3318.01 to 3318.20 of the Revised 27514
Code. A school district may receive assistance under sections 27515
3318.01 to 3318.20 of the Revised Code for the remainder of the 27516
district's classroom facilities needs as assessed under this 27517
section when the district is eligible for such assistance pursuant 27518
to section 3318.02 of the Revised Code, but any classroom facility 27519
constructed with assistance under this section shall not be 27520
included in a district's project at that time unless the 27521

commission determines the district has experienced the increased 27522
enrollment specified in division (B)(1) of section 3318.04 of the 27523
Revised Code. 27524

(C) No school district shall receive assistance under this 27525
section for a classroom facility that has been included in the 27526
discrete part of the district's classroom facilities needs 27527
identified and addressed in the district's project pursuant to an 27528
agreement entered into under section 3318.36 of the Revised Code. 27529

Sec. 3318.41. (A)(1) The Ohio school facilities commission 27530
annually shall assess the classroom facilities needs of the number 27531
of joint vocational school districts that the commission 27532
reasonably expects to be able to provide assistance to in a fiscal 27533
year, based on the amount set aside for that fiscal year under 27534
division (B) of section 3318.40 of the Revised Code and the order 27535
of priority prescribed in division (B) of section 3318.42 of the 27536
Revised Code, except that in fiscal year 2004 the commission shall 27537
conduct at least the five assessments prescribed in division (E) 27538
of section 3318.40 of the Revised Code. 27539

Upon conducting an assessment of the classroom facilities 27540
needs of a school district, the commission shall make a 27541
determination of all of the following: 27542

(a) The number of classroom facilities to be included in a 27543
project, ~~including classroom facilities authorized by a bond 27544~~
~~issued described in section 3318.033 of the Revised Code,~~ and the 27545
basic project cost of acquiring the classroom facilities included 27546
in the project. The number of facilities and basic project cost 27547
shall be determined in accordance with the specifications adopted 27548
under section 3318.311 of the Revised Code except to the extent 27549
that compliance with such specifications is waived by the 27550
commission pursuant to the rule of the commission adopted under 27551
division (F) of section 3318.40 of the Revised Code. 27552

(b) The school district's portion of the basic project cost 27553
as determined under division (C) of section 3318.42 of the Revised 27554
Code; 27555

(c) The remaining portion of the basic project cost that 27556
shall be supplied by the state; 27557

(d) The amount of the state's portion of the basic project 27558
cost to be encumbered in accordance with section 3318.11 of the 27559
Revised Code in the current and subsequent fiscal bienniums from 27560
funds set aside under division (B) of section 3318.40 of the 27561
Revised Code. 27562

(2) Divisions (A), (C), and (D) of section 3318.03 of the 27563
Revised Code apply to any project under sections 3318.40 to 27564
3318.45 of the Revised Code. 27565

(B)(1) If the commission makes a determination under division 27566
(A) of this section in favor of the acquisition of classroom 27567
facilities for a project under sections 3318.40 to 3318.45 of the 27568
Revised Code, such project shall be conditionally approved. Such 27569
conditional approval shall be submitted to the controlling board 27570
for approval. The controlling board shall immediately approve or 27571
reject the commission's determination, conditional approval, the 27572
amount of the state's portion of the basic project cost, and the 27573
amount of the state's portion of the basic project cost to be 27574
encumbered in the current fiscal biennium. In the event of 27575
approval by the controlling board, the commission shall certify 27576
the conditional approval to the joint vocational school district 27577
board of education and shall encumber the approved funds for the 27578
current fiscal year. 27579

(2) No school district that receives assistance under 27580
sections 3318.40 to 3318.45 of the Revised Code shall have another 27581
such project conditionally approved until the expiration of twenty 27582
years after the school district's prior project was conditionally 27583

approved, unless the school district board demonstrates to the 27584
satisfaction of the commission that the school district has 27585
experienced since conditional approval of its prior project an 27586
exceptional increase in enrollment or program requirements 27587
significantly above the school district's design capacity under 27588
that prior project as determined by rule of the commission. Any 27589
rule adopted by the commission to implement this division shall be 27590
tailored to address the classroom facilities needs of joint 27591
vocational school districts. 27592

(C) In addition to generating the amount of the school 27593
district's portion of the basic project cost as determined under 27594
division (C) of section 3318.42 of the Revised Code, in order for 27595
a school district to receive assistance under sections 3318.40 to 27596
3318.45 of the Revised Code, the school district board shall set 27597
aside school district moneys for the maintenance of the classroom 27598
facilities included in the school district's project in the amount 27599
and manner prescribed in section 3318.43 of the Revised Code. 27600

(D)(1) The conditional approval for a project certified under 27601
division (B)(1) of this section shall lapse and the amount 27602
reserved and encumbered for such project shall be released unless 27603
both of the following conditions are satisfied: 27604

(a) Within one hundred twenty days following the date of 27605
certification of the conditional approval to the joint vocational 27606
school district board, the school district board accepts the 27607
conditional approval and certifies to the commission the school 27608
district board's plan to generate the school district's portion of 27609
the basic project cost, as determined under division (C) of 27610
section 3318.42 of the Revised Code, and to set aside moneys for 27611
maintenance of the classroom facilities acquired under the 27612
project, as prescribed in section 3318.43 of the Revised Code. 27613

(b) Within one year following the date of certification of 27614
the conditional approval to the school district board, the 27615

electors of the school district vote favorably on any ballot 27616
measures proposed by the school district board to generate the 27617
school district's portion of the basic project cost. 27618

(2) If the school district board or electors fail to satisfy 27619
the conditions prescribed in division (D)(1) of this section and 27620
the amount reserved and encumbered for the school district's 27621
project is released, the school district shall be given first 27622
priority over other joint vocational school districts for project 27623
funding under sections 3318.40 to 3318.45 of the Revised Code as 27624
such funds become available. 27625

(E) If the conditions prescribed in division (D)(1) of this 27626
section are satisfied, the commission and the school district 27627
board shall enter into an agreement as prescribed in section 27628
3318.08 of the Revised Code and shall proceed with the development 27629
of plans, cost estimates, designs, drawings, and specifications as 27630
prescribed in section 3318.091 of the Revised Code. 27631

(F) Costs in excess of those approved by the commission under 27632
section 3318.091 of the Revised Code shall be payable only as 27633
provided in sections 3318.042 and 3318.083 of the Revised Code. 27634

(G) Advertisement for bids and the award of contracts for 27635
construction of any project under sections 3318.40 to 3318.45 of 27636
the Revised Code shall be conducted in accordance with section 27637
3318.10 of the Revised Code. 27638

(H) The state funds reserved and encumbered and the funds 27639
provided by the school district to pay the basic project cost of a 27640
project under sections 3318.40 to 3318.45 of the Revised Code 27641
shall be spent simultaneously in proportion to the state's and the 27642
school district's respective portions of that basic project cost. 27643

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 27644
Code apply to projects under sections 3318.40 to 3318.45 of the 27645
Revised Code. 27646

Sec. 3319.01. Except in an island school district, where the 27647
superintendent of an educational service center otherwise may 27648
serve as superintendent of the district and except as otherwise 27649
provided for any cooperative education school district pursuant to 27650
division (B)(2) of section 3311.52 or division (B)(3) of section 27651
3311.521 of the Revised Code, the board of education in each 27652
school district and the governing board of each service center 27653
shall, at a regular or special meeting held not later than the 27654
first day of May of the calendar year in which the term of the 27655
superintendent expires, appoint a person possessed of the 27656
qualifications provided in this section to act as superintendent, 27657
for a term not longer than five years beginning the first day of 27658
August and ending on the thirty-first day of July. Such 27659
superintendent is, at the expiration of a current term of 27660
employment, deemed reemployed for a term of one year at the same 27661
salary plus any increments that may be authorized by the board, 27662
unless such board, on or before the first day of March of the year 27663
in which the contract of employment expires, either reemploys the 27664
superintendent for a succeeding term as provided in this section 27665
or gives to the superintendent written notice of its intention not 27666
to reemploy the superintendent. A superintendent may not be 27667
transferred to any other position during the term of the 27668
superintendent's employment or reemployment except by mutual 27669
agreement by the superintendent and the board. If a vacancy occurs 27670
in the office of superintendent, the board shall appoint a 27671
superintendent for a term not to exceed five years from the next 27672
preceding first day of August. 27673

~~Except as otherwise provided in this section, the employment 27674
or reemployment of a superintendent of a local school district 27675
shall be only upon the recommendation of the service center 27676
superintendent, except that a local board of education, by a 27677
three-fourths vote of its full membership, may, after considering 27678~~

~~two nominations for the position of local superintendent made by 27679
the service center superintendent, employ or reemploy a person not 27680
so nominated for such position. 27681~~

A board may at any regular or special meeting held during the 27682
period beginning on the first day of January of the calendar year 27683
immediately preceding the year the contract of employment of a 27684
superintendent expires and ending on the first day of March of the 27685
year it expires, reemploy such superintendent for a succeeding 27686
term for not longer than five years, beginning on the first day of 27687
August immediately following the expiration of the 27688
superintendent's current term of employment and ending on the 27689
thirty-first day of July of the year in which such succeeding term 27690
expires. No person shall be appointed to the office of 27691
superintendent of a city, or exempted village school district or a 27692
service center who does not hold a license designated for being a 27693
superintendent issued under section 3319.22 of the Revised Code, 27694
unless such person had been employed as a county, city, or 27695
exempted village superintendent prior to August 1, 1939. No person 27696
shall be appointed to the office of local superintendent who does 27697
not hold a license designated for being a superintendent issued 27698
under section 3319.22 of the Revised Code, unless such person held 27699
or was qualified to hold the position of executive head of a local 27700
school district on September 16, 1957. At the time of making such 27701
appointment or designation of term, such board shall fix the 27702
compensation of the superintendent, which may be increased or 27703
decreased during such term, provided such decrease is a part of a 27704
uniform plan affecting salaries of all employees of the district, 27705
and shall execute a written contract of employment with such 27706
superintendent. 27707

Each board shall adopt procedures for the evaluation of its 27708
superintendent and shall evaluate its superintendent in accordance 27709
with those procedures. An evaluation based upon such procedures 27710

shall be considered by the board in deciding whether to renew the 27711
superintendent's contract. The establishment of an evaluation 27712
procedure shall not create an expectancy of continued employment. 27713
Nothing in this section shall prevent a board from making the 27714
final determination regarding the renewal or failure to renew of a 27715
superintendent's contract. 27716

Termination of a superintendent's contract shall be pursuant 27717
to section 3319.16 of the Revised Code. 27718

A board may establish vacation leave for its superintendent. 27719
Upon the superintendent's separation from employment a board that 27720
has such leave may provide compensation at the superintendent's 27721
current rate of pay for all lawfully accrued and unused vacation 27722
leave to the superintendent's credit at the time of separation, 27723
not to exceed the amount accrued within three years before the 27724
date of separation. In case of the death of a superintendent, such 27725
unused vacation leave as the board would have paid to this 27726
superintendent upon separation shall be paid in accordance with 27727
section 2113.04 of the Revised Code, or to the superintendent's 27728
estate. 27729

The superintendent shall be the executive officer for the 27730
board. ~~Except as otherwise provided in this section for local~~ 27731
~~school districts, the~~ The superintendent shall direct and assign 27732
teachers and other employees of the district or service center, 27733
except as provided in section 3319.04 of the Revised Code; assign 27734
the pupils to the proper schools and grades, provided that the 27735
assignment of a pupil to a school outside of the pupil's district 27736
of residence is approved by the board of the district of residence 27737
of such pupil; and perform such other duties as the board 27738
determines. ~~The service center superintendent shall exercise the~~ 27739
~~responsibilities of this section with regard to the assignment of~~ 27740
~~pupils and teachers for local school districts under the~~ 27741
~~supervision of the service center, except that the board of~~ 27742

~~education of a local school district and the governing board of 27743
the educational service center of which the local district is a 27744
part may enter into an agreement requiring the local 27745
superintendent, instead of the superintendent of the educational 27746
service center, to exercise the responsibilities of this section 27747
with regard to the assignment of pupils and teachers for the local 27748
school district. 27749~~

The board of education of any school district may contract 27750
with the governing board of the educational service center from 27751
which it otherwise receives services to conduct searches and 27752
recruitment of candidates for the superintendent position 27753
authorized under this section. 27754

Sec. 3319.02. (A)(1) As used in this section, "other 27755
administrator" means ~~either~~ any of the following: 27756

(a) Except as provided in division (A)(2) of this section, 27757
any employee in a position for which a board of education requires 27758
a license designated by rule of the department of education for 27759
being an administrator issued under section 3319.22 of the Revised 27760
Code, including a professional pupil services employee or 27761
administrative specialist or an equivalent of either one who is 27762
not employed as a school counselor and spends less than fifty per 27763
cent of the time employed teaching or working with students; 27764

(b) Any nonlicensed employee whose job duties enable such 27765
employee to be considered as either a "supervisor" or a 27766
"management level employee," as defined in section 4117.01 of the 27767
Revised Code; 27768

(c) A business manager appointed under section 3319.03 of the 27769
Revised Code. 27770

(2) As used in this section, "other administrator" does not 27771
include a superintendent, assistant superintendent, principal, or 27772

assistant principal. 27773

(B) The board of education of each school district and the 27774
governing board of an educational service center may appoint one 27775
or more assistant superintendents and such other administrators as 27776
are necessary. An assistant educational service center 27777
superintendent or service center supervisor employed on a 27778
part-time basis may also be employed by a local board as a 27779
teacher. The board of each city, exempted village, and local 27780
school district shall employ principals for all high schools and 27781
for such other schools as the board designates, and those boards 27782
may appoint assistant principals for any school that they 27783
designate. 27784

(C) In educational service centers and in city ~~and~~, exempted 27785
village, and local school districts, assistant superintendents, 27786
principals, assistant principals, and other administrators shall 27787
only be employed or reemployed in accordance with nominations of 27788
the superintendent, except that a ~~city or exempted village~~ board 27789
of education of a school district or the governing board of a 27790
service center, by a three-fourths vote of its full membership, 27791
may reemploy any assistant superintendent, principal, assistant 27792
principal, or other administrator whom the superintendent refuses 27793
to nominate. ~~In local school districts, assistant superintendents,~~ 27794
~~principals, assistant principals, and other administrators shall~~ 27795
~~only be employed or reemployed in accordance with nominations of~~ 27796
~~the superintendent of the service center of which the local~~ 27797
~~district is a part, except that a local board of education, by a~~ 27798
~~three fourths vote of its full membership, may reemploy any~~ 27799
~~assistant superintendent, principal, assistant principal, or other~~ 28000
~~administrator whom such superintendent refuses to nominate.~~ 28001

The board of education or governing board shall execute a 28002
written contract of employment with each assistant superintendent, 28003
principal, assistant principal, and other administrator it employs 28004

or reemploys. The term of such contract shall not exceed three 27805
years except that in the case of a person who has been employed as 27806
an assistant superintendent, principal, assistant principal, or 27807
other administrator in the district or center for three years or 27808
more, the term of the contract shall be for not more than five 27809
years and, unless the superintendent of the district recommends 27810
otherwise, not less than two years. If the superintendent so 27811
recommends, the term of the contract of a person who has been 27812
employed by the district or service center as an assistant 27813
superintendent, principal, assistant principal, or other 27814
administrator for three years or more may be one year, but all 27815
subsequent contracts granted such person shall be for a term of 27816
not less than two years and not more than five years. When a 27817
teacher with continuing service status becomes an assistant 27818
superintendent, principal, assistant principal, or other 27819
administrator with the district or service center with which the 27820
teacher holds continuing service status, the teacher retains such 27821
status in the teacher's nonadministrative position as provided in 27822
sections 3319.08 and 3319.09 of the Revised Code. 27823

A board of education or governing board may reemploy an 27824
assistant superintendent, principal, assistant principal, or other 27825
administrator at any regular or special meeting held during the 27826
period beginning on the first day of January of the calendar year 27827
immediately preceding the year of expiration of the employment 27828
contract and ending on the last day of March of the year the 27829
employment contract expires. 27830

Except by mutual agreement of the parties thereto, no 27831
assistant superintendent, principal, assistant principal, or other 27832
administrator shall be transferred during the life of a contract 27833
to a position of lesser responsibility. No contract may be 27834
terminated by a board except pursuant to section 3319.16 of the 27835
Revised Code. No contract may be suspended except pursuant to 27836

section 3319.17 or 3319.171 of the Revised Code. The salaries and 27837
compensation prescribed by such contracts shall not be reduced by 27838
a board unless such reduction is a part of a uniform plan 27839
affecting the entire district or center. The contract shall 27840
specify the employee's administrative position and duties as 27841
included in the job description adopted under division (D) of this 27842
section, the salary and other compensation to be paid for 27843
performance of duties, the number of days to be worked, the number 27844
of days of vacation leave, if any, and any paid holidays in the 27845
contractual year. 27846

An assistant superintendent, principal, assistant principal, 27847
or other administrator is, at the expiration of the current term 27848
of employment, deemed reemployed at the same salary plus any 27849
increments that may be authorized by the board, unless such 27850
employee notifies the board in writing to the contrary on or 27851
before the first day of June, or unless such board, on or before 27852
the last day of March of the year in which the contract of 27853
employment expires, either reemploys such employee for a 27854
succeeding term or gives written notice of its intention not to 27855
reemploy the employee. The term of reemployment of a person 27856
reemployed under this paragraph shall be one year, except that if 27857
such person has been employed by the school district or service 27858
center as an assistant superintendent, principal, assistant 27859
principal, or other administrator for three years or more, the 27860
term of reemployment shall be two years. 27861

(D)(1) Each board shall adopt procedures for the evaluation 27862
of all assistant superintendents, principals, assistant 27863
principals, and other administrators and shall evaluate such 27864
employees in accordance with those procedures. The evaluation 27865
based upon such procedures shall be considered by the board in 27866
deciding whether to renew the contract of employment of an 27867
assistant superintendent, principal, assistant principal, or other 27868

administrator. 27869

(2) The evaluation shall measure each assistant 27870
superintendent's, principal's, assistant principal's, and other 27871
administrator's effectiveness in performing the duties included in 27872
the job description and the evaluation procedures shall provide 27873
for, but not be limited to, the following: 27874

(a) Each assistant superintendent, principal, assistant 27875
principal, and other administrator shall be evaluated annually 27876
through a written evaluation process. 27877

(b) The evaluation shall be conducted by the superintendent 27878
or designee. 27879

(c) In order to provide time to show progress in correcting 27880
the deficiencies identified in the evaluation process, the 27881
evaluation process shall be completed as follows: 27882

(i) In any school year that the employee's contract of 27883
employment is not due to expire, at least one evaluation shall be 27884
completed in that year. A written copy of the evaluation shall be 27885
provided to the employee no later than the end of the employee's 27886
contract year as defined by the employee's annual salary notice. 27887

