

determined on the basis of standards adopted by the state board of education. 29785
29786

(C) An amount for each school district operating classes for children of migrant workers who are unable to be in attendance in an Ohio school during the entire regular school year. The amounts shall be determined on the basis of standards adopted by the state board of education, except that payment shall be made only for subjects regularly offered by the school district providing the classes. 29787
29788
29789
29790
29791
29792
29793

(D) An amount for each school district with guidance, testing, and counseling programs approved by the state board of education. The amount shall be determined on the basis of standards adopted by the state board of education. 29794
29795
29796
29797

(E) An amount for the emergency purchase of school buses as provided for in section 3317.07 of the Revised Code; 29798
29799

(F) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's average daily membership for the preceding school year. 29800
29801
29802
29803
29804
29805

(G) In fiscal year 2000 only, an amount to each school district for supplemental salary allowances for each licensed employee except those licensees serving as superintendents, assistant superintendents, principals, or assistant principals, whose term of service in any year is extended beyond the term of service of regular classroom teachers, as described in section 3301.0725 of the Revised Code; 29806
29807
29808
29809
29810
29811
29812

(H) An amount for adult basic literacy education for each district participating in programs approved by the state board of education. The amount shall be determined on the basis of 29813
29814
29815

standards adopted by the state board of education. 29816

(I) Notwithstanding section 3317.01 of the Revised Code, but 29817
only until June 30, 1999, to each city, local, and exempted 29818
village school district, an amount for conducting driver education 29819
courses at high schools for which the state board of education 29820
prescribes minimum standards and to joint vocational and 29821
cooperative education school districts and educational service 29822
centers, an amount for conducting driver education courses to 29823
pupils enrolled in a high school for which the state board 29824
prescribes minimum standards. No payments shall be made under this 29825
division after June 30, 1999. 29826

(J) An amount for the approved cost of transporting 29827
~~developmentally handicapped~~ eligible pupils with disabilities 29828
attending a special education program approved by the department 29829
of education whom it is impossible or impractical to transport by 29830
regular school bus in the course of regular route transportation 29831
provided by the district or service center. No district or service 29832
center is eligible to receive a payment under this division for 29833
the cost of transporting any pupil whom it transports by regular 29834
school bus and who is included in the district's transportation 29835
ADM. The state board of education shall establish standards and 29836
guidelines for use by the department of education in determining 29837
the approved cost of such transportation for each district or 29838
service center. 29839

(K) An amount to each school district, including each 29840
cooperative education school district, pursuant to section 3313.81 29841
of the Revised Code to assist in providing free lunches to needy 29842
children and an amount to assist needy school districts in 29843
purchasing necessary equipment for food preparation. The amounts 29844
shall be determined on the basis of rules adopted by the state 29845
board of education. 29846

(L) An amount to each school district, for each pupil 29847
attending a chartered nonpublic elementary or high school within 29848
the district. The amount shall equal the amount appropriated for 29849
the implementation of section 3317.06 of the Revised Code divided 29850
by the average daily membership in grades kindergarten through 29851
twelve in nonpublic elementary and high schools within the state 29852
as determined during the first full week in October of each school 29853
year. 29854

(M) An amount for each county MR/DD board, distributed on the 29855
basis of standards adopted by the state board of education, for 29856
the approved cost of transportation required for children 29857
attending special education programs operated by the county MR/DD 29858
board under section 3323.09 of the Revised Code; 29859

(N) An amount for each county MR/DD board, distributed on the 29860
basis of standards adopted by the state board of education, for 29861
supportive home services for preschool children; 29862

(O) An amount for each school district that establishes a 29863
mentor teacher program that complies with rules of the state board 29864
of education. No school district shall be required to establish or 29865
maintain such a program in any year unless sufficient funds are 29866
appropriated to cover the district's total costs for the program. 29867

(P) An amount to each school district or educational service 29868
center for the total number of gifted units approved pursuant to 29869
section 3317.05 of the Revised Code. The amount for each such unit 29870
shall be the sum of the minimum salary for the teacher of the 29871
unit, calculated on the basis of the teacher's training level and 29872
years of experience pursuant to the salary schedule prescribed in 29873
the version of section 3317.13 of the Revised Code in effect prior 29874
to July 1, 2001, plus fifteen per cent of that minimum salary 29875
amount, plus two thousand six hundred seventy-eight dollars. 29876

(Q) An amount to each institution defined under section 29877

3317.082 of the Revised Code providing elementary or secondary
education to children other than children receiving special
education under section 3323.091 of the Revised Code. This amount
for any institution in any fiscal year shall equal the total of
all tuition amounts required to be paid to the institution under
division (A)(1) of section 3317.082 of the Revised Code.

(R) A grant to each school district and joint vocational
school district that operates a "graduation, reality, and
dual-role skills" (GRADS) program for pregnant and parenting
students that is approved by the department. The amount of the
payment shall be the district's state share percentage, as defined
in section 3317.022 or 3317.16 of the Revised Code, times the
GRADS personnel allowance times the full-time-equivalent number of
GRADS teachers approved by the department. The GRADS personnel
allowance is \$47,555 in fiscal years 2004 ~~and~~, 2005, 2006, and
2007.

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

Sec. 3317.026. (A) As used in this section, "refunded taxes"
means taxes charged and payable from real and tangible personal
property, including public utility property, that have been found
to have been overpaid as the result of reductions in the taxable
value of such property and that have been refunded, including any
interest or penalty refunded with those taxes. If taxes are
refunded over a period of time pursuant to division (B)(2), (3),

or (4) of section 319.36 or division (C) of section 5727.471 of 29909
the Revised Code, the total amount of taxes required to be 29910
refunded, excluding any interest accruing after the day the 29911
undertaking is entered into, shall be considered to have been 29912
refunded on the day the first portion of the overpayment is paid 29913
or credited. 29914

(B) Not later than the last day of February each year, each 29915
county auditor shall certify to the tax commissioner, for each 29916
school district in the county, the amount of refunded taxes 29917
refunded in the preceding calendar year and the reductions in 29918
taxable value that resulted in those refunds, except for 29919
reductions in taxable value that previously have been reported to 29920
the tax commissioner on an abstract. If the tax commissioner 29921
determines that the amount of refunded taxes certified for a 29922
school district exceeds three per cent of the total taxes charged 29923
and payable for current expenses of the school district for the 29924
calendar year in which those taxes were refunded, the tax 29925
commissioner shall certify the reductions in taxable value that 29926
resulted in those refunds on or before the first day of June to 29927
the department of education. Upon receiving the certification by 29928
the tax commissioner, the department of education shall reduce the 29929
total taxable value of the school district, as defined in section 29930
3317.02 of the Revised Code, by the total amount of the reductions 29931
in taxable value that resulted in those refunds for the purpose of 29932
computing the ~~state aid~~ SF-3 payment for the school district for 29933
the current fiscal year ~~under section 3317.022 of the Revised~~ 29934
~~Code~~. The increase in the amount of such aid resulting from the 29935
adjustment required by this section shall be paid to the school 29936
district on or before the ~~thirtieth~~ thirty-first day of ~~June~~ July 29937
of the ~~current~~ following fiscal year. 29938

If an adjustment is made under this division in the amount of 29939
state aid paid to a school district, the tax value reductions from 29940

which that adjustment results shall not be used in recomputing aid 29941
to a school district under section 3317.027 of the Revised Code. 29942

~~(D)~~(C) If a school district received a grant from the 29943
catastrophic expenditures account pursuant to division (C) of 29944
section 3316.20 of the Revised Code on the basis of the same 29945
circumstances for which an adjustment is made under this section, 29946
the amount of the adjustment shall be reduced and transferred in 29947
accordance with division (C) of section 3316.20 of the Revised 29948
Code. 29949

(D) Not later than the first day of June each year, the tax 29950
commissioner shall certify to the department of education for each 29951
school district the total of the increases in taxable value above 29952
the amount of taxable value on which tax was paid, as provided in 29953
division (B)(1) or (2) of section 5727.47 of the Revised Code, as 29954
determined by the commissioner, and for which a notification was 29955
sent pursuant to section 5727.471 of the Revised Code, in the 29956
preceding calendar year. Upon receiving the certification, the 29957
department shall increase the total taxable value, as defined in 29958
section 3317.02 of the Revised Code, of the school district by the 29959
total amount of the increase in taxable value certified by the 29960
commissioner for the school district for the purpose of computing 29961
the school district's ~~state aid~~ SF-3 payment for the following 29962
fiscal year ~~under sections 3317.022 and 3317.0212 of the Revised~~ 29963
Code. 29964

Sec. 3317.027. On or before the fifteenth day of May of each 29965
year, the tax commissioner shall certify to the department of 29966
education: 29967

(A) The amount by which applications filed under section 29968
5713.38 of the Revised Code or complaints filed under section 29969
5715.19 of the Revised Code resulted in a reduction in the second 29970
preceding year's taxable value in each school district in which 29971

such a reduction occurred, and the amount by which such reduction 29972
reduced the district's taxes charged and payable for such year; 29973
and 29974

(B) The taxes charged and payable for the second preceding 29975
tax year that were remitted under section 5713.081 of the Revised 29976
Code and the taxable value against which such taxes were imposed. 29977

Upon receipt of such certifications, the department shall 29978
recompute the ~~state aid for such year under section 3317.022 of~~ 29979
~~the Revised Code~~ district's SF-3 payment and determine the amount 29980
~~of aid that~~ the SF-3 payment would have been paid had the taxable 29981
value not been used in the computation made under division (A)(1) 29982
of section 3317.021 of the Revised Code and had the taxes charged 29983
and payable not been included in the certification made under 29984
division (A)(3) of such section. The department shall ~~adjust~~ 29985
calculate the amount that the remainder of the fiscal year's 29986
payments ~~so the district's total payments should have been~~ for the 29987
fiscal year ~~equal~~ including the amount of the ~~recomputation~~ SF-3 29988
payment as recomputed. The increase or decrease in the amount of 29989
aid resulting from the adjustment required under this section 29990
shall be paid to the school district on or before the thirty-first 29991
day of July of the following fiscal year. 29992

If a school district received a grant from the catastrophic 29993
expenditures account pursuant to division (C) of section 3316.20 29994
of the Revised Code on the basis of the same circumstances for 29995
which a recomputation is made under this section, the amount of 29996
the recomputation shall be reduced and transferred in accordance 29997
with division (C) of section 3316.20 of the Revised Code. 29998

Sec. 3317.028. (A) On or before the fifteenth day of May in 29999
each calendar year prior to calendar year 2007, the tax 30000
commissioner shall determine for each school district whether the 30001
taxable value of all tangible personal property, including utility 30002

tangible personal property, subject to taxation by the district in 30003
the preceding tax year was less or greater than the taxable value 30004
of such property during the second preceding tax year. If any such 30005
decrease exceeds five per cent of the district's tangible personal 30006
property taxable value included in the total taxable value used in 30007
computing the district's ~~state-aid computation~~ SF-3 payment for 30008
the fiscal year that ends in the current calendar year, or if any 30009
such increase exceeds five per cent of the district's total 30010
taxable value used in computing the district's ~~state-aid~~ 30011
~~computation~~ SF-3 payment for the fiscal year that ends in the 30012
current calendar year, the tax commissioner shall certify both of 30013
the following to the department of education: 30014

(1) The taxable value of the tangible personal property 30015
increase or decrease, including utility tangible personal property 30016
increase or decrease, which shall be considered a change in 30017
valuation; 30018

(2) The decrease or increase in taxes charged and payable on 30019
such change in taxable value calculated in the same manner as in 30020
division (A)(3) of section 3317.021 of the Revised Code. 30021

~~(B) Notwithstanding division (A) of this section, when 30022
determining under that division in calendar year 2002 whether the 30023
taxable value of tangible personal property subject to taxation by 30024
each school district in the preceding tax year was less or greater 30025
than the taxable value of such property during the second 30026
preceding tax year, the tax commissioner shall exclude from the 30027
taxable value for both years the tax value loss, as defined in 30028
section 5727.84 of the Revised Code On or before May 15, 2007, and 30029
the fifteenth day of May in each calendar year thereafter, the tax 30030
commissioner shall determine for each school district whether the 30031
taxable value of all utility tangible personal property subject to 30032
taxation by the district in the preceding tax year was less or 30033
greater than the taxable value of such property during the second 30034~~

preceding tax year. If any decrease exceeds five per cent of the 30035
district's tangible personal property taxable value included in 30036
the total taxable value used in the district's state aid 30037
computation for the fiscal year that ends in the current calendar 30038
year, or if any increase exceeds five per cent of the district's 30039
total taxable value used in the district's state aid computation 30040
for the fiscal year that ends in the current calendar year, the 30041
tax commissioner shall certify both of the following to the 30042
department of education: 30043

(1) The taxable value of the utility tangible personal 30044
property increase or decrease, which shall be considered a change 30045
in valuation; 30046

(2) The decrease or increase in taxes charged and payable on 30047
such change in taxable value calculated in the same manner as in 30048
division (A)(3) of section 3317.021 of the Revised Code. 30049

(C) Upon receipt of ~~such a~~ certification specified in this 30050
section, the department of education shall reduce or increase by 30051
the respective amounts certified, and the taxable value and the 30052
taxes charged and payable that were used in computing the 30053
district's ~~state aid computation under section 3317.022 of the~~ 30054
~~Revised Code~~ SF-3 payment for the fiscal year that ends in the 30055
current calendar year and shall recompute the ~~state aid~~ SF-3 30056
payment for such fiscal year. ~~During the last six months of the~~ 30057
~~fiscal year, the~~ The department shall pay the district a sum equal 30058
to one-half of the recomputed payments in lieu of the payments 30059
otherwise required under ~~such sections~~ that section on or before 30060
the thirty-first day of July of the following fiscal year. 30061

(D) If a school district received a grant from the 30062
catastrophic expenditures account pursuant to division (C) of 30063
section 3316.20 of the Revised Code on the basis of the same 30064
circumstances for which a recomputation is made under this 30065
section, the amount of the recomputation shall be reduced and 30066

transferred in accordance with division (C) of section 3316.20 of
the Revised Code. 30067
30068

Sec. 3317.029. (A) As used in this section: 30069

(1) "~~DPIA~~ Poverty percentage" means: 30070

~~(a) In fiscal years prior to fiscal year 2004, the quotient~~ 30071
obtained by dividing the five-year average number of children ages 30072
five to seventeen residing in the school district and living in a 30073
family receiving assistance under the Ohio works first program or 30074
an antecedent program known as TANF or ADC, as certified or 30075
adjusted under section 3317.10 of the Revised Code, by the 30076
district's three-year average formula ADM. 30077

~~(b) Beginning in fiscal year 2004, the unduplicated number of~~ 30078
~~children ages five to seventeen residing in the school district~~ 30079
~~and living in a family that has family income not exceeding the~~ 30080
~~federal poverty guidelines and that receives family assistance, as~~ 30081
~~certified or adjusted under section 3317.10 of the Revised Code,~~ 30082
~~divided by the district's three year average formula ADM.~~ 30083

(2) "~~Family assistance~~" means assistance received under one 30084
of the following: 30085

~~(a) The Ohio works first program;~~ 30086

~~(b) The food stamp program;~~ 30087

~~(c) The medical assistance program, including the healthy~~ 30088
~~start program, established under Chapter 5111. of the Revised~~ 30089
~~Code;~~ 30090

~~(d) The children's health insurance program part I~~ 30091
~~established under section 5101.50 of the Revised Code or, prior to~~ 30092
~~fiscal year 2000, an executive order issued under section 107.17~~ 30093
~~of the Revised Code;~~ 30094

~~(e) The disability financial assistance program established~~ 30095

under Chapter 5115. of the Revised Code;	30096
(f) The disability medical assistance program established	30097
under Chapter 5115. of the Revised Code.	30098
(3) "Statewide DPIA <u>poverty</u> percentage" means:	30099
(a) In fiscal years prior to fiscal year 2004, the five-year	30100
average of the total number of children ages five to seventeen	30101
years residing in the state and receiving assistance under the	30102
Ohio works first program or an antecedent program known as TANF or	30103
ADC, divided by the sum of the three-year average formula ADMs for	30104
all school districts in the state.	30105
(b) Beginning in fiscal year 2004, the total unduplicated	30106
number of children ages five to seventeen residing in the state	30107
and living in a family that has family income not exceeding the	30108
federal poverty guidelines and that receives family assistance,	30109
divided by the sum of the three year average formula ADMs for all	30110
school districts in the state.	30111
(4)(3) "DPIA <u>Poverty</u> index" means the quotient obtained by	30112
dividing the school district's DPIA <u>poverty</u> percentage by the	30113
statewide DPIA <u>poverty</u> percentage.	30114
(5) "Federal poverty guidelines" has the same meaning as in	30115
section 5101.46 of the Revised Code.	30116
(6)(4) "DPIA <u>Poverty</u> student count" means:	30117
(a) In fiscal years prior to fiscal year 2004, the five-year	30118
average number of children ages five to seventeen residing in the	30119
school district and living in a family receiving assistance under	30120
the Ohio works first program or an antecedent program known as	30121
TANF or ADC, as certified under section 3317.10 of the Revised	30122
Code;	30123
(b) Beginning in fiscal year 2004, the unduplicated number of	30124
children ages five to seventeen residing in the school district	30125

~~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.~~

~~(7)(5)~~ "Kindergarten ADM" means the number of students
reported under section 3317.03 of the Revised Code as enrolled in
kindergarten, excluding any kindergarten students reported under
division (B)(3)(e) or (f) of section 3317.03 of the Revised Code.

~~(8)(6)~~ "Kindergarten through third grade ADM" means the
amount calculated as follows:

(a) Multiply the kindergarten ADM by the sum of one plus the
all-day kindergarten percentage;

(b) Add the number of students in grades one through three;

(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.

~~(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.~~

~~(10)~~ "Kindergarten through third grade ADM" shall not include
any students reported under division (B)(3)(e) or (f) of section
3317.03 of the Revised Code.

(7) "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.

~~(11)(8)~~ "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.

~~(12)(9)~~ "Buildings with the highest concentration of need"

means+ 30156

~~(a) In fiscal years prior to fiscal year 2004, the school~~ 30157
buildings in a district with percentages of students in grades 30158
kindergarten through three receiving assistance under Ohio works 30159
first at least as high as the district-wide percentage of students 30160
receiving such assistance. 30161

~~(b) Beginning in fiscal year 2004, the school buildings in a~~ 30162
district with percentages of students in grades kindergarten 30163
through three receiving family assistance at least as high as the 30164
district wide percentage of students receiving family assistance. 30165

~~(e)~~ If, in any fiscal year, the information provided by the 30166
department of job and family services under section 3317.10 of the 30167
Revised Code is insufficient to determine the Ohio works first ~~or~~ 30168
~~family assistance~~ percentage in each building, "buildings with the 30169
highest concentration of need" has the meaning given in rules that 30170
the department of education shall adopt. The rules shall base the 30171
definition of "buildings with the highest concentration of need" 30172
on family income of students in grades kindergarten through three 30173
in a manner that, to the extent possible with available data, 30174
approximates the intent of this division and division ~~(G)~~(K) of 30175
this section to designate buildings where the Ohio works first ~~or~~ 30176
~~family assistance~~ percentage in those grades equals or exceeds the 30177
district-wide Ohio works first ~~or family assistance~~ percentage. 30178

(B) In addition to the amounts required to be paid to a 30179
school district under section 3317.022 of the Revised Code, a the 30180
department of education shall compute and distribute to each 30181
school district ~~shall receive~~ for poverty-based assistance the 30182
greater of the following: 30183

(1) The amount the district received in fiscal year ~~1998~~ 2005 30184
for disadvantaged pupil impact aid pursuant to division (B) of 30185
section 3317.023 of the Revised Code as it existed at that time or 30186

~~the Section 41.10 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended, minus the amount deducted from the district under Section 16 of Am. Sub. S.B. 2 of the 125th General Assembly that year for payments to internet- and computer-based community schools;~~ 30187
30188
30189
30190
30191

~~(2) The~~ sum of the computations made under divisions (C) to ~~(E)(I)~~ of this section. 30192
30193

~~(C) A supplemental payment that may be utilized for measures related to safety and security and for remediation or similar academic intervention programs, if the district's poverty index is greater than or equal to 0.25, calculated as follows:~~ 30194
30195
30196
30197

~~(1) If the DPIA index of the school district is greater than or equal to thirty five hundredths, but less than one, an amount obtained by multiplying the district's DPIA student count by two hundred thirty dollars;~~ 30198
30199
30200
30201

~~(2) If the DPIA index of the school district is greater than or equal to one, an amount obtained by multiplying the DPIA index by two hundred thirty dollars and multiplying that product by the district's DPIA student count.~~ 30202
30203
30204
30205

~~Except as otherwise provided in division (F) of this section, beginning with the school year that starts July 1, 2002, each school district annually shall use at least twenty per cent of the funds calculated for the district under this division for intervention services required by section 3313.608 of the Revised Code.~~ 30206
30207
30208
30209
30210
30211

(1) If the district's poverty index is greater than or equal to 0.25, calculate the district's level one amount for large-group academic intervention for all students as follows: 30212
30213
30214

(a) If the district's poverty index is greater than or equal to 0.25 but less than 0.75: 30215
30216

large-group intervention units X hourly rate X 30217

level one hours X [(poverty index - 0.25)/0.5] 30218

X phase-in percentage 30219

Where: 30220

(i) "Large-group intervention units" equals the district's 30221
formula ADM divided by 20; 30222

(ii) "Hourly rate" equals \$20.00 in fiscal year 2006 and 30223
\$20.40 in fiscal year 2007; 30224

(iii) "Level one hours" equals 25 hours; 30225

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 30226
and 1.00 in fiscal year 2007. 30227

(b) If the district's poverty index is greater than or equal 30228
to 0.75: 30229

large-group intervention units X hourly rate X level one hours 30230

X phase-in percentage 30231

Where "large-group intervention units," "hourly rate," "level 30232
one hours," and "phase-in percentage" have the same meanings as in 30233
division (C)(1)(a) of this section. 30234

(2) If the district's poverty index is greater than or equal 30235
to 0.75, calculate the district's level two amount for 30236
medium-group academic intervention for all students as follows: 30237

(a) If the district's poverty index is greater than or equal 30238
to 0.75 but less than 1.50: 30239

medium-group intervention units X hourly rate X 30240

{level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 30241

X phase-in percentage 30242

Where: 30243

(i) "Medium group intervention units" equals the district's 30244
formula ADM divided by 15; 30245

(ii) "Hourly rate," "level one hours," and "phase-in 30246

percentage" have the same meanings as in division (C)(1)(a) of 30247
this section. 30248

30249

(b) If the district's poverty index is greater than or equal 30250
to 1.50: 30251

medium-group intervention units X hourly rate X level two hours 30252

X phase-in percentage 30253

Where: 30254

(i) "Medium group intervention units" has the same meaning as 30255
in division (C)(2)(a)(i) of this section; 30256

(ii) "Hourly rate" and "phase-in percentage" have the same 30257
meanings as in division (C)(1)(a) of this section; 30258

(iii) "Level two hours" equals 50 hours. 30259

(3) If the district's poverty index is greater than or equal 30260
to 1.50, calculate the district's level three amount for 30261
small-group academic intervention for impoverished students as 30262
follows: 30263

(a) If the district's poverty index is greater than or equal 30264
to 1.50 but less than 2.50: 30265

small group intervention units X hourly rate X 30266

{level one hours + [level three hours X (poverty index - 1.50)]} 30267

X phase-in percentage 30268

Where: 30269

(i) "Small group intervention units" equals the quotient of 30270
(the district's poverty student count times 3) divided by 10; 30271

(ii) "Hourly rate," "level one hours," and "phase-in 30272
percentage" have the same meanings as in division (C)(1)(a) of 30273
this section; 30274

(iii) "Level three hours" equals 135 hours. 30275

<u>(b) If the district's poverty index is greater than or equal</u>	30276
<u>to 2.50:</u>	30277
<u>small group intervention units X hourly rate X level three hours</u>	30278
<u>X phase-in percentage</u>	30279
<u>Where:</u>	30280
<u>(i) "Small group intervention units" has the same meaning as</u>	30281
<u>in division (C)(3)(a)(i) of this section;</u>	30282
<u>(ii) "Hourly rate" and "phase-in percentage" have the same</u>	30283
<u>meanings as in division (C)(1)(a) of this section;</u>	30284
<u>(iii) "Level three hours" equals 160 hours.</u>	30285
<u>Any district that receives funds under division (C)(2) or (3)</u>	30286
<u>of this section annually shall submit to the department of</u>	30287
<u>education by a date established by the department a plan</u>	30288
<u>describing how the district will deploy those funds. The</u>	30289
<u>deployment measures described in that plan shall comply with any</u>	30290
<u>applicable spending requirements prescribed in division (J)(6) of</u>	30291
<u>this section or with any order issued by the superintendent of</u>	30292
<u>public instruction under section 3317.017 of the Revised Code.</u>	30293
(D) A payment for all-day kindergarten if the DPIA <u>poverty</u>	30294
index of the school district is greater than or equal to one <u>1.0</u>	30295
or if the district's three-year average formula ADM exceeded	30296
seventeen thousand five hundred, calculated . <u>In addition, the</u>	30297
<u>department shall make a payment under this division to any school</u>	30298
<u>district that, in a prior fiscal year, qualified for this payment</u>	30299
<u>and provided all-day kindergarten, regardless of changes to the</u>	30300
<u>district's poverty index. The department shall calculate the</u>	30301
<u>payment under this division by multiplying the all-day</u>	30302
kindergarten percentage by the kindergarten ADM and multiplying	30303
that product by the formula amount.	30304
(E) A class-size reduction payment based on calculating the	30305

number of new teachers necessary to achieve a lower student-teacher ratio, as follows:

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

(a) If the DPIA poverty index of the school district is less than ~~six-tenths~~ 1.0, the formula number of teachers is ~~43.478~~ 50.0, which is the number of teachers per one thousand students at a student-teacher ratio of ~~twenty-three~~ twenty to one;

(b) If the DPIA poverty index of the school district is greater than or equal to ~~six-tenths~~ 1.0, but less than ~~two and one-half~~ 1.5, the formula number of teachers is calculated as follows:

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\}$$
$$50.0 + \{[(\text{poverty index} - 1.0) / 0.5] \times 16.667\}$$

Where ~~43.478~~ 50.0 is the number of teachers per one thousand students at a student-teacher ratio of ~~twenty-three~~ twenty to one; ~~1.9~~ 0.5 is the interval from a DPIA poverty index of ~~six-tenths~~ 1.0 to a DPIA poverty index of ~~two and one-half~~ 1.5; and ~~23.188~~ 16.667 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of ~~twenty-three~~ twenty to one.

(c) If the DPIA poverty index of the school district is greater than or equal to ~~two and one-half~~ 1.5, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows: 30337

(a) Multiply the kindergarten through third grade ADM by 30338
~~43.478~~ 50.0, which is the number of teachers per one thousand 30339
students at a student-teacher ratio of ~~twenty-three~~ twenty to one, 30340
and divide that product by one thousand; 30341

(b) Subtract the quotient obtained in division (E)(3)(a) of 30342
this section from the product in division (E)(2) of this section. 30343

(4) Multiply the greater of the difference obtained under 30344
division (E)(3) of this section or zero by the statewide average 30345
teachers ~~salary~~ compensation. For this purpose, the "statewide 30346
average teacher compensation" is \$53,680 in fiscal year 2006 and 30347
\$54,941 in fiscal year 2007, which includes an amount for the 30348
value of fringe benefits. 30349

(F) A payment for services to limited English proficient 30350
students, if the district's poverty index is greater than or equal 30351
to 1.0 and the proportion of its students who are limited English 30352
proficient, as reported in 2003 on its school district report 30353
issued under section 3302.03 of the Revised Code for the 2002-2003 30354
school year, is greater than or equal to 2.0%, calculated as 30355
follows: 30356

(1) If the district's poverty index is greater than or equal 30357
to 1.0, but less than 1.75, determine the amount per limited 30358
English proficient student as follows: 30359
{0.125 + [0.125 X ((poverty index - 1.0)/0.75)]} X formula amount 30360

(2) If the district's poverty index is greater than or equal 30361
to 1.75, the amount per limited English proficient student equals: 30362
0.25 X formula amount 30363

(3) Multiply the per student amount determined for the 30364
district under division (F)(1) or (2) of this section by the 30365
number of the district's limited English proficient students, 30366

times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 30367
in fiscal year 2007. For purposes of this calculation, the number 30368
of limited English proficient students for each district shall be 30369
the number determined by the department when it calculated the 30370
district's percentage of limited English students for its school 30371
district report card issued in 2003 for the 2002-2003 school year. 30372

Not later than December 31, 2006, the department of education 30373
shall recommend to the general assembly and the director of budget 30374
and management a method of identifying the number of limited 30375
English proficient students for purposes of calculating payments 30376
under this division after fiscal year 2007. 30377

(G) A payment for professional development of teachers, if 30378
the district's poverty index is greater than or equal to 1.0, 30379
calculated as follows: 30380

(1) If the district's poverty index is greater than or equal 30381
to 1.0, but less than 1.75, determine the amount per teacher as 30382
follows: 30383

$[(\text{poverty index} - 1.0) / 0.75] \times 0.045 \times \text{formula amount}$ 30384

(2) If the district's poverty index is greater than or equal 30385
to 1.75, the amount per teacher equals: 30386

$0.045 \times \text{formula amount}$ 30387

(3) Determine the number of teachers, as follows: 30388

$(\text{formula ADM}/17)$ 30389

(4) Multiply the per teacher amount determined for the 30390
district under division (G)(1) or (2) of this section by the 30391
number of teachers determined under division (G)(3) of this 30392
section, times a phase-in percentage of 0.40 in fiscal year 2006 30393
and 0.70 in fiscal year 2007. 30394

(H) A payment for dropout prevention, if the district is a 30395
big eight school district as defined in section 3314.02 of the 30396

<u>Revised Code, calculated as follows:</u>	30397
<u>0.005 X formula amount X poverty index</u>	30398
<u>X formula ADM X phase-in percentage</u>	30399
<u>Where "phase-in percentage" equals 0.40 in fiscal year 2006</u>	30400
<u>and 0.70 in fiscal year 2007.</u>	30401
<u>(I) An amount for community outreach, if the district is an</u>	30402
<u>urban school district as defined in section 3314.02 of the Revised</u>	30403
<u>Code, calculated as follows:</u>	30404
<u>0.005 X formula amount X poverty index X</u>	30405
<u>formula ADM X phase-in percentage</u>	30406
<u>Where "phase-in percentage" equals 0.40 in fiscal year 2006</u>	30407
<u>and 0.70 in fiscal year 2007.</u>	30408
<u>(J) This division applies only to school districts whose DPIA</u>	30409
<u>poverty index is one 1.0 or greater.</u>	30410
(1) Each school district subject to this division shall first	30411
utilize funds received under this section so that, when combined	30412
with other funds of the district, sufficient funds exist to	30413
provide all-day kindergarten to at least the number of children in	30414
the district's all-day kindergarten percentage.	30415
(2) Up to an amount equal to the district's DPIA index	30416
multiplied by its DPIA student count multiplied by two hundred	30417
thirty dollars of the money distributed under this section may be	30418
utilized <u>Each school district shall use its payment under division</u>	30419
<u>(F) of this section for one or more of the following purposes:</u>	30420
<u>(a) To hire teachers for limited English proficient students</u>	30421
<u>or other personnel to provide intervention services for those</u>	30422
<u>students;</u>	30423
<u>(b) To contract for intervention services for those students;</u>	30424
<u>(c) To provide other services to assist those students in</u>	30425
<u>passing the third-grade reading achievement test, and to provide</u>	30426

for those students the intervention services required by section 30427
3313.608 of the Revised Code. 30428

(3) Each school district shall use its payment under division 30429
(G) of this section for professional development of teachers or 30430
other licensed personnel providing educational services to 30431
students only in one or more of the following areas: 30432

(a) Data-based decision making; 30433

(b) Standards-based curriculum models; 30434

(c) Job-embedded professional development activities that are 30435
research-based, as defined in federal law. 30436

In addition, each district shall use the payment only to 30437
implement programs identified on a list of eligible professional 30438
development programs provided by the department of education. The 30439
department annually shall provide the list to each district 30440
receiving a payment under division (G) of this section. However, a 30441
district may apply to the department for a waiver to implement an 30442
alternative professional development program in one or more of the 30443
areas specified in divisions (J)(3)(a) to (c) of this section. If 30444
the department grants the waiver, the district may use its payment 30445
under division (G) of this section to implement the alternative 30446
program. 30447

(4) Each big eight school district shall use its payment 30448
under division (H) of this section either for preventing at-risk 30449
students from dropping out of school, for safety and security 30450
measures described in division (J)(5)(b) of this section, for 30451
academic intervention services described in division (J)(6) of 30452
this section, or for a combination of those purposes. Not later 30453
than September 1, 2005, the department of education shall provide 30454
each big eight school district with a list of dropout prevention 30455
programs that it has determined are successful. The department 30456
subsequently may update the list. Each district that elects to use 30457

its payment under division (H) of this section for dropout prevention shall use the payment only to implement a dropout prevention program specified on the department's list. However, a district may apply to the department for a waiver to implement an alternative dropout prevention program. If the department grants the waiver, the district may use its payment under division (H) of this section to implement the alternative program. 30458
30459
30460
30461
30462
30463
30464

(5) Each urban school district that has a poverty index greater than or equal to 1.0 shall use its payment under division (I) of this section for one or a combination of the following purposes: 30465
30466
30467
30468

(a) To hire or contract for community liaison officers, attendance or truant officers, or safety and security personnel; 30469
30470

(b) To implement programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning; 30471
30472
30473

(c) To implement academic intervention services described in division (J)(6) of this section. 30474
30475

(6) Each school district with a poverty index greater than or equal to 1.0 shall use the amount of its payment under division (C) of this section, and may use any amount of its payment under division (H) or (I) of this section, for one or both of the following: 30476
30477
30478
30479
30480

~~(a) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;~~ 30481
30482
30483

~~(b) Remediation academic intervention services for students who have failed or are in danger of failing any of the tests administered pursuant to section 3301.0710 of the Revised Code.~~ 30484
30485
30486

~~Beginning with the school year that starts on July 1, 2002,~~ 30487

each school district shall use at least twenty per cent of the 30488
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 30489
this section to provide, including intervention services required 30490
by section 3313.608 of the Revised Code. No district shall spend 30491
any portion of its payment under division (C) of this section for 30492
any other purpose. Notwithstanding any provision to the contrary 30493
in Chapter 4117. of the Revised Code, no collective bargaining 30494
agreement entered into after the effective date of this amendment 30495
shall require use of the payment for any other purpose. 30496

~~(3)(7)~~ Except as otherwise required by division ~~(G)(K)~~ or 30497
permitted under division ~~(K)(O)~~ of this section, all ~~other~~ 30498
remaining funds distributed under this section to districts 30499
~~subject to this division~~ with a poverty index greater than or 30500
equal to 1.0 shall be utilized for the purpose of the third grade 30501
guarantee. The third grade guarantee consists of increasing the 30502
amount of instructional attention received per pupil in 30503
kindergarten through third grade, either by reducing the ratio of 30504
students to instructional personnel or by increasing the amount of 30505
instruction and curriculum-related activities by extending the 30506
length of the school day or the school year. 30507

School districts may implement a reduction of the ratio of 30508
students to instructional personnel through any or all of the 30509
following methods: 30510

(a) Reducing the number of students in a classroom taught by 30511
a single teacher; 30512

(b) Employing full-time educational aides or educational 30513
paraprofessionals issued a permit or license under section 30514
3319.088 of the Revised Code; 30515

(c) Instituting a team-teaching method that will result in a 30516
lower student-teacher ratio in a classroom. 30517

Districts may extend the school day either by increasing the 30518

amount of time allocated for each class, increasing the number of 30519
classes provided per day, offering optional academic-related 30520
after-school programs, providing curriculum-related extra 30521
curricular activities, or establishing tutoring or remedial 30522
services for students who have demonstrated an educational need. 30523
In accordance with section 3319.089 of the Revised Code, a 30524
district extending the school day pursuant to this division may 30525
utilize a participant of the work experience program who has a 30526
child enrolled in a public school in that district and who is 30527
fulfilling the work requirements of that program by volunteering 30528
or working in that public school. If the work experience program 30529
participant is compensated, the school district may use the funds 30530
distributed under this section for all or part of the 30531
compensation. 30532

Districts may extend the school year either through adding 30533
regular days of instruction to the school calendar or by providing 30534
summer programs. 30535

~~(G)(K)~~ Each district ~~subject to division (F) of this section~~ 30536
shall not expend any funds received under division (E) of this 30537
section in any school buildings that are not buildings with the 30538
highest concentration of need, unless there is a ratio of 30539
instructional personnel to students of no more than fifteen to one 30540
in each kindergarten and first grade class in all buildings with 30541
the highest concentration of need. This division does not require 30542
that the funds used in buildings with the highest concentration of 30543
need be spent solely to reduce the ratio of instructional 30544
personnel to students in kindergarten and first grade. A school 30545
district may spend the funds in those buildings in any manner 30546
permitted by division ~~(F)(3)~~(J)(7) of this section, but may not 30547
spend the money in other buildings unless the fifteen-to-one ratio 30548
required by this division is attained. 30549