(ii) In any school year that the employee's contract of 27888
employment is due to expire, at least a preliminary evaluation and 27889
at least a final evaluation shall be completed in that year. A 27890
written copy of the preliminary evaluation shall be provided to 27891
the employee at least sixty days prior to any action by the board 27892
on the employee's contract of employment. The final evaluation 27893
shall indicate the superintendent's intended recommendation to the 27894
board regarding a contract of employment for the employee. A 27895
written copy of the evaluation shall be provided to the employee 27896
at least five days prior to the board's acting to renew or not 27897
renew the contract. 27898

(3) Termination of an assistant superintendent, principal, 27899

assistant principal, or other administrator's contract shall be 27900
pursuant to section 3319.16 of the Revised Code. Suspension of any 27901
such employee shall be pursuant to section 3319.17 or 3319.171 of 27902
the Revised Code. 27903

(4) Before taking action to renew or nonrenew the contract of 27904
an assistant superintendent, principal, assistant principal, or 27905
other administrator under this section and prior to the last day 27906
of March of the year in which such employee's contract expires, 27907
the board shall notify each such employee of the date that the 27908
contract expires and that the employee may request a meeting with 27909
the board. Upon request by such an employee, the board shall grant 27910
the employee a meeting in executive session. In that meeting, the 27911
board shall discuss its reasons for considering renewal or 27912
nonrenewal of the contract. The employee shall be permitted to 27913
have a representative, chosen by the employee, present at the 27914
meeting. 27915

(5) The establishment of an evaluation procedure shall not 27916
create an expectancy of continued employment. Nothing in division 27917
(D) of this section shall prevent a board from making the final 27918
determination regarding the renewal or nonrenewal of the contract 27919
of any assistant superintendent, principal, assistant principal, 27920
or other administrator. However, if a board fails to provide 27921
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 27922
section, or if the board fails to provide at the request of the 27923
employee a meeting as prescribed in division (D)(4) of this 27924
section, the employee automatically shall be reemployed at the 27925
same salary plus any increments that may be authorized by the 27926
board for a period of one year, except that if the employee has 27927
been employed by the district or service center as an assistant 27928
superintendent, principal, assistant principal, or other 27929
administrator for three years or more, the period of reemployment 27930
shall be for two years. 27931

(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 27963
manager who shall serve ~~for a term not to exceed four years unless~~ 27964
~~earlier removed for cause pursuant to a contract in accordance~~ 27965
with section 3319.02 of the Revised Code. A vacancy in this office 27966
~~shall be filled only for the unexpired term thereof.~~ In the 27967
discharge of all ~~his~~ official duties, the business manager may be 27968
directly responsible to the board, or to the superintendent of 27969
schools, as the board directs at the time of ~~election~~ appointment 27970
to the position. Where such business manager is responsible to the 27971
superintendent ~~he~~ the business manager shall be appointed by the 27972
superintendent and confirmed by the board. 27973

No board of education shall ~~elect~~ appoint or confirm as 27974
business manager any person who does not hold a valid business 27975
manager's license issued under section 3301.074 of the Revised 27976
Code. If the business manager fails to maintain a valid license, 27977
~~he~~ the business manager shall be removed by the board. 27978

Sec. 3319.07. (A) The board of education of each city, 27979
exempted village, ~~and~~ local, and joint vocational school district 27980
shall employ the teachers of the public schools of their 27981
respective districts. 27982

The governing board of each educational service center may 27983
employ special instruction teachers, special education teachers, 27984
and teachers of academic courses in which there are too few 27985
students in each of the constituent local school districts or in 27986
city or exempted village school districts entering into agreements 27987
pursuant to section 3313.843 of the Revised Code to warrant each 27988
district's employing teachers for those courses. 27989

When any board makes appointments of teachers, the teachers 27990
in the employ of the board shall be considered before new teachers 27991
are chosen in their stead. In ~~city, exempted village, and joint~~ 27992
~~vocational~~ all school districts and in service centers no teacher 27993

shall be employed unless such person is nominated by the 27994
superintendent of such district or center. Such board, by a 27995
three-fourths vote of its full membership, may re-employ any 27996
teacher whom the superintendent refuses to appoint. ~~In local 27997
school districts, no teacher shall be employed, except as provided 27998
in division (B) of this section, unless nominated by the 27999
superintendent of the service center of which such local school 28000
district is a part; by a majority vote of the full membership of 28001
such board, the board of education of any local school district 28002
may, after considering two nominations for any position made by 28003
the service center superintendent, reemploy a person not so 28004
nominated for such position. 28005~~

(B) The board of education of a ~~local~~ any school district ~~and 28006
the board of education of the county school district of which the 28007
local district is a part may enter into an agreement authorizing 28008
the superintendent of the local district, in lieu of the 28009
superintendent of the county district, to make nominations under 28010
this section for the employment of teachers in the local district. 28011
While such an agreement is in effect the board of education of the 28012
local district shall not employ any teacher unless the person is 28013
nominated by the superintendent of the district except that, by a 28014
three-fourths vote of its full membership, it may re-employ any 28015
teacher whom the superintendent refuses to nominate may contract 28016
with the governing board of the educational service center from 28017
which it otherwise receives services to conduct searches and 28018
recruitment of candidates for teacher positions. 28019~~

Sec. 3319.19. (A) Except as provided in division (D) of this 28020
section or division (A)(2) of section 3313.37 of the Revised Code, 28021
upon request, the board of county commissioners shall provide and 28022
equip offices in the county for the use of the superintendent of 28023
an educational service center, and shall provide heat, light, 28024
water, and janitorial services for such offices. Such offices 28025

shall be the permanent headquarters of the superintendent and 28026
shall be used by the governing board of the service center when it 28027
is in session. Except as provided in division (B) of this section, 28028
such offices shall be located in the county seat or, upon the 28029
approval of the governing board, may be located outside of the 28030
county seat. 28031

(B) In the case of a service center formed under section 28032
3311.053 or 3311.059 of the Revised Code, the governing board 28033
shall designate the site of its offices. Except as provided in 28034
division (D) of this section or division (A)(2) of section 3313.37 28035
of the Revised Code, the board of county commissioners of the 28036
county in which the designated site is located shall provide and 28037
equip the offices as under division (A) of this section, but the 28038
costs of such offices and equipment shall be apportioned among the 28039
boards of county commissioners of all counties having any 28040
territory in the area under the control of the governing board, 28041
according to the proportion of local school district pupils under 28042
the supervision of such board residing in the respective counties. 28043
Where there is a dispute as to the amount any board of county 28044
commissioners is required to pay, the probate judge of the county 28045
in which the greatest number of pupils under the supervision of 28046
the governing board reside shall apportion such costs among the 28047
boards of county commissioners and notify each such board of its 28048
share of the costs. 28049

(C) ~~Not~~ As used in division (C) of this section, in the case 28050
of a building, facility, or office space that a board of county 28051
commissioners leases or rents, "actual cost per square foot" means 28052
all cost on a per square foot basis incurred by the board under 28053
the lease or rental agreement. In the case of a building, 28054
facility, or office space that the board owns in fee simple, 28055
"actual cost per square foot" means the fair rental value on a per 28056
square foot basis of the building, facility, or office space 28057

either as compared to a similarly situated building, facility, or 28058
office space in the general vicinity or as calculated under a 28059
formula that accounts for depreciation, amortization of 28060
improvements, and other reasonable factors, including, but not 28061
limited to, parking space and other amenities. 28062

Not later than the thirty-first day of March of 2002, 2003, 28063
2004, and 2005 a board of county commissioners required to provide 28064
or equip offices pursuant to division (A) or (B) of this section 28065
shall make a written estimate of the total cost it will incur for 28066
the ensuing fiscal year to provide and equip the offices and to 28067
provide heat, light, water, and janitorial services for such 28068
offices. The total estimate of cost shall include: 28069

(1) The total square feet of space to be utilized by the 28070
educational service center; 28071

(2) The total square feet of any common areas that should be 28072
reasonably allocated to the center and the methodology for making 28073
this allocation; 28074

(3) The actual cost per square foot for both the space 28075
utilized by and the common area allocated to the center; 28076

(4) An explanation of the methodology used to determine the 28077
actual cost per square foot ~~cost~~; 28078

(5) The estimated cost of providing heat, light, and water, 28079
including an explanation of how these costs were determined; 28080

(6) The estimated cost of providing janitorial services 28081
including an explanation of the methodology used to determine this 28082
cost; 28083

(7) Any other estimated costs that the board anticipates it 28084
will occur and a detailed explanation of the costs and the 28085
rationale used to determine such costs. 28086

A copy of the total estimate of costs under this division 28087

shall be sent to the superintendent of the educational service 28088
center not later than the fifth day of April. The superintendent 28089
shall review the total estimate and shall notify the board of 28090
county commissioners not later than twenty days after receipt of 28091
the estimate of either agreement with the estimate or any specific 28092
objections to the estimates and the reasons for the objections. If 28093
the superintendent agrees with the estimate, it shall become the 28094
final total estimate of cost. Failure of the superintendent to 28095
make objections to the estimate by the twentieth day after receipt 28096
of it shall be deemed to mean that the superintendent is in 28097
agreement with the estimate. 28098

If the superintendent provides specific objections to the 28099
board of county commissioners, the board shall review the 28100
objections and may modify the original estimate and shall send a 28101
revised total estimate to the superintendent within ten days after 28102
the receipt of the superintendent's objections. The superintendent 28103
shall respond to the revised estimate within ten days after its 28104
receipt. If the superintendent agrees with it, it shall become the 28105
final total estimated cost. If the superintendent fails to respond 28106
within the required time, the superintendent shall be deemed to 28107
have agreed with the revised estimate. If the superintendent 28108
disagrees with the revised estimate, the superintendent shall send 28109
specific objections to the county commissioners. 28110

If a superintendent has sent specific objections to the 28111
revised estimate within the required time, the probate judge of 28112
the county which has the greatest number of resident local school 28113
district pupils under the supervision of the educational service 28114
center shall determine the final estimated cost and certify this 28115
amount to the superintendent and the board of county commissioners 28116
prior to the first day of July. 28117

(D)(1) A board of county commissioners shall be responsible 28118
for the following percentages of the final total estimated cost 28119

established by division (C) of this section:	28120
(a) Eighty per cent for fiscal year 2003;	28121
(b) Sixty per cent for fiscal year 2004;	28122
(c) Forty per cent for fiscal year 2005;	28123
(d) Twenty per cent for fiscal year 2006.	28124
In fiscal years 2003, 2004, 2005, and 2006 the educational	28125
service center shall be responsible for the remainder of any costs	28126
in excess of the amounts specified in division (D)(1)(a),(b), or	28127
(c), <u>or (d)</u> of this section, as applicable, associated with the	28128
provision and equipment of offices for the educational service	28129
center and for provision of heat, light, water, and janitorial	28130
services for such offices, including any unanticipated or	28131
unexpected increases in the costs beyond the final estimated cost	28132
amount.	28133
Beginning in fiscal year 2007, no board of county	28134
commissioners shall have any obligation to provide and equip	28135
offices for an educational service center or to provide heat,	28136
light, water, or janitorial services for such offices.	28137
(2) Nothing in this section shall prohibit the board of	28138
county commissioners and the governing board of an educational	28139
service center from entering into a contract for providing and	28140
equipping offices for the use of an educational service center and	28141
for providing heat, light, water, and janitorial services for such	28142
offices. The term of any such contract shall not exceed a period	28143
of four years and may be renewed for additional periods not to	28144
exceed four years. Any such contract shall supersede the	28145
provisions of division (D)(1) of this section and no educational	28146
service center may be charged, at any time, any additional amount	28147
for the county's provision of an office and equipment, heat,	28148
light, water, and janitorial services beyond the amount specified	28149
in such contract.	28150

(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. 28214

Each professional development committee shall consist of at 28215
least three classroom teachers employed by the district, one 28216
principal employed by the district, and one other employee of the 28217
district appointed by the district superintendent. For committees 28218
with a building-level scope, the teacher and principal members 28219
shall be assigned to that building, and the teacher members shall 28220
be elected by majority vote of the classroom teachers assigned to 28221
that building. For committees with a district-level scope, the 28222
teacher members shall be elected by majority vote of the classroom 28223
teachers of the district, and the principal member shall be 28224
elected by a majority vote of the principals of the district, 28225
unless there are two or fewer principals employed by the district, 28226
in which case the one or two principals employed shall serve on 28227
the committee. If a committee has a particular grade or age level 28228
scope, the teacher members shall be licensed to teach such grade 28229
or age levels, and shall be elected by majority vote of the 28230
classroom teachers holding such a license and the principal shall 28231
be elected by all principals serving in buildings where any such 28232
teachers serve. The district superintendent shall appoint a 28233
replacement to fill any vacancy that occurs on a professional 28234
development committee, except in the case of vacancies among the 28235
elected classroom teacher members, which shall be filled by vote 28236
of the remaining members of the committee so selected. 28237

Terms of office on professional development committees shall 28238
be prescribed by the district board establishing the committees. 28239
The conduct of elections for members of professional development 28240
committees shall be prescribed by the district board establishing 28241
the committees. A professional development committee may include 28242
additional members, except that the majority of members on each 28243
such committee shall be classroom teachers employed by the 28244
district. Any member appointed to fill a vacancy occurring prior 28245

to the expiration date of the term for which a predecessor was 28246
appointed shall hold office as a member for the remainder of that 28247
term. 28248

The initial meeting of any professional development 28249
committee, upon election and appointment of all committee members, 28250
shall be called by a member designated by the district 28251
superintendent. At this initial meeting, the committee shall 28252
select a chairperson and such other officers the committee deems 28253
necessary, and shall adopt rules for the conduct of its meetings. 28254
Thereafter, the committee shall meet at the call of the 28255
chairperson or upon the filing of a petition with the district 28256
superintendent signed by a majority of the committee members 28257
calling for the committee to meet. 28258

(3) In the case of a school district in which an exclusive 28259
representative has been established pursuant to Chapter 4117. of 28260
the Revised Code, professional development committees shall be 28261
established in accordance with any collective bargaining agreement 28262
in effect in the district that includes provisions for such 28263
committees. 28264

If the collective bargaining agreement does not specify a 28265
different method for the selection of teacher members of the 28266
committees, the exclusive representative of the district's 28267
teachers shall select the teacher members. 28268

If the collective bargaining agreement does not specify a 28269
different structure for the committees, the board of education of 28270
the school district shall establish the structure, including the 28271
number of committees and the number of teacher and administrative 28272
members on each committee; the specific administrative members to 28273
be part of each committee; whether the scope of the committees 28274
will be district levels, building levels, or by type of grade or 28275
age levels for which educator licenses are designated; the lengths 28276
of terms for members; the manner of filling vacancies on the 28277

committees; and the frequency and time and place of meetings. 28278
However, in all cases, except as provided in division (C)(4) of 28279
this section, there shall be a majority of teacher members of any 28280
professional development committee, there shall be at least five 28281
total members of any professional development committee, and the 28282
exclusive representative shall designate replacement members in 28283
the case of vacancies among teacher members, unless the collective 28284
bargaining agreement specifies a different method of selecting 28285
such replacements. 28286

(4) Whenever an administrator's coursework plan is being 28287
discussed or voted upon, the local professional development 28288
committee shall, at the request of one of its administrative 28289
members, cause a majority of the committee to consist of 28290
administrative members by reducing the number of teacher members 28291
voting on the plan. 28292

(D)(1) The department of education, educational service 28293
centers, county boards of mental retardation and developmental 28294
disabilities, regional professional development centers, special 28295
education regional resource centers, college and university 28296
departments of education, head start programs, the Ohio SchoolNet 28297
commission, and the Ohio education computer network may establish 28298
local professional development committees to determine whether the 28299
coursework proposed by their employees who are licensed or 28300
certificated under this section or section 3319.222 of the Revised 28301
Code meet the requirements of the rules adopted under this 28302
section. They may establish local professional development 28303
committees on their own or in collaboration with a school district 28304
or other agency having authority to establish them. 28305

Local professional development committees established by 28306
county boards of mental retardation and developmental disabilities 28307
shall be structured in a manner comparable to the structures 28308
prescribed for school districts in divisions (C)(2) and (3) of 28309

this section, as shall the committees established by any other 28310
entity specified in division (D)(1) of this section that provides 28311
educational services by employing or contracting for services of 28312
classroom teachers licensed or certificated under this section or 28313
section 3319.222 of the Revised Code. All other entities specified 28314
in division (D)(1) of this section shall structure their 28315
committees in accordance with guidelines which shall be issued by 28316
the state board. 28317

(2) Any public agency that is not specified in division 28318
(D)(1) of this section but provides educational services and 28319
employs or contracts for services of classroom teachers licensed 28320
or certificated under this section or section 3319.222 of the 28321
Revised Code may establish a local professional development 28322
committee, subject to the approval of the department of education. 28323
The committee shall be structured in accordance with guidelines 28324
issued by the state board. 28325

Sec. 3319.33. On or before the first day of August in each 28326
year, the board of education of each city ~~and~~, exempted village, 28327
and local school district shall report to the state board of 28328
education, ~~and the board of each local school district shall~~ 28329
~~report to the superintendent of the educational service center,~~ 28330
the school statistics of its district. Such report shall be made 28331
on forms furnished by the state board of education and shall 28332
contain such information as the state board of education requires. 28333
The report shall also set forth with respect to each civil 28334
proceeding in which the board of education is a defendant and each 28335
civil proceeding in which the board of education is a party and is 28336
not a defendant and in which one of the other parties is a board 28337
of education in this state or an officer, board, or official of 28338
this state: 28339

(A) The nature of the proceeding; 28340

(B) The capacity in which the board is a party to the proceeding; 28341
28342

(C) The total expenses incurred by the board with respect to the proceeding; 28343
28344

(D) The total expenses incurred by the board with respect to the proceeding during the reporting period. 28345
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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. 28347
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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. 28350
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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: 28357
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(1) Such reports as are required by the state board of education, the school district board of education, or the superintendent of schools; 28361
28362
28363

(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 28364
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taught, with the dates of its validity. The state board of 28371
education shall prescribe the record and administration for such 28372
filing of educator licenses and internship certificates in 28373
educational service centers. 28374

~~(B) If the board of education of a local school district and 28375
the governing board of the educational service center of which the 28376
local district is a part have entered into an agreement under 28377
division (B) of section 3319.07 of the Revised Code, the agreement 28378
may also require the superintendent of the local school district, 28379
instead of the superintendent of the educational service center, 28380
to administer the filing of educator licenses and internship 28381
certificates for the local school district and to provide to the 28382
teachers of the district the written statements required in 28383
division (A)(2) of this section. While such an agreement is in 28384
effect between a local school district and an educational service 28385
center, a teacher employed by the local district shall file a 28386
legal educator license or internship certificate, or true copy of 28387
it, with the superintendent of the local district and that 28388
superintendent shall provide to the teacher the written statement 28389
required by division (A)(2) of this section. 28390~~

~~(C)~~ Notwithstanding division (A) of this section, the 28391
treasurer may pay either of the following: 28392

(1) Any teacher for services rendered during the first two 28393
months of the teacher's initial employment with the school 28394
district or educational service center, provided such teacher is 28395
the holder of a bachelor's degree or higher and has filed with the 28396
state board of education an application for the issuance of a 28397
provisional or professional educator license. 28398

(2) Any substitute teacher for services rendered while 28399
conditionally employed under section 3319.101 of the Revised Code. 28400

~~(D)~~(C) Upon notice to the treasurer given by the state board 28401

of education or any superintendent having jurisdiction that 28402
reports required of a teacher have not been made, the treasurer 28403
shall withhold the salary of the teacher until the required 28404
reports are completed and furnished. 28405

Sec. 3323.16. No unit for deaf children shall be disapproved 28406
for funding under division (B) or (D)(1) of section 3317.05 of the 28407
Revised Code on the basis of the methods of instruction used in 28408
educational programs in the school district or institution to 28409
teach deaf children to communicate, and no preference in approving 28410
units for funding shall be given ~~by the state board~~ for teaching 28411
deaf children by the oral, manual, total communication, or other 28412
method of instruction. 28413

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 28414
and division (D) of section 3311.52 of the Revised Code, this 28415
section and sections 3327.011, 3327.012, and 3327.02 of the 28416
Revised Code do not apply to any joint vocational or cooperative 28417
education school district. 28418

In all city, local, and exempted village school districts 28419
where resident school pupils in grades kindergarten through eight 28420
live more than two miles from the school for which the state board 28421
of education prescribes minimum standards pursuant to division (D) 28422
of section 3301.07 of the Revised Code and to which they are 28423
assigned by the board of education of the district of residence or 28424
to and from the nonpublic or community school which they attend 28425
the board of education shall provide transportation for such 28426
pupils to and from such school except as provided in section 28427
3327.02 of the Revised Code. 28428

In all city, local, and exempted village school districts the 28429
board may provide transportation for resident school pupils in 28430
grades nine through twelve to and from the high school to which 28431

they are assigned by the board of education of the district of 28432
residence or to and from the nonpublic or community high school 28433
which they attend for which the state board of education 28434
prescribes minimum standards pursuant to division (D) of section 28435
3301.07 of the Revised Code. 28436

A board of education shall not be required to transport 28437
elementary or high school pupils to and from a nonpublic or 28438
community school where such transportation would require more than 28439
thirty minutes of direct travel time as measured by school bus 28440
from the ~~collection point~~ as public school building to which the 28441
pupils would be assigned if attending the public school designated 28442
by the ~~coordinator of school transportation, appointed under~~ 28443
~~section 3327.011 of the Revised Code, for the attendance area of~~ 28444
the district of residence. 28445

Where it is impractical to transport a pupil by school 28446
conveyance, a board of education may offer payment, in lieu of 28447
providing such transportation in accordance with section 3327.02 28448
of the Revised Code. 28449

In all city, local, and exempted village school districts the 28450
board shall provide transportation for all children who are so 28451
crippled that they are unable to walk to and from the school for 28452
which the state board of education prescribes minimum standards 28453
pursuant to division (D) of section 3301.07 of the Revised Code 28454
and which they attend. In case of dispute whether the child is 28455
able to walk to and from the school, the health commissioner shall 28456
be the judge of such ability. In all city, exempted village, and 28457
local school districts the board shall provide transportation to 28458
and from school or special education classes for educable mentally 28459
retarded children in accordance with standards adopted by the 28460
state board of education. 28461

When transportation of pupils is provided the conveyance 28462
shall be run on a time schedule that shall be adopted and put in 28463

force by the board not later than ten days after the beginning of 28464
the school term. 28465

The cost of any transportation service authorized by this 28466
section shall be paid first out of federal funds, if any, 28467
available for the purpose of pupil transportation, and secondly 28468
out of state appropriations, in accordance with regulations 28469
adopted by the state board of education. 28470

No transportation of any pupils shall be provided by any 28471
board of education to or from any school which in the selection of 28472
pupils, faculty members, or employees, practices discrimination 28473
against any person on the grounds of race, color, religion, or 28474
national origin. 28475

~~Sec. 3327.011. Coordinators of school transportation shall be 28476
appointed according to provisions of section 3301.13 of the 28477
Revised Code to assure that each pupil, as provided in section 28478
3327.01 of the Revised Code, is transported to and from the school 28479
which he attends in a safe, expedient, and economical manner using 28480
public school collection points, routes, and schedules. 28481~~

In determining how best to provide such transportation, where 28482
persons or firms on or after April 1, 1965, were providing 28483
transportation to and from schools pursuant to contracts with 28484
persons or agencies responsible for the operation of such schools, 28485
~~a coordinator or~~ the board of education responsible for 28486
transportation in accordance with section 3327.01 of the Revised 28487
Code shall give preference if economically feasible during the 28488
term of any such contract to the firm or person providing such 28489
transportation. The boards of education within the county or group 28490
of counties shall ~~recommend to the coordinator of~~ establish 28491
transportation routes, schedules, and utilization of 28492
transportation equipment. ~~The coordinator, upon receipt of such~~ 28493
~~recommendations, shall establish transportation routes, schedules,~~ 28494

~~and utilization of transportation equipment, following such~~ 28495
~~recommendations to whatever extent is feasible.~~ The appeals from 28496
the determination of the ~~coordinator~~ board of education 28497
responsible for transportation shall be taken to the state board 28498
of education. 28499

Sec. 3329.06. The board of education of each city, exempted 28500
village, and local school district shall furnish, free of charge, 28501
the necessary textbooks to the pupils attending the public 28502
schools. In lieu of textbooks, district boards may furnish 28503
electronic textbooks to pupils attending the public schools, 28504
provided the electronic textbooks are furnished free of charge. A 28505
district board that chooses to furnish electronic textbooks to 28506
pupils attending school in the district shall provide reasonable 28507
access to the electronic textbooks and other necessary computer 28508
equipment to pupils in the district who are required to complete 28509
homework assignments, and teachers providing homework assignments, 28510
utilizing electronic textbooks furnished by the district board. 28511
Pupils wholly or in part supplied with necessary textbooks or 28512
electronic textbooks shall be supplied only as other or new 28513
textbooks or electronic textbooks are needed. ~~A board may limit~~ 28514
~~its purchase and ownership of textbooks or electronic textbooks~~ 28515
~~needed for its schools to six subjects per year, the cost of which~~ 28516
~~shall not exceed twenty five per cent of the entire cost of~~ 28517
~~adoption.~~ All textbooks or electronic textbooks furnished as 28518
provided in this section shall be the property of the district, 28519
and loaned to the pupils on such terms as each such board 28520
prescribes. In order to carry out sections 3329.01 to 3329.10 of 28521
the Revised Code, each board, in the preparation of its annual 28522
budget, shall include as a separate item the amount which the 28523
board finds necessary to administer such sections and such amount 28524
shall not be subject to transfer to any other fund. 28525

Sec. 3329.08. At any regular meeting, the board of education 28526
of each local school district, from lists adopted by the 28527
educational service center governing board, and the board of 28528
education of each city and exempted village school district shall 28529
determine by a majority vote of all members elected or appointed 28530
under division (B) or (F) of section 3311.71 of the Revised Code 28531
which of such textbooks or electronic textbooks so filed shall be 28532
used in the schools under its control. ~~Except for periodic and~~ 28533
~~normal updating of electronic textbooks, no textbooks or~~ 28534
~~electronic textbooks shall be changed, nor any part thereof~~ 28535
~~altered or revised, nor any other textbook or electronic textbook~~ 28536
~~substituted therefor, within four years after the date of~~ 28537
~~selection and adoption thereof, as shown by the official records~~ 28538
~~of such boards, except by the consent, at a regular meeting, of~~ 28539
~~four fifths of all members elected thereto. Textbooks or~~ 28540
~~electronic textbooks so substituted shall be adopted for the full~~ 28541
~~term of four years.~~ 28542

Sec. 3332.04. The state board of career colleges and schools 28543
may appoint an executive director and such other staff as may be 28544
required for the performance of the board's duties and provide 28545
necessary facilities. In selecting an executive director, the 28546
board shall appoint an individual with a background or experience 28547
in the regulation of commerce, business, or education. The board 28548
may also arrange for services and facilities to be provided by the 28549
state board of education and the Ohio board of regents. All 28550
receipts of the board shall be deposited in the state treasury to 28551
the credit of the ~~general revenue~~ occupational licensing and 28552
regulatory fund. 28553

Sec. 3333.12. (A) As used in this section: 28554

(1) "Eligible student" means an undergraduate student who is: 28555

(a) An Ohio resident;	28556
(b) Enrolled in either of the following:	28557
(i) An accredited institution of higher education in this	28558
state that meets the requirements of Title VI of the Civil Rights	28559
Act of 1964 and is state-assisted, is nonprofit and has a	28560
certificate of authorization from the Ohio board of regents	28561
pursuant to Chapter 1713. of the Revised Code, has a certificate	28562
of registration from the state board of career colleges and	28563
schools and program authorization to award an associate or	28564
bachelor's degree, or is a private institution exempt from	28565
regulation under Chapter 3332. of the Revised Code as prescribed	28566
in section 3333.046 of the Revised Code. Students who attend an	28567
institution that holds a certificate of registration shall be	28568
enrolled in a program leading to an associate or bachelor's degree	28569
for which associate or bachelor's degree program the institution	28570
has program authorization issued under section 3332.05 of the	28571
Revised Code.	28572
(ii) A technical education program of at least two years	28573
duration sponsored by a private institution of higher education in	28574
this state that meets the requirements of Title VI of the Civil	28575
Rights Act of 1964.	28576
(c) Enrolled as a full-time student or enrolled as a less	28577
than full-time student for the term expected to be the student's	28578
final term of enrollment and is enrolled for the number of credit	28579
hours necessary to complete the requirements of the program in	28580
which the student is enrolled.	28581
(2) "Gross income" includes all taxable and nontaxable income	28582
of the parents, the student, and the student's spouse, except	28583
income derived from an Ohio academic scholarship, income earned by	28584
the student between the last day of the spring term and the first	28585
day of the fall term, and other income exclusions designated by	28586

the board. Gross income may be verified to the board by the 28587
institution in which the student is enrolled using the federal 28588
financial aid eligibility verification process or by other means 28589
satisfactory to the board. 28590

(3) "Resident," "full-time student," "dependent," 28591
"financially independent," and "accredited" shall be defined by 28592
rules adopted by the board. 28593

(B) The Ohio board of regents shall establish and administer 28594
an instructional grant program and may adopt rules to carry out 28595
this section. The general assembly shall support the instructional 28596
grant program by such sums and in such manner as it may provide, 28597
but the board may also receive funds from other sources to support 28598
the program. If the amounts available for support of the program 28599
are inadequate to provide grants to all eligible students, 28600
preference in the payment of grants shall be given in terms of 28601
income, beginning with the lowest income category of gross income 28602
and proceeding upward by category to the highest gross income 28603
category. 28604

An instructional grant shall be paid to an eligible student 28605
through the institution in which the student is enrolled, except 28606
that no instructional grant shall be paid to any person serving a 28607
term of imprisonment. Applications for such grants shall be made 28608
as prescribed by the board, and such applications may be made in 28609
conjunction with and upon the basis of information provided in 28610
conjunction with student assistance programs funded by agencies of 28611
the United States government or from financial resources of the 28612
institution of higher education. The institution shall certify 28613
that the student applicant meets the requirements set forth in 28614
divisions (A)(1)(b) and (c) of this section. Instructional grants 28615
shall be provided to an eligible student only as long as the 28616
student is making appropriate progress toward a nursing diploma or 28617
an associate or bachelor's degree. No student shall be eligible to 28618

receive a grant for more than ten semesters, fifteen quarters, or 28619
the equivalent of five academic years. A grant made to an eligible 28620
student on the basis of less than full-time enrollment shall be 28621
based on the number of credit hours for which the student is 28622
enrolled and shall be computed in accordance with a formula 28623
adopted by the board. No student shall receive more than one grant 28624
on the basis of less than full-time enrollment. 28625

An instructional grant shall not exceed the total 28626
instructional and general charges of the institution. 28627

(C) The tables in this division prescribe the maximum grant 28628
amounts covering two semesters, three quarters, or a comparable 28629
portion of one academic year. Grant amounts for additional terms 28630
in the same academic year shall be determined under division (D) 28631
of this section. 28632

For a full-time student who is a dependent and enrolled in a 28633
nonprofit educational institution that is not a state-assisted 28634
institution and that has a certificate of authorization issued 28635
pursuant to Chapter 1713. of the Revised Code, the amount of the 28636
instructional grant for two semesters, three quarters, or a 28637
comparable portion of the academic year shall be determined in 28638
accordance with the following table: 28639

	Private Institution					28640
	Table of Grants					28641
	Maximum Grant \$5,466					28642
	Number of Dependents					28643
Gross Income	1	2	3	4	5 or more	28644
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	28645
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	28646
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	28647
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	28648

\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	28650
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	28651
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	28652
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	28653
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	28654
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	28655
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	28656
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	28657
\$34,001 - \$35,000	444	888	984	1,080	1,344	28658
\$35,001 - \$36,000	--	444	888	984	1,080	28659
\$36,001 - \$37,000	--	--	444	888	984	28660
\$37,001 - \$38,000	--	--	--	444	888	28661
\$38,001 - \$39,000	--	--	--	--	444	28662

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							28663
Table of Grants							28664
Maximum Grant \$5,466							28665
Gross Income	Number of Dependents						28666
	0	1	2	3	4	5 or more	28667
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	28668
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	28669
\$5,301 - \$5,800	4,362	4,920	5,466	5,466	5,466	5,466	28670
		<u>5,196</u>					28671
\$5,801 - \$6,300	3,828	4,362	4,920	5,466	5,466	5,466	28672
		<u>4,914</u>	<u>5,196</u>				28673

\$6,301 - \$6,800	3,288	3,828	4,362	4,920	5,466	5,466	28682
		<u>4,650</u>	<u>4,914</u>	<u>5,196</u>			28683
\$6,801 - \$7,300	2,736	3,288	3,828	4,362	4,920	5,466	28684
		<u>4,380</u>	<u>4,650</u>	<u>4,914</u>			<u>5,196</u>
\$7,301 - \$8,300	2,178	2,736	3,288	3,828	4,362	4,920	28686
		<u>4,104</u>	<u>4,380</u>	<u>4,650</u>			<u>4,914</u>
\$8,301 - \$9,300	1,626	2,178	2,736	3,288	3,828	4,362	28688
		<u>3,822</u>	<u>4,104</u>	<u>4,380</u>			<u>4,650</u>
\$9,301 - \$10,300	1,344	1,626	2,178	2,736	3,288	3,828	28690
		<u>3,546</u>	<u>3,822</u>	<u>4,104</u>			<u>4,380</u>
\$10,301 - \$11,800	1,080	1,344	1,626	2,178	2,736	3,288	28692
		<u>3,408</u>	<u>3,546</u>	<u>3,822</u>			<u>4,104</u>
\$11,801 - \$13,300	984	1,080	1,344	1,626	2,178	2,736	28694
		<u>3,276</u>	<u>3,408</u>	<u>3,546</u>			<u>3,822</u>
\$13,301 - \$14,800	888	984	1,080	1,344	1,626	2,178	28696
		<u>3,228</u>	<u>3,276</u>	<u>3,408</u>			<u>3,546</u>
\$14,801 - \$16,300	444	888	984	1,080	1,344	1,626	28698
		<u>2,904</u>	<u>3,228</u>	<u>3,276</u>			<u>3,408</u>
\$16,301 - \$19,300	--	444	888	984	1,080	1,344	28700
		<u>2,136</u>	<u>2,628</u>	<u>2,952</u>			<u>3,276</u>
\$19,301 - \$22,300	--	—	444	888	984	1,080	28702
		<u>1,368</u>	<u>1,866</u>	<u>2,358</u>			<u>2,676</u>
\$22,301 - \$25,300	--	—	—	444	888	984	28704
		<u>1,092</u>	<u>1,368</u>	<u>1,866</u>			<u>2,358</u>
\$25,301 - \$30,300	--	—	—	—	444	888	28706
		<u>816</u>	<u>1,092</u>	<u>1,368</u>			<u>1,866</u>
\$30,301 - \$35,300	--	—	—	—	—	444	28708
		<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

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Code, the amount of the instructional grant for two semesters, 28715
 three quarters, or a comparable portion of the academic year shall 28716
 be determined in accordance with the following table: 28717

Career Institution 28718

Table of Grants 28719

Maximum Grant \$4,632 28720

Gross Income Number of Dependents 28721

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	28722
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	28723
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	28724
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	28725
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	28726
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	28727
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	28728
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	28729
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	28730
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	28731
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	28732
\$33,001 - \$34,000	750	852	906	1,134	1,416	28733
\$34,001 - \$35,000	372	750	852	906	1,134	28734
\$35,001 - \$36,000	--	372	750	852	906	28735
\$36,001 - \$37,000	--	--	372	750	852	28736
\$37,001 - \$38,000	--	--	--	372	750	28737
\$38,001 - \$39,000	--	--	--	--	372	28738

For a full-time student who is financially independent and 28740
 enrolled in an educational institution that holds a certificate of 28741
 registration from the state board of career colleges and schools 28742
 or a private institution exempt from regulation under Chapter 28743
 3332. of the Revised Code as prescribed in section 3333.046 of the 28744
 Revised Code, the amount of the instructional grant for two 28745
 semesters, three quarters, or a comparable portion of the academic 28746

\$19,301 - \$22,300	--	—	372	750	852	906	28779
		<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	<u>2,544</u>	28780
\$22,301 - \$25,300	--	—	—	372	750	852	28781
		<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	<u>2,268</u>	28782
\$25,301 - \$30,300	--	—	—	—	372	750	28783
		<u>708</u>	<u>930</u>	<u>1,146</u>	<u>1,584</u>	<u>1,986</u>	28784
\$30,301 - \$35,300	--	—	—	—	—	372	28785
		<u>426</u>	<u>456</u>	<u>570</u>	<u>708</u>	<u>1,116</u>	28786

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							28787
Table of Grants							28788
Maximum Grant \$2,190							28789
Gross Income	Number of Dependents					28790	
	1	2	3	4	5 or more	28791	
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	28792	
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	28793	
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	28794	
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	28795	
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	28796	
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	28797	
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	28798	
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	28799	
\$28,001 - \$31,000	522	648	864	1,080	1,320	28800	
\$31,001 - \$32,000	420	522	648	864	1,080	28801	
\$32,001 - \$33,000	384	420	522	648	864	28802	
\$33,001 - \$34,000	354	384	420	522	648	28803	
\$34,001 - \$35,000	174	354	384	420	522	28804	
\$35,001 - \$36,000	--	174	354	384	420	28805	