~~(H)(L)~~(1) By the first day of August of each fiscal year, 30550

each school district wishing to receive any funds under division 30551
(D) of this section shall submit to the department of education an 30552
estimate of its all-day kindergarten percentage. Each district 30553
shall update its estimate throughout the fiscal year in the form 30554
and manner required by the department, and the department shall 30555
adjust payments under this section to reflect the updates. 30556

(2) Annually by the end of December, the department of 30557
education, utilizing data from the information system established 30558
under section 3301.0714 of the Revised Code and after consultation 30559
with the legislative office of education oversight, shall 30560
determine for each school district subject to division ~~(F)~~(J) of 30561
this section whether in the preceding fiscal year the district's 30562
ratio of instructional personnel to students and its number of 30563
kindergarten students receiving all-day kindergarten appear 30564
reasonable, given the amounts of money the district received for 30565
that fiscal year pursuant to divisions (D) and (E) of this 30566
section. If the department is unable to verify from the data 30567
available that students are receiving reasonable amounts of 30568
instructional attention and all-day kindergarten, given the funds 30569
the district has received under this section and that class-size 30570
reduction funds are being used in school buildings with the 30571
highest concentration of need as required by division ~~(G)~~(K) of 30572
this section, the department shall conduct a more intensive 30573
investigation to ensure that funds have been expended as required 30574
by this section. The department shall file an annual report of its 30575
findings under this division with the chairpersons of the 30576
committees in each house of the general assembly dealing with 30577
finance and education. 30578

~~(I)~~ Any (M)(1) Each school district with a DPIA poverty index 30579
less than ~~one~~ 1.0 and a three-year average formula ADM exceeding 30580
seventeen thousand five hundred shall first utilize funds received 30581
under this section so that, when combined with other funds of the 30582

district, sufficient funds exist to provide all-day kindergarten 30583
to at least the number of children in the district's all-day 30584
kindergarten percentage. ~~Such a district~~ 30585

(2) Each school district with a poverty index less than 1.0 30586
that receives a payment under division (C) of this section shall 30587
use its payment under that division in accordance with all 30588
requirements of division (J)(6) of this section. 30589

(3) Each school district with a poverty index less than 1.0 30590
that receives a payment under division (I) of this section shall 30591
use its payment under that division for one or a combination of 30592
the following purposes: 30593

(a) To hire or contract for community liaison officers, 30594
attendance or truant officers, or safety and security personnel; 30595

(b) To implement programs designed to ensure that schools are 30596
free of drugs and violence and have a disciplined environment 30597
conducive to learning; 30598

(c) To implement academic intervention services described in 30599
division (J)(6) of this section. 30600

(4) Each school district to which division (M)(1), (2), or 30601
(3) of this section applies shall expend at least seventy per cent 30602
of the remaining funds received under this section, and any other 30603
district with a ~~DPIA~~ poverty index less than ~~one~~ 1.0 shall expend 30604
at least seventy per cent of all funds received under this 30605
section, for any of the following purposes: 30606

~~(1)~~(a) The purchase of technology for instructional purposes 30607
for remediation; 30608

~~(2)~~(b) All-day kindergarten; 30609

~~(3)~~(c) Reduction of class sizes in grades kindergarten 30610
through three, as described in division (J)(7) of this section; 30611

~~(4)~~(d) Summer school remediation; 30612

(5) <u>(e)</u> Dropout prevention programs <u>approved by the department of education under division (J)(4) of this section;</u>	30613 30614
(6) <u>(f)</u> Guaranteeing that all third graders are ready to progress to more advanced work;	30615 30616
(7) <u>(g)</u> Summer education and work programs;	30617
(8) <u>(h)</u> Adolescent pregnancy programs;	30618
(9) <u>(i)</u> Head start or , <u>preschool, early childhood education, or early learning</u> programs;	30619 30620
(10) <u>(j)</u> Reading improvement <u>and remediation</u> programs described by the department of education;	30621 30622
(11) <u>(k)</u> Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	30623 30624 30625
(12) <u>(l)</u> Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;	30626 30627 30628 30629 30630 30631
(13) <u>(m)</u> School breakfasts provided pursuant to section 3313.813 of the Revised Code.	30632 30633
Each district shall submit to the department, in such format and at such time as the department shall specify, a report on the programs for which it expended funds under this division.	30634 30635 30636
(J) <u>(N)</u> If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less than the all-day kindergarten percentage reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by	30637 30638 30639 30640 30641 30642

the difference in the certified all-day kindergarten percentage 30643
and the percentage actually enrolled in all-day kindergarten. 30644

The superintendent shall also withhold an appropriate amount 30645
of funds otherwise due a district for any other misuse of funds 30646
not in accordance with this section. 30647

~~(K)~~(O)(1) A district may use a portion of the funds 30648
calculated for it under division (D) of this section to modify or 30649
purchase classroom space to provide all-day kindergarten, if both 30650
of the following conditions are met: 30651

(a) The district certifies to the department, in a manner 30652
acceptable to the department, that it has a shortage of space for 30653
providing all-day kindergarten. 30654

(b) The district provides all-day kindergarten to the number 30655
of children in the all-day kindergarten percentage it certified 30656
under this section. 30657

(2) A district may use a portion of the funds described in 30658
division ~~(F)~~~~(3)~~(J)~~(7)~~ of this section to modify or purchase 30659
classroom space to enable it to further reduce class size in 30660
grades kindergarten through two with a goal of attaining class 30661
sizes of fifteen students per licensed teacher. To do so, the 30662
district must certify its need for additional space to the 30663
department, in a manner satisfactory to the department. 30664

Sec. 3317.0216. (A) As used in this section: 30665

(1) "Total taxes charged and payable for current expenses" 30666
means the sum of the taxes charged and payable as certified under 30667
division (A)(3)(a) of section 3317.021 of the Revised Code less 30668
any amounts reported under division (A)(3)(b) of that section, and 30669
the tax distribution for the preceding year under any school 30670
district income tax levied by the district pursuant to Chapter 30671
5748. of the Revised Code to the extent the revenue from the 30672

income tax is allocated or apportioned to current expenses. 30673

(2) "Charge-off amount" means ~~the product obtained by~~ 30674
~~multiplying~~ two and three-tenths per cent multiplied by (the sum of 30675
recognized valuation and property exemption value). 30676

(3) Until fiscal year 2003, the "actual local share of 30677
special education, transportation, and vocational education 30678
funding" for any school district means the sum of the district's 30679
attributed local shares described in divisions (F)(1) to (3) of 30680
section 3317.022 of the Revised Code. Beginning in fiscal year 30681
2003, the "actual local share of special education, 30682
transportation, and vocational education funding" means that sum 30683
minus the amount of any excess cost supplement payment calculated 30684
for the district under division (F) of section 3317.022 of the 30685
Revised Code. 30686

(4) "Current expense revenues from the tangible property tax 30687
replacement fund" means payments received from the school district 30688
tangible property tax replacement fund or the general revenue fund 30689
under section 5751.21 of the Revised Code for fixed-rate levies 30690
for current expenses and for fixed-sum levies for current 30691
expenses, including school district emergency levies under 30692
sections 5705.194 to 5705.197 of the Revised Code. 30693

(B) Upon receiving the certifications under section 3317.021 30694
of the Revised Code, the department of education shall determine 30695
for each city, local, and exempted village school district whether 30696
the district's charge-off amount is greater than the sum of the 30697
district's total taxes charged and payable for current expenses 30698
and current expense revenues from the tangible property tax 30699
replacement fund, and if ~~it~~ the charge-off amount is greater, 30700
shall pay the district the amount of the difference. A payment 30701
shall not be made to any school district for which the computation 30702
under division (A) of section 3317.022 of the Revised Code equals 30703

zero. 30704

(C)(1) If a district's charge-off amount is equal to or 30705
greater than the sum of its total taxes charged and payable for 30706
current expenses and current expense revenues from the tangible 30707
property tax replacement fund, the department shall, in addition 30708
to the payment required under division (B) of this section, pay 30709
the district the amount of its actual local share of special 30710
education, transportation, and vocational education funding. 30711

(2) If a district's charge-off amount is less than the sum of 30712
its total taxes charged and payable for current expenses and 30713
current expense revenues from the tangible property tax 30714
replacement fund, the department shall pay the district any amount 30715
by which its actual local share of special education, 30716
transportation, and vocational education funding exceeds the sum 30717
of its total taxes charged and payable for current expenses and 30718
current expense revenues from the tangible property tax 30719
replacement fund minus its charge-off amount. 30720

(D) If a school district that received a payment under 30721
division (B) or (C) of this section in the prior fiscal year is 30722
ineligible for payment under those divisions in the current fiscal 30723
year, the department shall determine if the ineligibility is the 30724
result of a property tax or income tax levy approved by the 30725
district's voters to take effect in tax year 2005 or thereafter. 30726
If the department determines that is the case, and calculates that 30727
the levy causing the ineligibility exceeded by at least one mill 30728
the equivalent millage of the prior year's payment under divisions 30729
(B) and (C) of this section, the department shall make a payment 30730
to the district for the first three years that the district loses 30731
eligibility for payment under divisions (B) and (C) of this 30732
section, as follows: 30733

(1) In the first year of ineligibility, the department shall 30734
pay the district seventy-five per cent of the amount it last paid 30735

<u>the district under divisions (B) and (C) of this section.</u>	30736
<u>(2) In the second year of ineligibility, the department shall</u>	30737
<u>pay the district fifty per cent of the amount it last paid the</u>	30738
<u>district under those divisions.</u>	30739
<u>(3) In the third year of ineligibility, the department shall</u>	30740
<u>pay the district twenty-five per cent of the amount it last paid</u>	30741
<u>the district under those divisions.</u>	30742
<u>(E) A district that receives payment under division (D) of</u>	30743
<u>this section and subsequently qualifies for payment under division</u>	30744
<u>(B) or (C) of this section is ineligible for future payments under</u>	30745
<u>division (D) of this section.</u>	30746
Sec. 3317.0217. The department of education shall annually	30747
compute and pay state parity aid to school districts, as follows:	30748
(A) Calculate the local wealth per pupil of each school	30749
district, which equals the following sum:	30750
(1) Two-thirds times the quotient of (a) the district's	30751
recognized valuation divided by (b) its formula ADM; plus	30752
(2) One-third times the quotient of (a) the average of the	30753
total federal adjusted gross income of the school district's	30754
residents for the three years most recently reported under section	30755
3317.021 of the Revised Code divided by (b) its formula ADM.	30756
(B) Rank all school districts in order of local wealth per	30757
pupil, from the district with the lowest local wealth per pupil to	30758
the district with the highest local wealth per pupil.	30759
(C) Compute the per pupil state parity aid funding for each	30760
school district in accordance with the following formula:	30761
Payment percentage X (threshold local wealth	30762
per pupil - the district's local	30763
wealth per pupil) X 0.0095 0.0075	30764

Where: 30765

~~(1) "Payment percentage," for purposes of division (C) of this section, equals 20% in fiscal year 2002, 40% in fiscal year 2003, 58% in fiscal year 2004, 76% in fiscal year 2005, and 100% after fiscal year 2005.~~ 30766
30767
30768
30769

~~(2) Nine and one half mills (0.0095) is the general assembly's determination of the average number of effective operating mills that districts in the seventieth to ninetieth percentiles of valuations per pupil collected in fiscal year 2001 above the revenues required to finance their attributed local shares of the calculated cost of an adequate education. This was determined by (a) adding the district revenues from operating property tax levies and income tax levies, (b) subtracting from that total the sum of (i) twenty three mills times adjusted recognized valuation plus (ii) the attributed local shares of special education, transportation, and vocational education funding as described in divisions (F)(1) to (3) of section 3317.022 of the Revised Code, and (c) converting the result to an effective operating property tax rate Seven and one-half mills (0.0075) is an adjustment to the original parity aid standard of nine and one-half mills, to account for the general assembly's policy decision to phase-out use of the cost-of-doing-business factor in the base cost formula.~~ 30770
30771
30772
30773
30774
30775
30776
30777
30778
30779
30780
30781
30782
30783
30784
30785
30786
30787

~~(3)(2) The "threshold local wealth per pupil" is the local wealth per pupil of the school district with the four-hundred-ninetieth lowest local wealth per pupil.~~ 30788
30789
30790

If the result of the calculation for a school district under division (C) of this section is less than zero, the district's per pupil parity aid shall be zero. 30791
30792
30793

(D) Compute the per pupil alternative parity aid for each school district that has a combination of an income factor of 1.0 30794
30795

or less, a ~~DPIA~~ poverty index of 1.0 or greater, and a fiscal year 30796
2005 cost-of-doing-business factor of 1.0375 or greater, in 30797
accordance with the following formula: 30798

$$\begin{aligned} & \text{Payment percentage} \times \$60,000 \times & 30799 \\ & (1 - \text{income factor}) \times 4/15 \times 0.023 & 30800 \end{aligned}$$

Where: 30801

(1) "~~DPIA~~ poverty index" has the same meaning as in section 30802
3317.029 of the Revised Code. 30803

(2) "Payment percentage," for purposes of division (D) of 30804
this section, equals 50% in fiscal year 2002 and 100% after fiscal 30805
year 2002. 30806

(E) Pay each district that has a combination of an income 30807
factor of of 1.0 or less, a ~~DPIA~~ poverty index of 1.0 or greater, and 30808
a fiscal year 2005 cost-of-doing-business factor of 1.0375 or 30809
greater, the greater of the following: 30810

(1) The product of the district's per pupil parity aid 30811
calculated under division (C) of this section times its net 30812
formula ADM; 30813

(2) The product of its per pupil alternative parity aid 30814
calculated under division (D) of this section times its net 30815
formula ADM. 30816

(F) Pay every other district the product of its per pupil 30817
parity aid calculated under division (C) of this section times its 30818
net formula ADM. 30819

(G) As used in divisions (E) and (F) of this section, "net 30820
formula ADM" means formula ADM minus the number of internet- and 30821
computer-based community school students and scholarship students 30822
reported under divisions (B)(3)(e) and (f) of section 3317.03 of 30823
the Revised Code. 30824

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section.

(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which. Beginning in fiscal year 2006, each superintendent also shall certify to the state board, for the schools under the superintendent's supervision, the formula ADM for the third full week in February. If a school under the superintendent's supervision is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school.

The formula ADM shall consist of the average daily membership during such week of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section

3313.98 of the Revised Code;	30856
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	30857 30858 30859 30860
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	30861 30862
(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	30863 30864 30865 30866 30867
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	30868 30869 30870 30871
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	30872 30873 30874
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	30875 30876 30877 30878
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	30879 30880 30881
(e) An educational service center or cooperative education district;	30882 30883
(f) Another school district under a cooperative education agreement, compact, or contract;	30884 30885

<u>(g) A chartered nonpublic school with a scholarship paid</u>	30886
<u>under section 3310.08 of the Revised Code.</u>	30887
(3) Twenty per cent of the number of students enrolled in a	30888
joint vocational school district or under a vocational education	30889
compact, excluding any students entitled to attend school in the	30890
district under section 3313.64 or 3313.65 of the Revised Code who	30891
are enrolled in another school district through an open enrollment	30892
policy as reported under division (A)(2)(d) of this section and	30893
then enroll in a joint vocational school district or under a	30894
vocational education compact;	30895
(4) The number of handicapped children, other than	30896
handicapped preschool children, entitled to attend school in the	30897
district pursuant to section 3313.64 or 3313.65 of the Revised	30898
Code who are placed with a county MR/DD board, minus the number of	30899
such children placed with a county MR/DD board in fiscal year	30900
1998. If this calculation produces a negative number, the number	30901
reported under division (A)(4) of this section shall be zero.	30902
<u>(5) In the case of the report submitted for the third full</u>	30903
<u>week in February, or the alternative week if specified by the</u>	30904
<u>superintendent of public instruction, the number of students</u>	30905
<u>reported under division (A)(1) or (2) of this section for the</u>	30906
<u>first full week of the preceding October but who since that week</u>	30907
<u>have received high school diplomas.</u>	30908
(B) To enable the department of education to obtain the data	30909
needed to complete the calculation of payments pursuant to this	30910
chapter, in addition to the formula ADM, each superintendent shall	30911
report separately the following student counts <u>for the same week</u>	30912
<u>for which formula ADM is certified:</u>	30913
(1) The total average daily membership in regular day classes	30914
included in the report under division (A)(1) or (2) of this	30915
section for kindergarten, and each of grades one through twelve in	30916

schools under the superintendent's supervision; 30917

(2) The number of all handicapped preschool children enrolled 30918
as of the first day of December in classes in the district that 30919
are eligible for approval under division (B) of section 3317.05 of 30920
the Revised Code and the number of those classes, which shall be 30921
reported not later than the fifteenth day of December, in 30922
accordance with rules adopted under that section; 30923

(3) The number of children entitled to attend school in the 30924
district pursuant to section 3313.64 or 3313.65 of the Revised 30925
Code who are ~~participating~~; 30926

(a) Participating in a pilot project scholarship program 30927
established under sections 3313.974 to 3313.979 of the Revised 30928
Code as described in division (I)(2)(a) or (b) of this section, ~~7~~ 30929
~~are enrolled~~; 30930

(b) Enrolled in a college under Chapter 3365. of the Revised 30931
Code, except when the student is enrolled in the college while 30932
also enrolled in a community school pursuant to Chapter 3314. of 30933
the Revised Code, ~~are enrolled~~; 30934

(c) Enrolled in an adjacent or other school district under 30935
section 3313.98 of the Revised Code, ~~are enrolled~~; 30936

(d) Enrolled in a community school established under Chapter 30937
3314. of the Revised Code that is not an internet- or 30938
computer-based community school as defined in section 3314.02 of 30939
the Revised Code, including any participation in a college 30940
pursuant to Chapter 3365. of the Revised Code while enrolled in 30941
such community school, ~~or are participating~~; 30942

(e) Enrolled in an internet- or computer-based community 30943
school, as defined in section 3314.02 of the Revised Code, 30944
including any participation in a college pursuant to Chapter 3365. 30945
of the Revised Code while enrolled in the school; 30946

<u>(f) Enrolled in a chartered nonpublic school with a</u>	30947
<u>scholarship paid under section 3310.08 of the Revised Code;</u>	30948
<u>(g) Participating</u> in a program operated by a county MR/DD	30949
board or a state institution;	30950
(4) The number of pupils enrolled in joint vocational	30951
schools;	30952
(5) The average daily membership of handicapped children	30953
reported under division (A)(1) or (2) of this section receiving	30954
special education services for the category one handicap described	30955
in division (A) of section 3317.013 of the Revised Code;	30956
(6) The average daily membership of handicapped children	30957
reported under division (A)(1) or (2) of this section receiving	30958
special education services for category two handicaps described in	30959
division (B) of section 3317.013 of the Revised Code;	30960
(7) The average daily membership of handicapped children	30961
reported under division (A)(1) or (2) of this section receiving	30962
special education services for category three handicaps described	30963
in division (C) of section 3317.013 of the Revised Code;	30964
(8) The average daily membership of handicapped children	30965
reported under division (A)(1) or (2) of this section receiving	30966
special education services for category four handicaps described	30967
in division (D) of section 3317.013 of the Revised Code;	30968
(9) The average daily membership of handicapped children	30969
reported under division (A)(1) or (2) of this section receiving	30970
special education services for the category five handicap	30971
described in division (E) of section 3317.013 of the Revised Code;	30972
(10) The average daily membership of handicapped children	30973
reported under division (A)(1) or (2) of this section receiving	30974
special education services for category six handicaps described in	30975
division (F) of section 3317.013 of the Revised Code;	30976

(11) The average daily membership of pupils reported under 30977
division (A)(1) or (2) of this section enrolled in category one 30978
vocational education programs or classes, described in division 30979
(A) of section 3317.014 of the Revised Code, operated by the 30980
school district or by another district, other than a joint 30981
vocational school district, or by an educational service center, 30982
excluding any student reported under division (B)(3)(e) of this 30983
section as enrolled in an internet- or computer-based community 30984
school, notwithstanding division (C) of section 3317.02 of the 30985
Revised Code and division (C)(3) of this section; 30986

(12) The average daily membership of pupils reported under 30987
division (A)(1) or (2) of this section enrolled in category two 30988
vocational education programs or services, described in division 30989
(B) of section 3317.014 of the Revised Code, operated by the 30990
school district or another school district, other than a joint 30991
vocational school district, or by an educational service center, 30992
excluding any student reported under division (B)(3)(e) of this 30993
section as enrolled in an internet- or computer-based community 30994
school, notwithstanding division (C) of section 3317.02 of the 30995
Revised Code and division (C)(3) of this section; 30996

(13) The average number of children transported by the school 30997
district on board-owned or contractor-owned and -operated buses, 30998
reported in accordance with rules adopted by the department of 30999
education; 31000

(14)(a) The number of children, other than handicapped 31001
preschool children, the district placed with a county MR/DD board 31002
in fiscal year 1998; 31003

(b) The number of handicapped children, other than 31004
handicapped preschool children, placed with a county MR/DD board 31005
in the current fiscal year to receive special education services 31006
for the category one handicap described in division (A) of section 31007

3317.013 of the Revised Code;	31008
(c) The number of handicapped children, other than	31009
handicapped preschool children, placed with a county MR/DD board	31010
in the current fiscal year to receive special education services	31011
for category two handicaps described in division (B) of section	31012
3317.013 of the Revised Code;	31013
(d) The number of handicapped children, other than	31014
handicapped preschool children, placed with a county MR/DD board	31015
in the current fiscal year to receive special education services	31016
for category three handicaps described in division (C) of section	31017
3317.013 of the Revised Code;	31018
(e) The number of handicapped children, other than	31019
handicapped preschool children, placed with a county MR/DD board	31020
in the current fiscal year to receive special education services	31021
for category four handicaps described in division (D) of section	31022
3317.013 of the Revised Code;	31023
(f) The number of handicapped children, other than	31024
handicapped preschool children, placed with a county MR/DD board	31025
in the current fiscal year to receive special education services	31026
for the category five handicap described in division (E) of	31027
section 3317.013 of the Revised Code;	31028
(g) The number of handicapped children, other than	31029
handicapped preschool children, placed with a county MR/DD board	31030
in the current fiscal year to receive special education services	31031
for category six handicaps described in division (F) of section	31032
3317.013 of the Revised Code.	31033
(C)(1) Except as otherwise provided in this section for	31034
kindergarten students, the average daily membership in divisions	31035
(B)(1) to (12) of this section shall be based upon the number of	31036
full-time equivalent students. The state board of education shall	31037
adopt rules defining full-time equivalent students and for	31038

determining the average daily membership therefrom for the 31039
purposes of divisions (A), (B), and (D) of this section. 31040

(2) A student enrolled in a community school established 31041
under Chapter 3314. of the Revised Code shall be counted in the 31042
formula ADM and, if applicable, the category one, two, three, 31043
four, five, or six special education ADM of the school district in 31044
which the student is entitled to attend school under section 31045
3313.64 or 3313.65 of the Revised Code for the same proportion of 31046
the school year that the student is counted in the enrollment of 31047
the community school for purposes of section 3314.08 of the 31048
Revised Code. 31049

(3) No child shall be counted as more than a total of one 31050
child in the sum of the average daily memberships of a school 31051
district under division (A), divisions (B)(1) to (12), or division 31052
(D) of this section, except as follows: 31053

(a) A child with a handicap described in section 3317.013 of 31054
the Revised Code may be counted both in formula ADM and in 31055
category one, two, three, four, five, or six special education ADM 31056
and, if applicable, in category one or two vocational education 31057
ADM. As provided in division (C) of section 3317.02 of the Revised 31058
Code, such a child shall be counted in category one, two, three, 31059
four, five, or six special education ADM in the same proportion 31060
that the child is counted in formula ADM. 31061

(b) A child enrolled in vocational education programs or 31062
classes described in section 3317.014 of the Revised Code may be 31063
counted both in formula ADM and category one or two vocational 31064
education ADM and, if applicable, in category one, two, three, 31065
four, five, or six special education ADM. Such a child shall be 31066
counted in category one or two vocational education ADM in the 31067
same proportion as the percentage of time that the child spends in 31068
the vocational education programs or classes. 31069

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

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, ~~which~~. Beginning in fiscal year 2006, each superintendent also shall certify to the state superintendent the formula ADM for the third full week in February. If a school operated by the joint vocational school district is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school.

The formula ADM, except as otherwise provided in this division, shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, including students enrolled in a community school established under Chapter 3314. of the Revised Code who are attending the joint vocational district under an agreement between the district board of education and the governing authority of the community school and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district. In the case of the report submitted for the third week in February, or the alternative week if specified by

the superintendent of public instruction, the superintendent of 31102
the joint vocational school district may include the number of 31103
students reported under division (D)(1) of this section for the 31104
first full week of the preceding October but who since that week 31105
have received high school diplomas. 31106

The following categories of students shall not be included in 31107
the determination made under division (D)(1) of this section: 31108

(a) Students enrolled in adult education classes; 31109

(b) Adjacent or other district joint vocational students 31110
enrolled in the district under an open enrollment policy pursuant 31111
to section 3313.98 of the Revised Code; 31112

(c) Students receiving services in the district pursuant to a 31113
compact, cooperative education agreement, or a contract, but who 31114
are entitled to attend school in a city, local, or exempted 31115
village school district whose territory is not part of the 31116
territory of the joint vocational district; 31117

(d) Students for whom tuition is payable pursuant to sections 31118
3317.081 and 3323.141 of the Revised Code. 31119

(2) To enable the department of education to obtain the data 31120
needed to complete the calculation of payments pursuant to this 31121
chapter, in addition to the formula ADM, each superintendent shall 31122
report separately the average daily membership included in the 31123
report under division (D)(1) of this section for each of the 31124
following categories of students for the same week for which 31125
formula ADM is certified: 31126

(a) Students enrolled in each grade included in the joint 31127
vocational district schools; 31128

(b) Handicapped children receiving special education services 31129
for the category one handicap described in division (A) of section 31130
3317.013 of the Revised Code; 31131

(c) Handicapped children receiving special education services	31132
for the category two handicaps described in division (B) of	31133
section 3317.013 of the Revised Code;	31134
(d) Handicapped children receiving special education services	31135
for category three handicaps described in division (C) of section	31136
3317.013 of the Revised Code;	31137
(e) Handicapped children receiving special education services	31138
for category four handicaps described in division (D) of section	31139
3317.013 of the Revised Code;	31140
(f) Handicapped children receiving special education services	31141
for the category five handicap described in division (E) of	31142
section 3317.013 of the Revised Code;	31143
(g) Handicapped children receiving special education services	31144
for category six handicaps described in division (F) of section	31145
3317.013 of the Revised Code;	31146
(h) Students receiving category one vocational education	31147
services, described in division (A) of section 3317.014 of the	31148
Revised Code;	31149
(i) Students receiving category two vocational education	31150
services, described in division (B) of section 3317.014 of the	31151
Revised Code.	31152
The superintendent of each joint vocational school district	31153
shall also indicate the city, local, or exempted village school	31154
district in which each joint vocational district pupil is entitled	31155
to attend school pursuant to section 3313.64 or 3313.65 of the	31156
Revised Code.	31157
(E) In each school of each city, local, exempted village,	31158
joint vocational, and cooperative education school district there	31159
shall be maintained a record of school membership, which record	31160
shall accurately show, for each day the school is in session, the	31161

actual membership enrolled in regular day classes. For the purpose 31162
of determining average daily membership, the membership figure of 31163
any school shall not include any pupils except those pupils 31164
described by division (A) of this section. The record of 31165
membership for each school shall be maintained in such manner that 31166
no pupil shall be counted as in membership prior to the actual 31167
date of entry in the school and also in such manner that where for 31168
any cause a pupil permanently withdraws from the school that pupil 31169
shall not be counted as in membership from and after the date of 31170
such withdrawal. There shall not be included in the membership of 31171
any school any of the following: 31172

(1) Any pupil who has graduated from the twelfth grade of a 31173
public high school; 31174

(2) Any pupil who is not a resident of the state; 31175

(3) Any pupil who was enrolled in the schools of the district 31176
during the previous school year when tests were administered under 31177
section 3301.0711 of the Revised Code but did not take one or more 31178
of the tests required by that section and was not excused pursuant 31179
to division (C)(1) or (3) of that section; 31180

(4) Any pupil who has attained the age of twenty-two years, 31181
except for veterans of the armed services whose attendance was 31182
interrupted before completing the recognized twelve-year course of 31183
the public schools by reason of induction or enlistment in the 31184
armed forces and who apply for reenrollment in the public school 31185
system of their residence not later than four years after 31186
termination of war or their honorable discharge. 31187

If, however, any veteran described by division (E)(4) of this 31188
section elects to enroll in special courses organized for veterans 31189
for whom tuition is paid under the provisions of federal laws, or 31190
otherwise, that veteran shall not be included in average daily 31191
membership. 31192

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.

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 in October~~ for which the formula ADM is being certified by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those handicapped children currently receiving home instruction.

The average daily membership figure of any cooperative education school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If the formula ADM for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, the superintendent of schools of any city, exempted village, or joint vocational school district or educational service center shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public

instruction shall use the increased formula ADM in calculating or 31225
recalculating the amounts to be allocated in accordance with 31226
section 3317.022 or 3317.16 of the Revised Code. In no event shall 31227
the superintendent use an increased membership certified to the 31228
superintendent after the fifteenth day of February. Division 31229
(F)(1) of this section does not apply after fiscal year 2005. 31230

(2) If on the first school day of April the total number of 31231
classes or units for handicapped preschool children that are 31232
eligible for approval under division (B) of section 3317.05 of the 31233
Revised Code exceeds the number of units that have been approved 31234
for the year under that division, the superintendent of schools of 31235
any city, exempted village, or cooperative education school 31236
district or educational service center shall make the 31237
certifications required by this section for that day. If the 31238
department determines additional units can be approved for the 31239
fiscal year within any limitations set forth in the acts 31240
appropriating moneys for the funding of such units, the department 31241
shall approve additional units for the fiscal year on the basis of 31242
such average daily membership. For each unit so approved, the 31243
department shall pay an amount computed in the manner prescribed 31244
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 31245
Code. 31246

(3) If a student attending a community school under Chapter 31247
3314. of the Revised Code is not included in the formula ADM 31248
certified ~~for the first full school week of October~~ for the school 31249
district in which the student is entitled to attend school under 31250
section 3313.64 or 3313.65 of the Revised Code, the department of 31251
education shall adjust the formula ADM of that school district to 31252
include the community school student in accordance with division 31253
(C)(2) of this section, and shall recalculate the school 31254
district's payments under this chapter for the entire fiscal year 31255
on the basis of that adjusted formula ADM. This requirement 31256

applies regardless of whether the student was enrolled, as defined 31257
in division (E) of this section, in the community school during 31258
the first full school week in October. 31259

(G)(1)(a) The superintendent of an institution operating a 31260
special education program pursuant to section 3323.091 of the 31261
Revised Code shall, for the programs under such superintendent's 31262
supervision, certify to the state board of education ~~the, in the~~ 31263
manner prescribed by the superintendent of public instruction, 31264
both of the following: 31265

(i) The average daily membership of all handicapped children 31266
other than handicapped preschool children receiving services at 31267
the institution for each category of handicap described in 31268
divisions (A) to (F) of section 3317.013 of the Revised Code; 31269

(ii) The average daily membership of all handicapped 31270
preschool children in classes or programs approved annually by the 31271
department of education, ~~in the manner prescribed by the~~ 31272
~~superintendent of public instruction~~ for unit funding under 31273
section 3317.05 of the Revised Code. 31274

(b) The superintendent of an institution with vocational 31275
education units approved under division (A) of section 3317.05 of 31276
the Revised Code shall, for the units under the superintendent's 31277
supervision, certify to the state board of education the average 31278
daily membership in those units, in the manner prescribed by the 31279
superintendent of public instruction. 31280

(2) The superintendent of each county MR/DD board that 31281
maintains special education classes under section 3317.20 of the 31282
Revised Code or units approved pursuant to section 3317.05 of the 31283
Revised Code shall do both of the following: 31284

(a) Certify to the state board, in the manner prescribed by 31285
the board, the average daily membership in classes under section 31286
3317.20 of the Revised Code for each school district that has 31287

placed children in the classes; 31288

(b) Certify to the state board, in the manner prescribed by 31289
the board, the number of all handicapped preschool children 31290
enrolled as of the first day of December in classes eligible for 31291
approval under division (B) of section 3317.05 of the Revised 31292
Code, and the number of those classes. 31293

(3)(a) If on the first school day of April the number of 31294
classes or units maintained for handicapped preschool children by 31295
the county MR/DD board that are eligible for approval under 31296
division (B) of section 3317.05 of the Revised Code is greater 31297
than the number of units approved for the year under that 31298
division, the superintendent shall make the certification required 31299
by this section for that day. 31300

(b) If the department determines that additional classes or 31301
units can be approved for the fiscal year within any limitations 31302
set forth in the acts appropriating moneys for the funding of the 31303
classes and units described in division (G)(3)(a) of this section, 31304
the department shall approve and fund additional units for the 31305
fiscal year on the basis of such average daily membership. For 31306
each unit so approved, the department shall pay an amount computed 31307
in the manner prescribed in sections 3317.052 and 3317.053 of the 31308
Revised Code. 31309

(H) Except as provided in division (I) of this section, when 31310
any city, local, or exempted village school district provides 31311
instruction for a nonresident pupil whose attendance is 31312
unauthorized attendance as defined in section 3327.06 of the 31313
Revised Code, that pupil's membership shall not be included in 31314
that district's membership figure used in the calculation of that 31315
district's formula ADM or included in the determination of any 31316
unit approved for the district under section 3317.05 of the 31317
Revised Code. The reporting official shall report separately the 31318

average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

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

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

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

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

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

Sec. 3317.031. A membership record shall be kept by grade 31349
level in each city, local, exempted village, joint vocational, and 31350
cooperative education school district and such a record shall be 31351
kept by grade level in each educational service center that 31352
provides academic instruction to pupils, classes for handicapped 31353
pupils, or any other direct instructional services to pupils. Such 31354
membership record shall show the following information for each 31355
pupil enrolled: Name, date of birth, name of parent, date entered 31356
school, date withdrawn from school, days present, days absent, and 31357
the number of days school was open for instruction while the pupil 31358
was enrolled. At the end of the school year this membership record 31359
shall show the total days present, the total days absent, and the 31360
total days due for all pupils in each grade. Such membership 31361
record shall show the pupils that are transported to and from 31362
school and it shall also show the pupils that are transported 31363
living within one mile of the school attended. This membership 31364
record shall also show any other information prescribed by the 31365
state board of education. 31366

This membership record shall be kept intact for at least five 31367
years and shall be made available to the state board of education 31368
or its representative in making an audit of the average daily 31369
membership or the transportation of the district or educational 31370
service center. The membership records of local school districts 31371
shall be filed at the close of each school year in the office of 31372
the educational service center superintendent. 31373

The state board of education may withhold any money due any 31374
school district or educational service center under sections 31375
3317.022 to ~~3317.0212~~ 3317.0211, 3317.11, 3317.16, 3317.17, or 31376
3317.19 of the Revised Code until it has satisfactory evidence 31377
that the board of education or educational service center 31378
governing board has fully complied with all of the provisions of 31379

this section. 31380

Nothing in this section shall require any person to release, 31381
or to permit access to, public school records in violation of 31382
section 3319.321 of the Revised Code. 31383

Sec. 3317.035. The auditor of state may conduct annual audits 31384
of the information certified under section 3317.03 of the Revised 31385
Code by a number of school districts determined by the auditor of 31386
state and selected at random. 31387

Sec. 3317.05. (A) For the purpose of calculating payments 31388
under sections 3317.052 and 3317.053 of the Revised Code, the 31389
department of education shall determine for each institution, by 31390
the last day of January of each year and based on information 31391
certified under section 3317.03 of the Revised Code, the number of 31392
vocational education units or fractions of units approved by the 31393
department on the basis of standards and rules adopted by the 31394
state board of education. As used in this division, "institution" 31395
means an institution operated by a department specified in section 31396
3323.091 of the Revised Code and that provides vocational 31397
education programs under the supervision of the division of 31398
vocational education of the department that meet the standards and 31399
rules for these programs, including licensure of professional 31400
staff involved in the programs, as established by the state board. 31401

(B) For the purpose of calculating payments under sections 31402
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 31403
department shall determine, based on information certified under 31404
section 3317.03 of the Revised Code, the following by the last day 31405
of January of each year for each educational service center, for 31406
each school district, including each cooperative education school 31407
district, for each institution eligible for payment under section 31408
3323.091 of the Revised Code, and for each county MR/DD board: the 31409

number of classes operated by the school district, service center, 31410
institution, or county MR/DD board for handicapped preschool 31411
children, or fraction thereof, including in the case of a district 31412
or service center that is a funding agent, classes taught by a 31413
licensed teacher employed by that district or service center under 31414
section 3313.841 of the Revised Code, approved annually by the 31415
department on the basis of standards and rules adopted by the 31416
state board. 31417