\$36,001 - \$37,000	--	--	174	354	384	28811
\$37,001 - \$38,000	--	--	--	174	354	28812
\$38,001 - \$39,000	--	--	--	--	174	28813

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							28819
Table of Grants							28820
Maximum Grant \$2,190							28821
Gross Income	Number of Dependents						28822
	0	1	2	3	4	5 or more	28823
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	28824
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	28825
\$5,301 - \$5,800	1,740	1,974	2,190	2,190	2,190	2,190	28826
		<u>2,082</u>					28827
\$5,801 - \$6,300	1,542	1,740	1,974	2,190	2,190	2,190	28828
		<u>1,968</u>	<u>2,082</u>				28829
\$6,301 - \$6,800	1,320	1,542	1,740	1,974	2,190	2,190	28830
		<u>1,866</u>	<u>1,968</u>	<u>2,082</u>			28831
\$6,801 - \$7,300	1,080	1,320	1,542	1,740	1,974	2,190	28832
		<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>		28833
\$7,301 - \$8,300	864	1,080	1,320	1,542	1,740	1,974	28834
		<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	<u>2,082</u>	28835
\$8,301 - \$9,300	648	864	1,080	1,320	1,542	1,740	28836
		<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	<u>1,968</u>	28837
\$9,301 - \$10,300	522	648	864	1,080	1,320	1,542	28838
		<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	<u>1,866</u>	28839
\$10,301 - \$11,800	420	522	648	864	1,080	1,320	28840
		<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	<u>1,758</u>	28841
\$11,801 - \$13,300	384	420	522	648	864	1,080	28842

		<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	<u>1,638</u>	28843
\$13,301 - \$14,800	354	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	28844
		<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	<u>1,530</u>	28845
\$14,801 - \$16,300	174	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	28846
		<u>1,164</u>	<u>1,290</u>	<u>1,308</u>	<u>1,356</u>	<u>1,422</u>	28847
\$16,301 - \$19,300	--	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	28848
		<u>858</u>	<u>1,050</u>	<u>1,182</u>	<u>1,308</u>	<u>1,356</u>	28849
\$19,301 - \$22,300	--	<u>—</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	28850
		<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	<u>1,200</u>	28851
\$22,301 - \$25,300	--	<u>—</u>	<u>—</u>	<u>174</u>	<u>354</u>	<u>384</u>	28852
		<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	<u>1,062</u>	28853
\$25,301 - \$30,300	--	<u>—</u>	<u>—</u>	<u>—</u>	<u>174</u>	<u>354</u>	28854
		<u>324</u>	<u>432</u>	<u>540</u>	<u>750</u>	<u>948</u>	28855
\$30,301 - \$35,300	--	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>174</u>	28856
		<u>192</u>	<u>210</u>	<u>264</u>	<u>324</u>	<u>522</u>	28857

(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 28875
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 28876
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 28877
preceding the fiscal year, equal to or greater than thirty per 28878
cent for each of the preceding two fiscal years. 28879

(2) Division (F)(1) of this section does not apply to the 28880
following: 28881

(a) Any student enrolled in an institution that under the 28882
federal law appeals its loss of eligibility for federal financial 28883
aid and the United States secretary of education determines its 28884
cohort default rate after recalculation is lower than the rate 28885
specified in division (F)(1) of this section or the secretary 28886
determines due to mitigating circumstances the institution may 28887
continue to participate in federal financial aid programs. The 28888
board shall adopt rules requiring institutions to provide 28889
information regarding an appeal to the board. 28890

(b) Any student who has previously received a grant under 28891
this section who meets all other requirements of this section. 28892

(3) The board shall adopt rules for the notification of all 28893
institutions whose students will be ineligible to participate in 28894
the grant program pursuant to division (F)(1) of this section. 28895

(4) A student's attendance at an institution whose students 28896
lose eligibility for grants under division (F)(1) of this section 28897
shall not affect that student's eligibility to receive a grant 28898
when enrolled in another institution. 28899

(G) Institutions of higher education that enroll students 28900
receiving instructional grants under this section shall report to 28901
the board all students who have received instructional grants but 28902
are no longer eligible for all or part of such grants and shall 28903
refund any moneys due the state within thirty days after the 28904
beginning of the quarter or term immediately following the quarter 28905

or term in which the student was no longer eligible to receive all 28906
or part of the student's grant. There shall be an interest charge 28907
of one per cent per month on all moneys due and payable after such 28908
thirty-day period. The board shall immediately notify the office 28909
of budget and management and the legislative service commission of 28910
all refunds so received. 28911

Sec. 3333.16. As used in this section "state institution of 28912
higher education" means an institution of higher education as 28913
defined in section 3345.12 of the Revised Code. 28914

(A) By April 15, 2005, the Ohio board of regents shall do all 28915
of the following: 28916

(1) Establish policies and procedures applicable to all state 28917
institutions of higher education that ensure that students can 28918
begin higher education at any state institution of higher 28919
education and transfer coursework and degrees to any other state 28920
institution of higher education without unnecessary duplication or 28921
institutional barriers. The purpose of this requirement is to 28922
allow students to attain their highest educational aspirations in 28923
the most efficient and effective manner for the students and the 28924
state. These policies and procedures shall require state 28925
institutions of higher education to make changes or modifications, 28926
as needed, to strengthen course content so as to ensure 28927
equivalency for that course at any state institution of higher 28928
education. 28929

(2) Develop and implement a universal course equivalency 28930
classification system for state institutions of higher education 28931
so that the transfer of students and the transfer and articulation 28932
of equivalent courses or specified learning modules or units 28933
completed by students are not inhibited by inconsistent judgment 28934
about the application of transfer credits. Coursework completed 28935
within such a system at one state institution of higher education 28936

and transferred to another institution shall be applied to the 28937
student's degree objective in the same manner as equivalent 28938
coursework completed at the receiving institution. 28939

(3) Develop a system of transfer policies that ensure that 28940
graduates with associate degrees which include completion of 28941
approved transfer modules shall be admitted to a state institution 28942
of higher education baccalaureate program, except specific limited 28943
access programs or majors that have admission requirements other 28944
than academic performance, and shall have priority over 28945
out-of-state associate degree graduates and transfer students. To 28946
assist a student in advising and transferring, all state 28947
institutions of higher education shall fully implement the course 28948
applicability system. 28949

(4) Examine the feasibility of developing a transfer 28950
marketing agenda that includes materials and interactive 28951
technology to inform the citizens of Ohio about the availability 28952
of transfer options at state institutions of higher education and 28953
to encourage adults to return to colleges and universities for 28954
additional education; 28955

(5) Study, in consultation with the state board of career 28956
colleges and schools, and in light of existing criteria and any 28957
other criteria developed by the articulation and transfer advisory 28958
council, the feasibility of credit recognition and transferability 28959
to state institutions of higher education for graduates who have 28960
received associate degrees from a career college or school with a 28961
certificate of registration from the state board of career 28962
colleges and schools under Chapter 3332. of the Revised Code. 28963

(B) By April 15, 2004, the board shall report to the general 28964
assembly on its progress in attaining completion of the actions 28965
prescribed in division (A) of this section. 28966

(C) All provisions of the existing articulation and transfer 28967

policy developed by the board shall remain in effect except where 28968
amended by this act. 28969

Sec. 3333.38. (A) As used in this section: 28970

(1) "Institution of higher education" includes all of the 28971
following: 28972

(a) A state institution of higher education, as defined in 28973
section 3345.011 of the Revised Code; 28974

(b) A nonprofit institution issued a certificate of 28975
authorization by the Ohio board of regents under Chapter 1713. of 28976
the Revised Code; 28977

(c) A private institution exempt from regulation under 28978
Chapter 3332. of the Revised Code, as prescribed in section 28979
3333.046 of the Revised Code; 28980

(d) An institution of higher education with a certificate of 28981
registration from the state board of career colleges and schools 28982
under Chapter 3332. of the Revised Code. 28983

(2) "Student financial assistance supported by state funds" 28984
includes assistance granted under sections 3315.33, 3333.12, 28985
3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 28986
5910.032, and 5919.34 of the Revised Code and any other 28987
post-secondary student financial assistance supported by state 28988
funds. 28989

(B) An individual who is convicted of, pleads guilty to, or 28990
is adjudicated a delinquent child for one of the following 28991
offenses shall be permanently ineligible to receive any student 28992
financial assistance supported by state funds at an institution of 28993
higher education: 28994

(1) A violation of section 2917.02 or 2917.03 of the Revised 28995
Code; 28996

(2) A violation of section 2917.04 of the Revised Code that 28997
is a misdemeanor of the fourth degree and occurs within the 28998
proximate area where four or more others are acting in a course of 28999
conduct in violation of section 2917.11 of the Revised Code; 29000

(3) A violation of section 2917.13 of the Revised Code that 29001
is a misdemeanor of the fourth or first degree and occurs within 29002
the proximate area where four or more others are acting in a 29003
course of conduct in violation of section 2917.11 of the Revised 29004
Code. 29005

Sec. 3333.50. There is hereby created the board of regents 29006
awards and initiatives fund, which shall be in the custody of the 29007
treasurer of state but shall not be part of the state treasury. 29008
The chancellor of the board of regents may deposit such receipts 29009
into the fund as the board of regents determines appropriate from 29010
awards, prizes, grants, and gifts received by the board. No 29011
revenues derived from appropriations made by the state or student 29012
fees or student charges shall be deposited into the fund. The 29013
treasurer of state shall invest any portion of the fund not needed 29014
for immediate use in the same manner as state funds are invested. 29015
All investment earnings of the fund shall be deposited into the 29016
fund. The chancellor may use the fund in support of awards and 29017
other initiatives approved by the board. All disbursements from 29018
the fund shall be made by the treasurer of state pursuant to 29019
vouchers signed by the chancellor. 29020

Sec. 3353.11. There is hereby created in the state treasury 29021
the governmental television/telecommunications operating fund. The 29022
fund shall consist of money received from contract productions of 29023
the Ohio government telecommunications studio and shall be used 29024
for operations or equipment breakdowns related to the studio. Only 29025
Ohio government telecommunications may authorize the spending of 29026

money in the fund. All investment earnings of the fund shall be 29027
credited to the fund. Once the fund has a balance of zero, the 29028
fund shall cease to exist. 29029

Sec. 3361.01. (A) There is hereby created a state university 29030
to be known as the "university of Cincinnati." The government of 29031
the university of Cincinnati is vested in a board of eleven 29032
trustees who shall be appointed by the governor with the advice 29033
and consent of the senate. Two of the trustees shall be students 29034
at the university of Cincinnati, and their selection and terms 29035
shall be in accordance with division (B) of this section. The 29036
terms of the first nine members of the board of trustees shall 29037
commence upon the effective date of the transfer of assets of the 29038
state-affiliated university of Cincinnati to the university of 29039
Cincinnati hereby created. One of such trustees shall be appointed 29040
for a term ending on the first day of January occurring at least 29041
twelve months after such date of transfer, and each of the other 29042
trustees shall be appointed for respective terms ending on each 29043
succeeding first day of January, so that one term will expire on 29044
each first day of January after expiration of the shortest term. 29045
Except for the two student trustees, each successor trustee shall 29046
be appointed for a term ending on the first day of January, nine 29047
years from the expiration date of the term ~~he~~ the trustee 29048
succeeds, except that any person appointed to fill a vacancy shall 29049
be appointed to serve only for the unexpired term. 29050

Any trustee shall continue in office subsequent to the 29051
expiration date of ~~his~~ the trustee's term until ~~his~~ the trustee's 29052
successor takes office, or until a period of sixty days has 29053
elapsed, whichever occurs first. 29054

No person who has served a full nine-year term or longer or 29055
more than six years of such a term shall be eligible to 29056
reappointment. ~~No person is eligible for appointment to the board~~ 29057

~~of trustees for a full nine year term who is not at the time of~~ 29058
~~appointment a resident of the city of Cincinnati, unless at the~~ 29059
~~time of such appointment there are at least five members of the~~ 29060
~~board who are not students and who are residents of the city of~~ 29061
~~Cincinnati.~~ 29062

The trustees shall receive no compensation for their services 29063
but shall be paid their reasonable necessary expenses while 29064
engaged in the discharge of their official duties. A majority of 29065
the board constitutes a quorum. 29066

(B) The student members of the board of trustees of the 29067
university of Cincinnati have no voting power on the board. 29068
Student members shall not be considered as members of the board in 29069
determining whether a quorum is present. Student members shall not 29070
be entitled to attend executive sessions of the board. The student 29071
members of the board shall be appointed by the governor, with the 29072
advice and consent of the senate, from a group of five candidates 29073
selected pursuant to a procedure adopted by the university's 29074
student governments and approved by the university's board of 29075
trustees. The initial term of office of one of the student members 29076
shall commence on May 14, 1988 and shall expire on May 13, 1989, 29077
and the initial term of office of the other student member shall 29078
commence on May 14, 1988 and expire on May 13, 1990. Thereafter, 29079
terms of office of student members shall be for two years, each 29080
term ending on the same day of the same month of the year as the 29081
term it succeeds. In the event that a student cannot fulfill ~~his~~ a 29082
two-year term, a replacement shall be selected to fill the 29083
unexpired term in the same manner used to make the original 29084
selection. 29085

Sec. 3375.41. When a board of library trustees appointed 29086
pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 29087
and 3375.30 of the Revised Code determines to construct, demolish, 29088

alter, repair, or reconstruct a library or make any improvements 29089
or repairs, the cost of which will exceed ~~fifteen~~ twenty-five 29090
thousand dollars, except in cases of urgent necessity or for the 29091
security and protection of library property, it shall proceed as 29092
follows: 29093

(A) The board shall advertise for a period of four weeks for 29094
bids in some newspaper of general circulation in the district, and 29095
if there are two such papers, the board shall advertise in both of 29096
them. If no newspaper has a general circulation in the district, 29097
the board shall advertise by posting ~~such~~ the advertisement in 29098
three public places ~~therein~~ in the district. ~~Such~~ The 29099
advertisement shall be entered in full by the clerk on the record 29100
of proceedings of the board. 29101

(B) The sealed bids shall be filed with the clerk by twelve 29102
noon of the last day stated in the advertisement. 29103

(C) The bids shall be opened at the next meeting of the 29104
board, shall be publicly read by the clerk, and shall be entered 29105
in full on the records of the board; provided, ~~that the board may,~~ 29106
by resolution, may provide for the public opening and reading of 29107
~~such~~ the bids by the clerk, immediately after the time for filing 29108
~~such~~ the bids has expired, at the usual place of meeting of the 29109
board, and for the tabulation of ~~such~~ the bids and a report of 29110
~~such~~ the tabulation to the board at its next meeting. 29111

(D) Each bid shall contain the name of every person 29112
interested ~~therein,~~ in it and shall meet the requirements of 29113
section 153.54 of the Revised Code. 29114

(E) When both labor and materials are embraced in the work 29115
bid for, the board may require that each be separately stated in 29116
the bid, with the price ~~thereof~~ of each, or may require that bids 29117
be submitted without ~~such~~ that separation. 29118

(F) None but the lowest responsible bid shall be accepted. 29119

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 29150
and other instructional facilities, laboratories, research 29151
facilities, libraries, study facilities, administrative and office 29152
facilities, museums, gymnasiums, campus walks, drives and site 29153
improvements, dormitories and other suitable living quarters or 29154
accommodations, dining halls and other food service and 29155
preparation facilities, student services or activity facilities, 29156
physical education, athletic and recreational facilities, 29157
theatres, auditoriums, assembly and exhibition halls, greenhouses, 29158
agricultural buildings and facilities, parking, storage and 29159
maintenance facilities, infirmary, hospital, medical, and health 29160
facilities, continuing education facilities, communications, fire 29161
prevention, and fire fighting facilities, and any one, or any 29162
combination of the foregoing, whether or not comprising part of 29163
one building, structure, or facility. It does not include any 29164
facility used ~~for sectarian instruction or study or~~ exclusively as 29165
a place for devotional activities ~~or religious worship~~. 29166

(C) "Bond proceedings" means the resolution or resolutions, 29167
the trust agreement, the indenture of mortgage, or combination 29168
thereof authorizing or providing for the terms and conditions 29169
applicable to bonds issued under authority of Chapter 3377. of the 29170
Revised Code. 29171

(D) "Pledged facilities" means the project or other property 29172
that is mortgaged or the rentals, revenues, and other income, 29173
charges, and moneys from which are pledged, or both, for the 29174
payment of or the security for the payment of the principal of and 29175
interest on the bonds issued under the authority of section 29176
3377.05 or 3377.06 of the Revised Code. 29177

(E) "Project" means real or personal property, or both, 29178
acquired by gift or purchase, constructed, reconstructed, 29179
enlarged, remodeled, renovated, improved, furnished, or equipped, 29180
or any combination thereof, by or financed by the Ohio higher 29181

educational facility commission, or by funds that are refinanced 29182
or reimbursed by the commission for use by an educational 29183
institution as an educational facility located within the state. 29184

(F) "Project costs" means the costs of acquiring, 29185
constructing, equipping, furnishing, reconstructing, remodeling, 29186
renovating, enlarging, and improving educational facilities 29187
comprising one or more project, including costs connected with or 29188
incidental thereto, provision of capitalized interest prior to and 29189
during construction and for a period after the completion of the 29190
construction, appropriate reserves, architectural, engineering, 29191
financial, and legal services, and all other costs of financing, 29192
and the repayment or restoration of moneys borrowed or advanced 29193
for such purposes or temporarily used therefor from other sources, 29194
and means the costs of refinancing obligations issued or loans 29195
incurred by, or reimbursement of money advanced, invested or 29196
expended by, educational institutions or others the proceeds of 29197
which obligations or loans or the amounts advanced, invested or 29198
expended were used at any time for the payment of project costs, 29199
if the Ohio higher educational facility commission determines that 29200
the refinancing or reimbursement advances the purposes of this 29201
chapter, whether or not the refinancing or reimbursement is in 29202
conjunction with the acquisition or construction of additional 29203
educational facilities. 29204

Sec. 3377.06. In anticipation of the issuance of bonds 29205
authorized by section 3377.05 of the Revised Code, the Ohio higher 29206
educational facility commission may issue bond anticipation notes 29207
of the state and may renew the same from time to time by the 29208
issuance of new notes, but the maximum maturity of such notes, 29209
including renewals thereof, shall not exceed five years from the 29210
date of the issuance of the original notes. Such notes are payable 29211
solely from the revenues and receipts that may be pledged to the 29212
payment of such bonds or from the proceeds of such bonds, or both, 29213

as the commission provides in its resolution authorizing such 29214
notes, and may be additionally secured by covenants of the 29215
commission to the effect that the commission will do such or all 29216
things necessary for the issuance of such bonds, or of renewal 29217
notes under this section in appropriate amount, and either 29218
exchange such bonds or renewal notes therefor or apply the 29219
proceeds thereof to the extent necessary to make full payment on 29220
such notes at the time or times contemplated, as provided in such 29221
resolution. Subject to the provisions of this section, all 29222
provisions for and references to bonds in Chapter 3377. of the 29223
Revised Code are applicable to notes authorized under this section 29224
and any references therein to bondholders shall include holders or 29225
owners of such notes. 29226