(C) For the purpose of calculating payments under sections 31418
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 31419
department shall determine, based on information certified under 31420
section 3317.03 of the Revised Code, the following by the last day 31421
of January of each year for each school district, including each 31422
cooperative education school district, for each institution 31423
eligible for payment under section 3323.091 of the Revised Code, 31424
and for each county MR/DD board: the number of preschool 31425
handicapped ~~related services~~ units for ~~child study, occupational,~~ 31426
~~physical, or speech and hearing therapy, special education~~ 31427
~~supervisors, and special education coordinators~~ related services, 31428
as defined in section 3323.01 of the Revised Code, approved 31429
annually by the department on the basis of standards and rules 31430
adopted by the state board. 31431

~~(D) For the purpose of calculating payments under sections 31432
3317.052 and 3317.053 of the Revised Code, the department shall 31433
determine, based on information certified under section 3317.03 of 31434
the Revised Code, the following by the last day of January of each 31435
year for each institution eligible for payment under section 31436
3323.091 of the Revised Code:~~ 31437

~~(1) The number of classes operated by an institution for 31438
handicapped children other than handicapped preschool children, or 31439
fraction thereof, approved annually by the department on the basis 31440
of standards and rules adopted by the state board;~~ 31441

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

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

~~In the case of units described in division (D)(1) of this section operated by institutions eligible for payment under section 3323.091 of the Revised Code, the department shall approve only units for persons who are under age twenty two on the first day of the academic year, but not less than six years of age on the thirtieth day of September of that year, except that such a unit may include one or more children who are under six years of age on the thirtieth day of September if such children have been admitted to the unit pursuant to rules of the state board. In the case of handicapped preschool units described in division (B) of this section, the department shall approve only preschool units for children who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year, except that such a unit may include one or more children who are under age three or are age six or over on the ~~first day of December~~ applicable date, as reported under division (B)(2) or (G)(2)(b) of section 3317.03~~

of the Revised Code, if such children have been admitted to the 31474
unit pursuant to rules of the state board. The number of units for 31475
county MR/DD boards and institutions eligible for payment under 31476
section 3323.091 of the Revised Code approved under this section 31477
shall not exceed the number that can be funded with appropriations 31478
made for such purposes by the general assembly. 31479

No unit shall be approved under divisions (B) ~~to (D)~~ and (C) 31480
of this section unless a plan has been submitted and approved 31481
under Chapter 3323. of the Revised Code. 31482

~~(F)~~(E) The department shall approve units or fractions 31483
thereof for gifted children on the basis of standards and rules 31484
adopted by the state board. 31485

Sec. 3317.052. As used in this section, "institution" means 31486
an institution operated by a department specified in division (A) 31487
of section 3323.091 of the Revised Code. 31488

(A)(1) The department of education shall pay each school 31489
district, educational service center, institution eligible for 31490
payment under section 3323.091 of the Revised Code, or county 31491
MR/DD board an amount for the total of all classroom units for 31492
handicapped preschool children approved under division (B) of 31493
section 3317.05 of the Revised Code. For each unit, the amount 31494
shall be the sum of the minimum salary for the teacher of the 31495
unit, calculated on the basis of the teacher's training level and 31496
years of experience pursuant to the salary schedule prescribed in 31497
the version of section 3317.13 of the Revised Code in effect prior 31498
to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 31499
per cent of that minimum salary amount, and eight thousand 31500
twenty-three dollars. 31501

(2) The department shall pay each school district, 31502
educational service center, institution eligible for payment under 31503
section 3323.091 of the Revised Code, or county MR/DD board an 31504

amount for the total of all related services units for handicapped 31505
preschool children approved under division (C) of section 3317.05 31506
of the Revised Code. For each such unit, the amount shall be the 31507
sum of the minimum salary for the teacher of the unit calculated 31508
on the basis of the teacher's training level and years of 31509
experience pursuant to the salary schedule prescribed in the 31510
version of section 3317.13 of the Revised Code in effect prior to 31511
~~the effective date of this amendment~~ July 1, 2001, fifteen per 31512
cent of that minimum salary amount, and two thousand one hundred 31513
thirty-two dollars. 31514

(B) If a school district, educational service center, or 31515
county MR/DD board has had additional handicapped preschool units 31516
approved for the year under division (F)(2) or (G)(3) of section 31517
3317.03 of the Revised Code, the district, educational service 31518
center, or board shall receive an additional amount during the 31519
last half of the fiscal year. For each district, center, or board, 31520
the additional amount for each unit shall equal fifty per cent of 31521
the amounts computed for the unit in the manner prescribed by 31522
division (A) of this section and division (C) of section 3317.053 31523
of the Revised Code. 31524

~~(C)(1) The department shall pay each institution eligible for 31525
payment under section 3323.091 of the Revised Code or county MR/DD 31526
board an amount for the total of all special education units 31527
approved under division (D)(1) of section 3317.05 of the Revised 31528
Code. The amount for each unit shall be the sum of the minimum 31529
salary for the teacher of the unit, calculated on the basis of the 31530
teacher's training level and years of experience pursuant to the 31531
salary schedule prescribed in the version of section 3317.13 of 31532
the Revised Code in effect prior to the effective date of this 31533
amendment, plus fifteen per cent of that minimum salary amount, 31534
and eight thousand twenty three dollars. 31535~~

~~(2) The department shall pay each institution eligible for 31536~~

~~payment under section 3323.091 of the Revised Code an amount for
the total of all related services units approved under division
(D)(2) of section 3317.05 of the Revised Code. The amount for each
unit shall be the sum of the minimum salary for the teacher of the
unit, calculated on the basis of the teacher's training level and
years of experience pursuant to the salary schedule prescribed in
the version of section 3317.13 of the Revised Code in effect prior
to the effective date of this amendment, plus fifteen per cent of
that minimum salary amount, and two thousand one hundred
thirty two dollars.~~

~~(D) The department shall pay each institution approved for
vocational education units under division (A) of section 3317.05
of the Revised Code an amount for the total of all the units
approved under that division. The amount for each unit shall be
the sum of the minimum salary for the teacher of the unit,
calculated on the basis of the teacher's training level and years
of experience pursuant to the salary schedule prescribed in the
version of section 3317.13 of the Revised Code in effect prior to
the effective date of this amendment July 1, 2001, plus fifteen
per cent of that minimum salary amount, and nine thousand five
hundred ten dollars. Each institution that receives units funds
under this division annually shall report to the department on the
delivery of services and the performance of students and any other
information required by the department to evaluate the
institution's vocational education program.~~

Sec. 3317.053. (A) As used in this section: 31562

(1) "State share percentage" has the same meaning as in 31563
section 3317.022 of the Revised Code. 31564

(2) "Dollar amount" means the amount shown in the following 31565
table for the corresponding type of unit: 31566

TYPE OF UNIT	DOLLAR AMOUNT
--------------	---------------

 31567

Division (B) of section 3317.05		31568
of the Revised Code	\$8,334	31569
Division (C) of that section	\$3,234	31570
Division (F) (E) of that section	\$5,550	31571

(3) "Average unit amount" means the amount shown in the following table for the corresponding type of unit:

TYPE OF UNIT	AVERAGE UNIT AMOUNT	
Division (B) of section 3317.05		31572
of the Revised Code	\$7,799	31573
Division (C) of that section	\$2,966	31574
Division (F) (E) of that section	\$5,251	31575

(B) In the case of each unit described in division (B), (C), or ~~(F)~~(E) of section 3317.05 of the Revised Code and allocated to a city, local, or exempted village school district, the department of education, in addition to the amounts specified in division (P) of section 3317.024 and sections 3317.052 and 3317.19 of the Revised Code, shall pay a supplemental unit allowance equal to the sum of the following amounts:

(1) An amount equal to 50% of the average unit amount for the unit;

(2) An amount equal to the percentage of the dollar amount for the unit that equals the district's state share percentage.

If, prior to the fifteenth day of May of a fiscal year, a school district's aid computed under section 3317.022 of the Revised Code is recomputed pursuant to section 3317.027 or 3317.028 of the Revised Code, the department shall also recompute the district's entitlement to payment under this section utilizing a new state share percentage. Such new state share percentage shall be determined using the district's recomputed basic aid amount pursuant to section 3317.027 or 3317.028 of the Revised

Code. During the last six months of the fiscal year, the 31599
department shall pay the district a sum equal to one-half of the 31600
recomputed payment in lieu of one-half the payment otherwise 31601
calculated under this section. 31602

(C)(1) In the case of each unit allocated to an institution 31603
pursuant to division (A) of section 3317.05 of the Revised Code, 31604
the department, in addition to the amount specified in section 31605
3317.052 of the Revised Code, shall pay a supplemental unit 31606
allowance of \$7,227. 31607

(2) In the case of each unit described in division (B) ~~or~~ 31608
~~(D)(1)~~ of section 3317.05 of the Revised Code that is allocated to 31609
any entity other than a city, exempted village, or local school 31610
district, the department, in addition to the amount specified in 31611
section 3317.052 of the Revised Code, shall pay a supplemental 31612
unit allowance of \$7,799. 31613

(3) In the case of each unit described in division (C) ~~or~~ 31614
~~(D)(2)~~ of section 3317.05 of the Revised Code and allocated to any 31615
entity other than a city, exempted village, or local school 31616
district, the department, in addition to the amounts specified in 31617
section 3317.052 of the Revised Code, shall pay a supplemental 31618
unit allowance of \$2,966. 31619

(4) In the case of each unit described in division ~~(F)~~(E) of 31620
section 3317.05 of the Revised Code and allocated to an 31621
educational service center, the department, in addition to the 31622
amounts specified in division (P) of section 3317.024 of the 31623
Revised Code, shall pay a supplemental unit allowance of \$5,251. 31624

Sec. 3317.06. Moneys paid to school districts under division 31625
(L) of section 3317.024 of the Revised Code shall be used for the 31626
following independent and fully severable purposes: 31627

(A) To purchase such secular textbooks or electronic 31628

textbooks as have been approved by the superintendent of public
instruction for use in public schools in the state and to loan
such textbooks or electronic textbooks to pupils attending
nonpublic schools within the district or to their parents and to
hire clerical personnel to administer such lending program. Such
loans shall be based upon individual requests submitted by such
nonpublic school pupils or parents. Such requests shall be
submitted to the school district in which the nonpublic school is
located. Such individual requests for the loan of textbooks or
electronic textbooks shall, for administrative convenience, be
submitted by the nonpublic school pupil or the pupil's parent to
the nonpublic school, which shall prepare and submit collective
summaries of the individual requests to the school district. As
used in this section:

(1) "Textbook" means any book or book substitute that a pupil
uses as a consumable or nonconsumable text, text substitute, or
text supplement in a particular class or program in the school the
pupil regularly attends.

(2) "Electronic textbook" means computer software,
interactive videodisc, magnetic media, CD-ROM, computer
courseware, local and remote computer assisted instruction,
on-line service, electronic medium, or other means of conveying
information to the student or otherwise contributing to the
learning process through electronic means.

(B) To provide speech and hearing diagnostic services to
pupils attending nonpublic schools within the district. Such
service shall be provided in the nonpublic school attended by the
pupil receiving the service.

(C) To provide physician, nursing, dental, and optometric
services to pupils attending nonpublic schools within the
district. Such services shall be provided in the school attended

by the nonpublic school pupil receiving the service. 31660

(D) To provide diagnostic psychological services to pupils 31661
attending nonpublic schools within the district. Such services 31662
shall be provided in the school attended by the pupil receiving 31663
the service. 31664

(E) To provide therapeutic psychological and speech and 31665
hearing services to pupils attending nonpublic schools within the 31666
district. Such services shall be provided in the public school, in 31667
nonpublic schools, in public centers, or in mobile units located 31668
on or off of the nonpublic premises. If such services are provided 31669
in the public school or in public centers, transportation to and 31670
from such facilities shall be provided by the school district in 31671
which the nonpublic school is located. 31672

(F) To provide guidance and counseling services to pupils 31673
attending nonpublic schools within the district. Such services 31674
shall be provided in the public school, in nonpublic schools, in 31675
public centers, or in mobile units located on or off of the 31676
nonpublic premises. If such services are provided in the public 31677
school or in public centers, transportation to and from such 31678
facilities shall be provided by the school district in which the 31679
nonpublic school is located. 31680

(G) To provide remedial services to pupils attending 31681
nonpublic schools within the district. Such services shall be 31682
provided in the public school, in nonpublic schools, in public 31683
centers, or in mobile units located on or off of the nonpublic 31684
premises. If such services are provided in the public school or in 31685
public centers, transportation to and from such facilities shall 31686
be provided by the school district in which the nonpublic school 31687
is located. 31688

(H) To supply for use by pupils attending nonpublic schools 31689
within the district such standardized tests and scoring services 31690

as are in use in the public schools of the state; 31691

(I) To provide programs for children who attend nonpublic 31692
schools within the district and are handicapped children as 31693
defined in division (A) of section 3323.01 of the Revised Code or 31694
gifted children. Such programs shall be provided in the public 31695
school, in nonpublic schools, in public centers, or in mobile 31696
units located on or off of the nonpublic premises. If such 31697
programs are provided in the public school or in public centers, 31698
transportation to and from such facilities shall be provided by 31699
the school district in which the nonpublic school is located. 31700

(J) To hire clerical personnel to assist in the 31701
administration of programs pursuant to divisions (B), (C), (D), 31702
(E), (F), (G), and (I) of this section and to hire supervisory 31703
personnel to supervise the providing of services and textbooks 31704
pursuant to this section. 31705

(K) To purchase or lease any secular, neutral, and 31706
nonideological computer software (including site-licensing), 31707
prerecorded video laserdiscs, digital video on demand (DVD), 31708
compact discs, and video cassette cartridges, wide area 31709
connectivity and related technology as it relates to internet 31710
access, mathematics or science equipment and materials, 31711
instructional materials, and school library materials that are in 31712
general use in the public schools of the state and loan such items 31713
to pupils attending nonpublic schools within the district or to 31714
their parents, and to hire clerical personnel to administer the 31715
lending program. Only such items that are incapable of diversion 31716
to religious use and that are susceptible of loan to individual 31717
pupils and are furnished for the use of individual pupils shall be 31718
purchased and loaned under this division. As used in this section, 31719
"instructional materials" means prepared learning materials that 31720
are secular, neutral, and nonideological in character and are of 31721
benefit to the instruction of school children, and may include 31722

educational resources and services developed by the eTech Ohio
schoolnet commission. 31723
31724

(L) To purchase or lease instructional equipment, including 31725
computer hardware and related equipment in general use in the 31726
public schools of the state, for use by pupils attending nonpublic 31727
schools within the district and to loan such items to pupils 31728
attending nonpublic schools within the district or to their 31729
parents, and to hire clerical personnel to administer the lending 31730
program. 31731

(M) To purchase mobile units to be used for the provision of 31732
services pursuant to divisions (E), (F), (G), and (I) of this 31733
section and to pay for necessary repairs and operating costs 31734
associated with these units. 31735

Clerical and supervisory personnel hired pursuant to division 31736
(J) of this section shall perform their services in the public 31737
schools, in nonpublic schools, public centers, or mobile units 31738
where the services are provided to the nonpublic school pupil, 31739
except that such personnel may accompany pupils to and from the 31740
service sites when necessary to ensure the safety of the children 31741
receiving the services. 31742

All services provided pursuant to this section may be 31743
provided under contract with educational service centers, the 31744
department of health, city or general health districts, or private 31745
agencies whose personnel are properly licensed by an appropriate 31746
state board or agency. 31747

Transportation of pupils provided pursuant to divisions (E), 31748
(F), (G), and (I) of this section shall be provided by the school 31749
district from its general funds and not from moneys paid to it 31750
under division (L) of section 3317.024 of the Revised Code unless 31751
a special transportation request is submitted by the parent of the 31752
child receiving service pursuant to such divisions. If such an 31753

application is presented to the school district, it may pay for 31754
the transportation from moneys paid to it under division (L) of 31755
section 3317.024 of the Revised Code. 31756

No school district shall provide health or remedial services 31757
to nonpublic school pupils as authorized by this section unless 31758
such services are available to pupils attending the public schools 31759
within the district. 31760

Materials, equipment, computer hardware or software, 31761
textbooks, electronic textbooks, and health and remedial services 31762
provided for the benefit of nonpublic school pupils pursuant to 31763
this section and the admission of pupils to such nonpublic schools 31764
shall be provided without distinction as to race, creed, color, or 31765
national origin of such pupils or of their teachers. 31766

No school district shall provide services, materials, or 31767
equipment that contain religious content for use in religious 31768
courses, devotional exercises, religious training, or any other 31769
religious activity. 31770

As used in this section, "parent" includes a person standing 31771
in loco parentis to a child. 31772

Notwithstanding section 3317.01 of the Revised Code, payments 31773
shall be made under this section to any city, local, or exempted 31774
village school district within which is located one or more 31775
nonpublic elementary or high schools and any payments made to 31776
school districts under division (L) of section 3317.024 of the 31777
Revised Code for purposes of this section may be disbursed without 31778
submission to and approval of the controlling board. 31779

The allocation of payments for materials, equipment, 31780
textbooks, electronic textbooks, health services, and remedial 31781
services to city, local, and exempted village school districts 31782
shall be on the basis of the state board of education's estimated 31783
annual average daily membership in nonpublic elementary and high 31784

schools located in the district. 31785

Payments made to city, local, and exempted village school 31786
districts under this section shall be equal to specific 31787
appropriations made for the purpose. All interest earned by a 31788
school district on such payments shall be used by the district for 31789
the same purposes and in the same manner as the payments may be 31790
used. 31791

The department of education shall adopt guidelines and 31792
procedures under which such programs and services shall be 31793
provided, under which districts shall be reimbursed for 31794
administrative costs incurred in providing such programs and 31795
services, and under which any unexpended balance of the amounts 31796
appropriated by the general assembly to implement this section may 31797
be transferred to the auxiliary services personnel unemployment 31798
compensation fund established pursuant to section 4141.47 of the 31799
Revised Code. The department shall also adopt guidelines and 31800
procedures limiting the purchase and loan of the items described 31801
in division (K) of this section to items that are in general use 31802
in the public schools of the state, that are incapable of 31803
diversion to religious use, and that are susceptible to individual 31804
use rather than classroom use. Within thirty days after the end of 31805
each biennium, each board of education shall remit to the 31806
department all moneys paid to it under division (L) of section 31807
3317.024 of the Revised Code and any interest earned on those 31808
moneys that are not required to pay expenses incurred under this 31809
section during the biennium for which the money was appropriated 31810
and during which the interest was earned. If a board of education 31811
subsequently determines that the remittal of moneys leaves the 31812
board with insufficient money to pay all valid expenses incurred 31813
under this section during the biennium for which the remitted 31814
money was appropriated, the board may apply to the department of 31815
education for a refund of money, not to exceed the amount of the 31816

insufficiency. If the department determines the expenses were 31817
lawfully incurred and would have been lawful expenditures of the 31818
refunded money, it shall certify its determination and the amount 31819
of the refund to be made to the director of job and family 31820
services who shall make a refund as provided in section 4141.47 of 31821
the Revised Code. 31822

Sec. 3317.063. The superintendent of public instruction, in 31823
accordance with rules adopted by the department of education, 31824
shall annually reimburse each chartered nonpublic school for the 31825
actual mandated service administrative and clerical costs incurred 31826
by such school during the preceding school year in preparing, 31827
maintaining, and filing reports, forms, and records, and in 31828
providing such other administrative and clerical services that are 31829
not an integral part of the teaching process as may be required by 31830
state law or rule or by requirements duly promulgated by city, 31831
exempted village, or local school districts. The mandated service 31832
costs reimbursed pursuant to this section shall include, but are 31833
not limited to, the preparation, filing and maintenance of forms, 31834
reports, or records and other clerical and administrative services 31835
relating to state chartering or approval of the nonpublic school, 31836
pupil attendance, pupil health and health testing, transportation 31837
of pupils, federally funded education programs, pupil appraisal, 31838
pupil progress, educator licensure, unemployment and workers' 31839
compensation, transfer of pupils, and such other education related 31840
data which are now or hereafter shall be required of such 31841
nonpublic school by state law or rule, or by requirements of the 31842
state department of education, other state agencies, or city, 31843
exempted village, or local school districts. 31844

The reimbursement required by this section shall be for 31845
school years beginning on or after July 1, 1981. 31846

Each nonpublic school which seeks reimbursement pursuant to 31847

this section shall submit to the superintendent of public 31848
instruction an application together with such additional reports 31849
and documents as the department of education may require. Such 31850
application, reports, and documents shall contain such information 31851
as the department of education may prescribe in order to carry out 31852
the purposes of this section. No payment shall be made until the 31853
superintendent of public instruction has approved such 31854
application. 31855

Each nonpublic school which applies for reimbursement 31856
pursuant to this section shall maintain a separate account or 31857
system of accounts for the expenses incurred in rendering the 31858
required services for which reimbursement is sought. Such accounts 31859
shall contain such information as is required by the department of 31860
education and shall be maintained in accordance with rules adopted 31861
by the department of education. 31862

Reimbursement payments to a nonpublic school pursuant to this 31863
section shall not exceed an amount for each school year equal to 31864
two hundred ~~fifty~~ seventy-five dollars per pupil enrolled in that 31865
nonpublic school. 31866

The superintendent of public instruction may, from time to 31867
time, examine any and all accounts and records of a nonpublic 31868
school which have been maintained pursuant to this section in 31869
support of an application for reimbursement, for the purpose of 31870
determining the costs to such school of rendering the services for 31871
which reimbursement is sought. If after such audit it is 31872
determined that any school has received funds in excess of the 31873
actual cost of providing such services, said school shall 31874
immediately reimburse the state in such excess amount. 31875

Any payments made to chartered nonpublic schools under this 31876
section may be disbursed without submission to and approval of the 31877
controlling board. 31878

Sec. 3317.07. The state board of education shall establish 31879
rules for the purpose of distributing subsidies for the purchase 31880
of school buses under division (E) of section 3317.024 of the 31881
Revised Code. 31882

No school bus subsidy payments shall be paid to any district 31883
unless such district can demonstrate that pupils residing more 31884
than one mile from the school could not be transported without 31885
such additional aid. 31886

The amount paid to a county MR/DD board for buses purchased 31887
for transportation of children in special education programs 31888
operated by the board shall be ~~one hundred per cent of the board's~~ 31889
net cost based on a per pupil allocation for eligible students. 31890

The amount paid to a school district for buses purchased for 31891
transportation of handicapped and nonpublic school pupils shall be 31892
~~one hundred per cent of the school district's net cost~~ determined 31893
by a per pupil allocation based on the number of special education 31894
and nonpublic school pupils for whom transportation is provided. 31895

The state board of education shall adopt a formula to 31896
determine the amount of payments that shall be distributed to 31897
school districts to purchase school buses for pupils other than 31898
handicapped or nonpublic school pupils. 31899

If any district or MR/DD board obtains bus services for pupil 31900
transportation pursuant to a contract, such district or board may 31901
use payments received under this section to defray the costs of 31902
contracting for bus services in lieu of for purchasing buses. 31903

If the department of education determines that a county MR/DD 31904
board no longer needs a school bus because the board no longer 31905
transports children to a special education program operated by the 31906
board, or if the department determines that a school district no 31907
longer needs a school bus to transport pupils to a nonpublic 31908

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.

Sec. 3317.081. (A) Tuition shall be computed in accordance with this section if:

(1) The tuition is required by division (C)(3)(b) of section 3313.64 of the Revised Code; or

(2) Neither the child nor the child's parent resides in this state and tuition is required by section 3327.06 of the Revised Code.

(B) Tuition computed in accordance with this section shall equal the attendance district's tuition rate computed under section 3317.08 of the Revised Code plus the amount that district would have received for the child pursuant to sections 3317.022, 3317.023, and 3317.025 to ~~3317.0213~~ 3317.0211 of the Revised Code during the school year had the attendance district been authorized to count the child in its formula ADM for that school year under section 3317.03 of the Revised Code.

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 31939
report of such distribution shall be made by such division of 31940
school finance ~~to the clerk of the senate and the chief~~ 31941
~~administrative officer of the house of representatives, to the~~ 31942
~~Ohio legislative service commission to be available for~~ 31943
~~examination by any member of either house,~~ to each school district 31944
and educational service center, ~~and to the governor.~~ 31945

~~On or before the first day of September in each year, a copy~~ 31946
~~of the annual statistical report required in section 3319.33 of~~ 31947
~~the Revised Code shall be filed by the state board of education~~ 31948
~~with the clerk of the senate and the chief administrative officer~~ 31949
~~of the house of representatives, the Ohio legislative service~~ 31950
~~commission, the governor, and the auditor of state. The report~~ 31951
~~shall contain an analysis for the prior fiscal year on an accrual~~ 31952
~~basis of revenue receipts from all sources and expenditures for~~ 31953
~~all purposes for each school district, including each joint~~ 31954
~~vocational and cooperative education school district, in the~~ 31955
~~state. If any board of education fails to make the report required~~ 31956
~~in section 3319.33 of the Revised Code, the superintendent of~~ 31957
~~public instruction shall be without authority to distribute funds~~ 31958
~~to that school district or educational service center pursuant to~~ 31959
~~sections 3317.022 to ~~3317.0212~~ 3317.0211, 3317.11, 3317.16,~~ 31960
3317.17, or 3317.19 of the Revised Code until such time as the 31961
required reports are filed with all specified officers, boards, or 31962
agencies. 31963

Sec. 3317.10. (A) On or before the first day of March of each 31964
year, the department of job and family services shall certify to 31965
the state board of education the unduplicated number of children 31966
ages five through seventeen residing in each school district and 31967
living in a family that, during the preceding October, ~~had family~~ 31968
~~income not exceeding the federal poverty guidelines as defined in~~ 31969
~~section 5101.46 of the Revised Code and participated in one of the~~ 31970

following:	31971
(1) Ohio works first:	31972
(2) The food stamp program;	31973
(3) The medical assistance program, including the healthy start program, established under Chapter 5111. of the Revised Code;	31974 31975 31976
(4) The children's health insurance program part I established under section 5101.50 of the Revised Code;	31977 31978
(5) The disability financial assistance program established under Chapter 5115. of the Revised Code;	31979 31980
(6) The disability medical assistance program established under Chapter 5115. of the Revised Code.	31981 31982
The department of job and family services shall certify this information according to the school district of residence for each child. Except as provided under division (B) of this section, the number of children so certified in any year shall be used by the department of education in calculating the distribution of moneys for the ensuing fiscal year as provided in section 3317.029 of the Revised Code.	31983 31984 31985 31986 31987 31988 31989
(B) Upon the transfer of part of the territory of one school district to the territory of one or more other school districts, the department of education may adjust the number of children certified under division (A) of this section for any district gaining or losing territory in such a transfer in order to take into account the effect of the transfer on the number of such children who reside in the district. Within sixty days of receipt of a request for information from the department of education, the department of job and family services shall provide any information the department of education determines is necessary to make such adjustments. The department of education may use the	31990 31991 31992 31993 31994 31995 31996 31997 31998 31999 32000

adjusted number for any district for the applicable fiscal year, 32001
in lieu of the number certified for the district for that fiscal 32002
year under division (A) of this section, in the calculation of the 32003
distribution of moneys provided in section 3317.029 of the Revised 32004
Code. 32005

Sec. 3317.16. (A) As used in this section: 32006

(1) "State share percentage" means the percentage calculated 32007
for a joint vocational school district as follows: 32008

(a) Calculate the state base cost funding amount for the 32009
district under division (B) of this section. If the district would 32010
not receive any base cost funding for that year under that 32011
division, the district's state share percentage is zero. 32012

(b) If the district would receive base cost funding under 32013
that division, divide that base cost amount by an amount equal to 32014
the following: 32015

cost-of-doing-business factor X 32016

the formula amount X 32017

formula ADM 32018

The resultant number is the district's state share 32019
percentage. 32020

(2) The "total special education weight" for a joint 32021
vocational school district shall be calculated in the same manner 32022
as prescribed in division (B)(1) of section 3317.022 of the 32023
Revised Code. 32024

(3) The "total vocational education weight" for a joint 32025
vocational school district shall be calculated in the same manner 32026
as prescribed in division (B)(4) of section 3317.022 of the 32027
Revised Code. 32028

(4) The "total recognized valuation" of a joint vocational 32029
school district shall be determined by adding the recognized 32030

valuations of all its constituent school districts for the 32031
applicable fiscal year. 32032

(5) "Resident district" means the city, local, or exempted 32033
village school district in which a student is entitled to attend 32034
school under section 3313.64 or 3313.65 of the Revised Code. 32035

(6) "Community school" means a community school established 32036
under Chapter 3314. of the Revised Code. 32037

(B) The department of education shall compute and distribute 32038
state base cost funding to each joint vocational school district 32039
for the fiscal year in accordance with division (B) of this 32040
section. 32041

(1) Compute the following formula for each eligible district: 32042
(cost-of-doing-business factor X 32043
formula amount X 32044
formula ADM) - 32045
(.0005 X total recognized valuation) 32046

If the difference obtained under this division is a negative 32047
number, the district's computation shall be zero. 32048

(2) Compute both of the following for each district: 32049

(a) The difference of (i) the district's fiscal year 2005 32050
base cost payment under the version of division (B) of this 32051
section in effect in fiscal year 2005, minus (ii) the amount 32052
computed for the district for the current fiscal year under 32053
current division (B)(1) of this section; 32054

(b) The following amount: 32055
[(fiscal year 2005 base cost payment/fiscal year 2005 formula 32056
ADM) X current year formula ADM] minus the amount computed for 32057
the district under current division (B)(1) of this section 32058

If one of the amounts computed under division (B)(2)(a) or 32059
(b) of this section is a positive amount, the department shall pay 32060

the district that amount in addition to the amount calculated 32061
under division (B)(1) of this section. If both amounts are 32062
positive amounts, the department shall pay the district the lesser 32063
of the two amounts in addition to the amount calculated under 32064
division (B)(1) of this section. 32065

(C)(1) The department shall compute and distribute state 32066
vocational education additional weighted costs funds to each joint 32067
vocational school district in accordance with the following 32068
formula: 32069

state share percentage X formula amount X 32070
total vocational education weight 32071

In each fiscal year, a joint vocational school district 32072
receiving funds under division (C)(1) of this section shall spend 32073
those funds only for the purposes the department designates as 32074
approved for vocational education expenses. Vocational educational 32075
expenses approved by the department shall include only expenses 32076
connected to the delivery of career-technical programming to 32077
career-technical students. The department shall require the joint 32078
vocational school district to report data annually so that the 32079
department may monitor the district's compliance with the 32080
requirements regarding the manner in which funding received under 32081
division (C)(1) of this section may be spent. 32082

(2) The department shall compute for each joint vocational 32083
school district state funds for vocational education associated 32084
services costs in accordance with the following formula: 32085

state share percentage X .05 X 32086
the formula amount X the sum of 32087
categories one and two vocational 32088
education ADM 32089

In any fiscal year, a joint vocational school district 32090
receiving funds under division (C)(2) of this section, or through 32091

a transfer of funds pursuant to division (L) of section 3317.023 32092
of the Revised Code, shall spend those funds only for the purposes 32093
that the department designates as approved for vocational 32094
education associated services expenses, which may include such 32095
purposes as apprenticeship coordinators, coordinators for other 32096
vocational education services, vocational evaluation, and other 32097
purposes designated by the department. The department may deny 32098
payment under division (C)(2) of this section to any district that 32099
the department determines is not operating those services or is 32100
using funds paid under division (C)(2) of this section, or through 32101
a transfer of funds pursuant to division (L) of section 3317.023 32102
of the Revised Code, for other purposes. 32103

(D)(1) The department shall compute and distribute state 32104
special education and related services additional weighted costs 32105
funds to each joint vocational school district in accordance with 32106
the following formula: 32107

state share percentage X formula amount X 32108
total special education weight 32109

(2)(a) As used in this division, the "personnel allowance" 32110
means thirty thousand dollars in fiscal years 2002, 2003, 2004, 32111
~~and~~ 2005, 2006, and 2007. 32112

(b) For the provision of speech language pathology services 32113
to students, including students who do not have individualized 32114
education programs prepared for them under Chapter 3323. of the 32115
Revised Code, and for no other purpose, the department shall pay 32116
each joint vocational school district an amount calculated under 32117
the following formula: 32118

(formula ADM divided by 2000) X the personnel 32119
allowance X state share percentage 32120

(3) In any fiscal year, a joint vocational school district 32121
shall spend for purposes that the department designates as 32122

approved for special education and related services expenses at 32123
least the amount calculated as follows: 32124

(cost-of-doing-business factor X formula amount 32125
X the sum of categories one through 32126
six special education ADM) + 32127
(total special education weight X 32128
formula amount) 32129

The purposes approved by the department for special education 32130
expenses shall include, but shall not be limited to, compliance 32131
with state rules governing the education of handicapped children, 32132
providing services identified in a student's individualized 32133
education program as defined in section 3323.01 of the Revised 32134
Code, provision of speech language pathology services, and the 32135
portion of the district's overall administrative and overhead 32136
costs that are attributable to the district's special education 32137
student population. 32138

The department shall require joint vocational school 32139
districts to report data annually to allow for monitoring 32140
compliance with division (D)(3) of this section. The department 32141
shall annually report to the governor and the general assembly the 32142
amount of money spent by each joint vocational school district for 32143
special education and related services. 32144

(4) In any fiscal year, a joint vocational school district 32145
shall spend for the provision of speech language pathology 32146
services not less than the sum of the amount calculated under 32147
division (D)(1) of this section for the students in the district's 32148
category one special education ADM and the amount calculated under 32149
division (D)(2) of this section. 32150

(E)(1) If a joint vocational school district's costs for a 32151
fiscal year for a student in its categories two through six 32152
special education ADM exceed the threshold catastrophic cost for 32153

serving the student, as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

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

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

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

(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.

(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals:

$$\begin{aligned} & (1 - \text{state share percentage}) \times \\ & \text{Total special education weight} \times \\ & \text{the formula amount} \end{aligned}$$

(2) For each handicapped student receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint

vocational district, the resident district or, if the student is
enrolled in a community school, the community school shall be
responsible for the amount of any costs of providing those special
education and related services to that student that exceed the sum
of the amount calculated for those services attributable to that
student under divisions (B), (D), (E), and (G)(1) of this section.

Those excess costs shall be calculated by subtracting the sum
of the following from the actual cost to provide special education
and related services to the student:

(a) The product of the formula amount times the
cost-of-doing-business factor;

(b) The product of the formula amount times the applicable
multiple specified in section 3317.013 of the Revised Code;

(c) Any funds paid under division (E) of this section for the
student;

(d) Any other funds received by the joint vocational school
district under this chapter to provide special education and
related services to the student, not including the amount
calculated under division (G)(2) of this section.

(3) The board of education of the joint vocational school
district ~~shall~~ may report the excess costs calculated under
division (G)(2) of this section to the department of education.

(4) ~~The~~ If the board of education of the joint vocational
school district reports excess costs under division (G)(3) of this
section, the department shall pay the amount of excess cost
calculated under division (G)(2) of this section to the joint
vocational school district and shall deduct that amount as
provided in division (G)(4)(a) or (b) of this section, as
applicable:

(a) If the student is not enrolled in a community school, the

department shall deduct the amount from the account of the 32215
student's resident district pursuant to division (M) of section 32216
3317.023 of the Revised Code. 32217

(b) If the student is enrolled in a community school, the 32218
department shall deduct the amount from the account of the 32219
community school pursuant to section 3314.083 of the Revised Code. 32220

~~(H) In any fiscal year, if the total of all payments made to 32221
a joint vocational school district under divisions (B) to (D) of 32222
this section and division (R) of section 3317.024 of the Revised 32223
Code is less than the amount that district received in fiscal year 32224
1999 under the version of this section in effect that year, plus 32225
the amount that district received under the version of section 32226
3317.162 of the Revised Code in effect that year and minus the 32227
amounts received that year for driver education and adult 32228
education, the department shall pay the district an additional 32229
amount equal to the difference between those two amounts. 32230~~

Sec. 3317.20. This section does not apply to handicapped 32231
preschool children. 32232

(A) As used in this section: 32233

(1) "Applicable weight" means the multiple specified in 32234
section 3317.013 of the Revised Code for a handicap described in 32235
that section. 32236

(2) "Child's school district" means the school district in 32237
which a child is entitled to attend school pursuant to section 32238
3313.64 or 3313.65 of the Revised Code. 32239

(3) "State share percentage" means the state share percentage 32240
of the child's school district as defined in section 3317.022 of 32241
the Revised Code. 32242

(B) Except as provided in division (C) of this section, the 32243
department shall annually pay each county MR/DD board ~~an amount~~ 32244

~~ealculated under the following formula~~ for each handicapped child, 32245
other than a handicapped preschool child, for whom the county 32246
MR/DD board provides special education and related services the 32247
greater of the amount calculated under division (B)(1) or (2) of 32248
this section: 32249

~~(formula amount X the cost-of-doing-business factor~~ 32250
~~for the child's school district) +~~ 32251
~~(state share percentage X formula amount X~~ 32252
~~the applicable weight)~~ 32253

(1) (The formula amount for fiscal year 2005 X the 32254
cost-of-doing-business factor for the child's school district for 32255
fiscal year 2005) + (state share percentage for fiscal year 2005 X 32256
formula amount for fiscal year 2005 X the applicable weight); 32257

(2) (The current formula amount times the current 32258
cost-of-doing-business factor for the child's school district) + 32259
(state share percentage X current formula amount X the applicable 32260
weight). 32261

(C) If any school district places with a county MR/DD board 32262
more handicapped children than it had placed with a county MR/DD 32263
board in fiscal year 1998, the department shall not make a payment 32264
under division (B) of this section for the number of children 32265
exceeding the number placed in fiscal year 1998. The department 32266
instead shall deduct from the district's payments under this 32267
chapter, and pay to the county MR/DD board, an amount calculated 32268
in accordance with the formula prescribed in division (B) of this 32269
section for each child over the number of children placed in 32270
fiscal year 1998. 32271

(D) The department shall calculate for each county MR/DD 32272
board receiving payments under divisions (B) and (C) of this 32273
section the following amounts: 32274

(1) The amount received by the county MR/DD board for 32275

approved special education and related services units, other than 32276
preschool handicapped units, in fiscal year 1998, divided by the 32277
total number of children served in the units that year; 32278

(2) The product of the quotient calculated under division 32279
(D)(1) of this section times the number of children for whom 32280
payments are made under divisions (B) and (C) of this section. 32281

If the amount calculated under division (D)(2) of this 32282
section is greater than the total amount calculated under 32283
divisions (B) and (C) of this section, the department shall pay 32284
the county MR/DD board one hundred per cent of the difference in 32285
addition to the payments under divisions (B) and (C) of this 32286
section. 32287

Sec. 3317.201. This section does not apply to handicapped 32288
preschool children. 32289

(A) As used in this section, the "total special education 32290
weight" for an institution means the sum of the following amounts: 32291

(1) The number of children reported by the institution under 32292
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 32293
receiving services for a handicap described in division (A) of 32294
section 3317.013 of the Revised Code multiplied by the multiple 32295
specified in that division; 32296

(2) The number of children reported by the institution under 32297
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 32298
receiving services for a handicap described in division (B) of 32299
section 3317.013 of the Revised Code multiplied by the multiple 32300
specified in that division; 32301

(3) The number of children reported by the institution under 32302
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 32303
receiving services for a handicap described in division (C) of 32304
section 3317.013 of the Revised Code multiplied by the multiple 32305

<u>specified in that division;</u>	32306
<u>(4) The number of children reported by the institution under</u>	32307
<u>division (G)(1)(a)(i) of section 3317.03 of the Revised Code as</u>	32308
<u>receiving services for a handicap described in division (D) of</u>	32309
<u>section 3317.013 of the Revised Code multiplied by the multiple</u>	32310
<u>specified in that division;</u>	32311
<u>(5) The number of children reported by the institution under</u>	32312
<u>division (G)(1)(a)(i) of section 3317.03 of the Revised Code as</u>	32313
<u>receiving services for a handicap described in division (E) of</u>	32314
<u>section 3317.013 of the Revised Code multiplied by the multiple</u>	32315
<u>specified in that division;</u>	32316
<u>(6) The number of children reported by the institution under</u>	32317
<u>division (G)(1)(a)(i) of section 3317.03 of the Revised Code as</u>	32318
<u>receiving services for a handicap described in division (F) of</u>	32319
<u>section 3317.013 of the Revised Code multiplied by the multiple</u>	32320
<u>specified in that division.</u>	32321
<u>(B) The department of education annually shall pay each state</u>	32322
<u>institution required to provide special education services under</u>	32323
<u>division (A) of section 3323.091 of the Revised Code an amount</u>	32324
<u>equal to the greater of:</u>	32325
<u>(1) The formula amount times the institution's total special</u>	32326
<u>education weight;</u>	32327
<u>(2) The aggregate amount of special education and related</u>	32328
<u>services unit funding the institution received for all handicapped</u>	32329
<u>children other than handicapped preschool children in fiscal year</u>	32330
<u>2005 under sections 3317.052 and 3317.053 of the Revised Code, as</u>	32331
<u>those sections existed prior to the effective date of this</u>	32332
<u>section.</u>	32333
Sec. 3317.50. The <u>eTech</u> Ohio schoolnet telecommunity	32334
education fund is hereby created in the state treasury. The fund	32335

shall consist of certain excess local exchange telephone company 32336
contributions transferred from the reserve fund of the Ohio 32337
telecommunications advisory board pursuant to an agreement between 32338
the public utilities commission of Ohio and the Ohio department of 32339
education. The fund shall be used to finance technology grants to 32340
state-chartered elementary and secondary schools. Investment 32341
earnings of the fund shall be credited to the fund. 32342

Sec. 3317.51. (A) The distance learning fund is hereby 32343
created in the state treasury. The fund shall consist of moneys 32344
paid to the eTech Ohio ~~SchoolNet~~ commission by any telephone 32345
company as a part of a settlement agreement between such company 32346
and the public utilities commission in fiscal year 1995 in part to 32347
establish distance learning throughout the state. The ~~authority~~ 32348
commission shall administer the fund and expend moneys from it to 32349
finance technology grants to eligible schools chartered by the 32350
state board of education to establish distance learning in those 32351
schools. Chartered schools are eligible for funds if they are 32352
within the service area of the telephone company. Investment 32353
earnings of the fund shall be credited to the fund. 32354

(B) For purposes of this section, "distance learning" means 32355
the creation of a learning environment involving a school setting 32356
and at least one other location outside of the school which allows 32357
for information available at one site to be accessed at the other 32358
through the use of such educational applications as one-way or 32359
two-way transmission of data, voice, and video, singularly or in 32360
appropriate combinations. 32361

Sec. 3318.091. (A) Promptly after the written agreement 32362
between the school district board and the Ohio school facilities 32363
commission has been entered into, the school district board shall 32364
proceed with the issuance of its bonds or notes in anticipation 32365
thereof pursuant to the provision of such agreement required by 32366

division (A) of section 3318.08 of the Revised Code and the 32367
deposit of the proceeds thereof in the school district's project 32368
construction fund pursuant to the provision of such agreement 32369
required by division (B) of section 3318.08 of the Revised Code, 32370
and the school district board, with the approval of the commission 32371
shall employ a qualified professional person or firm to prepare 32372
preliminary plans, working drawings, specifications, estimates of 32373
cost, and such data as the school district board and the 32374
commission consider necessary for the project. When the 32375
preliminary plans and preliminary estimates of cost have been 32376
prepared, and approved by the school district board, they shall be 32377
submitted to the commission for approval, modification, or 32378
rejection. The commission shall ensure that the plans and 32379
materials proposed for use in the project comply with 32380
specifications for plans and materials that shall be established 32381
by the commission. When such preliminary plans and preliminary 32382
estimates of cost and any modifications thereof have been approved 32383
by the commission and the school district board, the school 32384
district board shall cause such qualified professional person or 32385
firm to prepare the working drawings, specifications, and 32386
estimates of cost. 32387

(B) Whenever project plans submitted to the commission for 32388
approval under division (A) of this section propose to locate a 32389
facility on a state route or United States highway or within one 32390
mile of a state route or United States highway, the commission 32391
shall send a copy of the plans to the director of transportation. 32392
The director of transportation shall review the plans to determine 32393
the feasibility of the proposed ingress and egress to the 32394
facility, the traffic circulation pattern on roadways around the 32395
facility, and any improvements that would be necessary to conform 32396
the roadways to provisions of the manual adopted by the department 32397
of transportation pursuant to section 4511.09 of the Revised Code 32398
or state or federal law. The director of transportation shall 32399

provide a written summary of the director's findings to the 32400
commission in a timely manner. The commission shall consider the 32401
findings in deciding whether to approve the plans. 32402

Sec. 3318.18. (A) As used in this section: 32403

(1) "Valuation" of a school district means the sum of the 32404
amounts described in divisions (A)(1) and (2) of section 3317.021 32405
of the Revised Code as most recently certified for the district 32406
before the annual computation is made under division (B) of this 32407
section. 32408

(2) "Valuation per pupil" of a school district means the 32409
district's valuation divided by the district's formula ADM as most 32410
recently reported for October under section 3317.03 of the Revised 32411
Code before the annual computation is made under division (B) of 32412
this section. 32413

(3) "Statewide average valuation per pupil" means the total 32414
of the valuations of all school districts divided by the total of 32415
the formula ADMs of all school districts as most recently reported 32416
for October under section 3317.03 of the Revised Code before the 32417
annual computation is made under division (C) of this section. 32418

(4) "Maintenance levy requirement" means the tax required to 32419
be levied pursuant to division (C)(2)(a) of section 3318.08 and 32420
division (B) of section 3318.05 of the Revised Code or the 32421
application of proceeds of another levy to paying the costs of 32422
maintaining classroom facilities pursuant to division (A)(2) of 32423
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 32424
or division (D)(2) of section 3318.36 of the Revised Code, or a 32425
combination thereof. 32426

(5) "Project agreement" means an agreement between a school 32427
district and the Ohio school facilities commission under section 32428
3318.08 or division (B)(1) of section 3318.36 of the Revised Code. 32429

(B) On or before July 1, 2006, the department of education shall compute the statewide average valuation per pupil and the valuation per pupil of each school district, and provide them to the Ohio school facilities commission. On or before the first day of July each year beginning in 2007, the department of education shall compute the statewide average valuation per pupil and the valuation per pupil of each school district that has not already entered into a project agreement, and provide the results of those computations to the commission.

(C)(1) At the time the Ohio school facilities commission enters into a project agreement with a school district, the commission shall compute the difference between the district's valuation per pupil and the statewide average valuation per pupil as most recently provided to the commission under division (B) of this section. If the school district's valuation per pupil is less than the average statewide valuation per pupil, the commission shall multiply the difference between those amounts by one-half mill times the formula ADM of the district as most recently reported to the department of education for October under division (A) of section 3317.03 of the Revised Code. The commission shall certify the resulting product to the department of education, along with the date on which the maintenance levy requirement terminates as provided in the project agreement between the school district board and the commission.

(2) In the case of a school district that entered into a project agreement after July 1, 1997, but before July 1, 2006, the commission shall make the computation described in division (C)(1) of this section on the basis of the district's valuation per pupil and the statewide average valuation per pupil computed as of September 1, 2006, and the district's formula ADM reported for October 2005.

(3) The amount computed for a school district under division

(C)(1) or (2) of this section shall not change for the period 32462
during which payments are made to the district under division (D) 32463
of this section. 32464

(4) A computation need not be made under division (C)(1) or 32465
(2) of this section for a school district that certified a 32466
resolution to the commission under division (D)(3) of section 32467
3318.36 of the Revised Code until the district becomes eligible 32468
for state assistance as provided in that division. 32469

(D) In the fourth quarter of each fiscal year, for each 32470
school district for which a computation has been made under 32471
division (C) of this section, the department of education shall 32472
pay the amount computed to each such school district. Payments 32473
shall be made to a school district each year until and including 32474
the tax year in which the district's maintenance levy requirement 32475
terminates. Payments shall be paid from the half-mill equalization 32476
fund, subject to appropriation by the general assembly. 32477

(E) Payments made to a school district under this section 32478
shall be credited to the district's classroom facilities 32479
maintenance fund and shall be used only for the purpose of 32480
maintaining facilities constructed or renovated under the project 32481
agreement. 32482

(F) There is hereby created in the state treasury the 32483
half-mill equalization fund. The fund shall receive transfers 32484
pursuant to section 5727.85 of the Revised Code. The fund shall be 32485
used first to make annual payments under division (D) of this 32486
section. If a balance remains in the fund after such payments are 32487
made in full for a year, the Ohio school facilities commission may 32488
request the controlling board to transfer a reasonable amount from 32489
such remaining balance to the public school building fund created 32490
under section 3318.15 of the Revised Code for the purposes of this 32491
chapter. 32492

All investment earnings arising from investment of money in 32493
the half-mill equalization fund shall be credited to the fund. 32494

Sec. 3318.33. (A) There is hereby created in the state 32495
treasury the Ohio school facilities commission fund, which shall 32496
consist of transfers of moneys authorized by the general assembly 32497
and revenues received by the Ohio school facilities commission 32498
under section 3318.31 of the Revised Code. Investment earnings on 32499
moneys in the fund shall be credited to the fund. Moneys in the 32500
fund may be used by the commission to pay personnel and other 32501
administrative expenses, to pay the cost of conducting evaluations 32502
of classroom facilities, to pay the cost of preparing building 32503
design specifications, to pay the cost of providing project 32504
management services, and for other purposes determined by the 32505
commission to be necessary to fulfill its duties under ~~Chapter~~ 32506
~~3318. of the Revised Code~~ this chapter. 32507

(B) The director of budget and management may transfer to the 32508
Ohio school facilities commission fund the investment earnings on 32509
the public school building fund⁷ created in section 3318.15 of the 32510
Revised Code, the investment earnings on the education facilities 32511
trust fund created in section 183.26 of the Revised Code, or both. 32512
The director of budget and management may transfer to the Ohio 32513
school facilities commission fund the investment earnings on the 32514
school building program assistance fund, created under section 32515
3318.25 of the Revised Code, in excess of the amounts needed to 32516
meet estimated federal arbitrage rebate requirements. 32517

Sec. ~~3317.21~~ 3318.47. There is hereby created in the state 32518
treasury the ~~vocational~~ career-technical school building 32519
assistance fund. Money in the fund shall be used solely to provide 32520
interest-free loans to school districts, including joint 32521
vocational school districts, under sections ~~3317.22~~ 3318.48 and 32522

~~3317.23~~ 3318.49 of the Revised Code to assist in financing the 32523
construction of new vocational classroom facilities, the 32524
renovation of existing vocational classroom facilities, or the 32525
purchase of vocational education equipment or facilities. Moneys 32526
in the fund shall consist of transfers made to the fund, any 32527
interest earned by the fund, and repayments of loans made under 32528
sections ~~3317.22~~ 3318.48 and ~~3317.23~~ 3318.49 of the Revised Code. 32529
Investment earnings of the fund shall be credited to the fund. 32530

Sec. ~~3317.22~~ 3318.48. The ~~state board of education~~ Ohio 32531
school facilities commission shall adopt rules in accordance with 32532
Chapter 119. of the Revised Code under which, in any fiscal year 32533
that funds are appropriated from the ~~vocational~~ career-technical 32534
school building assistance fund for such purpose, the ~~state board~~ 32535
commission may make interest-free loans to school districts. The 32536
rules shall include all of the following: 32537

(A) Application procedures, including the date by which 32538
applications shall be made; 32539

(B) Eligibility criteria, which shall include at least the 32540
following provisions: 32541

(1) A requirement that an applicant district demonstrate 32542
financial need for the loan. Indicators of need may include, but 32543
need not be limited to, levels of assessed valuation, enrollment 32544
levels and enrollment changes, ability of the district to maintain 32545
minimum educational standards, and demonstrated good faith efforts 32546
by the district to secure funds from sources other than the state. 32547

(2) A requirement that an applicant district demonstrate the 32548
ability to repay the loan within the maximum period permitted by 32549
division (D) of this section; 32550

(3) A requirement that an applicant district is not eligible 32551
for a loan, other than a loan for the purchase of any vocational 32552

education equipment that is not an approved project cost under 32553
this chapter, if the district, on the date of application for the 32554
loan, has at any time received any state assistance under sections 32555
3318.01 to 3318.20, section 3318.37 or 3318.38, or sections 32556
3318.40 to 3318.45 of the Revised Code or is reasonably expected 32557
to receive state assistance under any of those sections within 32558
three fiscal years; 32559

(4) A requirement that an applicant district agree to comply 32560
with all applicable design specifications and policies of the 32561
commission established pursuant to this chapter in the 32562
construction, renovation, or purchase of facilities or equipment 32563
paid for with the loan, unless such specifications or policies are 32564
waived by the commission. 32565

(C) Loan approval procedures and criteria, including criteria 32566
for prioritizing eligible applications. Criteria for such 32567
prioritization shall include: 32568

(1) Preference for applicant districts that demonstrate 32569
commitment and innovative approaches to the implementation of the 32570
department of education's vocational education modernization plan 32571
pursuant to section 3313.901 of the Revised Code; 32572

(2) Preference for applicant districts that have entered into 32573
or are in the process of entering into cooperative agreements with 32574
technical colleges or other institutions of higher education 32575
either to coordinate secondary vocational education and 32576
post-secondary technical education programs, or to share 32577
facilities and equipment. 32578

(D) Provisions governing the repayment of loans, including a 32579
provision that loans for construction, acquisition, or renovation 32580
of facilities shall be repaid within a maximum of fifteen years 32581
and loans for vocational education equipment shall be repaid 32582
within a maximum of five years; 32583

(E) A requirement that no loan shall be applied to the local resources a district expends as a condition of participation in a program established under section 3318.36 or 3318.46 of the Revised Code. 32584
32585
32586
32587

Sec. ~~3317.23~~ 3318.49. ~~The state board of education~~ Ohio school facilities commission shall enter into a loan agreement with each school district it approves for a loan under section ~~3317.22~~ 3318.48 of the Revised Code. The agreement shall specify the amount of the loan, the purposes for which it is to be used, the duration of the loan, and the repayment schedule. Every such agreement shall contain a provision ~~authorizing~~ directing the state board of education, upon the request of the executive director of the commission, to deduct from payments due to the district under Chapter 3317. of the Revised Code or from any other funds appropriated to the district by the general assembly, the amount of any scheduled loan payment due but not paid by the district and, within ten days, to transfer that amount to the commission. 32588
32589
32590
32591
32592
32593
32594
32595
32596
32597
32598
32599
32600
32601

A copy of each loan agreement shall be furnished to the controlling board. No money shall be released from the ~~vocational~~ career-technical school building assistance fund without the approval of the controlling board. 32602
32603
32604
32605

Sec. 3319.06. (A) The board of education of each city, exempted village, or local school district may create the position of internal auditor. Any person employed by the board as an internal auditor shall hold a valid permit issued under section 4701.10 of the Revised Code to practice as a certified public accountant or a public accountant. 32606
32607
32608
32609
32610
32611

(B) The board shall execute a written contract of employment with each internal auditor it employs. The contract shall specify 32612
32613

the internal auditor's duties, the salary and other compensation 32614
to be paid for performance of those duties, the number of days to 32615
be worked, the number of days of vacation leave, if any, and any 32616
paid holidays in the contractual year. The salary and other 32617
compensation prescribed by the contract may be increased by the 32618
board during the term of the contract but shall not be reduced 32619
during that term unless such reduction is part of a uniform plan 32620
affecting employees of the entire district. The term of the 32621
initial contract shall not exceed three years. Any renewal of the 32622
contract shall be for a term of not less than two years and not 32623
more than five years. 32624

The internal auditor shall be directly responsible to the 32625
board for the performance of all duties outlined in the contract. 32626
If the board does not intend to renew the contract upon its 32627
expiration, the board shall provide written notice to the internal 32628
auditor of its intention not to renew the contract not later than 32629
the last day of March of the year in which the contract expires. 32630
If the board does not provide such notice by that date, the 32631
internal auditor shall be deemed reemployed for a term of one year 32632
at the same salary plus any increments that may be authorized by 32633
the board. Termination of an internal auditor's contract shall be 32634
pursuant to section 3319.16 of the Revised Code. 32635

(C) Each board that employs an internal auditor shall adopt 32636
procedures for the evaluation of the internal auditor and shall 32637
evaluate the internal auditor in accordance with those procedures. 32638
The evaluation based upon the procedures shall be considered by 32639
the board in deciding whether to renew the internal auditor's 32640
contract of employment. The establishment of an evaluation 32641
procedure shall not create an expectancy of continued employment. 32642
Nothing in this section shall prevent the board from making the 32643
final determination regarding the renewal or nonrenewal of the 32644
contract of an internal auditor. 32645

Sec. 3319.081. Except as otherwise provided in division (G) 32646
of this section, in all school districts wherein the provisions of 32647
Chapter 124. of the Revised Code do not apply, the following 32648
employment contract system shall control for employees whose 32649
contracts of employment are not otherwise provided by law: 32650

(A) Newly hired regular nonteaching school employees, 32651
including regular hourly rate and per diem employees, shall enter 32652
into written contracts for their employment which shall be for a 32653
period of not more than one year. If such employees are rehired, 32654
their subsequent contract shall be for a period of two years. 32655

(B) After the termination of the two-year contract provided 32656
in division (A) of this section, if the contract of a nonteaching 32657
employee is renewed, the employee shall be continued in 32658
employment, and the salary provided in the contract may be 32659
increased but not reduced unless such reduction is a part of a 32660
uniform plan affecting the nonteaching employees of the entire 32661
district. 32662

(C) The contracts as provided for in this section may be 32663
terminated by a majority vote of the board of education. ~~Such~~ 32664
Except as provided in sections 3319.0810 and 3319.172 of the 32665
Revised Code, the contracts may be terminated only for violation 32666
of written rules and regulations as set forth by the board of 32667
education or for incompetency, inefficiency, dishonesty, 32668
drunkenness, immoral conduct, insubordination, discourteous 32669
treatment of the public, neglect of duty, or any other acts of 32670
misfeasance, malfeasance, or nonfeasance. In addition to the right 32671
of the board of education to terminate the contract of an 32672
employee, the board may suspend an employee for a definite period 32673
of time or demote the employee for the reasons set forth in this 32674
division. The action of the board of education terminating the 32675
contract of an employee or suspending or demoting ~~him~~ the employee 32676

shall be served upon the employee by certified mail. Within ten 32677
days following the receipt of such notice by the employee, the 32678
employee may file an appeal, in writing, with the court of common 32679
pleas of the county in which such school board is situated. After 32680
hearing the appeal the common pleas court may affirm, disaffirm, 32681
or modify the action of the school board. 32682

A violation of division (A)(7) of section 2907.03 of the 32683
Revised Code is grounds for termination of employment of a 32684
nonteaching employee under this division. 32685

(D) All employees who have been employed by a school district 32686
where the provisions of Chapter 124. of the Revised Code do not 32687
apply, for a period of at least three years on November 24, 1967, 32688
shall hold continuing contracts of employment pursuant to this 32689
section. 32690

(E) Any nonteaching school employee may terminate ~~his~~ the 32691
nonteaching school employee's contract of employment thirty days 32692
subsequent to the filing of a written notice of such termination 32693
with the treasurer of the board. 32694

(F) A person hired exclusively for the purpose of replacing a 32695
nonteaching school employee while such employee is on leave of 32696
absence granted under section 3319.13 of the Revised Code is not a 32697
regular nonteaching school employee under this section. 32698

(G) All nonteaching employees employed pursuant to this 32699
section and Chapter 124. of the Revised Code shall be paid for all 32700
time lost when the schools in which they are employed are closed 32701
owing to an epidemic or other public calamity. Nothing in this 32702
division shall be construed as requiring payment in excess of an 32703
employee's regular wage rate or salary for any time worked while 32704
the school in which ~~he~~ the employee is employed is officially 32705
closed for the reasons set forth in this division. 32706

Sec. 3319.0810. (A) The board of education of any school 32707
district wherein the provisions of Chapter 124. of the Revised 32708
Code do not apply may terminate any of its transportation staff 32709
positions for reasons of economy and efficiency if the board 32710
instead of employing its own staff to transport some or all of the 32711
students enrolled in the district schools enters into a contract 32712
with an independent agent for the provision of transportation 32713
services for such students. Such a contract may be entered into 32714
only if all of the following conditions are satisfied: 32715

(1) Any collective bargaining agreement between the employee 32716
organization representing the employees whose positions are 32717
terminated under this section and the board has expired or will 32718
expire within sixty days and has not been renewed in conformance 32719
with provisions of that agreement and with Chapter 4117. of the 32720
Revised Code, or the agreement contains provisions permitting the 32721
termination of positions for reasons of economy and efficiency 32722
while the agreement is in force and the board is in conformance 32723
with those provisions. 32724

(2) The board permits any employee whose position is 32725
terminated under this section to fill any vacancy within the 32726
district's organization for which the employee is qualified. The 32727
board shall select from among similarly qualified employees to 32728
fill such vacancies pursuant to procedures established under any 32729
collective bargaining agreement between the employee organization 32730
representing the terminated employees and the board that is in 32731
force at the time of the termination, or in absence of such 32732
provisions on the basis of seniority of employment by the board 32733
with the employee with the greatest seniority having highest 32734
priority. 32735

(3) Unless a collective bargaining agreement between the 32736
employee organization representing the terminated employees and 32737
the board that is in force at the time of the termination provides 32738

otherwise, the board permits any employee whose position is 32739
terminated under this section to fill the employee's former 32740
position in the event that the board reinstates that position 32741
within one year after the date the position is terminated under 32742
this section. 32743

(4) The board permits any employee whose position is 32744
terminated under this section to appeal in accordance with section 32745
119.12 of the Revised Code the board's decision to terminate the 32746
employee's position, not to hire that employee for another 32747
position pursuant to division (A)(2) of this section, or not to 32748
rehire that employee for the position if it is reinstated within 32749
one year after the position is terminated pursuant to division 32750
(A)(3) of this section. 32751

(5) The contract entered into by the board and an independent 32752
agent for the provision of transportation services contains a 32753
stipulation requiring the agent to consider hiring any employees 32754
of the school district whose positions are terminated under this 32755
section for similar positions within the agent's organization. 32756

(6) The contract entered into by the board and an independent 32757
agent for the provision of transportation services contains a 32758
stipulation requiring the agent to recognize for purposes of 32759
employee representation in collective bargaining any employee 32760
organization that represented the employees whose positions are 32761
terminated under this section in collective bargaining with the 32762
board at the time of the termination provided: 32763

(a) A majority of all employees in the bargaining unit agree 32764
to such representation; 32765

(b) Such representation is not prohibited by federal law, 32766
including any ruling of the national labor relations board; 32767

(c) The employee organization is not prohibited from 32768
representing nonpublic employees by other provisions of law or its 32769

own governing instruments. 32770

However, any employee whose position is terminated under this 32771
section shall not be compelled to be included in such bargaining 32772
unit if there is another bargaining unit within the agent's 32773
organization that is applicable to the employee. 32774

(B) If after terminating any positions of employment under 32775
this section the board fails to comply with any condition 32776
prescribed in division (A) of this section or fails to enforce on 32777
the agent its contractual obligations prescribed in divisions 32778
(A)(5) and (6) of this section, the terminations shall be void and 32779
the board shall reinstate the positions and fill them with the 32780
employees who filled those positions just prior to the 32781
terminations. Such employees shall be compensated at a rate equal 32782
to their rate of compensation in those positions just prior to the 32783
terminations plus any increases paid since the terminations to 32784
other nonteaching employees. The employees shall also be entitled 32785
to back pay at such rate for the period from the date of the 32786
terminations to the date of the reinstatements minus any pay 32787
received by the employees during any time the board was in 32788
compliance with such conditions or during any time the board 32789
enforced those obligations. 32790

Any employee aggrieved by the failure of the board to comply 32791
with any condition prescribed in division (A) of this section or 32792
to enforce on the agent its contractual obligations prescribed in 32793
divisions (A)(5) and (6) of this section shall have the right to 32794
sue the board for reinstatement of the employee's former position 32795
as provided for in this division in the court of common pleas for 32796
the county in which the school district is located or, if the 32797
school district is located in more than one county, in the court 32798
of common pleas for the county in which the majority of the 32799
territory of the school district is located. 32800

Sec. 3319.17. (A) As used in this section, "interdistrict 32801
contract" means any contract or agreement entered into by an 32802
educational service center governing board and another board or 32803
other public entity pursuant to section 3313.17, 3313.841, 32804
3313.842, 3313.843, 3313.91, or 3323.08 of the Revised Code, 32805
including any such contract or agreement for the provision of 32806
services funded under division (L) of section 3317.024 of the 32807
Revised Code or provided in any unit approved under section 32808
3317.05 of the Revised Code. 32809

(B) When, for any of the following reasons that apply to any 32810
city, exempted village, local, or joint vocational school district 32811
or any educational service center, the board decides that it will 32812
be necessary to reduce the number of teachers it employs, it may 32813
make a reasonable reduction: 32814

(1) In the case of any district or service center, return to 32815
duty of regular teachers after leaves of absence including leaves 32816
provided pursuant to division (B) of section 3314.10 of the 32817
Revised Code, suspension of schools, ~~or~~ territorial changes 32818
affecting the district or center, or financial reasons; 32819

(2) In the case of any city, exempted village, local, or 32820
joint vocational school district, decreased enrollment of pupils 32821
in the district; 32822

(3) In the case of any governing board of a service center 32823
providing any particular service directly to pupils pursuant to 32824
one or more interdistrict contracts requiring such service, 32825
reduction in the total number of pupils the governing board is 32826
required to provide with the service under all interdistrict 32827
contracts as a result of the termination or nonrenewal of one or 32828
more of these interdistrict contracts; 32829

(4) In the case of any governing board providing any 32830

particular service that it does not provide directly to pupils 32831
pursuant to one or more interdistrict contracts requiring such 32832
service, reduction in the total level of the service the governing 32833
board is required to provide under all interdistrict contracts as 32834
a result of the termination or nonrenewal of one or more of these 32835
interdistrict contracts. 32836

(C) In making any such reduction, any city, exempted village, 32837
local, or joint vocational school board shall proceed to suspend 32838
contracts in accordance with the recommendation of the 32839
superintendent of schools who shall, within each teaching field 32840
affected, give preference first to teachers on continuing 32841
contracts and then to teachers who have greater seniority. In 32842
making any such reduction, any governing board of a service center 32843
shall proceed to suspend contracts in accordance with the 32844
recommendation of the superintendent who shall, within each 32845
teaching field or service area affected, give preference first to 32846
teachers on continuing contracts and then to teachers who have 32847
greater seniority. 32848

On a case-by-case basis, in lieu of suspending a contract in 32849
whole, a board may suspend a contract in part, so that an 32850
individual is required to work a percentage of the time the 32851
employee otherwise is required to work under the contract and 32852
receives a commensurate percentage of the full compensation the 32853
employee otherwise would receive under the contract. 32854

The teachers whose continuing contracts are suspended by any 32855
board pursuant to this section shall have the right of restoration 32856
to continuing service status by that board in the order of 32857
seniority of service in the district or service center if and when 32858
teaching positions become vacant or are created for which any of 32859
such teachers are or become qualified. No teacher whose continuing 32860
contract has been suspended pursuant to this section shall lose 32861
that right of restoration to continuing service status by reason 32862

of having declined recall to a position that is less than 32863
full-time or, if the teacher was not employed full-time just prior 32864
to suspension of the teacher's continuing contract, to a position 32865
requiring a lesser percentage of full-time employment than the 32866
position the teacher last held while employed in the district or 32867
service center. 32868

(D) Notwithstanding any provision to the contrary in Chapter 32869
4117. of the Revised Code, the requirements of this section 32870
prevail over any conflicting provisions of agreements between 32871
employee organizations and public employers entered into after the 32872
effective date of this amendment. 32873

Sec. 3319.172. The board of education of each school district 32874
wherein the provisions of Chapter 124. of the Revised Code do not 32875
apply and the governing board of each educational service center 32876
may adopt a resolution ordering reasonable reductions in the 32877
number of nonteaching employees for any of the reasons for which 32878
the board of education or governing board may make reductions in 32879
teaching employees, as set forth in division (B) of section 32880
3319.17 of the Revised Code. 32881

In making any reduction under this section, the board of 32882
education or governing board shall proceed to suspend contracts in 32883
accordance with the recommendation of the superintendent of the 32884
district or service center who shall, within each pay 32885
classification affected, give preference first to employees under 32886
continuing contracts and then to employees on the basis of 32887
seniority. On a case-by-case basis, in lieu of suspending a 32888
contract in whole, a board may suspend a contract in part, so that 32889
an individual is required to work a percentage of the time the 32890
employee otherwise is required to work under the contract and 32891
receives a commensurate percentage of the full compensation the 32892
employee otherwise would receive under the contract. 32893

Any nonteaching employee whose continuing contract is 32894
suspended under this section shall have the right of restoration 32895
to continuing service status by the board of education or 32896
governing board that suspended that contract in order of seniority 32897
of service in the district or service center, if and when a 32898
nonteaching position for which the employee is qualified becomes 32899
vacant or is created. No nonteaching employee whose continuing 32900
contract has been suspended under this section shall lose that 32901
right of restoration to continuing service status by reason of 32902
having declined recall to a position requiring fewer regularly 32903
scheduled hours of work than required by the position the employee 32904
last held while employed in the district or service center. 32905

Notwithstanding any provision to the contrary in Chapter 32906
4117. of the Revised Code, the requirements of this section 32907
prevail over any conflicting provisions of agreements between 32908
employee organizations and public employers entered into after the 32909
effective date of this section. 32910

Sec. 3319.22. (A)(1) The state board of education shall adopt 32911
rules establishing the standards and requirements for obtaining 32912
temporary, associate, provisional, and professional educator 32913
licenses of any categories, types, and levels the board elects to 32914
provide. However, no educator license shall be required for 32915
teaching children two years old or younger. 32916

(2) If the state board requires any examinations for educator 32917
licensure, the department of education shall provide the results 32918
of such examinations received by the department to the Ohio board 32919
of regents, in the manner and to the extent permitted by state and 32920
federal law. 32921

(B) Any rules the state board of education adopts, amends, or 32922
rescinds for educator licenses under this section, division (D) of 32923
section 3301.07 of the Revised Code, or any other law shall be 32924

adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 32925
32926

(1) Notwithstanding division (D) of section 119.03 and 32927
division (A)(1) of section 119.04 of the Revised Code, in the case 32928
of the adoption of any rule or the amendment or rescission of any 32929
rule that necessitates institutions' offering teacher preparation 32930
programs that are approved by the state board of education under 32931
section 3319.23 of the Revised Code to revise the curriculum of 32932
those programs, the effective date shall not be as prescribed in 32933
division (D) of section 119.03 and division (A)(1) of section 32934
119.04 of the Revised Code. Instead, the effective date of such 32935
rules, or the amendment or rescission of such rules, shall be the 32936
date prescribed by section 3319.23 of the Revised Code. 32937

(2) Notwithstanding the authority to adopt, amend, or rescind 32938
emergency rules in division (F) of section 119.03 of the Revised 32939
Code, this authority shall not apply to the state board of 32940
education with regard to rules for educator licenses. 32941

(C)(1) The rules adopted under this section establishing 32942
standards requiring additional coursework for the renewal of any 32943
educator license shall require a school district and a chartered 32944
nonpublic school to establish local professional development 32945
committees. In a nonpublic school, the chief administrative 32946
officer shall establish the committees in any manner acceptable to 32947
such officer. The committees established under this division shall 32948
determine whether coursework that a district or chartered 32949
nonpublic school teacher proposes to complete meets the 32950
requirement of the rules. The department of education shall 32951
provide technical assistance and support to committees as the 32952
committees incorporate the professional development standards 32953
adopted by the state board of education pursuant to section 32954
3319.61 of the Revised Code into their review of coursework that 32955
is appropriate for license renewal. The rules shall establish a 32956

procedure by which a teacher may appeal the decision of a local professional development committee. 32957
32958

(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. 32959
32960
32961
32962

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. 32963
32964
32965
32966
32967
32968
32969
32970
32971
32972
32973
32974
32975

Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on 32976
32977
32978
32979
32980
32981
32982
32983
32984
32985
32986
32987
32988

the committee. If a committee has a particular grade or age level 32989
scope, the teacher members shall be licensed to teach such grade 32990
or age levels, and shall be elected by majority vote of the 32991
classroom teachers holding such a license and the principal shall 32992
be elected by all principals serving in buildings where any such 32993
teachers serve. The district superintendent shall appoint a 32994
replacement to fill any vacancy that occurs on a professional 32995
development committee, except in the case of vacancies among the 32996
elected classroom teacher members, which shall be filled by vote 32997
of the remaining members of the committee so selected. 32998

Terms of office on professional development committees shall 32999
be prescribed by the district board establishing the committees. 33000
The conduct of elections for members of professional development 33001
committees shall be prescribed by the district board establishing 33002
the committees. A professional development committee may include 33003
additional members, except that the majority of members on each 33004
such committee shall be classroom teachers employed by the 33005
district. Any member appointed to fill a vacancy occurring prior 33006
to the expiration date of the term for which a predecessor was 33007
appointed shall hold office as a member for the remainder of that 33008
term. 33009

The initial meeting of any professional development 33010
committee, upon election and appointment of all committee members, 33011
shall be called by a member designated by the district 33012
superintendent. At this initial meeting, the committee shall 33013
select a chairperson and such other officers the committee deems 33014
necessary, and shall adopt rules for the conduct of its meetings. 33015
Thereafter, the committee shall meet at the call of the 33016
chairperson or upon the filing of a petition with the district 33017
superintendent signed by a majority of the committee members 33018
calling for the committee to meet. 33019

(3) In the case of a school district in which an exclusive 33020

representative has been established pursuant to Chapter 4117. of 33021
the Revised Code, professional development committees shall be 33022
established in accordance with any collective bargaining agreement 33023
in effect in the district that includes provisions for such 33024
committees. 33025

If the collective bargaining agreement does not specify a 33026
different method for the selection of teacher members of the 33027
committees, the exclusive representative of the district's 33028
teachers shall select the teacher members. 33029