Prior to the sale of bonds or notes authorized under section 29227
3377.05 or 3377.06 of the Revised Code, the commission shall 29228
determine that the project to be financed thereby will contribute 29229
to the objectives stated in section 3377.02 of the Revised Code 29230
and that the educational institution to which such project is to 29231
be leased, sold, exchanged, or otherwise disposed of, admits 29232
students without discrimination by reason of race, creed, color, 29233
or national origin. Nothing in this section prohibits an 29234
educational institution from requesting that its applicants for 29235
admission demonstrate beliefs or principles consistent with the 29236
mission of the institution. 29237

Sec. 3379.11. There is hereby created in the state treasury 29238
the gifts and donations fund. The fund shall consist of gifts and 29239
donations made to the Ohio arts council and fees paid for 29240
conferences the council sponsors. The fund shall be used to pay 29241
for the council's operating expenses, including, but not limited 29242
to, payroll, personal services, maintenance, equipment, and 29243
subsidy payments. All moneys deposited into the fund shall be 29244
received and expended pursuant to the council's duty to foster and 29245

encourage the development of the arts in this state and the 29246
preservation of the state's cultural heritage. 29247

Sec. 3383.01. As used in this chapter: 29248

(A) "Arts" means any of the following: 29249

(1) Visual, musical, dramatic, graphic, design, and other 29250
arts, including, but not limited to, architecture, dance, 29251
literature, motion pictures, music, painting, photography, 29252
sculpture, and theater, and the provision of training or education 29253
in these arts; 29254

(2) The presentation or making available, in museums or other 29255
indoor or outdoor facilities, of principles of science and their 29256
development, use, or application in business, industry, or 29257
commerce or of the history, heritage, development, presentation, 29258
and uses of the arts described in division (A)(1) of this section 29259
and of transportation; 29260

(3) The preservation, presentation, or making available of 29261
features of archaeological, architectural, environmental, or 29262
historical interest or significance in a state historical facility 29263
or a local historical facility. 29264

(B) "Arts organization" means either of the following: 29265

(1) A governmental agency or Ohio nonprofit corporation that 29266
provides programs or activities in areas directly concerned with 29267
the arts; 29268

(2) A regional arts and cultural district as defined in 29269
section 3381.01 of the Revised Code. 29270

(C) "Arts project" means all or any portion of an Ohio arts 29271
facility for which the general assembly has specifically 29272
authorized the spending of money, or made an appropriation, 29273
pursuant to division (D)(3) or (E) of section 3383.07 of the 29274
Revised Code. 29275

(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 29306
provided by or on behalf of an arts organization from sources 29307
other than the state, the value and nature of which shall be 29308
approved by the Ohio arts and sports facilities commission, in its 29309
sole discretion. "Local contributions" may include the value of 29310
the site where an arts project is to be constructed. All "local 29311
contributions," except a contribution attributable to such a site, 29312
shall be for the costs of construction of an arts project or the 29313
costs of operation of an arts facility. 29314

(I) "Local historical facility" means a site or facility, 29315
other than a state historical facility, of archaeological, 29316
architectural, environmental, or historical interest or 29317
significance, or a facility, including a storage facility, 29318
appurtenant to the operations of such a site or facility, that is 29319
owned by an arts organization, provided the facility meets the 29320
requirements of division (K)(2)(b) of this section, is managed by 29321
or pursuant to a contract with the Ohio arts and sports facilities 29322
commission, and is used for or in connection with the activities 29323
of the commission, including the presentation or making available 29324
of arts to the public. 29325

(J) "Manage," "operate," or "management" means the provision 29326
of, or the exercise of control over the provision of, activities: 29327

(1) Relating to the arts for an Ohio arts facility, including 29328
as applicable, but not limited to, providing for displays, 29329
exhibitions, specimens, and models; booking of artists, 29330
performances, or presentations; scheduling; and hiring or 29331
contracting for directors, curators, technical and scientific 29332
staff, ushers, stage managers, and others directly related to the 29333
arts activities in the facility; but not including general 29334
building services; 29335

(2) Relating to sports and athletic events for an Ohio sports 29336

facility, including as applicable, but not limited to, providing 29337
for booking of athletes, teams, and events; scheduling; and hiring 29338
or contracting for staff, ushers, managers, and others directly 29339
related to the sports and athletic events in the facility; but not 29340
including general building services. 29341

(K) "Ohio arts facility" means any of the following: 29342

(1) The three theaters located in the state office tower at 29343
77 South High street in Columbus; 29344

(2) Any capital facility in this state to which both of the 29345
following apply: 29346

(a) The construction of an arts project related to the 29347
facility was authorized or funded by the general assembly pursuant 29348
to division (D)(3) of section 3383.07 of the Revised Code and 29349
proceeds of state bonds are used for costs of the arts project. 29350

(b) The facility is managed directly by, or is subject to a 29351
cooperative or management contract with, the Ohio arts and sports 29352
facilities commission, and is used for or in connection with the 29353
activities of the commission, including the presentation or making 29354
available of arts to the public and the provision of training or 29355
education in the arts. ~~A cooperative or management contract shall~~ 29356
~~be for a term not less than the time remaining to the date of~~ 29357
~~payment or provision for payment of any state bonds issued to pay~~ 29358
~~the costs of the arts project, as determined by the director of~~ 29359
~~budget and management and certified by the director to the Ohio~~ 29360
~~arts and sports facilities commission and to the Ohio building~~ 29361
~~authority.~~ 29362

(3) A state historical facility or a local historical 29363
facility. 29364

(L) "State agency" means the state or any of its branches, 29365
officers, boards, commissions, authorities, departments, 29366
divisions, or other units or agencies. 29367

(M) "Construction" includes acquisition, including 29368
acquisition by lease-purchase, demolition, reconstruction, 29369
alteration, renovation, remodeling, enlargement, improvement, site 29370
improvements, and related equipping and furnishing. 29371

(N) "State historical facility" means a site or facility of 29372
archaeological, architectural, environmental, or historical 29373
interest or significance, or a facility, including a storage 29374
facility, appurtenant to the operations of such a site or 29375
facility, that is owned by or is located on real property owned by 29376
the state or by an arts organization, so long as the real property 29377
of the arts organization is contiguous to state-owned real 29378
property that is in the care, custody, and control of an arts 29379
organization, and that is managed directly by or is subject to a 29380
cooperative or management contract with the Ohio arts and sports 29381
facilities commission and is used for or in connection with the 29382
activities of the commission, including the presentation or making 29383
available of arts to the public. 29384

(O) "Ohio sports facility" means all or a portion of a 29385
stadium, arena, or other capital facility in this state, a primary 29386
purpose of which is to provide a site or venue for the 29387
presentation to the public of events of one or more major or minor 29388
league professional athletic or sports teams that are associated 29389
with the state or with a city or region of the state, which 29390
facility is owned by or is located on real property owned by the 29391
state or a governmental agency, and including all parking 29392
facilities, walkways, and other auxiliary facilities, equipment, 29393
furnishings, and real and personal property and interests and 29394
rights therein, that may be appropriate for or used for or in 29395
connection with the facility or its operation, for capital costs 29396
of which state funds are spent pursuant to this chapter. A 29397
facility constructed as an Ohio sports facility may be both an 29398
Ohio arts facility and an Ohio sports facility. 29399

Sec. 3383.07. (A) The department of administrative services 29400
shall provide for the construction of an arts project in 29401
conformity with Chapter 153. of the Revised Code, except as 29402
follows: 29403

(1) For an arts project that has an estimated construction 29404
cost, excluding the cost of acquisition, of twenty-five million 29405
dollars or more, and that is financed by the Ohio building 29406
authority, construction services may be provided by the authority 29407
if the authority determines it should provide those services. 29408

(2) For an arts project other than a state historical 29409
facility, construction services may be provided on behalf of the 29410
state by the Ohio arts and sports facilities commission, or by a 29411
governmental agency or an arts organization that occupies, will 29412
occupy, or is responsible for the Ohio arts facility, as 29413
determined by the commission. Construction services to be provided 29414
by a governmental agency or an arts organization shall be 29415
specified in an agreement between the commission and the 29416
governmental agency or arts organization. The agreement, or any 29417
actions taken under it, are not subject to Chapter 123. or 153. of 29418
the Revised Code, except for sections 123.151 and 153.011 of the 29419
Revised Code, and shall be subject to Chapter 4115. of the Revised 29420
Code. 29421

(3) For an arts project that is a state historical facility, 29422
construction services may be provided by the Ohio arts and sports 29423
facilities commission or by an arts organization that occupies, 29424
will occupy, or is responsible for the facility, as determined by 29425
the commission. The construction services to be provided by the 29426
arts organization shall be specified in an agreement between the 29427
commission and the arts organization. That agreement, and any 29428
actions taken under it, are not subject to Chapter 123., 153., or 29429
4115. of the Revised Code. 29430

(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 29463
governmental agency or nonprofit corporation. That agreement, and 29464
any actions taken under it, are not subject to Chapter 123. or 29465
153. of the Revised Code, except for sections 123.151 and 153.011 29466
of the Revised Code, and shall be subject to Chapter 4115. of the 29467
Revised Code. 29468

(D) This division does not apply to a state historical 29469
facility. No state funds, including any state bond proceeds, shall 29470
be spent on the construction of any arts project under this 29471
chapter unless, with respect to the arts project and to the Ohio 29472
arts facility related to the project, all of the following apply: 29473

(1) The Ohio arts and sports facilities commission has 29474
determined that there is a need for the arts project and the Ohio 29475
arts facility related to the project in the region of the state in 29476
which the Ohio arts facility is located or for which the facility 29477
is proposed. 29478

(2) The commission has determined that, as an indication of 29479
substantial regional support for the arts project, the arts 29480
organization has made provision satisfactory to the commission, in 29481
its sole discretion, for local contributions amounting to not less 29482
than fifty per cent of the total state funding for the arts 29483
project. 29484

(3) The general assembly has specifically authorized the 29485
spending of money on, or made an appropriation for, the 29486
construction of the arts project, or for rental payments relating 29487
to the financing of the construction of the arts project. 29488
Authorization to spend money, or an appropriation, for planning 29489
the arts project does not constitute authorization to spend money 29490
on, or an appropriation for, construction of the arts project. 29491

(E) No state funds, including any state bond proceeds, shall 29492
be spent on the construction of any state historical facility 29493

under this chapter unless the general assembly has specifically 29494
authorized the spending of money on, or made an appropriation for, 29495
the construction of the arts project related to the facility, or 29496
for rental payments relating to the financing of the construction 29497
of the arts project. Authorization to spend money, or an 29498
appropriation, for planning the arts project does not constitute 29499
authorization to spend money on, or an appropriation for, the 29500
construction of the arts project. 29501

(F) State funds shall not be used to pay or reimburse more 29502
than fifteen per cent of the initial estimated construction cost 29503
of an Ohio sports facility, excluding any site acquisition cost, 29504
and no state funds, including any state bond proceeds, shall be 29505
spent on any Ohio sports facility under this chapter unless, with 29506
respect to that facility, all of the following apply: 29507

(1) The Ohio arts and sports facilities commission has 29508
determined that there is a need for the facility in the region of 29509
the state for which the facility is proposed to provide the 29510
function of an Ohio sports facility as provided for in this 29511
chapter. 29512

(2) As an indication of substantial local support for the 29513
facility, the commission has received a financial and development 29514
plan satisfactory to it, and provision has been made, by agreement 29515
or otherwise, satisfactory to the commission, for a contribution 29516
amounting to not less than eighty-five per cent of the total 29517
estimated construction cost of the facility, excluding any site 29518
acquisition cost, from sources other than the state. 29519

(3) The general assembly has specifically authorized the 29520
spending of money on, or made an appropriation for, the 29521
construction of the facility, or for rental payments relating to 29522
state financing of all or a portion of the costs of constructing 29523
the facility. Authorization to spend money, or an appropriation, 29524
for planning or determining the feasibility of or need for the 29525

facility does not constitute authorization to spend money on, or 29526
an appropriation for, costs of constructing the facility. 29527

(4) If state bond proceeds are being used for the Ohio sports 29528
facility, the state or a governmental agency owns or has 29529
sufficient property interests in the facility or in the site of 29530
the facility or in the portion or portions of the facility 29531
financed from proceeds of state bonds, which may include, but is 29532
not limited to, the right to use or to require the use of the 29533
facility for the presentation of sport and athletic events to the 29534
public at the facility, ~~extending for a period of not less than~~ 29535
~~the greater of the useful life of the portion of the facility~~ 29536
~~financed from proceeds of those bonds as determined using the~~ 29537
~~guidelines for maximum maturities as provided under divisions (B),~~ 29538
~~(C), and (D) of section 133.20 of the Revised Code, or the period~~ 29539
~~of time remaining to the date of payment or provision for payment~~ 29540
~~of outstanding state bonds allocable to costs of the facility, all~~ 29541
~~as determined by the director of budget and management and~~ 29542
~~certified by the director to the Ohio arts and sports facilities~~ 29543
~~commission and to the Ohio building authority.~~ 29544

Sec. 3501.011. (A) Except as otherwise provided in divisions 29545
(B) and (C) of this section, and except as otherwise provided in 29546
any section of Title XXXV of the Revised Code to the contrary, as 29547
used in the sections of the Revised Code relating to elections and 29548
political communications, whenever a person is required to sign or 29549
affix a signature to a declaration of candidacy, nominating 29550
petition, declaration of intent to be a write-in candidate, 29551
initiative petition, referendum petition, recall petition, or any 29552
other kind of petition, or to sign or affix a signature on any 29553
other document that is filed with or transmitted to a board of 29554
elections or the office of the secretary of state, "sign" or 29555
"signature" means that person's written, cursive-style legal mark 29556
written in that person's own hand. 29557

(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 subdivision₇ within its jurisdiction₇ into precincts ~~and~~₁ establish, define, divide, rearrange, and combine the several election precincts within its jurisdiction₁ 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 29589
accessibility and other accessibility to the polling place. 29590

If the board changes the boundaries of a precinct after the 29591
filing of a local option election petition pursuant to sections 29592
4301.32 to 4301.41, 4303.29, or 4305.14 of the Revised Code that 29593
calls for a local option election to be held in that precinct, the 29594
local option election shall be held in the area that constituted 29595
the precinct at the time the local option petition was filed, 29596
regardless of the change in the boundaries. 29597

If the board changes the boundaries of a precinct in order to 29598
meet the requirements of division (B)(1) of this section in a 29599
manner that causes a member of a county central committee to no 29600
longer qualify as a representative of an election precinct in the 29601
county, of a ward of a city in the county, or of a township in the 29602
county, the member shall continue to represent the precinct, ward, 29603
or township for the remainder of the member's term, regardless of 29604
the change in boundaries. 29605

In an emergency, the board may provide more than one polling 29606
place in a precinct. In order to provide for the convenience of 29607
the voters, the board may locate polling places for voting or 29608
registration outside the boundaries of precincts, provided that 29609
the nearest public school or public building shall be used if the 29610
board determines it to be available and suitable for use as a 29611
polling place. Except in an emergency, no change in the number or 29612
location of the polling places in a precinct shall be made during 29613
the twenty-five days immediately preceding a primary or general 29614
election. 29615

Electors who have failed to respond within thirty days to any 29616
confirmation notice shall not be counted in determining the size 29617
of any precinct under this section. 29618

(B)(1) Except as otherwise provided in division (B)(2) ~~or (3)~~ 29619

of this section, ~~not later than August 1, 2000,~~ the a board of 29620
elections shall determine all precinct boundaries using 29621
geographical units used by the United States department of 29622
commerce, bureau of the census, in reporting the decennial census 29623
of Ohio. 29624

~~(2) When any part of the boundary of a precinct also forms a 29625
part of the boundary of a legislative district and the precinct 29626
boundary cannot be determined by August 1, 2000, using the 29627
geographical units described in division (B)(1) of this section 29628
without making that part of the precinct boundary that also forms 29629
part of the legislative district boundary different from that 29630
legislative district boundary, the board of elections may 29631
determine the boundary of that precinct using the geographical 29632
units described in division (B)(1) of this section not later than 29633
April 1, 2002. As used in this division, legislative district 29634
means a district determined under Article XI of the Ohio 29635
Constitution. 29636~~

~~(3) The board of elections may apply to the secretary of 29637
state for a waiver from the requirement of division (B)(1) of this 29638
section when it is not feasible to comply with that requirement 29639
because of unusual physical boundaries or residential development 29640
practices that would cause unusual hardship for voters. The board 29641
shall identify the affected precincts and census units, explain 29642
the reason for the waiver request, and include a map illustrating 29643
where the census units will be split because of the requested 29644
waiver. If the secretary of state approves the waiver and so 29645
notifies the board of elections in writing, the board may change a 29646
precinct boundary as necessary under this section, notwithstanding 29647
the requirement in division (B)(1) of this section. 29648~~

~~(C) The board of elections may apply to the secretary of 29649
state for a waiver from the requirement of division (A) of this 29650
section regarding the number of electors in a precinct when the 29651~~

use of geographical units used by the United States department of 29652
commerce, bureau of the census, will cause a precinct to contain 29653
more than one thousand four hundred electors. The board shall 29654
identify the affected precincts and census units, explain the 29655
reason for the waiver request, and include a map illustrating 29656
where census units will be split because of the requested waiver. 29657
If the secretary of state approves the waiver and so notifies the 29658
board of elections in writing, the board may change a precinct 29659
boundary as necessary to meet the requirements of division (B)(1) 29660
of this section. 29661

Sec. 3501.30. (A) The board of elections shall provide for 29662
each polling place the necessary ballot boxes, official ballots, 29663
cards of instructions, registration forms, pollbooks, or poll 29664
lists, tally sheets, forms on which to make summary statements, 29665
writing implements, paper, and all other supplies necessary for 29666
casting and counting the ballots and recording the results of the 29667
voting at ~~such~~ the polling place. ~~Such~~ The pollbooks or poll lists 29668
shall have certificates appropriately printed ~~thereon~~ on them for 29669
the signatures of all the precinct officials, by which they shall 29670
certify that, to the best of their knowledge and belief, ~~said~~ the 29671
pollbooks or poll lists correctly show the names of all electors 29672
who voted in ~~such~~ the polling place at the election indicated 29673
~~therein~~ in the pollbook or poll list. 29674

A All of the following shall be included among the supplies 29675
provided to each polling place: 29676