If the collective bargaining agreement does not specify a 33030
different structure for the committees, the board of education of 33031
the school district shall establish the structure, including the 33032
number of committees and the number of teacher and administrative 33033
members on each committee; the specific administrative members to 33034
be part of each committee; whether the scope of the committees 33035
will be district levels, building levels, or by type of grade or 33036
age levels for which educator licenses are designated; the lengths 33037
of terms for members; the manner of filling vacancies on the 33038
committees; and the frequency and time and place of meetings. 33039
However, in all cases, except as provided in division (C)(4) of 33040
this section, there shall be a majority of teacher members of any 33041
professional development committee, there shall be at least five 33042
total members of any professional development committee, and the 33043
exclusive representative shall designate replacement members in 33044
the case of vacancies among teacher members, unless the collective 33045
bargaining agreement specifies a different method of selecting 33046
such replacements. 33047

(4) Whenever an administrator's coursework plan is being 33048
discussed or voted upon, the local professional development 33049
committee shall, at the request of one of its administrative 33050
members, cause a majority of the committee to consist of 33051
administrative members by reducing the number of teacher members 33052

voting on the plan. 33053

(D)(1) The department of education, educational service 33054
centers, county boards of mental retardation and developmental 33055
disabilities, regional professional development centers, special 33056
education regional resource centers, college and university 33057
departments of education, head start programs, the eTech Ohio 33058
~~SchoolNet~~ commission, and the Ohio education computer network may 33059
establish local professional development committees to determine 33060
whether the coursework proposed by their employees who are 33061
licensed or certificated under this section or section 3319.222 of 33062
the Revised Code meet the requirements of the rules adopted under 33063
this section. They may establish local professional development 33064
committees on their own or in collaboration with a school district 33065
or other agency having authority to establish them. 33066

Local professional development committees established by 33067
county boards of mental retardation and developmental disabilities 33068
shall be structured in a manner comparable to the structures 33069
prescribed for school districts in divisions (C)(2) and (3) of 33070
this section, as shall the committees established by any other 33071
entity specified in division (D)(1) of this section that provides 33072
educational services by employing or contracting for services of 33073
classroom teachers licensed or certificated under this section or 33074
section 3319.222 of the Revised Code. All other entities specified 33075
in division (D)(1) of this section shall structure their 33076
committees in accordance with guidelines which shall be issued by 33077
the state board. 33078

(2) Any public agency that is not specified in division 33079
(D)(1) of this section but provides educational services and 33080
employs or contracts for services of classroom teachers licensed 33081
or certificated under this section or section 3319.222 of the 33082
Revised Code may establish a local professional development 33083
committee, subject to the approval of the department of education. 33084

The committee shall be structured in accordance with guidelines 33085
issued by the state board. 33086

Sec. 3319.235. (A) The standards for the preparation of 33087
teachers adopted under section 3319.23 of the Revised Code shall 33088
require any institution that provides a course of study for the 33089
training of teachers to ensure that graduates of such course of 33090
study are skilled at integrating educational technology in the 33091
instruction of children, as evidenced by the graduate having 33092
either demonstrated proficiency in such skills in a manner 33093
prescribed by the department of education or completed a course 33094
that includes training in such skills. 33095

(B) The ~~eTech Ohio SchoolNet~~ commission, ~~established pursuant~~ 33096
~~to section 3301.80 of the Revised Code,~~ shall establish model 33097
professional development programs to assist teachers who completed 33098
their teacher preparation prior to the effective date of division 33099
(A) of this section to become skilled at integrating educational 33100
technology in the instruction of children. The commission shall 33101
provide technical assistance to school districts wishing to 33102
establish such programs. 33103

Sec. 3319.55. (A) A grant program is hereby established to 33104
recognize and reward teachers in public and chartered nonpublic 33105
schools who hold valid teaching certificates or licenses issued by 33106
the national board for professional teaching standards. The 33107
superintendent of public instruction shall administer this program 33108
in accordance with this section and rules which the state board of 33109
education shall adopt in accordance with Chapter 119. of the 33110
Revised Code. 33111

In each fiscal year that the general assembly appropriates 33112
funds for purposes of this section, the superintendent of public 33113
instruction shall award a grant to each person who, by the first 33114

day of April of that year and in accordance with the rules adopted 33115
under this section, submits to the superintendent evidence 33116
indicating all of the following: 33117

(1) The person holds a valid certificate or license issued by 33118
the national board for professional teaching standards; 33119

(2) The person has been employed full-time as a teacher by 33120
the board of education of a school district or by a chartered 33121
nonpublic school in this state during the current school year; 33122

(3) The date the person was accepted into the national board 33123
certification or licensure program. 33124

An individual may receive a grant under this section in each 33125
fiscal year the person is eligible for a grant and submits 33126
evidence of that eligibility in accordance with this section. No 33127
person may receive a grant after the expiration of the person's 33128
initial certification or license issued by the national board. 33129

(B) The amount of the grant awarded to each eligible person 33130
under division (A) of this section in any fiscal year shall equal 33131
the following: 33132

(1) Two thousand five hundred dollars for any teacher 33133
accepted as a candidate for certification or licensure by the 33134
national board on or before May 31, 2003, and issued a certificate 33135
or license by the national board on or before December 31, 2004; 33136

(2) One thousand dollars for any other teacher issued a 33137
certificate or license by the national board. 33138

However, if the funds appropriated for purposes of this 33139
section in any fiscal year are not sufficient to award the full 33140
grant amount to each person who is eligible in that fiscal year, 33141
the superintendent shall prorate the amount of the grant awarded 33142
in that fiscal year to each eligible person. 33143

Sec. 3323.021. As used in this section, "participating county MR/DD board" means a county board of mental retardation and developmental disabilities electing to participate in the provision of or contracting for educational services for children under division (D) of section 5126.05 of the Revised Code.

(A) When a school district, educational service center, or participating county MR/DD board enters into an agreement or contract with another school district, educational service center, or participating county MR/DD board to provide educational services to a disabled child during a school year, both of the following shall apply:

(1) Beginning with fiscal year 1999, if the provider of the services intends to increase the amount it charges for some or all of those services during the next school year or if the provider intends to cease offering all or part of those services during the next school year, the provider shall notify the entity for which the services are provided of these intended changes no later than the first day of March of the current fiscal year.

(2) Beginning with fiscal year 1999, if the entity for which services are provided intends to cease obtaining those services from the provider for the next school year or intends to change the type or amount of services it obtains from the provider for the next school year, the entity shall notify the service provider of these intended changes no later than the first day of March of the current fiscal year.

(B) School districts, educational service centers, participating county MR/DD boards, and other applicable governmental entities shall collaborate where possible to maximize federal sources of revenue, ~~including the community alternative funding system of the medical assistance program established under Chapter 5111. of the Revised Code,~~ to provide additional funds for

special education related services for disabled children. 33175
Annually, each school district shall report to the department of 33176
education any amounts of money the district received through such 33177
medical assistance program. 33178

(C) The state board of education, the department of mental 33179
retardation and developmental disabilities, and the department of 33180
job and family services shall develop working agreements for 33181
pursuing additional funds for services for disabled children. 33182

Sec. 3323.091. (A) The department of mental health, the 33183
department of mental retardation and developmental disabilities, 33184
the department of youth services, and the department of 33185
rehabilitation and correction shall establish and maintain special 33186
education programs for handicapped children in institutions under 33187
their jurisdiction according to standards adopted by the state 33188
board of education. ~~The~~ 33189

(B) The superintendent of each state institution required to 33190
provide services under division (A) of this section, and each 33191
county MR/DD board, providing special education for handicapped 33192
preschool children under this chapter may apply to the state 33193
department of education for unit funding, which shall be paid in 33194
accordance with sections 3317.052 and 3317.053 of the Revised 33195
Code. 33196

~~(B) On~~ The superintendent of each state institution required 33197
to provide services under division (A) of this section may apply 33198
to the department of education for special education and related 33199
services weighted funding for handicapped children other than 33200
handicapped preschool children, calculated in accordance with 33201
section 3317.201 of the Revised Code. 33202

Each county MR/DD board providing special education for 33203
handicapped children other than handicapped preschool children may 33204
apply to the department of education for base cost and special 33205

education and related services weighted funding calculated in 33206
accordance with section 3317.20 of the Revised Code. 33207

(C) In addition to the authorization to apply for state 33208
funding described in division (B) of this section, each state 33209
institution required to provide services under division (A) of 33210
this section is entitled to tuition payments calculated in the 33211
manner described in division (C) of this section. 33212

On or before the thirtieth day of June of each year, the 33213
superintendent of each institution that during the school year 33214
provided special education pursuant to this section shall prepare 33215
a statement for each handicapped child under twenty-two years of 33216
age who has received special education. The statement shall 33217
contain the child's name and the name of the child's school 33218
district of residence. Within sixty days after receipt of such 33219
statement, the department of education shall perform one of the 33220
following: 33221

(1) For any child except a handicapped preschool child 33222
described in division ~~(B)~~(C)(2) of this section, pay to the 33223
institution submitting the statement an amount equal to the 33224
tuition calculated under division (A) of section 3317.08 of the 33225
Revised Code for the period covered by the statement, and deduct 33226
the same from the amount of state funds, if any, payable under 33227
sections 3317.022 and 3317.023 of the Revised Code, to the child's 33228
school district of residence or, if the amount of such state funds 33229
is insufficient, require the child's school district of residence 33230
to pay the institution submitting the statement an amount equal to 33231
the amount determined under this division. 33232

(2) For any handicapped preschool child not included in a 33233
unit approved under division (B) of section 3317.05 of the Revised 33234
Code, perform the following: 33235

(a) Pay to the institution submitting the statement an amount 33236

equal to the tuition calculated under division (B) of section 3317.08 of the Revised Code for the period covered by the statement, except that in calculating the tuition under that section the operating expenses of the institution submitting the statement under this section shall be used instead of the operating expenses of the school district of residence;

(b) Deduct from the amount of state funds, if any, payable under sections 3317.022 and 3317.023 of the Revised Code to the child's school district of residence an amount equal to the amount paid under division ~~(B)~~(C)(2)(a) of this section.

Sec. 3323.14. This section does not apply to any handicapped preschool child except if included in a unit approved under division (B) of section 3317.05 of the Revised Code.

(A) Where a child who is a school resident of one school district receives special education from another district and the per capita cost to the educating district for that child exceeds the sum of the amount received by the educating district for that child under division (A) of section 3317.08 of the Revised Code and the amount received by the district from the state board of education for that child, then the board of education of the district of residence shall pay ~~directly~~ to the board of the school district that is providing the special education such excess cost as is determined by using a formula approved by the department of education and agreed upon in contracts entered into by the boards of the district concerned at the time the district providing such special education accepts the child for enrollment. The department of education shall certify the amount of the payments under Chapter 3317. of the Revised Code for such handicapped pupils for each school year ending on the thirtieth day of July.

(B) In the case of a child described in division (A) of this

section who has been placed in a home, as defined in section 3313.64 of the Revised Code, pursuant to the order of a court and who is not subject to section 3323.141 of the Revised Code, the district providing the child with special education and related services may charge to the child's district of residence the excess cost determined by formula approved by the department, regardless of whether the district of residence has entered into a contract with the district providing the services. If the district providing the services chooses to charge excess costs, the district may report the amount calculated under this division to the department. 33268
33269
33270
33271
33272
33273
33274
33275
33276
33277
33278

(C) If a district providing special education for a child reports an amount for the excess cost of those services, as authorized and calculated under division (A) or (B) of this section, the department shall pay that amount of excess cost to the district providing the services and shall deduct that amount from the child's district of residence in accordance with division (N) of section 3317.023 of the Revised Code. 33279
33280
33281
33282
33283
33284
33285

Sec. 3323.16. No unit for deaf children shall be disapproved for funding under division (B) ~~or (D)(1)~~ of section 3317.05 of the Revised Code on the basis of the methods of instruction used in educational programs in the school district or institution to teach deaf children to communicate, and no preference in approving units for funding shall be given for teaching deaf children by the oral, manual, total communication, or other method of instruction. 33286
33287
33288
33289
33290
33291
33292

Sec. ~~41.36~~ 3323.19. (A) ~~In the 2004-2005 and 2005-2006 school years, within~~ Within three months after a student identified with disabilities begins receiving services for the first time under an individualized education program, ~~as defined in section 3323.01 of the Revised Code,~~ the school district in which that student is 33293
33294
33295
33296
33297

enrolled shall require the student to undergo a comprehensive eye 33298
examination performed either by an optometrist licensed under 33299
Chapter 4725. of the Revised Code or by a physician authorized 33300
under Chapter 4731. of the Revised Code to practice medicine and 33301
surgery or osteopathic medicine and surgery who is comprehensively 33302
trained and educated in the treatment of the human eye, eye 33303
disease, or comprehensive vision services, unless the student 33304
underwent such an examination within the nine-month period 33305
immediately prior to being identified with disabilities. 33306

However, no student who has not undergone the eye examination 33307
required under this section shall be prohibited from initiating, 33308
receiving, or continuing to receive services prescribed in the 33309
student's individualized education program. 33310

(B) The superintendent of each school district or the 33311
superintendent's designee may determine fulfillment of the 33312
requirement prescribed in division (A) of this section based on 33313
any special circumstances of the student, the student's parent, 33314
guardian, or family that may prevent the student from undergoing 33315
the eye examination prior to beginning special education services. 33316

(C) Except for a student who may be entitled to a 33317
comprehensive eye examination in the identification of the 33318
student's disabilities, in the development of the student's 33319
individualized education program, or as a related service under 33320
the student's individualized education program, neither the state 33321
nor any school district shall be responsible for paying for the 33322
eye examination required by this section. 33323

Sec. 3323.20. On July 1, 2006, and on each first day of July 33324
thereafter, the department of education shall electronically 33325
report to the general assembly the number of handicapped preschool 33326
children who received services for which the department made a 33327

payment to any provider during the previous fiscal year, 33328
disaggregated according to each category of handicap described in 33329
divisions (A) to (F) of section 3317.013 of the Revised Code, 33330
regardless of whether payment for services was based on the 33331
multiples prescribed in those divisions. 33332

Sec. 3323.30. The Ohio center for autism and low incidence is 33333
hereby established within the department of education's office for 33334
exceptional children, or any successor of that office. The center 33335
shall administer programs and coordinate services for infants, 33336
preschool and school-age children, and adults with autism and low 33337
incidence disabilities. The center's principal focus shall be 33338
programs and services for persons with autism. The center shall be 33339
under the direction of an executive director, appointed by the 33340
superintendent of public instruction in consultation with the 33341
advisory board established under section 3323.31 of the Revised 33342
Code. The department shall use state and federal funds 33343
appropriated to the department for operation of the center. 33344

As used in this section and in sections 3323.31 to 3323.33 of 33345
the Revised Code, "autism and low incidence disabilities" includes 33346
any of the following: 33347

(A) Autism; 33348

(B) Deafness or hearing handicap; 33349

(C) Multihandicap; 33350

(D) Orthopedic handicap; 33351

(E) Other health handicap; 33352

(F) Traumatic brain injury; 33353

(G) Visual disability. 33354

Sec. 3323.31. The superintendent of public instruction shall 33355

establish an advisory board to assist and advise the department of 33356
education in the operation of the Ohio center for autism and low 33357
incidence. As determined by the superintendent, the advisory board 33358
shall consist of individuals who are stakeholders in the service 33359
to persons with autism and low incidence disabilities, including, 33360
but not limited to, the following: 33361

(A) Persons with autism and low incidence disabilities; 33362

(B) Parents and family members; 33363

(C) Educators and other professionals; 33364

(D) Higher education instructors; 33365

(E) Representatives of state agencies. 33366

The advisory board shall be organized as determined by the 33367
superintendent. 33368

Members of the advisory board shall receive no compensation 33369
for their services. 33370

Sec. 3323.32. The Ohio center for autism and low incidence 33371
shall do all of the following: 33372

(A) Collaborate and consult with state agencies that serve 33373
persons with autism and low incidence disabilities; 33374

(B) Collaborate and consult with institutions of higher 33375
education in development and implementation of courses for 33376
educators and other professionals serving persons with autism and 33377
low incidence disabilities; 33378

(C) Collaborate with parent and professional organizations; 33379

(D) Create and implement programs for professional 33380
development, technical assistance, intervention services, and 33381
research in the treatment of persons with autism and low incidence 33382
disabilities; 33383

(E) Create a regional network for communication and dissemination of information among educators and professionals serving persons with autism and low incidence disabilities. The regional network shall address educational services, evaluation, diagnosis, assistive technology, family support, leisure and recreational activities, transition, employment and adult services, and medical care for persons with autism and low incidence disabilities. 33384
33385
33386
33387
33388
33389
33390
33391

(F) Develop a statewide clearinghouse for information about autism spectrum disorders and low incidence disabilities, as described in section 3323.33 of the Revised Code. 33392
33393
33394

Sec. 3323.33. In developing a clearinghouse for information about autism spectrum disorders and low incidence disabilities, as required under section 3323.32 of the Revised Code, the Ohio center for autism and low incidence shall do all of the following: 33395
33396
33397
33398

(A) Maintain a collection of resources for public distribution; 33399
33400

(B) Monitor information on resources, trends, policies, services, and current educational interventions; 33401
33402

(C) Respond to requests for information from parents and educators of children with autism and low incidence disabilities. 33403
33404

Sec. 3324.10. (A) Prior to June 30, 2006, the state board of education shall adopt a model student acceleration policy addressing recommendations in the department of education's 2005 study conducted under the gifted research and demonstration grant program. The policy shall address, but not be limited to, whole grade acceleration, subject area acceleration, and early high school graduation. 33405
33406
33407
33408
33409
33410
33411

(B) The board of education of each city, local, and exempted 33412

village school district shall implement a student acceleration 33413
policy to take effect beginning in the 2006-2007 school year. The 33414
policy shall either be the model adopted by the state board under 33415
division (A) of this section or a policy covering similar issues 33416
that is adopted by the district board. 33417

Sec. 3325.10. The state school for the blind may receive and 33418
administer any federal funds relating to the education of blind or 33419
visually impaired students. The school for the blind also may 33420
accept and administer any gifts, donations, or bequests made to it 33421
for programs or services relating to the education of blind or 33422
visually impaired students. 33423

Sec. 3325.11. There is hereby created in the state treasury 33424
the state school for the blind student activity and work-study 33425
fund. Moneys received from donations, bequests, the school 33426
vocational program, and any other moneys designated for deposit in 33427
the fund by the superintendent of the state school for the blind 33428
shall be credited to the fund. Notwithstanding section 3325.01 of 33429
the Revised Code, the approval of the state board of education is 33430
not required to designate money for deposit into the fund. The 33431
school for the blind shall use money in the fund for school 33432
operating expenses, including, but not limited to, personal 33433
services, maintenance, and equipment related to student support, 33434
activities, and vocational programs, and for providing 33435
scholarships to students for further training upon graduation. 33436

Sec. 3325.12. There is hereby created the state school for 33437
the blind student account fund, which shall be in the custody of 33438
the treasurer of state but shall not be part of the state 33439
treasury. The fund shall consist of all moneys received from the 33440
parents or guardians of students attending the state school for 33441
the blind that are designated for use by the respective students 33442

in activities of their choice. The treasurer of state may invest 33443
any portion of the fund not needed for immediate use in the same 33444
manner as, and subject to laws regarding the investment of, state 33445
funds. The treasurer of state shall disburse money from the fund 33446
on order of the superintendent of the state school for the blind 33447
or the superintendent's designee. All investment earnings of the 33448
fund shall be credited to the fund and allocated among the student 33449
accounts in proportion to the amount invested from each student's 33450
account. 33451

Sec. 3325.15. The state school for the deaf may receive and 33452
administer any federal funds relating to the education of deaf or 33453
hearing-impaired students. The school for the deaf also may accept 33454
and administer any gifts, donations, or bequests given to it for 33455
programs or services relating to the education of deaf or 33456
hearing-impaired students. 33457

Sec. 3325.16. There is hereby created in the state treasury 33458
the state school for the deaf educational program expenses fund. 33459
Moneys received by the school from donations, bequests, student 33460
fundraising activities, fees charged for camps and workshops, gate 33461
receipts from athletic contests, and the student work experience 33462
program operated by the school, and any other moneys designated 33463
for deposit in the fund by the superintendent of the school, shall 33464
be credited to the fund. Notwithstanding section 3325.01 of the 33465
Revised Code, the approval of the state board of education is not 33466
required to designate money for deposit into the fund. The state 33467
school for the deaf shall use moneys in the fund for educational 33468
programs, after-school activities, and expenses associated with 33469
student activities and clubs. 33470

Sec. 3325.17. There is hereby created the state school for 33471

the deaf student account fund, which shall be in the custody of 33472
the treasurer of state but shall not be part of the state 33473
treasury. The fund shall consist of all moneys received from the 33474
parents or guardians of students attending the state school for 33475
the deaf that are designated for use by the respective students in 33476
activities of their choice. The treasurer of state may invest any 33477
portion of the fund not needed for immediate use in the same 33478
manner as, and subject to laws regarding the investment of, state 33479
funds. The treasurer of state shall disburse money from the fund 33480
on order of the superintendent of the state school for the deaf or 33481
the superintendent's designee. All investment earnings of the fund 33482
shall be credited to the fund and allocated among the student 33483
accounts in proportion to the amount invested from each student's 33484
account. 33485

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 33486
and division (D) of section 3311.52 of the Revised Code, this 33487
section and sections 3327.011, 3327.012, and 3327.02 of the 33488
Revised Code do not apply to any joint vocational or cooperative 33489
education school district. 33490

In all city, local, and exempted village school districts 33491
where resident school pupils in grades kindergarten through eight 33492
live more than two miles from the school for which the state board 33493
of education prescribes minimum standards pursuant to division (D) 33494
of section 3301.07 of the Revised Code and to which they are 33495
assigned by the board of education of the district of residence or 33496
to and from the nonpublic or community school which they attend 33497
the board of education shall provide transportation for such 33498
pupils to and from such school except as provided in section 33499
3327.02 of the Revised Code. 33500

In all city, local, and exempted village school districts 33501

where pupil transportation is required under a career-technical 33502
plan approved by the state board of education under section 33503
3313.90 of the Revised Code, for any student attending a 33504
career-technical program operated by another school district, 33505
including a joint vocational school district, as prescribed under 33506
that section, the board of education of the student's district of 33507
residence shall provide transportation from the public high school 33508
operated by that district to which the student is assigned to the 33509
career-technical program. 33510

In all city, local, and exempted village school districts the 33511
board may provide transportation for resident school pupils in 33512
grades nine through twelve to and from the high school to which 33513
they are assigned by the board of education of the district of 33514
residence or to and from the nonpublic or community high school 33515
which they attend for which the state board of education 33516
prescribes minimum standards pursuant to division (D) of section 33517
3301.07 of the Revised Code. 33518

A board of education shall not be required to transport 33519
elementary or high school pupils to and from a nonpublic or 33520
community school where such transportation would require more than 33521
thirty minutes of direct travel time as measured by school bus 33522
from the public school building to which the pupils would be 33523
assigned if attending the public school designated by the district 33524
of residence. 33525

Where it is impractical to transport a pupil by school 33526
conveyance, a board of education may offer payment, in lieu of 33527
providing such transportation in accordance with section 3327.02 33528
of the Revised Code. 33529

In all city, local, and exempted village school districts the 33530
board shall provide transportation for all children who are so 33531
crippled that they are unable to walk to and from the school for 33532

which the state board of education prescribes minimum standards 33533
pursuant to division (D) of section 3301.07 of the Revised Code 33534
and which they attend. In case of dispute whether the child is 33535
able to walk to and from the school, the health commissioner shall 33536
be the judge of such ability. In all city, exempted village, and 33537
local school districts the board shall provide transportation to 33538
and from school or special education classes for educable mentally 33539
retarded children in accordance with standards adopted by the 33540
state board of education. 33541

When transportation of pupils is provided the conveyance 33542
shall be run on a time schedule that shall be adopted and put in 33543
force by the board not later than ten days after the beginning of 33544
the school term. 33545

The cost of any transportation service authorized by this 33546
section shall be paid first out of federal funds, if any, 33547
available for the purpose of pupil transportation, and secondly 33548
out of state appropriations, in accordance with regulations 33549
adopted by the state board of education. 33550

No transportation of any pupils shall be provided by any 33551
board of education to or from any school which in the selection of 33552
pupils, faculty members, or employees, practices discrimination 33553
against any person on the grounds of race, color, religion, or 33554
national origin. 33555

Sec. 3332.092. Any school subject to this chapter receiving 33556
money under section 3333.12 or 3333.122 of the Revised Code on 33557
behalf of a student who is determined by the state board of career 33558
colleges and schools to be ineligible under such section because 33559
the program in which the student is enrolled does not lead to an 33560
associate or baccalaureate degree, shall be liable to the state 33561
for the amount specified in section 3333.12 or 3333.122 of the 33562
Revised Code. The state board of career colleges and schools shall 33563

suspend the certificate of registration of a school receiving 33564
money under section 3333.12 or 3333.122 of the Revised Code for 33565
such ineligible student until such time as the money is repaid to 33566
the Ohio board of regents. 33567

Sec. 3333.04. The Ohio board of regents shall: 33568

(A) Make studies of state policy in the field of higher 33569
education and formulate a master plan for higher education for the 33570
state, considering the needs of the people, the needs of the 33571
state, and the role of individual public and private institutions 33572
within the state in fulfilling these needs; 33573

(B)(1) Report annually to the governor and the general 33574
assembly on the findings from its studies and the master plan for 33575
higher education for the state; 33576

(2) Report at least semiannually to the general assembly and 33577
the governor the enrollment numbers at each state-assisted 33578
institution of higher education. 33579

(C) Approve or disapprove the establishment of new branches 33580
or academic centers of state colleges and universities; 33581

(D) Approve or disapprove the establishment of state 33582
technical colleges or any other state institution of higher 33583
education; 33584

(E) Recommend the nature of the programs, undergraduate, 33585
graduate, professional, state-financed research, and public 33586
services which should be offered by the state colleges, 33587
universities, and other state-assisted institutions of higher 33588
education in order to utilize to the best advantage their 33589
facilities and personnel; 33590

(F) Recommend to the state colleges, universities, and other 33591
state-assisted institutions of higher education graduate or 33592
professional programs, including, but not limited to, doctor of 33593

philosophy, doctor of education, and juris doctor programs, that 33594
could be eliminated because they constitute unnecessary 33595
duplication, as shall be determined using the process developed 33596
pursuant to this section, or for other good and sufficient cause. 33597
For purposes of determining the amounts of any state instructional 33598
subsidies paid to these colleges, universities, and institutions, 33599
the board may exclude students enrolled in any program that the 33600
board has recommended for elimination pursuant to this division 33601
except that the board shall not exclude any such student who 33602
enrolled in the program prior to the date on which the board 33603
initially commences to exclude students under this division. The 33604
board of regents and these colleges, universities, and 33605
institutions shall jointly develop a process for determining which 33606
existing graduate or professional programs constitute unnecessary 33607
duplication. 33608

(G) Recommend to the state colleges, universities, and other 33609
state-assisted institutions of higher education programs which 33610
should be added to their present programs; 33611

(H) Conduct studies for the state colleges, universities, and 33612
other state-assisted institutions of higher education to assist 33613
them in making the best and most efficient use of their existing 33614
facilities and personnel; 33615

(I) Make recommendations to the governor and general assembly 33616
concerning the development of state-financed capital plans for 33617
higher education; the establishment of new state colleges, 33618
universities, and other state-assisted institutions of higher 33619
education; and the establishment of new programs at the existing 33620
state colleges, universities, and other institutions of higher 33621
education; 33622

(J) Review the appropriation requests of the public community 33623
colleges and the state colleges and universities and submit to the 33624

office of budget and management and to the chairpersons of the 33625
finance committees of the house of representatives and of the 33626
senate its recommendations in regard to the biennial higher 33627
education appropriation for the state, including appropriations 33628
for the individual state colleges and universities and public 33629
community colleges. For the purpose of determining the amounts of 33630
instructional subsidies to be paid to state-assisted colleges and 33631
universities, the board shall define "full-time equivalent 33632
student" by program per academic year. The definition may take 33633
into account the establishment of minimum enrollment levels in 33634
technical education programs below which support allowances will 33635
not be paid. Except as otherwise provided in this section, the 33636
board shall make no change in the definition of "full-time 33637
equivalent student" in effect on November 15, 1981, which would 33638
increase or decrease the number of subsidy-eligible full-time 33639
equivalent students, without first submitting a fiscal impact 33640
statement to the president of the senate, the speaker of the house 33641
of representatives, ~~the legislative budget office of the~~ 33642
legislative service commission, and the director of budget and 33643
management. The board shall work in close cooperation with the 33644
director of budget and management in this respect and in all other 33645
matters concerning the expenditures of appropriated funds by state 33646
colleges, universities, and other institutions of higher 33647
education. 33648

(K) Seek the cooperation and advice of the officers and 33649
trustees of both public and private colleges, universities, and 33650
other institutions of higher education in the state in performing 33651
its duties and making its plans, studies, and recommendations; 33652

(L) Appoint advisory committees consisting of persons 33653
associated with public or private secondary schools, members of 33654
the state board of education, or personnel of the state department 33655
of education; 33656

(M) Appoint advisory committees consisting of college and university personnel, or other persons knowledgeable in the field of higher education, or both, in order to obtain their advice and assistance in defining and suggesting solutions for the problems and needs of higher education in this state;

(N) Approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education;

(O) Adopt such rules as are necessary to carry out its duties and responsibilities;

(P) Establish and submit to the governor and the general assembly a clear and measurable set of goals and timetables for their achievement for each program under the supervision of the board that is designed to accomplish any of the following:

(1) Increased access to higher education;

(2) Job training;

(3) Adult literacy;

(4) Research;

(5) Excellence in higher education;

(6) Reduction in the number of graduate programs within the same subject area.

In July of each odd-numbered year, the board of regents shall submit to the governor and the general assembly a report on progress made toward these goals.

(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27, and 5910.02 of the Revised Code;

(R) Participate in education-related state or federal

programs on behalf of the state and assume responsibility for the 33686
administration of such programs in accordance with applicable 33687
state or federal law; 33688

(S) Adopt rules for student financial aid programs as 33689
required by sections 3333.12, ~~3333.122~~, 3333.21 to 3333.27, 33690
3333.28, 3333.29, and 5910.02 of the Revised Code, and perform any 33691
other administrative functions assigned to the board by those 33692
sections; 33693

(T) Administer contracts under sections 3702.74 and 3702.75 33694
of the Revised Code in accordance with rules adopted by the 33695
director of health under section 3702.79 of the Revised Code; 33696

(U) Conduct enrollment audits of state-supported institutions 33697
of higher education; 33698

(V) Appoint consortiums of college and university personnel 33699
to participate in the development and operation of statewide 33700
collaborative efforts, including the Ohio supercomputer center, 33701
the Ohio academic resources network, OhioLink, and the Ohio 33702
learning network. For each consortium, the board shall designate a 33703
college or university to serve as that consortium's fiscal agent, 33704
financial officer, and employer. Any funds appropriated to the 33705
board for consortiums shall be distributed to the fiscal agents 33706
for the operation of the consortiums. A consortium shall follow 33707
the rules of the college or university that serves as its fiscal 33708
agent. 33709

Sec. 3333.044. (A) The Ohio board of regents may contract 33710
with any consultants that are necessary for the discharge of the 33711
board's duties under this chapter. 33712

(B) The Ohio board of regents may purchase, upon the terms 33713
that the board determines to be advisable, one or more policies of 33714
insurance from insurers authorized to do business in this state 33715

that insure consultants who have contracted with the board under 33716
division (A) of this section or members of an advisory committee 33717
appointed under section 3333.04 of the Revised Code, with respect 33718
to the activities of the consultants or advisory committee members 33719
in the course of the performance of their responsibilities as 33720
consultants or advisory committee members. 33721

(C) Subject to the approval of the controlling board, the 33722
Ohio board of regents may contract with any entities for the 33723
discharge of the board's duties and responsibilities under any of 33724
the programs established pursuant to sections 3333.12, 3333.122, 33725
3333.21 to 3333.28, 3702.71 to 3702.81, and 5120.55, and Chapter 33726
5910. of the Revised Code. The board shall not enter into a 33727
contract under this division unless the proposed contractor 33728
demonstrates that its primary purpose is to promote access to 33729
higher education by providing student financial assistance through 33730
loans, grants, or scholarships, and by providing high quality 33731
support services and information to students and their families 33732
with regard to such financial assistance. 33733

Chapter 125. of the Revised Code does not apply to contracts 33734
entered into pursuant to this section. In awarding contracts under 33735
this division, the board shall consider factors such as the cost 33736
of the administration of the contract, the experience of the 33737
contractor, and the contractor's ability to properly execute the 33738
contract. 33739

Sec. 3333.047. With regard to any state student financial aid 33740
program established in this chapter, Chapter 5910., or section 33741
5919.34 of the Revised Code, the Ohio board of regents shall 33742
conduct audits to: 33743

(A) Determine the validity of information provided by 33744
students and parents regarding eligibility for state student 33745
financial aid. If the board determines that eligibility data has 33746

been reported incorrectly or inaccurately, and where the board 33747
determines an adjustment to be appropriate, the institution of 33748
higher education shall adjust the financial aid awarded to the 33749
student. 33750

(B) Ensure that institutions of higher education are in 33751
compliance with the board's rules governing state student 33752
financial aid programs. An institution that fails to comply with 33753
the board's rules in the administration of any state student 33754
financial aid program shall be fully liable to reimburse the board 33755
for the unauthorized use of student financial aid funds. 33756

Sec. 3333.12. (A) As used in this section: 33757

(1) "Eligible student" means an undergraduate student who is: 33758

(a) An Ohio resident enrolled in an undergraduate program 33759
before the 2006-2007 academic year; 33760

(b) Enrolled in either of the following: 33761

(i) An accredited institution of higher education in this 33762
state that meets the requirements of Title VI of the Civil Rights 33763
Act of 1964 and is state-assisted, is nonprofit and has a 33764
certificate of authorization from the Ohio board of regents 33765
pursuant to Chapter 1713. of the Revised Code, has a certificate 33766
of registration from the state board of career colleges and 33767
schools and program authorization to award an associate or 33768
bachelor's degree, or is a private institution exempt from 33769
regulation under Chapter 3332. of the Revised Code as prescribed 33770
in section 3333.046 of the Revised Code. Students who attend an 33771
institution that holds a certificate of registration shall be 33772
enrolled in a program leading to an associate or bachelor's degree 33773
for which associate or bachelor's degree program the institution 33774
has program authorization issued under section 3332.05 of the 33775
Revised Code. 33776

(ii) A technical education program of at least two years 33777
duration sponsored by a private institution of higher education in 33778
this state that meets the requirements of Title VI of the Civil 33779
Rights Act of 1964. 33780

(c) Enrolled as a full-time student or enrolled as a less 33781
than full-time student for the term expected to be the student's 33782
final term of enrollment and is enrolled for the number of credit 33783
hours necessary to complete the requirements of the program in 33784
which the student is enrolled. 33785

(2) "Gross income" includes all taxable and nontaxable income 33786
of the parents, the student, and the student's spouse, except 33787
income derived from an Ohio academic scholarship, income earned by 33788
the student between the last day of the spring term and the first 33789
day of the fall term, and other income exclusions designated by 33790
the board. Gross income may be verified to the board by the 33791
institution in which the student is enrolled using the federal 33792
financial aid eligibility verification process or by other means 33793
satisfactory to the board. 33794

(3) "Resident," "full-time student," "dependent," 33795
"financially independent," and "accredited" shall be defined by 33796
rules adopted by the board. 33797

(B) The Ohio board of regents shall establish and administer 33798
an instructional grant program and may adopt rules to carry out 33799
this section. The general assembly shall support the instructional 33800
grant program by such sums and in such manner as it may provide, 33801
but the board may also receive funds from other sources to support 33802
the program. If the amounts available for support of the program 33803
are inadequate to provide grants to all eligible students, 33804
preference in the payment of grants shall be given in terms of 33805
income, beginning with the lowest income category of gross income 33806
and proceeding upward by category to the highest gross income 33807

category. 33808

An instructional grant shall be paid to an eligible student 33809
through the institution in which the student is enrolled, except 33810
that no instructional grant shall be paid to any person serving a 33811
term of imprisonment. Applications for such grants shall be made 33812
as prescribed by the board, and such applications may be made in 33813
conjunction with and upon the basis of information provided in 33814
conjunction with student assistance programs funded by agencies of 33815
the United States government or from financial resources of the 33816
institution of higher education. The institution shall certify 33817
that the student applicant meets the requirements set forth in 33818
divisions (A)(1)(b) and (c) of this section. Instructional grants 33819
shall be provided to an eligible student only as long as the 33820
student is making appropriate progress toward a nursing diploma or 33821
an associate or bachelor's degree. No student shall be eligible to 33822
receive a grant for more than ten semesters, fifteen quarters, or 33823
the equivalent of five academic years. A grant made to an eligible 33824
student on the basis of less than full-time enrollment shall be 33825
based on the number of credit hours for which the student is 33826
enrolled and shall be computed in accordance with a formula 33827
adopted by the board. No student shall receive more than one grant 33828
on the basis of less than full-time enrollment. 33829

An instructional grant shall not exceed the total 33830
instructional and general charges of the institution. 33831

(C) The tables in this division prescribe the maximum grant 33832
amounts covering two semesters, three quarters, or a comparable 33833
portion of one academic year. Grant amounts for additional terms 33834
in the same academic year shall be determined under division (D) 33835
of this section. 33836

For a full-time student who is a dependent and enrolled in a 33837
nonprofit educational institution that is not a state-assisted 33838

institution and that has a certificate of authorization issued 33839
pursuant to Chapter 1713. of the Revised Code, the amount of the 33840
instructional grant for two semesters, three quarters, or a 33841
comparable portion of the academic year shall be determined in 33842
accordance with the following table: 33843

Private Institution 33844

Table of Grants 33845

Maximum Grant \$5,466 33846

Gross Income Number of Dependents 33847

	1	2	3	4	5 or more	
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	33849
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	33850
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	33851
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	33852
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	33853
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	33854
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	33855
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	33856
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	33857
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	33858
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	33859
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	33860
\$34,001 - \$35,000	444	888	984	1,080	1,344	33861
\$35,001 - \$36,000	--	444	888	984	1,080	33862
\$36,001 - \$37,000	--	--	444	888	984	33863
\$37,001 - \$38,000	--	--	--	444	888	33864
\$38,001 - \$39,000	--	--	--	--	444	33865

For a full-time student who is financially independent and 33866
enrolled in a nonprofit educational institution that is not a 33867
state-assisted institution and that has a certificate of 33868
authorization issued pursuant to Chapter 1713. of the Revised 33869

Code, the amount of the instructional grant for two semesters, 33870
three quarters, or a comparable portion of the academic year shall 33871
be determined in accordance with the following table: 33872

Private Institution 33873

Table of Grants 33874

Maximum Grant \$5,466 33875

Gross Income Number of Dependents 33876

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	33877
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	33878
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	33879
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	33880
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	33881
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	33882
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	33883
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	33884
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	33885
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	33886
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	33887
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	33888
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	33889
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	33890
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	33891
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	33892
\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	33893
\$30,301 - \$35,300	--	492	540	672	816	1,314	33894

For a full-time student who is a dependent and enrolled in an 33896
educational institution that holds a certificate of registration 33897
from the state board of career colleges and schools or a private 33898
institution exempt from regulation under Chapter 3332. of the 33899
Revised Code as prescribed in section 3333.046 of the Revised 33900

Code, the amount of the instructional grant for two semesters, 33901
three quarters, or a comparable portion of the academic year shall 33902
be determined in accordance with the following table: 33903

Career Institution						33904
Table of Grants						33905
Maximum Grant \$4,632						33906
Gross Income	Number of Dependents					33907
	1	2	3	4	5 or more	33908
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	33909
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	33910
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	33911
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	33912
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	33913
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	33914
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	33915
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	33916
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	33917
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	33918
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	33919
\$33,001 - \$34,000	750	852	906	1,134	1,416	33920
\$34,001 - \$35,000	372	750	852	906	1,134	33921
\$35,001 - \$36,000	--	372	750	852	906	33922
\$36,001 - \$37,000	--	--	372	750	852	33923
\$37,001 - \$38,000	--	--	--	372	750	33924
\$38,001 - \$39,000	--	--	--	--	372	33925

For a full-time student who is financially independent and 33926
enrolled in an educational institution that holds a certificate of 33927
registration from the state board of career colleges and schools 33928
or a private institution exempt from regulation under Chapter 33929
3332. of the Revised Code as prescribed in section 3333.046 of the 33930
Revised Code, the amount of the instructional grant for two 33931

semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table: 33932
33933

Career Institution 33934

Table of Grants 33935

Maximum Grant \$4,632 33936

Gross Income Number of Dependents 33937

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	33939
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	33940
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	33941
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	33942
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	33943
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	33944
\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	33945
\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	33946
\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	33947
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	33948
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	33949
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	33950
\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	33951
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	33952
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	33953
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	33954
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	33955
\$30,301 - \$35,300	--	426	456	570	708	1,116	33956

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: 33957
33958
33959
33960
33961

Public Institution 33962

	Table of Grants					33963
	Maximum Grant \$2,190					33964
Gross Income	Number of Dependents					33965
	1	2	3	4	5 or more	33966
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	33967
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	33968
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	33969
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	33970
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	33971
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	33972
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	33973
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	33974
\$28,001 - \$31,000	522	648	864	1,080	1,320	33975
\$31,001 - \$32,000	420	522	648	864	1,080	33976
\$32,001 - \$33,000	384	420	522	648	864	33977
\$33,001 - \$34,000	354	384	420	522	648	33978
\$34,001 - \$35,000	174	354	384	420	522	33979
\$35,001 - \$36,000	--	174	354	384	420	33980
\$36,001 - \$37,000	--	--	174	354	384	33981
\$37,001 - \$38,000	--	--	--	174	354	33982
\$38,001 - \$39,000	--	--	--	--	174	33983

For a full-time student who is financially independent and 33984
enrolled in a state-assisted educational institution, the amount 33985
of the instructional grant for two semesters, three quarters, or a 33986
comparable portion of the academic year shall be determined in 33987
accordance with the following table: 33988

	Public Institution					33989	
	Table of Grants					33990	
	Maximum Grant \$2,190					33991	
Gross Income	Number of Dependents					33992	
	0	1	2	3	4	5 or more	33993

\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	33994
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	33995
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	33996
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	33997
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	33998
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	33999
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	34000
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	34001
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	34002
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	34003
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	34004
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	34005
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	34006
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	34007
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	34008
\$22,301 - \$25,300	--	432	540	750	948	1,062	34009
\$25,301 - \$30,300	--	324	432	540	750	948	34010
\$30,301 - \$35,300	--	192	210	264	324	522	34011

(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, 34026
no grant shall be made to any student for enrollment during a 34027
fiscal year in an institution with a cohort default rate 34028
determined by the United States secretary of education pursuant to 34029
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 34030
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 34031
preceding the fiscal year, equal to or greater than thirty per 34032
cent for each of the preceding two fiscal years. 34033

(2) Division (F)(1) of this section does not apply to the 34034
following: 34035

(a) Any student enrolled in an institution that under the 34036
federal law appeals its loss of eligibility for federal financial 34037
aid and the United States secretary of education determines its 34038
cohort default rate after recalculation is lower than the rate 34039
specified in division (F)(1) of this section or the secretary 34040
determines due to mitigating circumstances the institution may 34041
continue to participate in federal financial aid programs. The 34042
board shall adopt rules requiring institutions to provide 34043
information regarding an appeal to the board. 34044

(b) Any student who has previously received a grant under 34045
this section who meets all other requirements of this section. 34046

(3) The board shall adopt rules for the notification of all 34047
institutions whose students will be ineligible to participate in 34048
the grant program pursuant to division (F)(1) of this section. 34049

(4) A student's attendance at an institution whose students 34050
lose eligibility for grants under division (F)(1) of this section 34051
shall not affect that student's eligibility to receive a grant 34052
when enrolled in another institution. 34053

(G) Institutions of higher education that enroll students 34054
receiving instructional grants under this section shall report to 34055
the board all students who have received instructional grants but 34056

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

Sec. 3333.121. There is hereby established in the state
treasury the ~~instructional grant~~ state need-based financial aid
reconciliation fund, which shall consist of refunds of
instructional grant payments made pursuant to section 3333.12 of
the Revised Code and refunds of state need-based financial aid
payments made pursuant to section 3333.122 of the Revised Code.
Revenues credited to the fund shall be used by the Ohio board of
regents to pay to higher education institutions any outstanding
obligations from the prior year owed for the Ohio instructional
grant program and the Ohio college opportunity grant program that
are identified through the annual reconciliation and financial
audit. Any amount in the fund that is in excess of the amount
certified to the director of budget and management by the board of
regents as necessary to reconcile prior year payments under the
program shall be transferred to the general revenue fund.

Sec. 3333.122. (A) As used in this section:
(1) "Eligible student" means a student who is:
(a) An Ohio resident who first enrolls in an undergraduate
program in the 2006-2007 academic year or thereafter;
(b) Enrolled in either of the following:
(i) An accredited institution of higher education in this

state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code. 34087
34088
34089
34090
34091
34092
34093
34094
34095
34096
34097
34098
34099
34100

(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964. 34101
34102
34103
34104

(2) A student who participated in either the early college high school program administered by the department of education or in the post-secondary enrollment options program pursuant to Chapter 3365. of the Revised Code before the 2006-2007 academic year shall not be excluded from eligibility for a need based grant under this section. 34105
34106
34107
34108
34109
34110

(3) "Resident," "expected family contribution" or "EFC," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," and "accredited" shall be defined by rules adopted by the board. 34111
34112
34113
34114

(B) The Ohio board of regents shall establish and administer a needs-based financial aid program based on the United States department of education's method of determining financial need and 34115
34116
34117

may adopt rules to carry out this section. The program shall be 34118
known as the Ohio college opportunity grant program. The general 34119
assembly shall support the needs-based financial aid program by 34120
such sums and in such manner as it may provide, but the board may 34121
also receive funds from other sources to support the program. If 34122
the amounts available for support of the program are inadequate to 34123
provide grants to all eligible students, preference in the payment 34124
of grants shall be given in terms of expected family contribution, 34125
beginning with the lowest expected family contribution category 34126
and proceeding upward by category to the highest expected family 34127
contribution category. 34128

A needs-based financial aid grant shall be paid to an 34129
eligible student through the institution in which the student is 34130
enrolled, except that no needs-based financial aid grant shall be 34131
paid to any person serving a term of imprisonment. Applications 34132
for such grants shall be made as prescribed by the board, and such 34133
applications may be made in conjunction with and upon the basis of 34134
information provided in conjunction with student assistance 34135
programs funded by agencies of the United States government or 34136
from financial resources of the institution of higher education. 34137
The institution shall certify that the student applicant meets the 34138
requirements set forth in divisions (A)(1)(a) and (b) of this 34139
section. Needs-based financial aid grants shall be provided to an 34140
eligible student only as long as the student is making appropriate 34141
progress toward a nursing diploma or an associate or bachelor's 34142
degree. No student shall be eligible to receive a grant for more 34143
than ten semesters, fifteen quarters, or the equivalent of five 34144
academic years. A grant made to an eligible student on the basis 34145
of less than full-time enrollment shall be based on the number of 34146
credit hours for which the student is enrolled and shall be 34147
computed in accordance with a formula adopted by the board. No 34148
student shall receive more than one grant on the basis of less 34149

<u>than full-time enrollment.</u>	34150
<u>A needs-based financial aid grant shall not exceed the total instructional and general charges of the institution.</u>	34151
<u>(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section.</u>	34153
	34154
	34155
	34156
	34157
<u>As used in the tables in division (C) of this section:</u>	34158
<u>(1) "Private institution" means an institution that is nonprofit and has a certificate of authorization from the Ohio board of regents pursuant to Chapter 1713. of the Revised Code.</u>	34159
	34160
	34161
<u>(2) "Career college" means either an institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.</u>	34162
	34163
	34164
	34165
	34166
<u>Full-time students shall be eligible to receive awards according to the following table:</u>	34167
	34168
<u>Full-Time Enrollment</u>	34169
<u>If the EFC is equal to or greater than:</u>	34170
<u>And if the EFC is no more than:</u>	
<u>If the student attends a public institution, the annual award shall be:</u>	
<u>If the student attends a private institution, the annual award shall be:</u>	
<u>If the student attends a career college, the annual award shall be:</u>	
<u>\$2,101</u>	<u>\$2,190</u>
<u>2,001</u>	<u>2,100</u>
<u>1,901</u>	<u>2,000</u>
<u>\$300</u>	<u>\$600</u>
<u>402</u>	<u>798</u>
<u>498</u>	<u>1,002</u>
<u>\$480</u>	<u>\$480</u>
<u>642</u>	<u>642</u>
<u>798</u>	<u>798</u>
	34171
	34172
	34173

<u>1,801</u>	<u>1,900</u>	<u>600</u>	<u>1,200</u>	<u>960</u>	34174
<u>1,701</u>	<u>1,800</u>	<u>702</u>	<u>1,398</u>	<u>1,122</u>	34175
<u>1,601</u>	<u>1,700</u>	<u>798</u>	<u>1,602</u>	<u>1,278</u>	34176
<u>1,501</u>	<u>1,600</u>	<u>900</u>	<u>1,800</u>	<u>1,440</u>	34177
<u>1,401</u>	<u>1,500</u>	<u>1,002</u>	<u>1,998</u>	<u>1,602</u>	34178
<u>1,301</u>	<u>1,400</u>	<u>1,098</u>	<u>2,202</u>	<u>1,758</u>	34179
<u>1,201</u>	<u>1,300</u>	<u>1,200</u>	<u>2,400</u>	<u>1,920</u>	34180
<u>1,101</u>	<u>1,200</u>	<u>1,302</u>	<u>2,598</u>	<u>2,082</u>	34181
<u>1,001</u>	<u>1,100</u>	<u>1,398</u>	<u>2,802</u>	<u>2,238</u>	34182
<u>901</u>	<u>1,000</u>	<u>1,500</u>	<u>3,000</u>	<u>2,400</u>	34183
<u>801</u>	<u>900</u>	<u>1,602</u>	<u>3,198</u>	<u>2,562</u>	34184
<u>701</u>	<u>800</u>	<u>1,698</u>	<u>3,402</u>	<u>2,718</u>	34185
<u>601</u>	<u>700</u>	<u>1,800</u>	<u>3,600</u>	<u>2,280</u>	34186
<u>501</u>	<u>600</u>	<u>1,902</u>	<u>3,798</u>	<u>3,042</u>	34187
<u>401</u>	<u>500</u>	<u>1,998</u>	<u>4,002</u>	<u>3,198</u>	34188
<u>301</u>	<u>400</u>	<u>2,100</u>	<u>4,200</u>	<u>3,360</u>	34189
<u>201</u>	<u>300</u>	<u>2,202</u>	<u>4,398</u>	<u>3,522</u>	34190
<u>101</u>	<u>200</u>	<u>2,298</u>	<u>4,602</u>	<u>3,678</u>	34191
<u>1</u>	<u>100</u>	<u>2,400</u>	<u>4,800</u>	<u>3,840</u>	34192
<u>0</u>	<u>0</u>	<u>2,496</u>	<u>4,992</u>	<u>3,996</u>	34193

Three-quarters-time students shall be eligible to receive 34194
awards according to the following table: 34195

Three-Quarters-Time Enrollment 34196

<u>If the EFC</u>	<u>And the</u>	<u>If the</u>	<u>If the</u>	<u>If the</u>	34197
<u>is equal</u>	<u>EFC is no</u>	<u>student</u>	<u>student</u>	<u>student</u>	
<u>to or</u>	<u>more than:</u>	<u>attends a</u>	<u>attends a</u>	<u>attends a</u>	
<u>greater</u>		<u>public</u>	<u>private</u>	<u>career</u>	
<u>than:</u>		<u>institution,</u>	<u>institution,</u>	<u>college,</u>	
		<u>the annual</u>	<u>the annual</u>	<u>the annual</u>	
		<u>award</u>	<u>award</u>	<u>award</u>	
		<u>shall be:</u>	<u>shall be:</u>	<u>shall be:</u>	
<u>\$2,101</u>	<u>\$2,190</u>	<u>\$228</u>	<u>\$450</u>	<u>\$360</u>	34198
<u>2,001</u>	<u>2,100</u>	<u>300</u>	<u>600</u>	<u>480</u>	34199

<u>1,901</u>	<u>2,000</u>	<u>372</u>	<u>750</u>	<u>600</u>	34200
<u>1,801</u>	<u>1,900</u>	<u>450</u>	<u>900</u>	<u>720</u>	34201
<u>1,701</u>	<u>1,800</u>	<u>528</u>	<u>1,050</u>	<u>840</u>	34202
<u>1,601</u>	<u>1,700</u>	<u>600</u>	<u>1,200</u>	<u>960</u>	34203
<u>1,501</u>	<u>1,600</u>	<u>678</u>	<u>1,350</u>	<u>1,080</u>	34204
<u>1,401</u>	<u>1,500</u>	<u>750</u>	<u>1,500</u>	<u>1,200</u>	34205
<u>1,301</u>	<u>1,400</u>	<u>822</u>	<u>1,650</u>	<u>1,320</u>	34206
<u>1,201</u>	<u>1,300</u>	<u>900</u>	<u>1,800</u>	<u>1,440</u>	34207
<u>1,101</u>	<u>1,200</u>	<u>978</u>	<u>1,950</u>	<u>1,560</u>	34208
<u>1,001</u>	<u>1,100</u>	<u>1,050</u>	<u>2,100</u>	<u>1,680</u>	34209
<u>901</u>	<u>1,000</u>	<u>1,128</u>	<u>2,250</u>	<u>1,800</u>	34210
<u>801</u>	<u>900</u>	<u>1,200</u>	<u>2,400</u>	<u>1,920</u>	34211
<u>701</u>	<u>800</u>	<u>1,272</u>	<u>2,550</u>	<u>2,040</u>	34212
<u>601</u>	<u>700</u>	<u>1,350</u>	<u>2,700</u>	<u>2,160</u>	34213
<u>501</u>	<u>600</u>	<u>1,428</u>	<u>2,850</u>	<u>2,280</u>	34214
<u>401</u>	<u>500</u>	<u>1,500</u>	<u>3,000</u>	<u>2,400</u>	34215
<u>301</u>	<u>400</u>	<u>1,578</u>	<u>3,150</u>	<u>2,520</u>	34216
<u>201</u>	<u>300</u>	<u>1,650</u>	<u>3,300</u>	<u>2,640</u>	34217
<u>101</u>	<u>200</u>	<u>1,722</u>	<u>3,450</u>	<u>2,760</u>	34218
<u>1</u>	<u>100</u>	<u>1,800</u>	<u>3,600</u>	<u>2,880</u>	34219
<u>0</u>	<u>0</u>	<u>1,872</u>	<u>3,744</u>	<u>3,000</u>	34220

Half-time students shall be eligible to receive awards 34221

according to the following table: 34222

Half-Time Enrollment 34223

<u>If the EFC</u>	<u>And if the</u>	<u>If the</u>	<u>If the</u>	<u>If the</u>	34224
<u>is equal</u>	<u>EFC is no</u>	<u>student</u>	<u>student</u>	<u>student</u>	
<u>to or</u>	<u>more than:</u>	<u>attends a</u>	<u>attends a</u>	<u>attends a</u>	
<u>greater</u>		<u>public</u>	<u>private</u>	<u>career</u>	
<u>than:</u>		<u>institution,</u>	<u>institution,</u>	<u>college,</u>	
		<u>the annual</u>	<u>the annual</u>	<u>the annual</u>	
		<u>award</u>	<u>award</u>	<u>award</u>	
		<u>shall be:</u>	<u>shall be:</u>	<u>shall be:</u>	
<u>\$2,101</u>	<u>\$2,190</u>	<u>\$150</u>	<u>\$300</u>	<u>\$240</u>	34225

<u>2,001</u>	<u>2,100</u>	<u>204</u>	<u>402</u>	<u>324</u>	34226
<u>1,901</u>	<u>2,000</u>	<u>252</u>	<u>504</u>	<u>402</u>	34227
<u>1,801</u>	<u>1,900</u>	<u>300</u>	<u>600</u>	<u>480</u>	34228
<u>1,701</u>	<u>1,800</u>	<u>354</u>	<u>702</u>	<u>564</u>	34229
<u>1,601</u>	<u>1,700</u>	<u>402</u>	<u>804</u>	<u>642</u>	34230
<u>1,501</u>	<u>1,600</u>	<u>450</u>	<u>900</u>	<u>720</u>	34231
<u>1,401</u>	<u>1,500</u>	<u>504</u>	<u>1,002</u>	<u>804</u>	34232
<u>1,301</u>	<u>1,400</u>	<u>552</u>	<u>1,104</u>	<u>882</u>	34233
<u>1,201</u>	<u>1,300</u>	<u>600</u>	<u>1,200</u>	<u>960</u>	34234
<u>1,101</u>	<u>1,200</u>	<u>654</u>	<u>1,302</u>	<u>1,044</u>	34235
<u>1,001</u>	<u>1,100</u>	<u>702</u>	<u>1,404</u>	<u>1,122</u>	34236
<u>901</u>	<u>1,000</u>	<u>750</u>	<u>1,500</u>	<u>1,200</u>	34237
<u>801</u>	<u>900</u>	<u>804</u>	<u>1,602</u>	<u>1,284</u>	34238
<u>701</u>	<u>800</u>	<u>852</u>	<u>1,704</u>	<u>1,362</u>	34239
<u>601</u>	<u>700</u>	<u>900</u>	<u>1,800</u>	<u>1,440</u>	34240
<u>501</u>	<u>600</u>	<u>954</u>	<u>1,902</u>	<u>1,524</u>	34241
<u>401</u>	<u>500</u>	<u>1,002</u>	<u>2,004</u>	<u>1,602</u>	34242
<u>301</u>	<u>400</u>	<u>1,050</u>	<u>2,100</u>	<u>1,680</u>	34243
<u>201</u>	<u>300</u>	<u>1,104</u>	<u>2,202</u>	<u>1,764</u>	34244
<u>101</u>	<u>200</u>	<u>1,152</u>	<u>2,304</u>	<u>1,842</u>	34245
<u>1</u>	<u>100</u>	<u>1,200</u>	<u>2,400</u>	<u>1,920</u>	34246
<u>0</u>	<u>0</u>	<u>1,248</u>	<u>2,496</u>	<u>1,998</u>	34247

One-quarter-time students shall be eligible to receive awards 34248
according to the following table: 34249

One-Quarter-Time Enrollment 34250

<u>If the EFC</u>	<u>And if the</u>	<u>If the</u>	<u>If the</u>	<u>If the</u>	34251
<u>is equal</u>	<u>EFC is no</u>	<u>student</u>	<u>student</u>	<u>student</u>	
<u>to or</u>	<u>more than:</u>	<u>attends a</u>	<u>attends a</u>	<u>attends a</u>	
<u>greater</u>		<u>public</u>	<u>private</u>	<u>career</u>	
<u>than:</u>		<u>institution,</u>	<u>institution,</u>	<u>college,</u>	
		<u>the annual</u>	<u>the annual</u>	<u>the annual</u>	
		<u>award</u>	<u>award</u>	<u>award</u>	
		<u>shall be:</u>	<u>shall be:</u>	<u>shall be:</u>	

<u>\$2,101</u>	<u>\$2,190</u>	<u>\$78</u>	<u>\$150</u>	<u>\$120</u>	34252
<u>2,001</u>	<u>2,100</u>	<u>102</u>	<u>198</u>	<u>162</u>	34253
<u>1,901</u>	<u>2,000</u>	<u>126</u>	<u>252</u>	<u>198</u>	34254
<u>1,801</u>	<u>1,900</u>	<u>150</u>	<u>300</u>	<u>240</u>	34255
<u>1,701</u>	<u>1,800</u>	<u>174</u>	<u>348</u>	<u>282</u>	34256
<u>1,601</u>	<u>1,700</u>	<u>198</u>	<u>402</u>	<u>318</u>	34257
<u>1,501</u>	<u>1,600</u>	<u>228</u>	<u>450</u>	<u>360</u>	34258
<u>1,401</u>	<u>1,500</u>	<u>252</u>	<u>498</u>	<u>402</u>	34259
<u>1,301</u>	<u>1,400</u>	<u>276</u>	<u>552</u>	<u>438</u>	34260
<u>1,201</u>	<u>1,300</u>	<u>300</u>	<u>600</u>	<u>480</u>	34261
<u>1,101</u>	<u>1,200</u>	<u>324</u>	<u>648</u>	<u>522</u>	34262
<u>1,001</u>	<u>1,100</u>	<u>348</u>	<u>702</u>	<u>558</u>	34263
<u>901</u>	<u>1,000</u>	<u>378</u>	<u>750</u>	<u>600</u>	34264
<u>801</u>	<u>900</u>	<u>402</u>	<u>798</u>	<u>642</u>	34265
<u>701</u>	<u>800</u>	<u>426</u>	<u>852</u>	<u>678</u>	34266
<u>601</u>	<u>700</u>	<u>450</u>	<u>900</u>	<u>720</u>	34267
<u>501</u>	<u>600</u>	<u>474</u>	<u>948</u>	<u>762</u>	34268
<u>401</u>	<u>500</u>	<u>498</u>	<u>1,002</u>	<u>798</u>	34269
<u>301</u>	<u>400</u>	<u>528</u>	<u>1,050</u>	<u>840</u>	34270
<u>201</u>	<u>300</u>	<u>552</u>	<u>1,098</u>	<u>882</u>	34271
<u>101</u>	<u>200</u>	<u>576</u>	<u>1,152</u>	<u>918</u>	34272
<u>1</u>	<u>100</u>	<u>600</u>	<u>1,200</u>	<u>960</u>	34273
<u>0</u>	<u>0</u>	<u>624</u>	<u>1,248</u>	<u>1,002</u>	34274

(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. 34284
34285
34286
34287
34288

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years. 34289
34290
34291
34292
34293
34294
34295
34296

(2) Division (F)(1) of this section does not apply to the following: 34297
34298

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The board shall adopt rules requiring institutions to provide information regarding an appeal to the board. 34299
34300
34301
34302
34303
34304
34305
34306
34307

(b) Any student who has previously received a grant under this section who meets all other requirements of this section. 34308
34309

(3) The board shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section. 34310
34311
34312

(4) A student's attendance at an institution whose students lose eligibility for grants under division (F)(1) of this section 34313
34314

shall not affect that student's eligibility to receive a grant 34315
when enrolled in another institution. 34316

(G) Institutions of higher education that enroll students 34317
receiving needs-based financial aid grants under this section 34318
shall report to the board all students who have received 34319
needs-based financial aid grants but are no longer eligible for 34320
all or part of such grants and shall refund any moneys due the 34321
state within thirty days after the beginning of the quarter or 34322
term immediately following the quarter or term in which the 34323
student was no longer eligible to receive all or part of the 34324
student's grant. There shall be an interest charge of one per cent 34325
per month on all moneys due and payable after such thirty-day 34326
period. The board shall immediately notify the office of budget 34327
and management and the legislative service commission of all 34328
refunds so received. 34329

Sec. 3333.123. (A) As used in this section: 34330

(1) "The Ohio college opportunity grant program" means the 34331
program established under section 3333.122 of the Revised Code. 34332

(2) "Rules for the Ohio college opportunity grant program" 34333
means the rules authorized in division (S) of section 3333.04 of 34334
the Revised Code for the implementation of the program. 34335

(B) In adopting rules for the Ohio college opportunity grant 34336
program, the Ohio board of regents may include provisions that 34337
give preferential or priority funding to low-income students who 34338
in their primary and secondary school work participate in or 34339
complete rigorous academic coursework, attain passing scores on 34340
the tests prescribed in section 3301.0710 of the Revised Code, or 34341
meet other high academic performance standards determined by the 34342
board to reduce the need for remediation and ensure academic 34343
success at the postsecondary education level. Any such rules shall 34344

include a specification of procedures needed to certify student 34345
achievement of primary and secondary standards as well as the 34346
timeline for implementation of the provisions authorized by this 34347
section. 34348

Sec. 3333.162. (A) As used in this section, "state 34349
institution of higher education" means an institution of higher 34350
education as defined in section 3345.12 of the Revised Code. 34351

(B) By April 15, 2007, the Ohio board of regents, in 34352
consultation with the department of education, public adult and 34353
secondary career-technical education institutions, and state 34354
institutions of higher education, shall establish criteria, 34355
policies, and procedures that enable students to transfer agreed 34356
upon technical courses completed through an adult career-technical 34357
education institution, a public secondary career-technical 34358
institution, or a state institution of higher education to a state 34359
institution of higher education without unnecessary duplication or 34360
institutional barriers. The courses to which the criteria, 34361
policies, and procedures apply shall be those that adhere to 34362
recognized industry standards and equivalent coursework common to 34363
the secondary career pathway and adult career-technical education 34364
system and regionally accredited state institutions of higher 34365
education. Where applicable, the policies and procedures shall 34366
build upon the articulation agreement and transfer initiative 34367
course equivalency system required by section 3333.16 of the 34368
Revised Code. 34369

(C) By April 15, 2006, the board shall report to the general 34370
assembly on its progress in establishing these policies and 34371
procedures. 34372

Sec. 3333.27. As used in this section: 34373

(A) "Eligible institution" means a nonprofit Ohio institution 34374

of higher education that holds a certificate of authorization 34375
issued under section 1713.02 of the Revised Code and meets the 34376
requirements of Title VI of the Civil Rights Act of 1964. 34377

(B) "Resident" and "full-time student" have the meanings 34378
established for purposes of this section by rule of the Ohio board 34379
of regents. 34380

The board shall establish and administer a student choice 34381
grant program and shall adopt rules for the administration of the 34382
program. 34383

The board may make a grant to any resident of this state who 34384
is enrolled as a full-time student in a bachelor's degree program 34385
at an eligible institution and maintains an academic record that 34386
meets or exceeds the standard established pursuant to this section 34387
by rule of the board, except that no grant shall be made to any 34388
individual who was enrolled as a student in an institution of 34389
higher education on or before July 1, 1984, or is serving a term 34390
of imprisonment. The grant shall not exceed the lesser of the 34391
total instructional and general charges of the institution in 34392
which the student is enrolled, or an amount equal to one-fourth of 34393
the total of any state instructional subsidy amount distributed by 34394
the board in the second fiscal year of the preceding biennium for 34395
all full-time students enrolled in bachelor's degree programs at 34396
four-year state-assisted institutions of higher education divided 34397
by the sum of the actual number of full-time students enrolled in 34398
bachelor's degree programs at four-year state-assisted 34399
institutions of higher education reported to the board for such 34400
year by the institutions to which the subsidy was distributed. 34401

The board shall prescribe the form and manner of application 34402
for grants including the manner of certification by eligible 34403
institutions that each applicant from such institution is enrolled 34404
in a bachelor's degree program as a full-time student and has an 34405

academic record that meets or exceeds the standard established by 34406
the board. 34407

A grant awarded to an eligible student shall be paid to the 34408
institution in which the student is enrolled, and the institution 34409
shall reduce the student's instructional and general charges by 34410
the amount of the grant. Each grant awarded shall be prorated and 34411
paid in equal installments at the time of enrollment for each term 34412
of the academic year for which the grant is awarded. No student 34413
shall be eligible to receive a grant for more than ten semesters, 34414
fifteen quarters, or the equivalent of five academic years. 34415

The receipt of an Ohio student choice grant shall not affect 34416
a student's eligibility for assistance, or the amount of such 34417
assistance, granted under section 3315.33, 3333.12, 3333.122, 34418
3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised 34419
Code. If a student receives assistance under one or more of such 34420
sections, the student choice grant made to the student shall not 34421
exceed the difference between the amount of assistance received 34422
under such sections and the total instructional and general 34423
charges of the institution in which the student is enrolled. 34424

The general assembly shall support the student choice grant 34425
program by such sums and in such manner as it may provide, but the 34426
board may also receive funds from other sources to support the 34427
program. 34428

No grant shall be made to any student enrolled in a course of 34429
study leading to a degree in theology, religion, or other field of 34430
preparation for a religious profession unless the course of study 34431
leads to an accredited bachelor of arts or bachelor of science 34432
degree. 34433

Institutions of higher education that enroll students 34434
receiving grants under this section shall report to the board the 34435
name of each student who has received such a grant but who is no 34436

longer eligible for all or part of such grant and shall refund all 34437
moneys due to the state within thirty days after the beginning of 34438
the term immediately following the term in which the student was 34439
no longer eligible to receive all or part of the grant. There 34440
shall be an interest charge of one per cent per month on all 34441
moneys due and payable after such thirty-day period. The board 34442
shall immediately notify the office of budget and management and 34443
~~the legislative budget office of~~ the legislative service 34444
commission of all refunds received. 34445

Sec. 3333.28. (A) The Ohio board of regents shall establish 34446
the nurse education assistance program, the purpose of which shall 34447
be to make loans to students enrolled in prelicensure nurse 34448
education programs at institutions approved by the board of 34449
nursing under section 4723.06 of the Revised Code and 34450
postlicensure nurse education programs approved by the board of 34451
regents under section 3333.04 of the Revised Code or offered by an 34452
institution holding a certificate of authorization issued by the 34453
board of regents under Chapter 1713. of the Revised Code. The 34454
board of nursing shall assist the board of regents in 34455
administering the program. 34456

(B) There is hereby created in the state treasury the nurse 34457
education assistance fund, which shall consist of all money 34458
transferred to it pursuant to section 4743.05 of the Revised Code. 34459
The fund shall be used by the board of regents for loans made 34460
under division (A) of this section and for expenses of 34461
administering the loan program. 34462

(C) The Between July 1, 2005, and January 1, 2012, the board 34463
of regents shall distribute money in the nurse education 34464
assistance fund in the following manner: 34465

(1)(a) Fifty per cent of available funds shall be awarded as 34466
loans to registered nurses enrolled in postlicensure nurse 34467

education programs described in division (A) of this section. To 34468
be eligible for a loan, the applicant shall provide the board with 34469
a letter of intent to practice as a faculty member at a 34470
prelicensure or postlicensure program for nursing in this state 34471
upon completion of the applicant's academic program. 34472

(b) If the borrower of a loan under division (C)(1)(a) of 34473
this section secures employment as a faculty member of an approved 34474
nursing education program in this state within six months 34475
following graduation from an approved nurse education program, the 34476
board may forgive the principal and interest of the student's 34477
loans received under division (C)(1)(a) of this section at a rate 34478
of twenty-five per cent per year, for a maximum of four years, for 34479
each year in which the borrower is so employed. A deferment of the 34480
service obligation, and other conditions regarding the forgiveness 34481
of loans may be granted as provided by the rules adopted under 34482
division (D)(7) of this section. 34483

(c) Loans awarded under division (C)(1)(a) of this section 34484
shall be awarded on the basis of the student's expected family 34485
contribution, with preference given to those applicants with the 34486
lowest expected family contribution. However, the board of regents 34487
may consider other factors it determines relevant in ranking the 34488
applications. 34489

(d) Each loan awarded to a student under division (C)(1)(a) 34490
of this section shall be not less than five thousand dollars per 34491
year. 34492

(2) Twenty-five per cent of available funds shall be awarded 34493
to students enrolled in prelicensure nurse education programs for 34494
registered nurses, as defined in section 4723.01 of the Revised 34495
Code. 34496

(3) Twenty-five per cent of available funds shall be awarded 34497
to students enrolled in prelicensure professional nurse education 34498

<u>programs for licensed practical nurses, as defined in section</u>	34499
<u>4723.01 of the Revised Code.</u>	34500
<u>After January 1, 2012, the board of regents shall determine</u>	34501
<u>the manner in which to distribute loans under this section.</u>	34502
<u>(D) Subject to the requirements specified in division (C) of</u>	34503
<u>this section, the board of regents shall adopt rules in accordance</u>	34504
with Chapter 119. of the Revised Code establishing:	34505
(1) Eligibility criteria for receipt of a loan;	34506
(2) Loan application procedures;	34507
(3) The amounts in which loans may be made and the total	34508
amount that may be loaned to an individual;	34509
(4) The total amount of loans that can be made each year;	34510
(5) The percentage of the money in the fund that must remain	34511
in the fund at all times as a fund balance;	34512
(6) Interest and principal repayment schedules;	34513
(7) Conditions under which a portion of principal and	34514
interest obligations incurred by an individual under the program	34515
will be forgiven;	34516
(8) Ways that the program may be used to encourage	34517
individuals who are members of minority groups to enter the	34518
nursing profession;	34519
(9) Any other matters incidental to the operation of the	34520
program.	34521
(D) <u>(E) The obligation to repay a portion of the principal and</u>	34522
interest on a loan made under this section shall be forgiven if	34523
the recipient of the loan meets the criteria for forgiveness	34524
established <u>by division (C)(1)(b) of this section, in the case of</u>	34525
<u>loans awarded under division (C)(1)(a) of this section, or by the</u>	34526
board of regents by rule adopted under division (C) <u>(D)(7) of this</u>	34527

section, in the case of other loans awarded under this section. 34528

~~(E)~~(F) The receipt of a loan under this section shall not 34529
affect a student's eligibility for assistance, or the amount of 34530
that assistance, granted under section 3333.12, 3333.122, 3333.22, 34531
3333.26, 3333.27, 5910.03, 5910.032, or 5919.34 of the Revised 34532
Code, but the rules of the board of regents may provide for taking 34533
assistance received under those sections into consideration when 34534
determining a student's eligibility for a loan under this section. 34535

Sec. 3333.36. The Provided that sufficient unencumbered and 34536
unexpended funds are available from general revenue fund 34537
appropriations made to the Ohio board of regents, the chancellor 34538
of the Ohio board of regents ~~may~~ shall allocate up to seventy 34539
thousand dollars in each fiscal year to make payments to the 34540
Columbus program in intergovernmental issues, an Ohio internship 34541
program at Kent state university, for scholarships of up to two 34542
thousand dollars for each student enrolled in the program. The 34543
chancellor may utilize any general revenue funds appropriated to 34544
the board of regents that the chancellor determines to be 34545
available for purposes of this section. 34546

Sec. 3333.38. (A) As used in this section: 34547

(1) "Institution of higher education" includes all of the 34548
following: 34549

(a) A state institution of higher education, as defined in 34550
section 3345.011 of the Revised Code; 34551

(b) A nonprofit institution issued a certificate of 34552
authorization by the Ohio board of regents under Chapter 1713. of 34553
the Revised Code; 34554

(c) A private institution exempt from regulation under 34555
Chapter 3332. of the Revised Code, as prescribed in section 34556
3333.046 of the Revised Code; 34557

(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.122, 3333.21, 3333.26, 3333.27, 3333.28, 3333.29, 3333.372, 5910.03, 5910.032, and 5919.34 of the Revised Code and any other post-secondary student financial assistance supported by state funds.