(1) ~~A large map of each appropriate precinct shall be~~ 29677
~~included among the supplies to each polling place,~~ which shall be 29678
displayed prominently to assist persons who desire to register or 29679
vote on election day. Each map shall show all streets within the 29680
precinct and contain identifying symbols of the precinct in bold 29681
print. 29682

~~Such supplies shall also include a~~ (2) Any materials, 29683
postings, or instructions required to comply with state or federal 29684
laws; 29685

(3) A flag of the United States approximately two and 29686
one-half feet in length along the top, which shall be displayed 29687
outside the entrance to the polling place during the time it is 29688
open for voting. ~~Two;~~ 29689

(4) Two or more small flags of the United States 29690
approximately fifteen inches in length along the top ~~shall be~~ 29691
~~provided and, which~~ shall be placed at a distance of one hundred 29692
feet from the polling place on the thoroughfares or walkways 29693
leading to the polling place, to mark the distance within which 29694
persons other than election officials, witnesses, challengers, 29695
police officers, and electors waiting to mark, marking, or casting 29696
their ballots shall not loiter, congregate, or engage in any kind 29697
of election campaigning. Where small flags cannot reasonably be 29698
placed one hundred feet from the polling place, the presiding 29699
election judge shall place the flags as near to one hundred feet 29700
from the entrance to the polling place as is physically possible. 29701
Police officers and all election officials shall see that this 29702
prohibition against loitering and congregating is enforced. ~~When~~ 29703

When the period of time during which the polling place is 29704
open for voting expires, all of ~~said~~ the flags described in this 29705
division shall be taken into the polling place, and shall be 29706
returned to the board together with all other election ~~materials~~ 29707
~~and~~ supplies required to be delivered to ~~such~~ the board. 29708

(B) The board of elections shall follow the instructions and 29709
advisories of the secretary of state in the production and use of 29710
polling place supplies. 29711

Sec. 3503.10. (A) Each designated agency shall designate one 29712

person within that agency to serve as coordinator for the voter 29713
registration program within the agency and its departments, 29714
divisions, and programs. The designated person shall be trained 29715
under a program designed by the secretary of state and shall be 29716
responsible for administering all aspects of the voter 29717
registration program for that agency as prescribed by the 29718
secretary of state. The designated person shall receive no 29719
additional compensation for performing such duties. 29720

(B) Every designated agency, public high school and 29721
vocational school, public library, and office of a county 29722
treasurer shall provide in each of its offices or locations voter 29723
registration applications and assistance in the registration of 29724
persons qualified to register to vote, in accordance with this 29725
chapter. 29726

(C) Every designated agency shall distribute to its 29727
applicants, prior to or in conjunction with distributing a voter 29728
registration application, a form prescribed by the secretary of 29729
state that includes all of the following: 29730

(1) The question, "Do you want to register to vote or update 29731
your current voter registration?"--followed by boxes for the 29732
applicant to indicate whether the applicant would like to register 29733
or decline to register to vote, and the statement, highlighted in 29734
bold print, "If you do not check either box, you will be 29735
considered to have decided not to register to vote at this time.;" 29736

(2) If the agency provides public assistance, the statement, 29737
"Applying to register or declining to register to vote will not 29738
affect the amount of assistance that you will be provided by this 29739
agency.;" 29740

(3) The statement, "If you would like help in filling out the 29741
voter registration application form, we will help you. The 29742
decision whether to seek or accept help is yours. You may fill out 29743

the application form in private." ; 29744

(4) The statement, "If you believe that someone has 29745
interfered with your right to register or to decline to register 29746
to vote, your right to privacy in deciding whether to register or 29747
in applying to register to vote, or your right to choose your own 29748
political party or other political preference, you may file a 29749
complaint with the prosecuting attorney of your county or with the 29750
secretary of state," with the address and telephone number for 29751
each such official's office. 29752

(D) Each designated agency shall distribute a voter 29753
registration form prescribed by the secretary of state to each 29754
applicant with each application for service or assistance, and 29755
with each written application or form for recertification, 29756
renewal, or change of address. 29757

(E) Each designated agency shall do all of the following: 29758

(1) Have employees trained to administer the voter 29759
registration program in order to provide to each applicant who 29760
wishes to register to vote and who accepts assistance, the same 29761
degree of assistance with regard to completion of the voter 29762
registration application as is provided by the agency with regard 29763
to the completion of its own form; 29764

(2) Accept completed voter registration applications, voter 29765
registration change of residence forms, and voter registration 29766
change of name forms, regardless of whether the application or 29767
form was distributed by the designated agency, for transmittal to 29768
the office of the board of elections in the county in which the 29769
agency is located. Each designated agency and the appropriate 29770
board of elections shall establish a method by which the voter 29771
registration applications and other voter registration forms are 29772
transmitted to that board of elections within five days after 29773
being accepted by the agency. 29774

(3) If the designated agency is one that is primarily engaged 29775
in providing services to persons with disabilities under a 29776
state-funded program, and that agency provides services to a 29777
person with disabilities at a person's home, provide the services 29778
described in divisions (E)(1) and (2) of this section at the 29779
person's home; 29780

(4) Keep as confidential, except as required by the secretary 29781
of state for record-keeping purposes, the identity of an agency 29782
through which a person registered to vote or updated the person's 29783
voter registration records, and information relating to a 29784
declination to register to vote made in connection with a voter 29785
registration application issued by a designated agency. 29786

(F) The secretary of state shall prepare and transmit written 29787
instructions on the implementation of the voter registration 29788
program within each designated agency, public high school and 29789
vocational school, public library, and office of a county 29790
treasurer. The instructions shall include directions as follows: 29791

(1) That each person designated to assist with voter 29792
registration maintain strict neutrality with respect to a person's 29793
political philosophies, a person's right to register or decline to 29794
register, and any other matter that may influence a person's 29795
decision to register or not register to vote; 29796

(2) That each person designated to assist with voter 29797
registration not seek to influence a person's decision to register 29798
or not register to vote, not display or demonstrate any political 29799
preference or party allegiance, and not make any statement to a 29800
person or take any action the purpose or effect of which is to 29801
lead a person to believe that a decision to register or not 29802
register has any bearing on the availability of services or 29803
benefits offered, on the grade in a particular class in school, or 29804
on credit for a particular class in school; 29805

(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 29836
school district's schools."; 29837

(5) Establish a method by which the voter registration 29838
application and other voter registration forms are transmitted to 29839
the board of elections within five days after being accepted by 29840
the public high school or vocational school. 29841

(H) Any person employed by the designated agency, public high 29842
school or vocational school, public library, or office of a county 29843
treasurer may be designated to assist with voter registration 29844
pursuant to this section. The designated agency, public high 29845
school or vocational school, public library, or office of a county 29846
treasurer shall provide the designated person, and make available 29847
such space as may be necessary, without charge to the county or 29848
state. 29849

(I) The secretary of state shall prepare and cause to be 29850
displayed in a prominent location in each designated agency a 29851
notice that identifies the person designated to assist with voter 29852
registration, the nature of that person's duties, and where and 29853
when that person is available for assisting in the registration of 29854
voters. 29855

A designated agency may furnish additional supplies and 29856
services to disseminate information to increase public awareness 29857
of the existence of a person designated to assist with voter 29858
registration in every designated agency. 29859

(J) This section does not limit any authority a board of 29860
education, superintendent, or principal has to allow, sponsor, or 29861
promote voluntary election registration programs within a high 29862
school or vocational school, including programs in which pupils 29863
serve as persons designated to assist with voter registration, 29864
provided that no pupil is required to participate. 29865

(K) Each public library and office of the county treasurer 29866

shall establish a method by which voter registration forms are 29867
transmitted to the board of elections within five days after being 29868
accepted by the public library or office of the county treasurer. 29869

(L) The department of job and family services and its 29870
departments, divisions, and programs shall limit administration of 29871
the aspects of the voter registration program for the department 29872
to the requirements prescribed by the secretary of state and the 29873
requirements of this section and the National Voter Registration 29874
Act of 1993. 29875

Sec. 3505.01. On the sixtieth day before the day of the next 29876
general election, the secretary of state shall certify to the 29877
board of elections of each county the forms of the official 29878
ballots to be used at ~~such~~ that general election, together with 29879
the names of the candidates to be printed ~~thereon~~ on those ballots 29880
whose candidacy is to be submitted to the electors of the entire 29881
state. In the case of the presidential ballot for a general 29882
election ~~such, that~~ certification shall be made on the ~~sixtieth~~ 29883
fifty-fifth day before the day of the general election. On the 29884
seventy-fifth day before a special election to be held on the day 29885
specified by division (E) of section 3501.01 of the Revised Code 29886
for the holding of a primary election, designated by the general 29887
assembly for the purpose of submitting to the voters of the state 29888
constitutional amendments proposed by the general assembly, the 29889
secretary of state shall certify to the board of elections of each 29890
county the forms of the official ballots to be used at ~~such~~ that 29891
election. 29892

The board of the most populous county in each district 29893
comprised of more than one county but less than all of the 29894
counties of the state, in which there are candidates whose 29895
candidacies are to be submitted to the electors of ~~such~~ that 29896
district, shall, on the sixtieth day before the day of the next 29897

general election, certify to the board of each county in ~~such the~~ 29898
district the names of ~~such those~~ candidates to be printed on such 29899
ballots. 29900

The board of a county in which the major portion of a 29901
subdivision, located in more than one county, is located shall, on 29902
the sixtieth day before the day of the next general election, 29903
certify to the board of each county in which other portions of 29904
~~such subdivisions~~ that subdivision are located the names of 29905
candidates whose candidacies are to be submitted to the electors 29906
of ~~such that~~ subdivision, to be printed on such ballots. 29907

If, subsequently to the sixtieth day before, or in the case 29908
of a presidential ballot for a general election the fifty-fifth 29909
day before, and prior to the tenth day before the day of ~~such a~~ 29910
general election, a certificate is filed with the secretary of 29911
state to fill a vacancy caused by the death of a candidate, the 29912
secretary of state shall forthwith make a supplemental 29913
certification to the board of each county amending and correcting 29914
~~his~~ the secretary of state's original certification provided for 29915
in the first paragraph of this section. If, within ~~such that~~ time, 29916
such a certificate is filed with the board of the most populous 29917
county in a district comprised of more than one county but less 29918
than all of the counties of the state, or with the board of a 29919
county in which the major portion of the population of a 29920
subdivision, located in more than one county, is located, ~~such the~~ 29921
board with which ~~such a~~ the certificate is filed shall forthwith 29922
make a supplemental certification to the board of each county in 29923
~~such the~~ district or to the board of each county in which other 29924
portions of ~~such the~~ subdivision are located, amending and 29925
correcting its original certification provided for in the second 29926
and third paragraphs of this section. If, at the time such 29927
supplemental certification is received by a board, ballots 29928
carrying the name of the deceased candidate have been printed, 29929

~~such~~ the board shall cause strips of paper bearing the name of the 29930
candidate certified to fill ~~such~~ the vacancy to be printed and 29931
pasted on ~~such~~ those ballots so as to cover the name of the 29932
deceased candidate, except that in voting places using marking 29933
devices, the board shall cause strips of paper bearing the revised 29934
list of candidates for the office, after certification of a 29935
candidate to fill ~~such~~ the vacancy, to be printed and pasted on 29936
~~such~~ the ballot ~~card~~ cards so as to cover the names of candidates 29937
shown prior to the new certification, before such ballots are 29938
delivered to electors. 29939

Sec. 3505.061. (A) The Ohio ballot board, as authorized by 29940
Section 1 of Article XVI, Ohio Constitution, shall consist of the 29941
secretary of state and four appointed members. No more than two of 29942
the appointed members shall be of the same political party. One of 29943
the members shall be appointed by the president of the senate, one 29944
shall be appointed by the minority leader of the senate, one shall 29945
be appointed by the speaker of the house of representatives, and 29946
one shall be appointed by the minority leader of the house of 29947
representatives. The appointments shall be made no later than the 29948
last Monday in January in the year in which the appointments are 29949
to be made. If any appointment is not so made, the secretary of 29950
state, acting in place of the person otherwise required to make 29951
the appointment, shall appoint as many qualified members 29952
affiliated with the appropriate political party as are necessary. 29953

(B)(1) The initial appointees to the board shall serve until 29954
the first Monday in February, 1977. Thereafter, terms of office 29955
shall be for four years, each term ending on the first Monday in 29956
February. The term of the secretary of state on the board shall 29957
coincide with the secretary of state's term of office. Except as 29958
otherwise provided in division (B)(2) of this section, division 29959
(B)(2) of section 3505.063, and division (B)(2) of section 3519.03 29960
of the Revised Code, each appointed member shall hold office from 29961

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 29993
days at a time and place determined by the chairperson. At its 29994
first meeting, the board shall elect a vice-chairperson from among 29995
its members for a term of two years, and it shall adopt rules for 29996
its procedures. After the first meeting, the board shall meet at 29997
the call of the chairperson or upon the written request of three 29998
other members. Three members constitute a quorum. No action shall 29999
be taken without the concurrence of three members. 30000

(E) The secretary of state shall provide technical, 30001
professional, and clerical employees as necessary for the board to 30002
carry out its duties. 30003

Sec. 3505.08. (A) Ballots shall be provided by the board of 30004
elections for all general and special elections. ~~Such~~ The ballots 30005
shall be printed with black ink on No. 2 white book paper fifty 30006
pounds in weight per ream assuming such ream to consist of five 30007
hundred sheets of such paper twenty-five by thirty-eight inches in 30008
size. Each ballot shall have attached at the top two stubs, each 30009
of the width of the ballot and not less than one-half inch in 30010
length, except that, if the board of elections has an alternate 30011
method to account for the ballots that the secretary of state has 30012
authorized, each ballot may have only one stub that shall be the 30013
width of the ballot and not less than one-half inch in length. In 30014
the case of ballots with two stubs, the stubs shall be separated 30015
from the ballot and from each other by perforated lines. The top 30016
stub shall be known as Stub B and shall have printed on its face 30017
"Stub B." The other stub shall be known as Stub A and shall have 30018
printed on its face "Stub A." Each stub shall also have printed on 30019
its face "Consecutive Number" ~~Each~~ 30020

Each ballot of each kind of ballot provided for use in each 30021
precinct shall be numbered consecutively beginning with number 1 30022
by printing such number upon both of the stubs attached ~~thereto~~ to 30023

the ballot. On ballots bearing the names of candidates, each 30024
candidate's name shall be printed in twelve point boldface upper 30025
case type in an enclosed rectangular space, and an enclosed blank 30026
rectangular space shall be provided at the left ~~thereof~~ of the 30027
candidate's name. The name of the political party of a candidate 30028
nominated at a primary election or certified by a party committee 30029
shall be printed in ten point lightface upper and lower case type 30030
and shall be separated by a two point blank space. The name of 30031
each candidate shall be indented one space within ~~such~~ the 30032
enclosed rectangular space, and the name of the political party 30033
shall be indented two spaces within ~~such~~ the enclosed rectangular 30034
space. ~~The~~ 30035

The title of each office on ~~such~~ the ballots shall be printed 30036
in twelve point boldface upper and lower case type in a separate 30037
enclosed rectangular space. A four point rule shall separate the 30038
name of a candidate or a group of candidates for the same office 30039
from the title of the office next appearing below on the ballot, 30040
~~and~~; a two point rule shall separate the title of the office from 30041
the names of candidates; and a one point rule shall separate names 30042
of candidates. Headings shall be printed in display Roman type. 30043
When the names of several candidates are grouped together as 30044
candidates for the same office, there shall be printed on ~~such~~ the 30045
ballots immediately below the title of ~~such~~ the office and within 30046
the separate rectangular space in which ~~such~~ the title is printed 30047
"Vote for not more than," in six point boldface upper and 30048
lower case filling the blank space with that number which will 30049
indicate the number of persons who may be lawfully elected to ~~such~~ 30050
the office. 30051

Columns on ballots shall be separated from each other by a 30052
heavy vertical border or solid line at least one-eighth of an inch 30053
wide, and a similar vertical border or line shall enclose the left 30054
and right side of ballots, ~~and ballots~~. Ballots shall be trimmed 30055

along the sides close to such lines. 30056

The ballots provided for by this section shall be comprised 30057
of four kinds of ballots designated as follows: ~~(A)~~ office type 30058
ballot; ~~(B)~~ nonpartisan ballot; ~~(C)~~ questions and issues ballot; 30059
~~(D)~~ and presidential ballot. 30060

On the back of each office type ballot shall be printed 30061
"Official Office Type Ballot;" on the back of each nonpartisan 30062
ballot shall be printed "Official Nonpartisan Ballot;" on the back 30063
of each questions and issues ballot shall be printed "Official 30064
Questions and Issues Ballot;" and on the back of each presidential 30065
ballot shall be printed "Official Presidential Ballot." On the 30066
back of every ballot also shall be printed the date of the 30067
election at which the ballot is used and the facsimile signatures 30068
of the members of the board of the county in which the ballot is 30069
used. For the purpose of identifying the kind of ballot, the back 30070
of every ballot may be numbered in ~~such the~~ order ~~as~~ the board 30071
shall determine. ~~Such~~ The numbers shall be printed in not less 30072
than thirty-six point type above the words "Official Office Type 30073
Ballot," "Official Nonpartisan Ballot," "Official Questions and 30074
Issues Ballot," or "Official Presidential Ballot," as the case may 30075
be. Ballot boxes bearing corresponding numbers shall be furnished 30076
for each precinct in which the above-described numbered ballots 30077
are used. 30078

On the back of every ballot used, there shall be a solid 30079
black line printed opposite the blank rectangular space that is 30080
used to mark the choice of the voter. This line shall be printed 30081
wide enough so that the mark in the blank rectangular space will 30082
not be visible from the back side of the ballot. 30083

Sample ballots may be printed by the board of elections for 30084
all general elections. ~~Such~~ The ballots shall be printed on 30085
colored paper, and "Sample Ballot" shall be plainly printed in 30086
boldface type on the face of each ballot. In counties of less than 30087

one hundred thousand population, the board may print not more than 30088
five hundred sample ballots; in all other counties, it may print 30089
not more than one thousand sample ballots. ~~Such~~ The sample ballots 30090
shall not be distributed by a political party or a candidate, nor 30091
shall a political party or candidate cause their title or name to 30092
be imprinted ~~thereon~~ on sample ballots. 30093

(B) Notwithstanding division (A) of this section, in 30094
approving the form of an official ballot, the secretary of state 30095
may authorize the use of fonts, type face settings, and ballot 30096
formats other than those prescribed in that division. 30097

Sec. 3505.10. (A) On the presidential ballot below the stubs 30098
at the top of the face of the ballot shall be printed "Official 30099
Presidential Ballot" centered between the side edges of the 30100
ballot. Below "Official Presidential Ballot" shall be printed a 30101
heavy line centered between the side edges of the ballot. Below 30102
the line shall be printed "Instruction to Voters" centered between 30103
the side edges of the ballot, and below ~~such~~ those words shall be 30104
printed the following instructions: 30105

~~"(A)(1)~~ (1) To vote for the candidates for president and 30106
vice-president whose names are printed below, record your vote in 30107
the manner provided next to the names of such candidates. That 30108
recording of the vote will be counted as a vote for each of the 30109
candidates for presidential elector whose names have been 30110
certified to the secretary of state and who are members of the 30111
same political party as the nominees for president and 30112
vice-president. A recording of the vote for independent candidates 30113
for president and vice-president shall be counted as a vote for 30114
the presidential electors filed by such candidates with the 30115
secretary of state. 30116

~~(B)(2)~~ (2) To vote for candidates for president and 30117
vice-president in the blank space below, record your vote in the 30118

manner provided and write the names of your choice for president 30119
and vice-president under the respective headings provided for 30120
those offices. Such write-in will be counted as a vote for the 30121
candidates' presidential electors whose names have been properly 30122
certified to the secretary of state. 30123

~~(C)~~(3) If you tear, soil, deface, or erroneously mark this 30124
ballot, return it to the precinct election officers or, if you 30125
cannot return it, notify the precinct election officers, and 30126
obtain another ballot." 30127

(B) Below ~~such~~ those instructions to the voter shall be 30128
printed a single vertical column of enclosed rectangular spaces 30129
equal in number to the number of presidential candidates plus one 30130
additional space for write-in candidates. Each of ~~such~~ those 30131
rectangular spaces shall be enclosed by a heavy line along each of 30132
its four sides, and such spaces shall be separated from each other 30133
by one-half inch of open space. 30134

In each of ~~such~~ those enclosed rectangular spaces, except the 30135
space provided for write-in candidates, shall be printed the names 30136
of the candidates for president and vice-president certified to 30137
the secretary of state or nominated as such in one of the 30138
following manners: 30139

(1) Nominated by the national convention of a political party 30140
to which delegates and alternates were elected in this state at 30141
the next preceding primary election ~~and the names of those~~ 30142
~~independent candidates nominated.~~ A political party certifying 30143
candidates so nominated shall certify the names of those 30144
candidates to the secretary of state on or before the sixtieth day 30145
before the day of the general election. 30146

(2) Nominated by nominating petition in accordance with 30147
section 3513.257 of the Revised Code. ~~The~~ Such a petition shall be 30148
filed on or before the seventy-fifth day before the day of the 30149

general election to provide sufficient time to verify the 30150
sufficiency and accuracy of signatures on it. 30151

(3) Certified to the secretary of state for placement on the 30152
presidential ballot by authorized officials of an intermediate or 30153
minor political party that has held a state or national convention 30154
for the purpose of choosing those candidates or that may, without 30155
a convention, certify those candidates in accordance with the 30156
procedure authorized by its party rules. The officials shall 30157
certify the names of those candidates to the secretary of state on 30158
or before the sixtieth day before the day of the general election. 30159
The certification shall be accompanied by a designation of a 30160
sufficient number of presidential electors to satisfy the 30161
requirements of law. 30162

The names of candidates for electors of president and 30163
vice-president shall not be placed on the ballot, but shall be 30164
certified to the secretary of state as required by sections 30165
3513.11 and 3513.257 of the Revised Code. ~~The names of candidates~~ 30166
~~for president and vice president may be certified to the secretary~~ 30167
~~of state, for placement on the presidential ballot, by authorized~~ 30168
~~officials of an intermediate or minor political party which has~~ 30169
~~held a state or national convention for the purpose of choosing~~ 30170
~~such candidates, or which may, without convention, certify such~~ 30171
~~candidates in accordance with the procedure authorized by its~~ 30172
~~party rules. Certification to the secretary of state of such~~ 30173
~~candidates shall be made on or before the seventy fifth day before~~ 30174
~~the day of the general election and shall be accompanied by~~ 30175
~~designation of a sufficient number of presidential electors to~~ 30176
~~satisfy the requirements of law. A vote for any of such candidates~~ 30177
for president and vice-president shall be a vote for the electors 30178
of ~~such~~ those candidates whose names have been certified to the 30179
secretary of state. 30180

(C) The arrangement of the printing in each of ~~such~~ the 30181

enclosed rectangular spaces shall be substantially as follows: 30182
Near the top and centered within the rectangular space shall be 30183
printed "For President" in ten-point boldface upper and lower case 30184
type. Below "For President" shall be printed the name of the 30185
candidate for president in twelve-point boldface upper case type. 30186
Below the name of the candidate for president shall be printed the 30187
name of the political party by which ~~such~~ that candidate for 30188
president was nominated in eight-point lightface upper and lower 30189
case type. Below the name of such political party shall be printed 30190
"For Vice-President" in ten-point boldface upper and lower case 30191
type. Below "For Vice-President" shall be printed the name of the 30192
candidate for vice-president in twelve-point boldface upper case 30193
type. Below the name of the candidate for vice-president shall be 30194
printed the name of the political party by which ~~such~~ that 30195
candidate for vice-president was nominated in eight-point 30196
lightface upper and lower case type. No political identification 30197
or name of any political party shall be printed below the names of 30198
presidential and vice-presidential candidates nominated by 30199
petition. 30200

The rectangular spaces on the ballot described in this 30201
section shall be rotated and printed as provided in section 30202
3505.03 of the Revised Code. 30203

Sec. 3517.092. (A) As used in this section: 30204

(1) "Appointing authority" has the same meaning as in section 30205
124.01 of the Revised Code. 30206

(2) "State elected officer" means any person appointed or 30207
elected to a state elective office. 30208

(3) "State elective office" means any of the offices of 30209
governor, lieutenant governor, secretary of state, auditor of 30210
state, treasurer of state, attorney general, member of the state 30211
board of education, member of the general assembly, and justice 30212

and chief justice of the supreme court.	30213
(4) "County elected officer" means any person appointed or elected to a county elective office.	30214 30215
(5) "County elective office" means any of the offices of county auditor, county treasurer, clerk of the court of common pleas, sheriff, county recorder, county engineer, county commissioner, prosecuting attorney, and coroner.	30216 30217 30218 30219
(6) "Contribution" includes a contribution to any political party, campaign committee, political action committee, political contributing entity, or legislative campaign fund.	30220 30221 30222
(B) No state elected officer, no campaign committee of such an officer, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that officer or that officer's campaign committee from any of the following:	30223 30224 30225 30226
(1) A state employee whose appointing authority is the state elected officer;	30227 30228
(2) A state employee whose appointing authority is authorized or required by law to be appointed by the state elected officer;	30229 30230
(3) A state employee who functions in or is employed in or by the same public agency, department, division, or office as the state elected officer.	30231 30232 30233
(C) No candidate for a state elective office, no campaign committee of such a candidate, and no other person or entity shall knowingly solicit or accept a contribution on behalf of that candidate or that candidate's campaign committee from any of the following:	30234 30235 30236 30237 30238
(1) A state employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;	30239 30240
(2) A state employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if	30241 30242

elected, as authorized or required by law; 30243

(3) A state employee at the time of the solicitation, who 30244
will function in or be employed in or by the same public agency, 30245
department, division, or office as the candidate, if elected. 30246

(D) No county elected officer, no campaign committee of such 30247
an officer, and no other person or entity shall knowingly solicit 30248
a contribution on behalf of that officer or that officer's 30249
campaign committee from any of the following: 30250

(1) A county employee whose appointing authority is the 30251
county elected officer; 30252

(2) A county employee whose appointing authority is 30253
authorized or required by law to be appointed by the county 30254
elected officer; 30255

(3) A county employee who functions in or is employed in or 30256
by the same public agency, department, division, or office as the 30257
county elected officer. 30258

(E) No candidate for a county elective office, no campaign 30259
committee of such a candidate, and no other person or entity shall 30260
knowingly solicit a contribution on behalf of that candidate or 30261
that candidate's campaign committee from any of the following: 30262

(1) A county employee at the time of the solicitation, whose 30263
appointing authority will be the candidate, if elected; 30264

(2) A county employee at the time of the solicitation, whose 30265
appointing authority will be appointed by the candidate, if 30266
elected, as authorized or required by law; 30267

(3) A county employee at the time of the solicitation, who 30268
will function in or be employed in or by the same public agency, 30269
department, division, or office as the candidate, if elected. 30270

(F)(1) No public employee shall solicit a contribution from 30271
any person while the public employee is performing the public 30272

employee's official duties or in those areas of a public building 30273
where official business is transacted or conducted. 30274

(2) No person shall solicit a contribution from any public 30275
employee while the public employee is performing the public 30276
employee's official duties or is in those areas of a public 30277
building where official business is transacted or conducted. 30278

(3) As used in division (F) of this section, "public 30279
employee" does not include any person holding an elective office. 30280

(G) The prohibitions in divisions (B), (C), (D), (E), and (F) 30281
of this section are in addition to the prohibitions in sections 30282
124.57, ~~1553.09~~, 3304.22, and 4503.032 of the Revised Code. 30283

Sec. 3701.02. There is hereby created a department of health. 30284
The department shall consist of a director of health ~~and~~, a public 30285
health council, and the Ohio occupational therapy, physical 30286
therapy, and athletic trainers board. 30287

Sec. 3701.021. (A) The public health council shall adopt, in 30288
accordance with Chapter 119. of the Revised Code, such rules as 30289
are necessary to carry out sections 3701.021 to ~~3701.028~~ 3701.0210 30290
of the Revised Code, including, but not limited to, rules to 30291
establish the following: 30292

(1) Medical and financial eligibility requirements for the 30293
program for medically handicapped children; 30294

(2) Eligibility requirements for providers of services for 30295
medically handicapped children; 30296

(3) Procedures to be followed by the department of health in 30297
disqualifying providers for violating requirements adopted under 30298
division (A)(2) of this section; 30299

(4) Procedures to be used by the department regarding 30300
application for diagnostic services under division (B) of section 30301

3701.023 of the Revised Code and payment for those services under	30302
division (E) of that section;	30303
(5) Standards for the provision of service coordination by	30304
the department of health and city and general health districts;	30305
(6) Procedures for the department to use to determine the	30306
amount to be paid annually by each county for services for	30307
medically handicapped children and to allow counties to retain	30308
funds under divisions (A)(2) and (3) of section 3701.024 of the	30309
Revised Code;	30310
(7) Financial eligibility requirements for services for Ohio	30311
residents twenty-one years of age or older who have cystic	30312
fibrosis;	30313
(8) Criteria for payment of approved providers who provide	30314
services for medically handicapped children;	30315
(9) Criteria for the department to use in determining whether	30316
the payment of health insurance premiums of participants in the	30317
program for medically handicapped children is cost-effective;	30318
(10) Procedures for appeal of denials of applications under	30319
divisions (A) and (D) of section 3701.023 of the Revised Code,	30320
disqualification of providers, and amounts paid for services;	30321
(11) Terms of appointment for members of the medically	30322
handicapped children's medical advisory council created in section	30323
3701.025 of the Revised Code;	30324
<u>(12) Eligibility requirements for the hemophilia program,</u>	30325
<u>including income and hardship requirements.</u>	30326
(B) The department of health shall develop a manual of	30327
operational procedures and guidelines for the program for	30328
medically handicapped children to implement sections 3701.021 to	30329
3701.028 <u>3701.0210</u> of the Revised Code.	30330

Sec. 3701.022. As used in sections 3701.021 to 3701.028	30331
<u>3701.0210</u> of the Revised Code:	30332
(A) "Medically handicapped child" means an Ohio resident	30333
under twenty-one years of age who suffers primarily from an	30334
organic disease, defect, or a congenital or acquired physically	30335
handicapping and associated condition that may hinder the	30336
achievement of normal growth and development.	30337
(B) "Provider" means a health professional, hospital, medical	30338
equipment supplier, and any individual, group, or agency that is	30339
approved by the department of health pursuant to division (C) of	30340
section 3701.023 of the Revised Code and that provides or intends	30341
to provide goods or services to a child who is eligible for the	30342
program for medically handicapped children.	30343
(C) "Service coordination" means case management services	30344
provided to medically handicapped children that promote effective	30345
and efficient organization and utilization of public and private	30346
resources and ensure that care rendered is family-centered,	30347
community-based, and coordinated.	30348
(D)(1) "Third party" means any person or government entity	30349
other than the following:	30350
(a) A medically handicapped child participating in the	30351
program for medically handicapped children or the child's parent	30352
or guardian;	30353
(b) The department or any program administered by the	30354
department, including the "Maternal and Child Health Block Grant,"	30355
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42	30356
U.S.C.A. 701, as amended;	30357
(c) The "caring program for children" operated by the	30358
nonprofit community mutual insurance corporation.	30359
(2) "Third party" includes all of the following:	30360

(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 30391
determined under division (A)(1) of this section and any amounts 30392
retained under divisions (A)(2) and (3) of this section. 30393

All amounts collected by the department under division (A)(1) 30394
of this section shall be deposited into the state treasury to the 30395
credit of the medically handicapped children-county assessment 30396
fund, which is hereby created. The fund shall be used by the 30397
department to comply with sections 3701.021 to 3701.028 of the 30398
Revised Code. 30399

(2) The department, in accordance with rules adopted under 30400
section 3701.021 of the Revised Code, may allow each county to 30401
retain up to ten per cent of the amount determined under division 30402
(A)(1) of this section to provide funds to city or general health 30403
districts of the county with which the districts shall provide 30404
service coordination, public health nursing, or transportation 30405
services for medically handicapped children. 30406

(3) In addition to any amount retained under division (A)(2) 30407
of this section, the department, in accordance with rules adopted 30408
under section 3701.021 of the Revised Code, may allow counties 30409
that it determines have significant numbers of potentially 30410
eligible medically handicapped children to retain an amount equal 30411
to the difference between: 30412

(a) Twenty-five per cent of the amount determined under 30413
division (A)(1) of this section; 30414

(b) Any amount retained under division (A)(2) of this 30415
section. 30416

Counties shall use amounts retained under division (A)(3) of 30417
this section to provide funds to city or general health districts 30418
of the county with which the districts shall conduct outreach 30419
activities to increase participation in the program for medically 30420
handicapped children. 30421

(4) Prior to any increase in the millage charged to a county, 30422
the public health council shall hold a public hearing on the 30423
proposed increase and shall give notice of the hearing to each 30424
board of county commissioners that would be affected by the 30425
increase at least thirty days prior to the date set for the 30426
hearing. Any county commissioner may appear and give testimony at 30427
the hearing. Any increase in the millage any county is required to 30428
provide for the program for medically handicapped children shall 30429
be determined, and notice of the amount of the increase shall be 30430
provided to each affected board of county commissioners, no later 30431
than the first day of June of the fiscal year next preceding the 30432
fiscal year in which the increase will take effect. 30433

(B) Each board of county commissioners shall establish a 30434
medically handicapped children's fund and shall appropriate 30435
thereto an amount, determined in accordance with division (A)(1) 30436
of this section, for the county's share in providing medical, 30437
surgical, and other aid to medically handicapped children residing 30438
in such county and for the purposes specified in divisions (A)(2) 30439
and (3) of this section. Each county shall use money retained 30440
under divisions (A)(2) and (3) of this section only for the 30441
purposes specified in those divisions. 30442

Sec. 3701.029. Subject to available funds, the department of 30443
health shall establish and administer a hemophilia program to 30444
provide payment of health insurance premiums for Ohio residents 30445
who meet all of the following requirements: 30446

(A) Have been diagnosed with hemophilia or a related bleeding 30447
disorder; 30448

(B) Are at least twenty-one years of age; 30449

(C) Meet the eligibility requirements established by rules 30450
adopted under division (A)(12) of section 3701.021 of the Revised 30451

Code. 30452

Sec. ~~3701.145~~ 3701.0210. The director of health medically 30453
handicapped children's medical advisory council shall establish 30454
appoint a hemophilia advisory ~~council~~ subcommittee to advise the 30455
director ~~and the department~~ of health and council on all matters 30456
pertaining to the care and treatment of persons with hemophilia. 30457
~~The council~~ The duties of the subcommittee include, but are not 30458
limited to, the monitoring of care and treatment of children and 30459
adults who suffer from hemophilia or from other similar blood 30460
disorders. 30461

The subcommittee shall consist of not fewer than ~~nineteen~~ 30462
fifteen members, each of whom shall be appointed ~~by the director~~ 30463
to terms of four years. The members of the ~~council~~ subcommittee 30464
shall elect a chairperson from among the appointed membership to 30465
serve a term of two years. Members of the ~~council~~ subcommittee 30466
shall serve without compensation, except that they may be 30467
reimbursed for travel expenses to and from meetings of the ~~council~~ 30468
subcommittee. 30469

Members shall be appointed to represent all geographic areas 30470
of this state. Not fewer than five members of the ~~council~~ 30471
subcommittee shall be persons with hemophilia or family members of 30472
persons with hemophilia. Not fewer than five members shall be 30473
providers of health care services to persons with hemophilia. Not 30474
fewer than five members shall be experts in fields of importance 30475
to treatment of persons with hemophilia, including experts in 30476
infectious diseases, insurance, and law. 30477

~~The council shall submit to the director of health, the~~ 30478
~~governor, and the general assembly, a report no later than the~~ 30479
~~thirtieth day of September of each year summarizing the current~~ 30480
~~status and needs of persons in this state with hemophilia and of~~ 30481
~~family members of persons with hemophilia.~~ 30482

~~Notwithstanding section 101.83 of the Revised Code, that~~ 30483
~~section does not apply to the medically handicapped children's~~ 30484
~~medical advisory council hemophilia advisory subcommittee, and the~~ 30485
~~subcommittee shall not expire under that section.~~ 30486

Sec. 3701.141. (A) There is hereby created in the department 30487
of health the ~~office of women's health initiatives~~ program, 30488
~~consisting of the chief of the office and an administrative~~ 30489
~~assistant. To the extent of available funds, other positions~~ 30490
~~determined necessary and relevant by the director of health may be~~ 30491
~~added. The administrative assistant and all other employees~~ 30492
~~assigned to the office shall report to the chief and the chief to~~ 30493
~~the director or the deputy specified by the director.~~ 30494

(B) To the extent funds are available, the ~~office of women's~~ 30495
health ~~initiatives~~ program shall: 30496

(1) Identify, review, and assist the director in the 30497
coordination of programs and resources the department of health is 30498
committing to women's health concerns, including the department's 30499
women's and infants' program activities; 30500

(2) Advocate for women's health by requesting that the 30501
department conduct, sponsor, encourage, or fund research; 30502
establish additional programs regarding women's health concerns as 30503
needed; and monitor the research and program efforts; 30504

(3) Collect, classify, and store relevant research conducted 30505
by the department or other entities, and provide, unless otherwise 30506
prohibited by law, interested persons access to research results; 30507