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.

(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that

nature for one academic year after the individual applies for 34589
admission to a state-supported institution of higher education. 34590
This division does not limit or affect the ability of a 34591
state-supported institution of higher education to suspend or 34592
otherwise discipline its students. 34593

Sec. 3334.01. As used in this chapter: 34594

(A) "Aggregate original principal amount" means the aggregate 34595
of the initial offering prices to the public of college savings 34596
bonds, exclusive of accrued interest, if any. "Aggregate original 34597
principal amount" does not mean the aggregate accreted amount 34598
payable at maturity or redemption of such bonds. 34599

(B) "Beneficiary" means: 34600

(1) An individual designated by the purchaser under a tuition 34601
payment contract or through a scholarship program as the 34602
individual on whose behalf tuition ~~credits~~ units purchased under 34603
the contract or awarded through the scholarship program will be 34604
applied toward the payment of undergraduate, graduate, or 34605
professional tuition; or 34606

(2) An individual designated by the contributor under a 34607
variable college savings program contract as the individual whose 34608
tuition and other higher education expenses will be paid from a 34609
variable college savings program account. 34610

(C) "Capital appreciation bond" means a bond for which the 34611
following is true: 34612

(1) The principal amount is less than the amount payable at 34613
maturity or early redemption; and 34614

(2) No interest is payable on a current basis. 34615

(D) "Tuition ~~credit~~ unit" means a credit of the Ohio tuition 34616
trust authority purchased under section 3334.09 of the Revised 34617

Code. "Tuition unit" includes a tuition credit purchased prior to 34618
July 1, 1994. 34619

(E) "College savings bonds" means revenue and other 34620
obligations issued on behalf of the state or any agency or issuing 34621
authority thereof as a zero-coupon or capital appreciation bond, 34622
and designated as college savings bonds as provided in this 34623
chapter. "College savings bond issue" means any issue of bonds of 34624
which any part has been designated as college savings bonds. 34625

(F) "Institution of higher education" means a state 34626
institution of higher education, a private college, university, or 34627
other postsecondary institution located in this state that 34628
possesses a certificate of authorization issued by the Ohio board 34629
of regents pursuant to Chapter 1713. of the Revised Code or a 34630
certificate of registration issued by the state board of career 34631
colleges and schools under Chapter 3332. of the Revised Code, or 34632
an accredited college, university, or other postsecondary 34633
institution located outside this state that is accredited by an 34634
accrediting organization or professional association recognized by 34635
the authority. To be considered an institution of higher 34636
education, an institution shall meet the definition of an eligible 34637
educational institution under section 529 of the Internal Revenue 34638
Code. 34639

(G) "Issuing authority" means any authority, commission, 34640
body, agency, or individual empowered by the Ohio Constitution or 34641
the Revised Code to issue bonds or any other debt obligation of 34642
the state or any agency or department thereof. "Issuer" means the 34643
issuing authority or, if so designated under division (B) of 34644
section 3334.04 of the Revised Code, the treasurer of state. 34645

(H) "Tuition" means the charges imposed to attend an 34646
institution of higher education as an undergraduate, graduate, or 34647
professional student and all fees required as a condition of 34648
enrollment, as determined by the Ohio tuition trust authority. 34649

"Tuition" does not include laboratory fees, room and board, or
other similar fees and charges. 34650
34651

(I) "Weighted average tuition" means the tuition cost 34652
resulting from the following calculation: 34653

(1) Add the products of the annual undergraduate tuition 34654
charged to Ohio residents at each four-year state university 34655
multiplied by that institution's total number of undergraduate 34656
fiscal year equated students; and 34657

(2) Divide the gross total of the products from division 34658
(I)(1) of this section by the total number of undergraduate fiscal 34659
year equated students attending four-year state universities. 34660

When making this calculation, the "annual undergraduate 34661
tuition charged to Ohio residents" shall not incorporate any 34662
tuition reductions that vary in amount among individual recipients 34663
and that are awarded to Ohio residents based upon their particular 34664
circumstances, beyond any minimum amount awarded uniformly to all 34665
Ohio residents. In addition, any tuition reductions awarded 34666
uniformly to all Ohio residents shall be incorporated into this 34667
calculation. 34668

(J) "Zero-coupon bond" means a bond which has a stated 34669
interest rate of zero per cent and on which no interest is payable 34670
until the maturity or early redemption of the bond, and is offered 34671
at a substantial discount from its original stated principal 34672
amount. 34673

(K) "State institution of higher education" includes the 34674
state universities listed in section 3345.011 of the Revised Code, 34675
community colleges created pursuant to Chapter 3354. of the 34676
Revised Code, university branches created pursuant to Chapter 34677
3355. of the Revised Code, technical colleges created pursuant to 34678
Chapter 3357. of the Revised Code, state community colleges 34679
created pursuant to Chapter 3358. of the Revised Code, the medical 34680

university of Ohio at Toledo, and the northeastern Ohio 34681
universities college of medicine. 34682

(L) "Four-year state university" means those state 34683
universities listed in section 3345.011 of the Revised Code. 34684

(M) "Principal amount" refers to the initial offering price 34685
to the public of an obligation, exclusive of the accrued interest, 34686
if any. "Principal amount" does not refer to the aggregate 34687
accrued amount payable at maturity or redemption of an 34688
obligation. 34689

(N) "Scholarship program" means a program registered with the 34690
Ohio tuition trust authority pursuant to section 3334.17 of the 34691
Revised Code. 34692

(O) "Internal Revenue Code" means the "Internal Revenue Code 34693
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 34694

(P) "Other higher education expenses" means room and board 34695
and books, supplies, equipment, and nontuition-related fees 34696
associated with the cost of attendance of a beneficiary at an 34697
institution of higher education, but only to the extent that such 34698
expenses meet the definition of "qualified higher education 34699
expenses" under section 529 of the Internal Revenue Code. "Other 34700
higher education expenses" does not include tuition as defined in 34701
division (H) of this section. 34702

(Q) "Purchaser" means the person signing the tuition payment 34703
contract, who controls the account and acquires tuition ~~credits~~ 34704
units for an account under the terms and conditions of the 34705
contract. 34706

(R) "Contributor" means a person who signs a variable college 34707
savings program contract with the Ohio tuition trust authority and 34708
contributes to and owns the account created under the contract. 34709

(S) "Contribution" means any payment directly allocated to an 34710

account for the benefit of the designated beneficiary of the 34711
account. 34712

Sec. 3334.02. (A) In order to help make higher education 34713
affordable and accessible to all citizens of Ohio, to maintain 34714
state institutions of higher education by helping to provide a 34715
stable financial base to these institutions, to provide the 34716
citizens of Ohio with financing assistance for higher education 34717
and protection against rising tuition costs, to encourage saving 34718
to enhance the ability of citizens of Ohio to obtain financial 34719
access to institutions of higher education, to encourage 34720
elementary and secondary students in this state to achieve 34721
academic excellence, and to promote a well-educated and 34722
financially secure population to the ultimate benefit of all 34723
citizens of the state of Ohio, there is hereby created the Ohio 34724
college savings program. The program shall consist of the issuance 34725
of college savings bonds and the sale of tuition ~~credits and, if~~ 34726
~~offered, supplemental credits~~ units. 34727

(B) The provisions of Chapter 1707. of the Revised Code shall 34728
not apply to tuition ~~credits~~ units or any agreement or transaction 34729
related thereto. 34730

(C) To provide the citizens of Ohio with a choice of 34731
tax-advantaged college savings programs and the opportunity to 34732
participate in more than one type of college savings program at a 34733
time, the Ohio tuition trust authority shall establish and 34734
administer a variable college savings program as a qualified state 34735
tuition program under section 529 of the Internal Revenue Code. 34736
The program shall allow contributors to make cash contributions to 34737
variable college savings program accounts created for the purpose 34738
of paying future tuition and other higher education expenses and 34739
providing variable rates of return on contributions. 34740

(D) A person may participate simultaneously in both the Ohio 34741

college savings program and the variable college savings program. 34742

Sec. 3334.03. (A) There is hereby created the Ohio tuition 34743
trust authority, which shall have the powers enumerated in this 34744
chapter and which shall operate as a qualified state tuition 34745
program within the meaning of section 529 of the Internal Revenue 34746
Code. The exercise by the authority of its powers shall be and is 34747
hereby declared an essential state governmental function. The 34748
authority is subject to all provisions of law generally applicable 34749
to state agencies which do not conflict with the provisions of 34750
this chapter. 34751

(B) The Ohio tuition trust authority shall consist of eleven 34752
members, no more than six of whom shall be of the same political 34753
party. Six members shall be appointed by the governor with the 34754
advice and consent of the senate as follows: one shall represent 34755
state institutions of higher education, one shall represent 34756
private nonprofit colleges and universities located in Ohio, one 34757
shall have experience in the field of marketing or public 34758
relations, one shall have experience in the field of information 34759
systems design or management, and two shall have experience in the 34760
field of banking, investment banking, insurance, or law. Four 34761
members shall be appointed by the speaker of the house of 34762
representatives and the president of the senate as follows: the 34763
speaker of the house of representatives shall appoint one member 34764
of the house from each political party and the president of the 34765
senate shall appoint one member of the senate from each political 34766
party. The chancellor of the board of regents shall be an ex 34767
officio voting member; provided, however, that the chancellor may 34768
designate a vice-chancellor of the board of regents to serve as 34769
the chancellor's representative. The political party of the 34770
chancellor shall be deemed the political party of the designee for 34771
purposes of determining that no more than six members are of the 34772

same political party.

34773

Initial gubernatorial appointees to the authority shall serve staggered terms, with two terms expiring on January 31, 1991, one term expiring on January 31, 1992, and one term expiring on January 31, 1993. The governor shall appoint two additional members to the authority no later than thirty days after ~~the effective date of this amendment~~ March 30, 1999, and their initial terms shall expire January 31, 2002. Thereafter, terms of office for gubernatorial appointees shall be for four years. The initial terms of the four legislative members shall expire on January 31, 1991. Thereafter legislative members shall serve two-year terms, provided that legislative members may continue to serve on the authority only if they remain members of the general assembly. Any vacancy on the authority shall be filled in the same manner as the original appointment, except that any person appointed to fill a vacancy shall be appointed to the remainder of the unexpired term. Any member is eligible for reappointment.

34774

34775

34776

34777

34778

34779

34780

34781

34782

34783

34784

34785

34786

34787

34788

34789

(C) Any member may be removed by the appointing authority for misfeasance, malfeasance, or willful neglect of duty or for other cause after notice and a public hearing, unless the notice and hearing are waived in writing by the member. Members shall serve without compensation but shall receive their reasonable and necessary expenses incurred in the conduct of authority business.

34790

34791

34792

34793

34794

34795

(D) The speaker of the house of representatives and the president of the senate shall each designate a member of the authority to serve as co-chairpersons. The six gubernatorial appointees and the chancellor of the board of regents or the chancellor's designee shall serve as the executive committee of the authority, and shall elect an executive chairperson from among the executive committee members. The authority and the executive committee may elect such other officers as determined by the authority or the executive committee respectively. The authority

34796

34797

34798

34799

34800

34801

34802

34803

34804

shall meet at least annually at the call of either co-chairperson 34805
and at such other times as either co-chairperson or the authority 34806
determines necessary. In the absence of both co-chairpersons, the 34807
executive chairperson shall serve as the presiding officer of the 34808
authority. The executive committee shall meet at the call of the 34809
executive chairperson or as the executive committee determines 34810
necessary. The authority may delegate to the executive committee 34811
such duties and responsibilities as the authority determines 34812
appropriate, except that the authority may not delegate to the 34813
executive committee the final determination of the annual price of 34814
a tuition ~~credit~~ unit, the final designation of bonds as college 34815
savings bonds, or the employment of an executive director of the 34816
authority. Upon such delegation, the executive committee shall 34817
have the authority to act pursuant to such delegation without 34818
further approval or action by the authority. A majority of the 34819
authority shall constitute a quorum of the authority, and the 34820
affirmative vote of a majority of the members present shall be 34821
necessary for any action taken by the authority. A majority of the 34822
executive committee shall constitute a quorum of the executive 34823
committee, and the affirmative vote of a majority of the members 34824
present shall be necessary for any action taken by the executive 34825
committee. No vacancy in the membership of the authority or the 34826
executive committee shall impair the rights of a quorum to 34827
exercise all rights and perform all duties of the authority or the 34828
executive committee respectively. 34829

Sec. 3334.07. (A) The Ohio tuition trust authority shall 34830
develop a plan for the sale of tuition ~~credits~~ units. The Ohio 34831
board of regents shall cooperate with the authority and provide 34832
technical assistance upon request. 34833

(B) Annually, the authority shall determine the weighted 34834
average tuition of four-year state universities in the academic 34835

year that begins on or after the first day of August of the 34836
current calendar year, and shall establish the price of a tuition 34837
~~credit unit~~ in the ensuing sales period. Such price shall be based 34838
on sound actuarial principles, and shall, to the extent 34839
actuarially possible, reasonably approximate one per cent of the 34840
weighted average tuition for that academic year plus the costs of 34841
administering the ~~tuition-credit~~ program that are in excess of 34842
general revenue fund appropriations for administrative costs. The 34843
sales period to which such price applies shall consist of twelve 34844
months, and the authority by rule shall establish the date on 34845
which the sales period begins. If circumstances arise during a 34846
sales period that the authority determines causes the price of 34847
tuition ~~credits~~ units to be insufficient to ensure the actuarial 34848
soundness of the Ohio tuition trust fund, the authority may adjust 34849
the price of tuition ~~credits~~ units purchased during the remainder 34850
of the sales period. To promote the purchase of tuition ~~credits~~ 34851
units and in accordance with actuarially sound principles, the 34852
authority may adjust the sales price as part of incentive 34853
programs, such as discounting for ~~lump-sum~~ lump sum purchases and 34854
multi-year installment plans at a fixed rate of purchase. 34855

Sec. 3334.08. (A) Subject to division (B) of this section, in 34856
addition to any other powers conferred by this chapter, the Ohio 34857
tuition trust authority may do any of the following: 34858

(1) Impose reasonable residency requirements for 34859
beneficiaries of tuition ~~credits~~ units; 34860

(2) Impose reasonable limits on the number of tuition ~~credit~~ 34861
unit participants; 34862

(3) Impose and collect administrative fees and charges in 34863
connection with any transaction under this chapter; 34864

(4) Purchase insurance from insurers licensed to do business 34865

in this state providing for coverage against any loss in 34866
connection with the authority's property, assets, or activities or 34867
to further ensure the value of tuition ~~credits~~ units; 34868

(5) Indemnify or purchase policies of insurance on behalf of 34869
members, officers, and employees of the authority from insurers 34870
licensed to do business in this state providing for coverage for 34871
any liability incurred in connection with any civil action, 34872
demand, or claim against a director, officer, or employee by 34873
reason of an act or omission by the director, officer, or employee 34874
that was not manifestly outside the scope of the employment or 34875
official duties of the director, officer, or employee or with 34876
malicious purpose, in bad faith, or in a wanton or reckless 34877
manner; 34878

(6) Make, execute, and deliver contracts, conveyances, and 34879
other instruments necessary to the exercise and discharge of the 34880
powers and duties of the authority; 34881

(7) Promote, advertise, and publicize the Ohio college 34882
savings program and the variable college savings program; 34883

(8) Adopt rules under section 111.15 of the Revised Code for 34884
the implementation of the Ohio college savings program; 34885

(9) Contract, for the provision of all or part of the 34886
services necessary for the management and operation of the Ohio 34887
college savings program and the variable college savings program, 34888
with a bank, trust company, savings and loan association, 34889
insurance company, or licensed dealer in securities if the bank, 34890
company, association, or dealer is authorized to do business in 34891
this state and information about the contract is filed with the 34892
controlling board pursuant to division (D)(6) of section 127.16 of 34893
the Revised Code; 34894

(10) Contract for other services, or for goods, needed by the 34895
authority in the conduct of its business, including but not 34896

limited to credit card services; 34897

(11) Employ an executive director and other personnel as 34898
necessary to carry out its responsibilities under this chapter, 34899
and fix the compensation of these persons. All employees of the 34900
authority shall be in the unclassified civil service and shall be 34901
eligible for membership in the public employees retirement system. 34902

(12) Contract with financial consultants, actuaries, 34903
auditors, and other consultants as necessary to carry out its 34904
responsibilities under this chapter; 34905

(13) Enter into agreements with any agency of the state or 34906
its political subdivisions or with private employers under which 34907
an employee may agree to have a designated amount deducted in each 34908
payroll period from the wages or salary due the employee for the 34909
purpose of purchasing tuition ~~credits~~ units pursuant to a tuition 34910
payment contract or making contributions pursuant to a variable 34911
college savings program contract; 34912

(14) Enter into an agreement with the treasurer of state 34913
under which the treasurer of state will receive, and credit to the 34914
Ohio tuition trust fund or variable college savings program fund, 34915
from any bank or savings and loan association authorized to do 34916
business in this state, amounts that a depositor of the bank or 34917
association authorizes the bank or association to withdraw 34918
periodically from the depositor's account for the purpose of 34919
purchasing tuition ~~credits~~ units pursuant to a tuition payment 34920
contract or making contributions pursuant to a variable college 34921
savings program contract; 34922

(15) Solicit and accept gifts, grants, and loans from any 34923
person or governmental agency and participate in any governmental 34924
program; 34925

(16) Impose limits on the number of ~~credits~~ units which may 34926
be purchased on behalf of or assigned or awarded to any 34927

beneficiary and on the total amount of contributions that may be made on behalf of a beneficiary;	34928 34929
(17) Impose restrictions on the substitution of another individual for the original beneficiary under the Ohio college savings program;	34930 34931 34932
(18) Impose a limit on the age of a beneficiary, above which tuition credits <u>units</u> may not be purchased on behalf of that beneficiary;	34933 34934 34935
(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;	34936 34937 34938
(20) Determine the other higher education expenses for which tuition credits <u>units</u> or contributions may be used;	34939 34940
(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or tuition credits or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;	34941 34942 34943 34944 34945 34946 34947 34948
(22) Maintain a separate account for each tuition payment or variable college savings program contract;	34949 34950
(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter.	34951 34952 34953
(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility	34954 34955 34956 34957

consistent with section 529 of the Internal Revenue Code and 34958
regulations adopted thereunder with regard to disposition of 34959
contributions and earnings, designation of beneficiaries, and 34960
rollover of account assets to other programs. 34961

(C) Except as otherwise specified in this chapter, the 34962
provisions of Chapters 123., 125., and 4117. of the Revised Code 34963
shall not apply to the authority. The department of administrative 34964
services shall, upon the request of the authority, act as the 34965
authority's agent for the purchase of equipment, supplies, 34966
insurance, or services, or the performance of administrative 34967
services pursuant to Chapter 125. of the Revised Code. 34968

Sec. 3334.09. (A) Except in the case of a scholarship program 34969
established in accordance with section 3334.17 of the Revised 34970
Code, the Ohio tuition trust authority may enter into a tuition 34971
payment contract with any person for the purchase of tuition 34972
~~credits~~ units if either the purchaser or the beneficiary is a 34973
resident of this state at the time the contract is entered into. A 34974
tuition payment contract shall allow any person to purchase 34975
tuition ~~credits~~ units at the price determined by the authority 34976
pursuant to section 3334.07 or 3334.12 of the Revised Code for the 34977
year in which the tuition ~~credit~~ unit is purchased. The purchaser 34978
shall name in the payment contract one specific individual as the 34979
beneficiary for the tuition ~~credits~~ units. 34980

In accordance with rules of the authority, ~~credits~~ units may 34981
be transferred to the credit of another beneficiary and a new 34982
beneficiary may be substituted for the beneficiary originally 34983
named in the contract. 34984

(B) Each tuition ~~credit~~ unit shall entitle the beneficiary to 34985
an amount equal to one per cent of the weighted average tuition. 34986

(C) Nothing in this chapter or in any tuition payment 34987

contract entered into pursuant to this chapter shall be construed 34988
as a guarantee by the state, the authority, or any institution of 34989
higher education that a beneficiary will be admitted to an 34990
institution of higher education, or, upon admission to an 34991
institution of higher education, will be permitted to continue to 34992
attend or will receive a degree from an institution of higher 34993
education. Nothing in this chapter or in any tuition payment 34994
contract entered into pursuant to this chapter shall be considered 34995
a guarantee that the beneficiary's cost of tuition at an 34996
institution of higher education other than a state institution of 34997
higher education will be covered in full by the proceeds of the 34998
beneficiary's tuition ~~credits~~ units. 34999

(D) The following information shall be disclosed in writing 35000
to each purchaser of tuition ~~credits~~ units and, where appropriate, 35001
to each entity establishing a scholarship program under section 35002
3334.17 of the Revised Code: 35003

(1) The terms and conditions for the purchase and use of 35004
tuition ~~credits~~ units; 35005

(2) In the case of a contract described by division (A) of 35006
this section, any restrictions on the substitution of another 35007
individual for the original beneficiary and any restrictions on 35008
the transfer of ownership of ~~credits~~ units in the payment account; 35009

(3) The person or entity entitled to terminate the contract; 35010

(4) The terms and conditions under which the contract may be 35011
terminated and the amount of the refund, if any, to which the 35012
person or entity terminating the contract, or that person's or 35013
entity's designee, is entitled upon termination; 35014

(5) The obligation of the authority to make payments to a 35015
beneficiary, or an institution of higher education on behalf of a 35016
beneficiary, under division (B) of this section based upon the 35017
number of tuition ~~credits~~ units purchased on behalf of the 35018

beneficiary or awarded to the beneficiary pursuant to a 35019
scholarship program; 35020

(6) The method by which tuition ~~credits~~ units shall be 35021
applied toward payment of tuition and other higher education 35022
expenses if in any academic term the beneficiary is a part-time 35023
student; 35024

(7) The period of time during which a beneficiary may receive 35025
benefits under the contract; 35026

(8) The terms and conditions under which money may be wholly 35027
or partially withdrawn from the program, including, but not 35028
limited to, any reasonable charges and fees that may be imposed 35029
for withdrawal; 35030

(9) All other rights and obligations of the purchaser and the 35031
authority, including the provisions of division (A) of section 35032
3334.12 of the Revised Code, and any other terms, conditions, and 35033
provisions the authority considers necessary and appropriate. 35034

(E) A tuition payment contract may provide that the authority 35035
will pay directly to the institution of higher education in which 35036
a beneficiary is enrolled during a term the amount represented by 35037
the tuition ~~credits~~ units being used that term. 35038

(F) A tuition payment contract described by division (A) of 35039
this section may provide that if the contract has not been 35040
terminated or ~~credits~~ units purchased under the contract have not 35041
been applied toward the payment of tuition or other higher 35042
education expenses within a specified period of time, the 35043
authority may, after making a reasonable effort to locate the 35044
purchaser of the tuition ~~credits~~ units, the beneficiary, and any 35045
person designated in the contract to act on behalf of the 35046
purchaser of the ~~credits~~ units or the beneficiary, terminate the 35047
contract and retain the amounts payable under the contract. 35048

(G) If, at any time after tuition ~~credits~~ units are purchased 35049

on behalf of a beneficiary or awarded to a beneficiary or pursuant 35050
to a scholarship program, the beneficiary becomes a nonresident of 35051
this state, or, if the beneficiary was not a resident of this 35052
state at the time the tuition payment contract was entered into, 35053
the purchaser becomes a nonresident of this state, ~~credits units~~ 35054
purchased or awarded while the beneficiary was a resident may be 35055
applied on behalf of the beneficiary toward the payment of tuition 35056
at an institution of higher education and other higher education 35057
expenses in the manner specified in division (B) of this section, 35058
except that if the beneficiary enrolls in a state institution of 35059
higher education, the beneficiary shall be responsible for payment 35060
of all nonresident fees charged to out-of-state residents by the 35061
institution in which the beneficiary is enrolled. 35062

Sec. 3334.10. Divisions (A), and (B), ~~(C), and (D)~~ of this 35063
section do not apply to scholarship programs established under 35064
section 3334.17 of the Revised Code. 35065

(A) Unless otherwise provided for in the ~~contract, a~~ tuition 35066
payment contract ~~may be terminated by the purchaser under any of~~ 35067
~~the following circumstances upon the written request of the~~ 35068
~~purchaser to the authority:~~ 35069

~~(1) Upon the death or permanent disability of the~~ 35070
~~beneficiary;~~ 35071

~~(2) Upon notification to the Ohio tuition trust authority in~~ 35072
~~writing that the beneficiary is age eighteen or older, has decided~~ 35073
~~not to attend an institution of higher education, and requests~~ 35074
~~that the contract be terminated;~~ 35075

~~(3) Upon the beneficiary's completion of the degree~~ 35076
~~requirements at an institution of higher education;~~ 35077

~~(4) Upon the rollover of all amounts in a tuition credit~~ 35078
~~account to an equivalent account in another state;~~ 35079

~~(5) Upon the occurrence of other circumstances determined by the authority to be grounds for termination.~~ 35080
35081

~~(B) The authority shall determine the method and schedule for payment of refunds upon termination of a tuition payment contract. , the purchaser may rollover amounts to another qualified tuition program under section 529 of the Internal Revenue Code or terminate the contract for any reason by filing written notice with the Ohio tuition trust authority.~~ 35082
35083
35084
35085
35086
35087

~~(1) In cases described by division (A)(2) or (3) of this section, If the contract is terminated and the beneficiary is under eighteen years of age, the authority shall use actuarially sound principles to determine the amount of the refund shall be equal to not less than one per cent of the weighted average tuition in the academic year the refund is paid, multiplied by the number of tuition credits purchased and not used, minus any reasonable charges and fees provided for by the authority, or such other lesser sum as shall be determined by the authority but only to the extent that such a lesser sum is necessary to meet the refund penalty requirements for qualified state tuition programs under section 529 of the Internal Revenue Code.~~ 35088
35089
35090
35091
35092
35093
35094
35095
35096
35097
35098
35099

~~(2) In cases described by division (A)(1) of this section If the contract is terminated because of the death or permanent disability of the beneficiary, the amount of the refund shall be equal to the greater of the following:~~ 35100
35101
35102
35103

~~(a) One per cent of the weighted average tuition in the academic year the refund is paid, multiplied by the number of tuition ~~credits~~ units purchased and not used;~~ 35104
35105
35106

~~(b) The total purchase price of all tuition ~~credits~~ units purchased for the beneficiary and not used.~~ 35107
35108

~~(3) In cases described by division (A)(5) of this section, the amount of the refund shall be either of the following as~~ 35109
35110

determined by the authority: 35111

(a) ~~The refund provided by division (B)(1) of this section:~~ 35112

(b) ~~The refund provided by division (B)(2) of this section,~~ 35113
~~or such other lesser sum as shall be determined by the authority~~ 35114
~~but only to the extent that such a lesser sum is necessary to meet~~ 35115
~~the refund penalty requirements for qualified state tuition~~ 35116
~~programs under section 529 of the Internal Revenue Code If all or~~ 35117
~~part of the amount accrued under the contract is liquidated for a~~ 35118
~~rollover to another qualified tuition program under section 529 of~~ 35119
~~the Internal Revenue Code, the rollover amount shall be determined~~ 35120
~~in an actuarially sound manner.~~ 35121

(C) ~~Unless otherwise provided for in the contract, a (B) The~~ 35122
~~contributor of a variable college savings program account may be~~ 35123
~~terminated by rollover amounts to another qualified tuition~~ 35124
~~program under section 529 of the Internal Revenue Code or~~ 35125
~~terminate the contributor account for any reason upon the written~~ 35126
~~request of the contributor to the authority. Termination of a~~ 35127
~~variable college savings program account shall occur no earlier~~ 35128
~~than a maturity period set by the authority after the first~~ 35129
~~contribution is made to the account.~~ 35130

(D) ~~The authority shall determine the method and schedule for~~ 35131
~~payment of refunds upon termination of a variable savings program~~ 35132
~~account by filing written notice with the Ohio tuition trust~~ 35133
~~authority.~~ 35134

(1) ~~The contributor under a variable savings program contract~~ 35135
~~may receive a refund of the an amount equal to the account balance~~ 35136
~~in an account, less any applicable administrative fees, if the~~ 35137
~~account is terminated upon the death or permanent disability of~~ 35138
~~the beneficiary or, to the extent allowed under rules of the~~ 35139
~~authority, upon the rollover of all amounts in a variable college~~ 35140
~~savings program account to an equivalent account in another state.~~ 35141

~~(2) If a variable college savings program account is 35142
terminated for any reason other than those set forth in division 35143
(D)(1) of this section, the contributor may receive a refund of 35144
the balance in the account, less any administrative fees, and less 35145
any additional amount necessary to meet the minimum refund penalty 35146
requirements for a qualified state tuition program under section 35147
529 of the Internal Revenue Code. 35148~~

~~(3) Earnings shall be calculated as the total value of the 35149
variable savings program account less the aggregate contributions, 35150
or in such other manner as prescribed by section 529 of the 35151
Internal Revenue Code. 35152~~

~~(E) In the case of a (C) A scholarship program, may request a 35153
refund of tuition credits units in the program's account may be 35154
made only for just cause with the approval of by filing a written 35155
request with the authority. The refund shall be paid to the entity 35156
that established the scholarship program or, with that entity's 35157
approval, to the authority if this is authorized by federal tax 35158
law. The amount of any refund shall be determined by the authority 35159
and shall meet the requirements for refunds made on account of 35160
scholarships under section 529 of the Internal Revenue Code. 35161~~

~~(F) If a beneficiary is awarded a scholarship other than 35162
under a scholarship program, a waiver of tuition, or similar 35163
subvention that the authority determines cannot be converted into 35164
money by the beneficiary, the authority shall, during each 35165
academic term that the beneficiary furnishes the authority such 35166
information about the scholarship, waiver, or similar subvention 35167
as the authority requires, refund to the person designated in the 35168
contract, or, in the case of a beneficiary under a scholarship 35169
program, to the beneficiary an amount equal to the value that the 35170
tuition credits or the amounts in the variable college savings 35171
program account that are not needed on account of the scholarship, 35172
waiver, or similar subvention would otherwise have to the 35173~~

~~beneficiary that term at the institution of higher education where
the beneficiary is enrolled. The authority may, at its sole
option, designate the institution of higher education at which the
beneficiary is enrolled as the agent of the authority for purposes
of refunds pursuant to this division.~~

~~(G) If, in any academic term for which tuition credits or any
amounts in a variable college savings program account have been
used to pay all or part of a beneficiary's tuition, the
beneficiary withdraws from the institution of higher education at
which the beneficiary is enrolled prior to the end of the academic
term, a pro rata share of any refund of tuition as a result of the
withdrawal equal to that portion of the tuition paid with tuition
credits or the amounts in a variable college savings program
account shall be made to the authority, unless the authority
designates a different procedure. The authority shall credit any
refund received, less any reasonable charges and fees provided for
by the authority, to the appropriate account established under
division (F)(1) or (2) of section 3334.11 of the Revised Code or
division (H) of this section.~~

~~(H)(D) The authority shall maintain a separate account for
each variable college savings contract entered into pursuant to
division (A) of section 3334.18 of the Revised Code for
contributions made on behalf of a beneficiary, showing the name of
the beneficiary of that contract and the amount of contributions
made pursuant to that contract. Upon request of any beneficiary or
contributor, the authority shall provide a statement indicating,
in the case of a beneficiary, the amount of contributions made
pursuant to that contract on behalf of the beneficiary, or, in the
case of a contributor, contributions made, disbursed, or refunded
pursuant to that contract.~~

Sec. 3334.11. (A) The assets of the Ohio tuition trust

authority reserved for payment of the obligations of the authority 35205
pursuant to tuition payment contracts shall be placed in a fund, 35206
which is hereby created and shall be known as the Ohio tuition 35207
trust fund. The fund shall be in the custody of the treasurer of 35208
state, but shall not be part of the state treasury. That portion 35209
of payments received by the authority or the treasurer of state 35210
from persons purchasing tuition ~~credits~~ units under tuition 35211
payment contracts that the authority determines is actuarially 35212
necessary for the payment of obligations of the authority pursuant 35213
to tuition payment contracts, all interest and investment income 35214
earned by the fund, and all other receipts of the authority from 35215
any other source that the authority determines appropriate, shall 35216
be deposited in the fund. No purchaser or beneficiary of tuition 35217
~~credits~~ units shall have any claim against the funds of any state 35218
institution of higher education. All investment fees and other 35219
costs incurred in connection with the exercise of the investment 35220
powers of the authority pursuant to divisions (D) and (E) of this 35221
section shall be paid from the assets of the fund. 35222

(B) Unless otherwise provided by the authority, the assets of 35223
the Ohio tuition trust fund shall be expended in the following 35224
order: 35225

(1) To make payments to beneficiaries, or institutions of 35226
higher education on behalf of beneficiaries, under division (B) of 35227
section 3334.09 of the Revised Code; 35228

(2) To make refunds as provided in divisions ~~(B), (E), (A)~~ and 35229
~~(F)~~ (C) of section 3334.10 of the Revised Code; 35230

(3) To pay the investment fees and other costs of 35231
administering the fund. 35232

(C)(1) Except as may be provided in an agreement under 35233
division (A)(19) of section 3334.08 of the Revised Code, all 35234
disbursements from the Ohio tuition trust fund shall be made by 35235

the treasurer of state on order of a designee of the authority. 35236

(2) The treasurer of state shall deposit any portion of the 35237
Ohio tuition trust fund not needed for immediate use in the same 35238
manner as state funds are deposited. 35239

(D) The authority is the trustee of the Ohio tuition trust 35240
fund. The authority shall have full power to invest the assets of 35241
the fund and in exercising this power shall be subject to the 35242
limitations and requirements contained in divisions (K) to (M) of 35243
this section and sections 145.112 and 145.113 of the Revised Code. 35244
The evidences of title of all investments shall be delivered to 35245
the treasurer of state or to a qualified trustee designated by the 35246
treasurer of state as provided in section 135.18 of the Revised 35247
Code. Assets of the fund shall be administered by the authority in 35248
a manner designed to be actuarially sound so that the assets of 35249
the fund will be sufficient to satisfy the obligations of the 35250
authority pursuant to tuition payment contracts and defray the 35251
reasonable expenses of administering the fund. 35252

(E) The public employees retirement board shall, with the 35253
approval of the authority, exercise the investment powers of the 35254
authority as set forth in division (D) of this section until the 35255
authority determines that assumption and exercise by the authority 35256
of the investment powers is financially and administratively 35257
feasible. The investment powers shall be exercised by the public 35258
employees retirement board in a manner agreed upon by the 35259
authority that maximizes the return on investment and minimizes 35260
the administrative expenses. 35261

(F)(1) The authority shall maintain a separate account for 35262
each tuition payment contract entered into pursuant to division 35263
(A) of section 3334.09 of the Revised Code for the purchase of 35264
tuition ~~credits~~ units on behalf of a beneficiary or beneficiaries 35265
showing the beneficiary or beneficiaries of that contract and the 35266

number of tuition ~~credits~~ units purchased pursuant to that 35267
contract. Upon request of any beneficiary or person who has 35268
entered into a tuition payment contract, the authority shall 35269
provide a statement indicating, in the case of a beneficiary, the 35270
number of tuition ~~credits~~ units purchased on behalf of the 35271
beneficiary, or in the case of a person who has entered into a 35272
tuition payment contract, the number of tuition ~~credits~~ units 35273
purchased, used, or refunded pursuant to that contract. A 35274
beneficiary and person that have entered into a tuition payment 35275
contract each may file only one request under this division in any 35276
year. 35277

(2) The authority shall maintain an account for each 35278
scholarship program showing the number of tuition ~~credits~~ units 35279
that have been purchased for or donated to the program and the 35280
number of tuition ~~credits~~ units that have been used. Upon the 35281
request of the entity that established the scholarship program, 35282
the authority shall provide a statement indicating these numbers. 35283

(G) In addition to the Ohio tuition trust fund, there is 35284
hereby established a reserve fund that shall be in the custody of 35285
the treasurer of state but shall not be part of the state 35286
treasury, and shall be known as the Ohio tuition trust reserve 35287
fund, and an operating fund that shall be part of the state 35288
treasury, and shall be known as the Ohio tuition trust operating 35289
fund. That portion of payments received by the authority or the 35290
treasurer of state from persons purchasing tuition ~~credits~~ units 35291
under tuition payment contracts that the authority determines is 35292
not actuarially necessary for the payment of obligations of the 35293
authority pursuant to tuition payment contracts, any interest and 35294
investment income earned by the reserve fund, any administrative 35295
charges and fees imposed by the authority on transactions under 35296
this chapter or on purchasers or beneficiaries of tuition ~~credits~~ 35297
units, and all other receipts from any other source that the 35298

authority determines appropriate, shall be deposited in the 35299
reserve fund to pay the operating expenses of the authority and 35300
the costs of administering the program. The assets of the reserve 35301
fund may be invested in the same manner and subject to the same 35302
limitations set forth in divisions (D), (E), and (K) to (M) of 35303
this section and sections 145.112 and 145.113 of the Revised Code. 35304
All investment fees and other costs incurred in connection with 35305
the exercise of the investment powers shall be paid from the 35306
assets of the reserve fund. Except as otherwise provided for in 35307
this chapter, all operating expenses of the authority and costs of 35308
administering the program shall be paid from the operating fund. 35309
The treasurer shall, upon request of the authority, transfer funds 35310
from the reserve fund to the operating fund as the authority 35311
determines appropriate to pay those current operating expenses of 35312
the authority and costs of administering the program as the 35313
authority designates. Any interest or investment income earned on 35314
the assets of the operating fund shall be deposited in the 35315
operating fund. 35316

(H) In January of each year the authority shall report to 35317
each person who received any payments or refunds from the 35318
authority during the preceding year information relative to the 35319
value of the payments or refunds to assist in determining that 35320
person's tax liability. 35321

(I) The authority shall report to the tax commissioner any 35322
information, and at the times, as the tax commissioner requires to 35323
determine any tax liability that a person may have incurred during 35324
the preceding year as a result of having received any payments or 35325
refunds from the authority. 35326

(J) All records of the authority indicating the identity of 35327
purchasers and beneficiaries of tuition ~~credits~~ units or college 35328
savings bonds, the number of tuition ~~credits~~ units purchased, 35329
used, or refunded under a tuition payment contract, and the number 35330

of college savings bonds purchased, held, or redeemed are not 35331
public records within the meaning of section 149.43 of the Revised 35332
Code. 35333

(K) The authority and other fiduciaries shall discharge their 35334
duties with respect to the funds with care, skill, prudence, and 35335
diligence under the circumstances then prevailing that a prudent 35336
person acting in a like capacity and familiar with such matters 35337
would use in the conduct of an enterprise of a like character and 35338
with like aims; and by diversifying the investments of the assets 35339
of the funds so as to minimize the risk of large losses, unless 35340
under the circumstances it is clearly prudent not to do so. 35341

To facilitate investment of the funds, the authority may 35342
establish a partnership, trust, limited liability company, 35343
corporation, including a corporation exempt from taxation under 35344
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 35345
amended, or any other legal entity authorized to transact business 35346
in this state. 35347

(L) In exercising its fiduciary responsibility with respect 35348
to the investment of the assets of the funds, it shall be the 35349
intent of the authority to give consideration to investments that 35350
enhance the general welfare of the state and its citizens where 35351
the investments offer quality, return, and safety comparable to 35352
other investments currently available to the authority. In 35353
fulfilling this intent, equal consideration shall also be given to 35354
investments otherwise qualifying under this section that involve 35355
minority owned and controlled firms and firms owned and controlled 35356
by women, either alone or in joint venture with other firms. 35357

The authority shall adopt, in regular meeting, policies, 35358
objectives, or criteria for the operation of the investment 35359
program that include asset allocation targets and ranges, risk 35360
factors, asset class benchmarks, time horizons, total return 35361
objectives, and performance evaluation guidelines. In adopting 35362

policies and criteria for the selection of agents with whom the
authority may contract for the administration of the assets of the
funds, the authority shall give equal consideration to minority
owned and controlled firms, firms owned and controlled by women,
and ventures involving minority owned and controlled firms and
firms owned and controlled by women that otherwise meet the
policies and criteria established by the authority. Amendments and
additions to the policies and criteria shall be adopted in regular
meeting. The authority shall publish its policies, objectives, and
criteria under this provision no less often than annually and
shall make copies available to interested parties.