(4) ~~Generate~~ Apply for grant ~~activities~~ opportunities. 30508

~~(C) Prior to the director's report to the governor on the~~ 30509
~~department's biennial budget request, the office of women's health~~ 30510
~~initiatives shall submit in writing to the director of health a~~ 30511
~~biennial report of recommended programs, projects, and research to~~ 30512

~~address critical issues in women's health.~~ 30513

Sec. 3701.342. After consultation with the public health 30514
standards task force established under section 3701.343 of the 30515
Revised Code, the public health council shall adopt rules 30516
establishing minimum standards and optimum achievable standards 30517
for boards of health and local health departments. The minimum 30518
standards shall assure that boards of health and local health 30519
departments provide for the following: 30520

(A) Analysis and prevention of communicable disease; 30521

(B) Analysis of the causes of, and appropriate treatment for, 30522
the leading causes of morbidity and mortality; 30523

(C) The administration and management of the local health 30524
department; 30525

(D) Access to primary health care by medically underserved 30526
individuals; 30527

(E) Environmental health management programs; 30528

(F) Health promotion services designed to encourage 30529
individual and community wellness. 30530

The public health council shall adopt rules establishing a 30531
formula for distribution of state health district subsidy funds to 30532
boards of health and local health departments. The formula shall 30533
provide no subsidy funds to a board or department unless it meets 30534
minimum standards and shall provide higher funding levels for 30535
boards and districts that meet optimum achievable standards. 30536

~~Notwithstanding section 119.03 of the Revised Code, rules 30537
adopted under this section shall not take effect unless approved 30538
by concurrent resolution of the general assembly.~~ 30539

Sec. 3701.61. (A) The department of health shall establish 30540
the help me grow program for the purpose of encouraging early 30541

prenatal and well-baby care. The program shall include 30542
distributing subsidies to counties to provide the following 30543
services: 30544

(1) Home-visiting services to newborn infants and their 30545
families; 30546

(2) Services to infants and toddlers under three years of age 30547
who are at risk for, or who have, a developmental delay or 30548
disability and their families. 30549

(B) The department shall not provide home-visiting services 30550
under the help me grow program unless requested in writing by a 30551
parent of the infant or toddler. 30552

(C) Pursuant to Chapter 119. of the Revised Code, the 30553
department shall adopt rules that are necessary and proper to 30554
implement this section. 30555

Sec. 3701.82. (A) A brazier, salamander, space heater, room 30556
heater, furnace, water heater, or other burner or heater using 30557
wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, 30558
liquid petroleum gas, or similar fuel, and tending to give off 30559
carbon monoxide or other harmful gases: 30560

(1) When used in living quarters, or in any enclosed building 30561
or space in which persons are usually present, shall be used with 30562
a flue or vent so designed, installed, and maintained as to vent 30563
the products of combustion outdoors; except in storage, factory, 30564
or industrial buildings which are provided with sufficient 30565
ventilation to avoid the danger of carbon monoxide poisoning; 30566

(2) When used as a portable or temporary burner or heater at 30567
a construction site, or in a warehouse, shed, or structure in 30568
which persons are temporarily present, shall be vented as provided 30569
in division (A)(1) of this section, or used with sufficient 30570
ventilation to avoid the danger of carbon monoxide poisoning. 30571

(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, 30603
natural gas, or liquid petroleum gas heater unless the 30604
manufacturer provides with the heater written instructions that 30605
comply with any rules adopted under this division. 30606

(G) No product labeled as a fuel additive for kerosene 30607
heaters and having a flash point below one hundred degrees 30608
fahrenheit or thirty-seven and eight-tenths degrees centigrade 30609
shall be sold, offered for sale, or used in any kerosene space 30610
heater. 30611

(H) No device that prohibits any safety feature on a 30612
kerosene, natural gas, or liquid petroleum gas space heater from 30613
operating shall be sold, offered for sale, or used in connection 30614
with any kerosene, natural gas, or liquid petroleum gas space 30615
heater. 30616

(I) No person shall sell or offer for sale any 30617
kerosene-fired, natural gas, or liquid petroleum gas-fired heater 30618
that is not exempt from division (A) of this section unless it is 30619
marked conspicuously by the manufacturer on the container with the 30620
phrase "Not Approved For Home Use." 30621

(J) No person shall use a cabinet-type, liquid petroleum 30622
gas-fired heater having a fuel source within the heater, inside 30623
any building, except as permitted ~~by the state fire marshal~~ in the 30624
state fire code adopted ~~by him~~ under section 3737.82 of the 30625
Revised Code. 30626

Sec. 3701.83. (A) There is hereby created in the state 30627
treasury the general operations fund. Moneys in the fund shall be 30628
used for the purposes specified in sections 3701.04, 3701.344, 30629
~~3701.88,~~ 3702.20, 3710.15, 3711.021, 3717.45, 3721.02, 3722.04, 30630
3733.04, 3733.25, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 30631
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 30632
Revised Code. 30633

(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>	30663
<u>(c) Speech-language pathology;</u>	30664
<u>(d) Occupational therapy;</u>	30665
<u>(e) Medical social services;</u>	30666
<u>(f) Home health aide services.</u>	30667
<u>(4) "Home health aide services" means any of the following</u>	30668
<u>services provided by an individual employed with or contracted for</u>	30669
<u>by a home health agency:</u>	30670
<u>(a) Hands-on bathing or assistance with a tub bath or shower;</u>	30671
<u>(b) Assistance with dressing, ambulation, and toileting;</u>	30672
<u>(c) Catheter care but not insertion;</u>	30673
<u>(d) Meal preparation and feeding.</u>	30674
<u>(5) "Hospice care program" has the same meaning as in section</u>	30675
<u>3712.01 of the Revised Code.</u>	30676
<u>(6) "Medical social services" means services provided by a</u>	30677
<u>social worker under the direction of a patient's attending</u>	30678
<u>physician.</u>	30679
<u>(7) "Minor drug possession offense" has the same meaning as</u>	30680
<u>in section 2925.01 of the Revised Code.</u>	30681
<u>(8) "Nursing home," "residential care facility," and "skilled</u>	30682
<u>nursing care" have the same meanings as in section 3721.01 of the</u>	30683
<u>Revised Code.</u>	30684
<u>(9) "Occupational therapy" has the same meaning as in section</u>	30685
<u>4755.01 of the Revised Code.</u>	30686
<u>(10) "Physical therapy" has the same meaning as in section</u>	30687
<u>4755.40 of the Revised Code.</u>	30688
<u>(11) "Social worker" means a person licensed under Chapter</u>	30689
<u>4757. of the Revised Code to practice as a social worker or</u>	30690

independent social worker. 30691

(12) "Speech-language pathology" has the same meaning as in 30692
section 4753.01 of the Revised Code. 30693

(B)(1) Except as provided in division (I) of this section, 30694
the chief administrator of a home health agency shall request the 30695
superintendent of the bureau of criminal identification and 30696
investigation to conduct a criminal records check with respect to 30697
each applicant. If the position may involve both responsibility 30698
for the care, custody, or control of a child and provision of 30699
direct care to an older adult, the chief administrator shall 30700
request that the superintendent conduct a single criminal records 30701
check for the applicant. If an applicant for whom a criminal 30702
records check request is required under this division does not 30703
present proof of having been a resident of this state for the 30704
five-year period immediately prior to the date upon which the 30705
criminal records check is requested or does not provide evidence 30706
that within that five-year period the superintendent has requested 30707
information about the applicant from the federal bureau of 30708
investigation in a criminal records check, the chief administrator 30709
shall request that the superintendent obtain information from the 30710
federal bureau of investigation as a part of the criminal records 30711
check for the applicant. Even if an applicant for whom a criminal 30712
records check request is required under this division presents 30713
proof that the applicant has been a resident of this state for 30714
that five-year period, the chief administrator may request that 30715
the superintendent include information from the federal bureau of 30716
investigation in the criminal records check. 30717

(2) Any person required by division (B)(1) of this section to 30718
request a criminal records check shall provide to each applicant 30719
for whom a criminal records check request is required under that 30720
division a copy of the form prescribed pursuant to division (C)(1) 30721
of section 109.572 of the Revised Code and a standard impression 30722

sheet prescribed pursuant to division (C)(2) of section 109.572 of 30723
the Revised Code, obtain the completed form and impression sheet 30724
from each applicant, and forward the completed form and impression 30725
sheet to the superintendent of the bureau of criminal 30726
identification and investigation at the time the chief 30727
administrator requests a criminal records check pursuant to 30728
division (B)(1) of this section. 30729

(3) An applicant who receives pursuant to division (B)(2) of 30730
this section a copy of the form prescribed pursuant to division 30731
(C)(1) of section 109.572 of the Revised Code and a copy of an 30732
impression sheet prescribed pursuant to division (C)(2) of that 30733
section and who is requested to complete the form and provide a 30734
set of fingerprint impressions shall complete the form or provide 30735
all the information necessary to complete the form and shall 30736
provide the impression sheets with the impressions of the 30737
applicant's fingerprints. If an applicant, upon request, fails to 30738
provide the information necessary to complete the form or fails to 30739
provide fingerprint impressions, the home health agency shall not 30740
employ that applicant for any position for which a criminal 30741
records check is required by division (B)(1) of this section. 30742

(C)(1) Except as provided in rules adopted by the department 30743
of health in accordance with division (F) of this section and 30744
subject to division (C)(3) of this section, no home health agency 30745
shall employ a person as a person responsible for the care, 30746
custody, or control of a child if the person previously has been 30747
convicted of or pleaded guilty to any of the following: 30748

(a) A violation of section 2903.01, 2903.02, 2903.03, 30749
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 30750
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 30751
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 30752
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 30753
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 30754

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 30755
2925.06, or 3716.11 of the Revised Code, a violation of section 30756
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 30757
violation of section 2919.23 of the Revised Code that would have 30758
been a violation of section 2905.04 of the Revised Code as it 30759
existed prior to July 1, 1996, had the violation been committed 30760
prior to that date, a violation of section 2925.11 of the Revised 30761
Code that is not a minor drug possession offense, or felonious 30762
sexual penetration in violation of former section 2907.12 of the 30763
Revised Code; 30764

(b) A violation of an existing or former law of this state, 30765
any other state, or the United States that is substantially 30766
equivalent to any of the offenses listed in division (C)(1)(a) of 30767
this section. 30768

(2) Except as provided in rules adopted by the department of 30769
health in accordance with division (F) of this section and subject 30770
to division (C)(3) of this section, no home health agency shall 30771
employ a person in a position that involves providing direct care 30772
to an older adult if the person previously has been convicted of 30773
or pleaded guilty to any of the following: 30774

(a) A violation of section 2903.01, 2903.02, 2903.03, 30775
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 30776
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 30777
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 30778
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 30779
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 30780
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 30781
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 30782
2925.22, 2925.23, or 3716.11 of the Revised Code. 30783

(b) A violation of an existing or former law of this state, 30784
any other state, or the United States that is substantially 30785
equivalent to any of the offenses listed in division (C)(2)(a) of 30786

this section. 30787

(3)(a) A home health agency may employ conditionally an 30788
applicant for whom a criminal records check request is required 30789
under division (B) of this section as a person responsible for the 30790
care, custody, or control of a child until the criminal records 30791
check regarding the applicant required by this section is 30792
completed and the agency receives the results of the criminal 30793
records check. If the results of the criminal records check 30794
indicate that, pursuant to division (C)(1) of this section, the 30795
applicant does not qualify for employment, the agency shall 30796
release the applicant from employment unless the agency chooses to 30797
employ the applicant pursuant to division (F) of this section. 30798

(b)(i) A home health agency may employ conditionally an 30799
applicant for whom a criminal records check request is required 30800
under division (B) of this section in a position that involves 30801
providing direct care to an older adult or in a position that 30802
involves both responsibility for the care, custody, and control of 30803
a child and the provision of direct care to older adults prior to 30804
obtaining the results of a criminal records check regarding the 30805
individual, provided that the agency shall request a criminal 30806
records check regarding the individual in accordance with division 30807
(B)(1) of this section not later than five business days after the 30808
individual begins conditional employment. In the circumstances 30809
described in division (I)(2) of this section, a home health agency 30810
may employ conditionally in a position that involves providing 30811
direct care to an older adult an applicant who has been referred 30812
to the home health agency by an employment service that supplies 30813
full-time, part-time, or temporary staff for positions involving 30814
the direct care of older adults and for whom, pursuant to that 30815
division, a criminal records check is not required under division 30816
(B) of this section. In the circumstances described in division 30817
(I)(4) of this section, a home health agency may employ 30818

conditionally in a position that involves both responsibility for 30819
the care, custody, and control of a child and the provision of 30820
direct care to older adults an applicant who has been referred to 30821
the home health agency by an employment service that supplies 30822
full-time, part-time, or temporary staff for positions involving 30823
both responsibility for the care, custody, and control of a child 30824
and the provision of direct care to older adults and for whom, 30825
pursuant to that division, a criminal records check is not 30826
required under division (B) of this section. 30827

(ii) A home health agency that employs an individual 30828
conditionally under authority of division (C)(3)(b)(i) of this 30829
section shall terminate the individual's employment if the results 30830
of the criminal records check requested under division (B)(1) of 30831
this section or described in division (I)(2) or (4) of this 30832
section, other than the results of any request for information 30833
from the federal bureau of investigation, are not obtained within 30834
the period ending sixty days after the date the request is made. 30835
Regardless of when the results of the criminal records check are 30836
obtained, if the individual was employed conditionally in a 30837
position that involves the provision of direct care to older 30838
adults and the results indicate that the individual has been 30839
convicted of or pleaded guilty to any of the offenses listed or 30840
described in division (C)(2) of this section, or if the individual 30841
was employed conditionally in a position that involves both 30842
responsibility for the care, custody, and control of a child and 30843
the provision of direct care to older adults and the results 30844
indicate that the individual has been convicted of or pleaded 30845
guilty to any of the offenses listed or described in division 30846
(C)(1) or (2) of this section, the agency shall terminate the 30847
individual's employment unless the agency chooses to employ the 30848
individual pursuant to division (F) of this section. Termination 30849
of employment under this division shall be considered just cause 30850
for discharge for purposes of division (D)(2) of section 4141.29 30851

of the Revised Code if the individual makes any attempt to deceive 30852
the agency about the individual's criminal record. 30853

(D)(1) Each home health agency shall pay to the bureau of 30854
criminal identification and investigation the fee prescribed 30855
pursuant to division (C)(3) of section 109.572 of the Revised Code 30856
for each criminal records check conducted in accordance with that 30857
section upon the request pursuant to division (B)(1) of this 30858
section of the chief administrator of the home health agency. 30859

(2) A home health agency may charge an applicant a fee for 30860
the costs it incurs in obtaining a criminal records check under 30861
this section, unless the medical assistance program established 30862
under Chapter 5111. of the Revised Code reimburses the agency for 30863
the costs. A fee charged under division (D)(2) of this section 30864
shall not exceed the amount of fees the agency pays under division 30865
(D)(1) of this section. If a fee is charged under division (D)(2) 30866
of this section, the agency shall notify the applicant at the time 30867
of the applicant's initial application for employment of the 30868
amount of the fee and that, unless the fee is paid, the agency 30869
will not consider the applicant for employment. 30870

(E) The report of any criminal records check conducted by the 30871
bureau of criminal identification and investigation in accordance 30872
with section 109.572 of the Revised Code and pursuant to a request 30873
made under division (B)(1) of this section is not a public record 30874
for the purposes of section 149.43 of the Revised Code and shall 30875
not be made available to any person other than the following: 30876

(1) The individual who is the subject of the criminal records 30877
check or the individual's representative; 30878

(2) The home health agency requesting the criminal records 30879
check or its representative; 30880

(3) The administrator of any other facility, agency, or 30881
program that provides direct care to older adults that is owned or 30882

operated by the same entity that owns or operates the home health agency; 30883
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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; 30885
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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. 30889
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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. 30892
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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. 30902
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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 30911
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in a position that involves providing direct care to older adults, 30914
all of the following shall apply: 30915

(1) If the agency employed the individual in good faith and 30916
reasonable reliance on the report of a criminal records check 30917
requested under this section, the agency shall not be found 30918
negligent solely because of its reliance on the report, even if 30919
the information in the report is determined later to have been 30920
incomplete or inaccurate; 30921

(2) If the agency employed the individual in good faith on a 30922
conditional basis pursuant to division (C)(3)(b) of this section, 30923
the agency shall not be found negligent solely because it employed 30924
the individual prior to receiving the report of a criminal records 30925
check requested under this section; 30926

(3) If the agency in good faith employed the individual 30927
according to the personal character standards established in rules 30928
adopted under division (F) of this section, the agency shall not 30929
be found negligent solely because the individual prior to being 30930
employed had been convicted of or pleaded guilty to an offense 30931
listed or described in division (C)(1) or (2) of this section. 30932

(I)(1) The chief administrator of a home health agency is not 30933
required to request that the superintendent of the bureau of 30934
criminal identification and investigation conduct a criminal 30935
records check of an applicant for a position that involves the 30936
provision of direct care to older adults if the applicant has been 30937
referred to the agency by an employment service that supplies 30938
full-time, part-time, or temporary staff for positions involving 30939
the direct care of older adults and both of the following apply: 30940

(a) The chief administrator receives from the employment 30941
service or the applicant a report of the results of a criminal 30942
records check regarding the applicant that has been conducted by 30943
the superintendent within the one-year period immediately 30944

preceding the applicant's referral; 30945

(b) The report of the criminal records check demonstrates 30946
that the person has not been convicted of or pleaded guilty to an 30947
offense listed or described in division (C)(2) of this section, or 30948
the report demonstrates that the person has been convicted of or 30949
pleaded guilty to one or more of those offenses, but the home 30950
health agency chooses to employ the individual pursuant to 30951
division (F) of this section. 30952

(2) The chief administrator of a home health agency is not 30953
required to request that the superintendent of the bureau of 30954
criminal identification and investigation conduct a criminal 30955
records check of an applicant for a position that involves 30956
providing direct care to older adults and may employ the applicant 30957
conditionally in a position of that nature as described in this 30958
division, if the applicant has been referred to the agency by an 30959
employment service that supplies full-time, part-time, or 30960
temporary staff for positions involving the direct care of older 30961
adults and if the chief administrator receives from the employment 30962
service or the applicant a letter from the employment service that 30963
is on the letterhead of the employment service, dated, and signed 30964
by a supervisor or another designated official of the employment 30965
service and that states that the employment service has requested 30966
the superintendent to conduct a criminal records check regarding 30967
the applicant, that the requested criminal records check will 30968
include a determination of whether the applicant has been 30969
convicted of or pleaded guilty to any offense listed or described 30970
in division (C)(2) of this section, that, as of the date set forth 30971
on the letter, the employment service had not received the results 30972
of the criminal records check, and that, when the employment 30973
service receives the results of the criminal records check, it 30974
promptly will send a copy of the results to the home health 30975
agency. If a home health agency employs an applicant conditionally 30976

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