When reporting on the performance of investments, the
authority shall comply with the performance presentation standards
established by the association for investment management and
research.

(M) All investments shall be purchased at current market
prices and the evidences of title of the investments shall be
placed in the hands of the treasurer of state, who is hereby
designated as custodian thereof, or in the hands of the treasurer
of state's authorized agent. The treasurer of state or the agent
shall collect the principal, dividends, distributions, and
interest thereon as they become due and payable and place them
when so collected into the custodial funds.

The treasurer of state shall pay for investments purchased by
the authority on receipt of written or electronic instructions
from the authority or the authority's designated agent authorizing
the purchase and pending receipt of the evidence of title of the
investment by the treasurer of state or the treasurer of state's
authorized agent. The authority may sell investments held by the
authority, and the treasurer of state or the treasurer of state's
authorized agent shall accept payment from the purchaser and
deliver evidence of title of the investment to the purchaser on

receipt of written or electronic instructions from the authority 35395
or the authority's designated agent authorizing the sale, and 35396
pending receipt of the moneys for the investments. The amount 35397
received shall be placed in the custodial funds. The authority and 35398
the treasurer of state may enter into agreements to establish 35399
procedures for the purchase and sale of investments under this 35400
division and the custody of the investments. 35401

No purchase or sale of any investment shall be made under 35402
this section except as authorized by the authority. 35403

Any statement of financial position distributed by the 35404
authority shall include fair value, as of the statement date, of 35405
all investments held by the authority under this section. 35406

Sec. 3334.12. Notwithstanding anything to the contrary in 35407
sections 3334.07 and 3334.09 of the Revised Code: 35408

(A) Annually, the Ohio tuition trust authority shall have the 35409
actuarial soundness of the Ohio tuition trust fund evaluated by a 35410
nationally recognized actuary and shall determine whether 35411
additional assets are necessary to defray the obligations of the 35412
authority. If, after the authority sets the price for tuition 35413
~~credits~~ units, circumstances arise that the executive director 35414
determines necessitate an additional evaluation of the actuarial 35415
soundness of the fund, the executive director shall have a 35416
nationally recognized actuary conduct the necessary evaluation. If 35417
the assets of the fund are insufficient to ensure the actuarial 35418
soundness of the fund, the authority shall adjust the price of 35419
subsequent purchases of tuition ~~credits~~ units to the extent 35420
necessary to help restore the actuarial soundness of the fund. If, 35421
at any time, the adjustment is likely, in the opinion of the 35422
authority, to diminish the marketability of tuition ~~credits~~ units 35423
to an extent that the continued sale of the ~~credits~~ units likely 35424
would not restore the actuarial soundness of the fund and external 35425

economic factors continue to negatively impact the soundness of 35426
the program, the authority may suspend sales, either permanently 35427
or temporarily, of tuition ~~credits~~ units. During any suspension, 35428
the authority shall continue to service existing college savings 35429
program accounts. 35430

(B) Upon termination of the program or liquidation of the 35431
Ohio tuition trust fund, the Ohio tuition trust reserve fund, and 35432
the Ohio tuition trust operating fund, any remaining assets of the 35433
funds after all obligations of the funds have been satisfied 35434
pursuant to division (B) of section 3334.11 of the Revised Code 35435
shall be transferred to the general revenue fund of the state. 35436

(C) The authority shall prepare and cause to have audited an 35437
annual financial report on all financial activity of the Ohio 35438
tuition trust authority within ninety days of the end of the 35439
fiscal year. The authority shall transmit a copy of the audited 35440
financial report to the governor, the president of the senate, the 35441
speaker of the house of representatives, and the minority leaders 35442
of the senate and the house of representatives. Copies of the 35443
audited financial report also shall be made available, upon 35444
request, to the persons entering into contracts with the authority 35445
and to prospective purchasers of tuition ~~credits~~ units and 35446
prospective contributors to variable college savings program 35447
accounts. 35448

Sec. 3334.15. (A) The right of a person to a tuition ~~credit~~ 35449
unit or a payment under section 3334.09 of the Revised Code 35450
pursuant to a tuition ~~credit~~ payment contract, a scholarship 35451
program, or a variable college savings program account shall not 35452
be subject to execution, garnishment, attachment, the operation of 35453
bankruptcy or the insolvency laws, or other process of law. 35454

(B) The right of a person to a tuition ~~credit~~ unit or a 35455
payment under section 3334.09 of the Revised Code pursuant to a 35456

tuition ~~credit~~ payment contract, a scholarship program, or a 35457
variable college savings program account shall not be used as 35458
security or collateral for a loan. 35459

Sec. 3334.16. The general assembly hereby finds that the 35460
prepaid tuition program providing for the sale of tuition credits 35461
units by the Ohio tuition trust authority is an official state 35462
function, offered through an agency of this state, which agency 35463
receives state appropriations. Therefore, the authority is 35464
directed by the state of Ohio to assume it is exempt from federal 35465
tax liability. 35466

Sec. 3334.17. (A) The state, any political subdivision of the 35467
state, and any organization that is exempt from federal income 35468
taxation under section 501 (a) and described in section 501 (c)(3) 35469
of the Internal Revenue Code, including the Ohio tuition trust 35470
authority if this is authorized under federal tax law, may 35471
establish a scholarship program to award scholarships consisting 35472
of contributions made to any college savings program for students. 35473
Any scholarship program established under this section shall be 35474
registered with the authority. The authority shall be notified of 35475
the name and address of each scholarship beneficiary under the 35476
program, the amounts awarded, and the institution of higher 35477
education in which the beneficiary is enrolled. Scholarship 35478
beneficiaries shall be selected by the entity establishing the 35479
scholarship program, in accordance with criteria established by 35480
the entity. 35481

(B) Any person or governmental entity may purchase tuition 35482
~~credits~~ units on behalf of a scholarship program that is or is to 35483
be established in accordance with division (A) of this section at 35484
the same price as is established for the purchase of ~~credits~~ units 35485
for named beneficiaries pursuant to this chapter. Tuition ~~credits~~ 35486
units shall have the same value to the beneficiary of a 35487

scholarship awarded pursuant to this section as they would have to 35488
any other beneficiary pursuant to division (B) of section 3334.09 35489
of the Revised Code. 35490

(C) The entity establishing and maintaining a scholarship 35491
program shall specify whether a scholarship beneficiary may 35492
receive a refund or payment for the amount awarded under the 35493
scholarship program directly from the authority, or whether the 35494
amount awarded shall be paid by the authority only to the 35495
institution of higher education in which the student is enrolled. 35496

(D) If a scholarship beneficiary does not use the amount 35497
awarded within a length of time specified under the scholarship 35498
program, the amount may be awarded to another beneficiary. 35499

Sec. 3334.18. (A) A variable college savings program 35500
established by the Ohio tuition trust authority shall include 35501
provisions for a contract to be entered into between a contributor 35502
and the authority that will authorize the contributor to open an 35503
account for a beneficiary and authorize the contributor to 35504
substitute a new beneficiary for one originally named in the 35505
contract, to the extent permitted by section 529 of the Internal 35506
Revenue Code. 35507

(B) The authority shall provide adequate safeguards to 35508
prevent total contributions to a variable college savings program 35509
account or purchases of tuition ~~credits~~ units, either separately 35510
or combined, that are made on behalf of a beneficiary from 35511
exceeding the amount necessary to provide for the tuition and 35512
other higher education expenses of the beneficiary, consistent 35513
with the maximum contributions permitted by section 529 of the 35514
Internal Revenue Code. However, in no event shall contributions or 35515
purchases exceed the allowable limit for a qualified ~~state~~ tuition 35516
program under section 529 of the Internal Revenue Code. 35517

(C)(1) Participation in the variable college savings program 35518

does not guarantee that contributions and the investment return on 35519
contributions, if any, will be adequate to cover future tuition 35520
and other higher education expenses or that a beneficiary will be 35521
admitted to or permitted to continue to attend an institution of 35522
higher education. 35523

(2) Returns on contributors' investments in the variable 35524
college savings program are not guaranteed by the state and the 35525
contributors to the variable college savings program assume all 35526
investment risk, including the potential loss of principal and 35527
liability for penalties such as those levied for noneducational 35528
withdrawals. 35529

(3) The state shall have no debt or obligation to any 35530
contributor, beneficiary, or any other person as a result of the 35531
establishment of the program, and the state assumes no risk or 35532
liability for funds invested in the variable college savings 35533
program. 35534

(4) Informational materials about the variable college 35535
savings program prepared by the authority or its agents and 35536
provided to prospective contributors shall state clearly the 35537
information set forth in division (C) of this section. 35538

Sec. 3334.19. (A) The Ohio tuition trust authority shall 35539
adopt an investment plan that sets forth investment policies and 35540
guidelines to be utilized in administering the variable college 35541
savings program. Except as provided in section 3334.20 of the 35542
Revised Code, the authority shall contract with one or more 35543
insurance companies, banks, or other financial institutions to act 35544
as its investment agents and to provide such services as the 35545
authority considers appropriate to the investment plan, including: 35546

(1) Purchase, control, and safekeeping of assets; 35547

(2) Record keeping and accounting for individual accounts and 35548

for the program as a whole; 35549

(3) Provision of consolidated statements of account. 35550

(B) The authority or its investment agents shall maintain a 35551
separate account for the beneficiary of each contract entered into 35552
under the variable college savings program. If a beneficiary has 35553
more than one such account, the authority or its agents shall 35554
track total contributions and earnings and provide a consolidated 35555
system of account distributions to institutions of higher 35556
education. 35557

(C) The authority or its investment agents may place assets 35558
of the program in savings accounts and may purchase fixed or 35559
variable life insurance or annuity contracts, securities, evidence 35560
of indebtedness, or other investment products pursuant to the 35561
investment plan. 35562

(D) Contributors shall not direct the investment of their 35563
contributions under the investment plan. The authority shall 35564
impose other limits on contributors' investment discretion to the 35565
extent required under section 529 of the Internal Revenue Code. 35566

(E) The investment agents with which the authority contracts 35567
shall discharge their duties with respect to program funds with 35568
the care and diligence that a prudent person familiar with such 35569
matters and with the character and aims of the program would use. 35570

(F) The assets of the program shall be preserved, invested, 35571
and expended solely for the purposes of this chapter and shall not 35572
be loaned or otherwise transferred or used by the state for any 35573
other purpose. This section shall not be construed to prohibit the 35574
investment agents of the authority from investing, by purchase or 35575
otherwise, in bonds, notes, or other obligations of the state or 35576
any agency or instrumentality of the state. Unless otherwise 35577
specified by the authority, assets of the program shall be 35578
expended in the following order of priority: 35579

(1) To make payments on behalf of beneficiaries;	35580
(2) To make refunds upon termination of variable college savings program contracts;	35581 35582
(3) To pay the authority's costs of administering the program;	35583 35584
(4) To pay or cover any other expenditure or disbursement the authority determines necessary or appropriate.	35585 35586
(G) Fees, charges, and other costs imposed or collected by the authority in connection with the variable college savings program, including any fees or other payments that the authority requires an investment agent to pay to the authority, shall be credited to <u>either the variable operating fund or the index operating fund at the discretion of the authority.</u> The fund shall be <u>These funds are hereby created</u> in the custody of the treasurer of state, but shall not be part of the state treasury. Expenses incurred in the administration of the variable college savings program, as well as other expenses, disbursements, or payments the authority considers appropriate for the benefit of any college savings programs administered by the authority, the state of Ohio and its citizens, shall be paid from the variable operating fund <u>or the index operating fund at the discretion of the authority.</u>	35587 35588 35589 35590 35591 35592 35593 35594 35595 35596 35597 35598 35599 35600
(H) No records of the authority indicating the identity of purchasers, contributors, and beneficiaries under the program or amounts contributed to, earned by, or distributed from program accounts are public records within the meaning of section 149.43 of the Revised Code.	35601 35602 35603 35604 35605
Sec. 3335.02. (A) The government of the Ohio state university shall be vested in a board of eleven <u>fourteen</u> trustees <u>in 2005, and seventeen trustees beginning in 2006</u> , who shall be appointed by the governor, with the advice and consent of the senate. Two of	35606 35607 35608 35609

the ~~eleven~~ seventeen trustees shall be students at the Ohio state 35610
university, and their selection and terms shall be in accordance 35611
with division (B) of this section. Except as provided in division 35612
(C) of this section and except for the terms of student members, 35613
terms of office shall be for nine years, commencing on the 35614
fourteenth day of May and ending on the thirteenth day of May. 35615
Each trustee shall hold office from the date of appointment until 35616
the end of the term for which the trustee was appointed. Any 35617
trustee appointed to fill a vacancy occurring prior to the 35618
expiration of the term for which the trustee's predecessor was 35619
appointed shall hold office for the remainder of such term. Any 35620
trustee shall continue in office subsequent to the expiration date 35621
of the trustee's term until the trustee's successor takes office, 35622
or until a period of sixty days has elapsed, whichever occurs 35623
first. No person who has served a full nine-year term or more than 35624
six years of such a term shall be eligible for reappointment until 35625
a period of four years has elapsed since the last day of the term 35626
for which the person previously served. The trustees shall not 35627
receive compensation for their services, but shall be paid their 35628
reasonable necessary expenses while engaged in the discharge of 35629
their official duties. 35630

(B) The student members of the board of trustees of the Ohio 35631
state university have no voting power on the board. Student 35632
members shall not be considered as members of the board in 35633
determining whether a quorum is present. Student members shall not 35634
be entitled to attend executive sessions of the board. The student 35635
members of the board shall be appointed by the governor, with the 35636
advice and consent of the senate, from a group of five candidates 35637
selected pursuant to a procedure adopted by the university's 35638
student governments and approved by the university's board of 35639
trustees. The initial term of office of one of the student members 35640
shall commence on May 14, 1988 and shall expire on May 13, 1989, 35641
and the initial term of office of the other student member shall 35642

commence on May 14, 1988 and expire on May 13, 1990. Thereafter,
terms of office of student members shall be for two years, each
term ending on the same day of the same month of the year as the
term it succeeds. In the event a student member cannot fulfill a
two-year term, a replacement shall be selected to fill the
unexpired term in the same manner used to make the original
selection.

(C)(1) The initial terms of office for the three additional
trustees appointed in 2005 shall commence on a date in 2005 that
is selected by the governor with one term of office expiring on
May 13, 2009, one term of office expiring on May 13, 2010, and one
term of office expiring on May 13, 2011, as designated by the
governor upon appointment. Thereafter terms of office shall be for
nine years, as provided in division (A) of this section.

(2) The initial terms of office for the three additional
trustees appointed in 2006 shall commence on May 14, 2006, with
one term of office expiring on May 13, 2012, one term of office
expiring on May 13, 2013, and one term of office expiring on May
13, 2014, as designated by the governor upon appointment.
Thereafter terms of office shall be for nine years, as provided in
division (A) of this section.

Sec. 3345.10. (A) As used in this section: 35664

~~(A), "Institution state institution of higher education"~~
~~means a state university, municipal university, state medical~~
~~college, community college, technical college, or state community~~
~~college~~ has the same meaning as in section 3345.011 of the Revised
Code.

(B) Each state institution of higher education shall
establish competitive bidding procedures for the purchase of
printed material and shall award all ~~such~~ contracts for the

purchase of printed material in accordance with ~~such those~~ 35673
procedures. ~~Notwithstanding any other provision of law, The~~ 35674
procedures shall require the institution to evaluate all bids 35675
received for all contracts for the purchase of printed material 35676
~~shall be let by an institution to vendors who have manufacturing~~ 35677
~~facilities within this state, except as provided in division (C)~~ 35678
~~of this section.~~ 35679

~~(C) If the required printed products are not available from a~~ 35680
~~vendor who has manufacturing facilities within this state, the~~ 35681
~~institution shall be permitted to purchase from an out of state~~ 35682
~~vendor.~~ 35683

~~(D) No vendor with manufacturing facilities within this state~~ 35684
~~who would execute the printing covered by the proposal shall be~~ 35685
~~prohibited from submitting a proposal for consideration and any~~ 35686
~~such proposal properly submitted shall be considered in accordance~~ 35687
~~with the criteria and procedures established pursuant to divisions~~ 35688
~~(C)(1) and (2) of section 125.09 of the Revised Code for~~ 35689
~~determining whether bidders will produce the printed material at~~ 35690
~~manufacturing facilities within this state or in accordance with~~ 35691
~~the criteria and procedures established pursuant to division~~ 35692
~~(C)(4) or (5) of that section for determining whether bidders are~~ 35693
~~otherwise qualified.~~ 35694

An institution shall select, in accordance with the 35695
procedures it establishes under this section, a bid from among 35696
bidders that fulfill the criteria specified in the applicable 35697
divisions of section 125.09 of the Revised Code where sufficient 35698
competition can be generated within this state to ensure that 35699
compliance with this requirement will not result in paying an 35700
excessive price or acquiring a disproportionately inferior 35701
product. If there are two or more bids from among those bidders, 35702
it shall be deemed that there is sufficient competition to prevent 35703
paying an excessive price or acquiring a disproportionately 35704

inferior product.

35705

Sec. 3345.19. In the exercise of their respective powers of government conferred by Chapter 3345. of the Revised Code and other pertinent provisions of law, the boards of trustees of Bowling Green state university, Kent state university, Miami university, Ohio university, and the Ohio state university shall observe the following enrollment limitations insofar as the autumn quarter enrollment or any other quarter enrollment on a full-time ~~equivalent~~ basis as defined by the Ohio board of regents is concerned:

35706

35707

35708

35709

35710

35711

35712

35713

35714

Bowling Green central campus 17,000

35715

Kent central campus 22,000

35716

Miami central campus 17,000

35717

Ohio university central campus 22,000

35718

The Ohio state central campus 42,000

35719

Campus student housing facilities shall only be authorized by boards of trustees within these limitations.

35720

35721

Sec. 3345.32. (A) As used in this section:

35722

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code, the northeastern Ohio universities college of medicine, and the medical university of Ohio at Toledo.

35723

35724

35725

35726

(2) "Resident" has the meaning specified by rule of the Ohio board of regents.

35727

35728

(3) "Statement of selective service status" means a statement certifying one of the following:

35729

35730

(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as

35731

35732

35733

amended; 35734

(b) That the individual filing the statement is not required 35735
to register with the selective service for one of the following 35736
reasons: 35737

(i) The individual is under eighteen or over twenty-six years 35738
of age; 35739

(ii) The individual is on active duty with the armed forces 35740
of the United States other than for training in a reserve or 35741
national guard unit; 35742

(iii) The individual is a nonimmigrant alien lawfully in the 35743
United States in accordance with section 101 (a)(15) of the 35744
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended; 35745

(iv) The individual is not a citizen of the United States and 35746
is a permanent resident of the Trust Territory of the Pacific 35747
Islands or the Northern Mariana Islands. 35748

(4) "Institution of higher education" means any eligible 35749
institution approved by the United States department of education 35750
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 35751
amended, or any institution whose students are eligible for 35752
financial assistance under any of the programs described by 35753
division (E) of this section. 35754

(B) The Ohio board of regents shall, by rule, specify the 35755
form of statements of selective service status to be filed in 35756
compliance with divisions (C) to (F) of this section. Each 35757
statement of selective service status shall contain a section 35758
wherein a male student born after December 31, 1959, certifies 35759
that the student has registered with the selective service system 35760
in accordance with the "Military Selective Service Act," 62 Stat. 35761
604, 50 U.S.C. App. 453, as amended. For those students not 35762
required to register with the selective service, as specified in 35763

divisions (A)(2)(b)(i) to (iv) of this section, a section shall be 35764
provided on the statement of selective service status for the 35765
certification of nonregistration and for an explanation of the 35766
reason for the exemption. The board of regents may require that 35767
such statements be accompanied by documentation specified by rule 35768
of the board. 35769

(C) A state university or college that enrolls in any course, 35770
class, or program a male student born after December 31, 1959, who 35771
has not filed a statement of selective service status with the 35772
university or college shall, regardless of the student's 35773
residency, charge the student any tuition surcharge charged 35774
students who are not residents of this state. 35775

(D) No male born after December 31, 1959, shall be eligible 35776
to receive any loan, grant, scholarship, or other financial 35777
assistance for educational expenses under section 3315.33, 35778
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.27, 5910.03, 35779
5910.032, or 5919.34 of the Revised Code unless that person has 35780
filed a statement of selective service status with that person's 35781
institution of higher education. 35782

(E) If an institution of higher education receives a 35783
statement from an individual certifying that the individual has 35784
registered with the selective service system in accordance with 35785
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 35786
453, as amended or that the individual is exempt from registration 35787
for a reason other than that the individual is under eighteen 35788
years of age, the institution shall not require the individual to 35789
file any further statements. If it receives a statement certifying 35790
that the individual is not required to register because the 35791
individual is under eighteen years of age, the institution shall 35792
require the individual to file a new statement of selective 35793
service status each time the individual seeks to enroll for a new 35794
academic term or makes application for a new loan or loan 35795

guarantee or for any form of financial assistance for educational 35796
expenses, until it receives a statement certifying that the 35797
individual has registered with the selective service system or is 35798
exempt from registration for a reason other than that the 35799
individual is under eighteen years of age. 35800

Sec. 3353.01. As used in ~~sections 3353.01 to 3353.05 of the~~ 35801
~~Revised Code~~ this chapter: 35802

(A) "Educational television or radio" means television or 35803
radio programs which serve the educational needs of the community 35804
and which meet the requirements of the federal communications 35805
commission for noncommercial educational television or radio. 35806

(B) "Educational telecommunications network" means a system 35807
of connected educational television, radio, or radio reading 35808
service facilities and coordinated programs established and 35809
operated or controlled by the eTech Ohio ~~educational~~ 35810
~~telecommunications network~~ commission, pursuant to ~~sections~~ 35811
~~3353.01 to 3353.04 of the Revised Code~~ this chapter. 35812

(C) "Transmission" means the sending out of television, 35813
radio, or radio reading service programs, either directly to the 35814
public, or to broadcasting stations or services for simultaneous 35815
broadcast or rebroadcast. 35816

(D) "Transmission facilities" means structures, equipment, 35817
material, and services used in the transmission of educational 35818
television, radio, or radio reading service programs. 35819

(E) "Interconnection facilities" means the equipment, 35820
material, and services used to link one location to another 35821
location or to several locations by means of telephone line, 35822
coaxial cable, microwave relays, or other available technologies. 35823

(F) "Broadcasting station" means a properly licensed 35824
noncommercial educational television or radio station, 35825

appropriately staffed and equipped to produce programs or lessons 35826
and to broadcast programs. 35827

~~(G) "Production center" means a television, radio, or radio 35828
reading service production studio, staffed and equipped with 35829
equipment, material, and supplies necessary to produce a program 35830
or a lesson for broadcast or for recording on film, video tape, or 35831
audio tape. 35832~~

~~(H) "Radio reading service" means a nonprofit organization 35833
that disseminates news and other information to blind and 35834
physically handicapped persons. 35835~~

~~(H) "Affiliate" means an educational telecommunication 35836
entity, including a television or radio broadcasting station or 35837
radio reading service. 35838~~

Sec. 3353.02. (A) There is hereby created the eTech Ohio 35839
commission as an independent agency to advance education and 35840
accelerate the learning of the citizens of this state through 35841
technology. The commission shall provide leadership and support in 35842
extending the knowledge of the citizens of this state by promoting 35843
access to and use of all forms of educational technology, 35844
including educational television and radio, radio reading 35845
services, broadband networks, videotapes, compact discs, digital 35846
video on demand (DVD), and the internet. The commission also shall 35847
administer programs to provide financial and other assistance to 35848
school districts and other educational institutions for the 35849
acquisition and utilization of educational technology. 35850

The commission is a body corporate and politic, an agency of 35851
the state performing essential governmental functions of the 35852
state. 35853

(B) The commission shall consist of thirteen members, nine of 35854
whom shall be voting members. Six of the voting members shall be 35855

representatives of the public. Of the representatives of the public, four shall be appointed by the governor with the advice and consent of the senate, one shall be appointed by the speaker of the house of representatives, and one shall be appointed by the president of the senate. The superintendent of public instruction or a designee of the superintendent, the chancellor of the Ohio board of regents or a designee of the chancellor, and the director of administrative services or a designee of the director shall be ex officio voting members. Of the nonvoting members, two shall be members of the house of representatives appointed by the speaker of the house of representatives and two shall be members of the senate appointed by the president of the senate. The members appointed from each chamber shall not be members of the same political party.

(C) Initial terms of office for members appointed by the governor shall be one year for one member, two years for one member, three years for one member, and four years for one member. At the first meeting of the commission, members appointed by the governor shall draw lots to determine the length of the term each member will serve. Thereafter, terms of office for members appointed by the governor shall be for four years. Terms of office for voting members appointed by the speaker of the house of representatives and the president of the senate shall be for four years. Any member who is a representative of the public may be reappointed by the member's respective appointing authority, but no such member may serve more than two consecutive four-year terms. Such a member may be removed by the member's respective appointing authority for cause.

Any legislative member appointed by the speaker of the house of representatives or the president of the senate who ceases to be a member of the legislative chamber from which the member was appointed shall cease to be a member of the commission. The

speaker of the house of representatives and the president of the 35888
senate may remove their respective appointments to the commission 35889
at any time. 35890

(D) Vacancies among appointed members shall be filled in the 35891
manner provided for original appointments. Any member appointed to 35892
fill a vacancy occurring prior to the expiration of the term for 35893
which the member's predecessor was appointed shall hold office for 35894
the remainder of that term. Any appointed member shall continue in 35895
office subsequent to the expiration of that member's term until 35896
the member's successor takes office or until a period of sixty 35897
days has elapsed, whichever occurs first. 35898

(E) Members of the commission shall serve without 35899
compensation. The members who are representatives of the public 35900
shall be reimbursed, pursuant to office of budget and management 35901
guidelines, for actual and necessary expenses incurred in the 35902
performance of official duties. 35903

(F) The governor shall appoint the chairperson of the 35904
commission from among the commission's voting members. The 35905
chairperson shall serve a term of two years and may be 35906
reappointed. The commission shall elect other officers as 35907
necessary from among its voting members and shall prescribe its 35908
rules of procedure. 35909

(G) The commission shall establish advisory groups as needed 35910
to address topics of interest and to provide guidance to the 35911
commission regarding educational technology issues and the 35912
technology needs of educators, learners, and the public. Members 35913
of each advisory group shall be appointed by the commission and 35914
shall include representatives of individuals or organizations with 35915
an interest in the topic addressed by the advisory group. 35916

Sec. 3353.03. (A) The eTech Ohio commission shall appoint an 35917

executive director, who shall serve at the pleasure of the 35918
commission. The executive director shall have no authority other 35919
than that provided by law or delegated to the executive director 35920
by the commission. The executive director shall do all of the 35921
following: 35922

(1) Direct commission employees in the administration of all 35923
programs of the commission; 35924

(2) Provide leadership and support in extending the knowledge 35925
of the citizens of this state by promoting equal access to and use 35926
of all forms of educational technology, as directed by the 35927
commission; 35928

(3) Provide financial and other assistance to school 35929
districts and other educational institutions, affiliates, and, if 35930
approved by the commission, educational technology organizations 35931
for the acquisition and utilization of educational technology; 35932

(4) Implement policies and directives issued by the 35933
commission; 35934

(5) Perform other duties authorized by the commission. 35935

(B) The commission shall fix the compensation of the 35936
executive director. The executive director shall employ and fix 35937
the compensation for such employees as necessary to facilitate the 35938
activities and purposes of the commission. The employees shall 35939
serve at the pleasure of the executive director. 35940

(C) The employees of the commission shall be placed in the 35941
unclassified service. 35942

(D)(1) Except as provided in division (D)(2) of this section, 35943
the employees of the commission shall be exempt from Chapter 4117. 35944
of the Revised Code and shall not be public employees as defined 35945
in section 4117.01 of the Revised Code. 35946

(2) All employees of the commission who transferred to the 35947
commission from one of the commission's predecessor agencies upon 35948
the commission's creation and, when employed by the predecessor 35949
agency were included in a bargaining unit established under 35950
Chapter 4117. of the Revised Code, shall continue to be included 35951
in that bargaining unit, are public employees as defined in 35952
section 4117.01 of the Revised Code, and may collectively bargain 35953
with the commission in accordance with that chapter. Otherwise, 35954
any employee hired by the commission after the effective date of 35955
this section, either to fill vacancies or to fill new positions, 35956
shall be exempt from Chapter 4117. of the Revised Code and shall 35957
not be public employees as defined in section 4117.10 of the 35958
Revised Code. 35959

Sec. 3353.04. (A) The ~~eTech~~ Ohio educational 35960
telecommunications network ~~commission~~ may perform any act 35961
necessary to carry out the functions of this chapter, including 35962
any of the following: 35963

~~(A)~~ (1) Make grants to institutions and other organizations 35964
as prescribed by the general assembly for the provision of 35965
technical assistance, professional development, and other support 35966
services to enable school districts, community schools established 35967
under Chapter 3314. of the Revised Code, other educational 35968
institutions, and affiliates to utilize educational technology; 35969

(2) Establish a reporting system for school districts, 35970
community schools, other educational institutions, affiliates, and 35971
educational technology organizations that receive financial 35972
assistance from the commission. The system may require the 35973
reporting of information regarding the manner in which the 35974
assistance was expended, the manner in which the equipment or 35975
services purchased with the assistance is being utilized, the 35976
results or outcome of the utilization, the manner in which the 35977

utilization is compatible with the statewide academic standards 35978
adopted by the state board of education pursuant to section 35979
3301.079 of the Revised Code, and any other information determined 35980
by the commission. 35981

(3) Ensure that, where appropriate, products produced by any 35982
entity to which the commission provides financial assistance for 35983
use in elementary and secondary education are aligned with the 35984
statewide academic standards adopted by the state board pursuant 35985
to section 3301.079 of the Revised Code; 35986

(4) Promote accessibility to educational products aligned 35987
with the statewide academic standards, adopted by the state board 35988
pursuant to section 3301.079 of the Revised Code, for school 35989
districts, community schools, and other entities serving grades 35990
kindergarten through twelve; 35991

(5) Own ~~and~~ or operate transmission facilities and 35992
interconnection facilities, or contract for transmission 35993
facilities and interconnection facilities, for an educational 35994
television, radio, or radio reading service network; 35995

~~(B)~~ (6) Establish standards for interconnection facilities 35996
used by the commission in the transmission of educational 35997
television, radio, or radio reading service programming ~~by the~~ 35998
commission; 35999

~~(C)~~ (7) Enter into agreements with noncommercial educational 36000
television or radio broadcasting stations or radio reading 36001
services for the ~~transmission to the broadcasting stations or~~ 36002
~~services of identical programs for broadcasting either~~ 36003
~~simultaneously or through the use of transcription discs, video~~ 36004
~~tapes, film, or audio tapes operation of the interconnection;~~ 36005

~~(D)~~ (8) Enter into agreements with noncommercial educational 36006
television, ~~radio,~~ or radio reading service production centers ~~and~~ 36007
with broadcasting stations ~~and~~ or radio reading services for the 36008

production and use of educational television, radio, or radio 36009
reading service programs to be transmitted by the educational 36010
telecommunications network; 36011

~~(E)~~(9) Execute contracts and other agreements necessary and 36012
desirable to carry out the purposes of ~~sections 3353.01 to 3353.04~~ 36013
~~of the Revised Code~~ this chapter and other duties prescribed to 36014
the commission by law or authorize the executive director of the 36015
commission to execute such contracts and agreements on the 36016
commission's behalf; 36017

~~(F)~~ Determine programs to be distributed through the Ohio 36018
educational telecommunications network; 36019

~~(G)~~(10) Act as consultant with educational television and 36020
educational radio stations and radio reading services toward 36021
coordination within the state of the distribution of federal funds 36022
that may become available for ~~the development of~~ equipment for 36023
educational broadcasting or radio reading services; 36024

~~(H)~~(11) Make payments to noncommercial Ohio educational 36025
television or radio broadcasting stations or radio reading 36026
services to sustain the operation of such stations or services, 36027
~~and may consign equipment to them in exchange for services~~ 36028
~~rendered;~~ 36029

(12) In consultation with participants in programs 36030
administered by the commission, establish guidelines governing 36031
purchasing and procurement that facilitate the timely and 36032
effective implementation of such programs; 36033

(13) In consultation with participants in programs 36034
administered by the commission, consider the efficiency and cost 36035
savings of statewide procurement prior to allocating and releasing 36036
funds for such programs; 36037

(14) In consultation with participants in programs 36038
administered by the commission, establish a systems support 36039

network to facilitate the timely implementation of the programs 36040
and other projects and activities for which the commission 36041
provides assistance. 36042

(B) Chapters 123., 124., 125., and 153. of the Revised Code 36043
and sections 9.331, 9.332, and 9.333 of the Revised Code do not 36044
apply to contracts, programs, projects, or activities of the 36045
commission. 36046

Sec. 3353.06. (A) The affiliates services fund is hereby 36047
created in the state treasury. The eTech Ohio ~~educational~~ 36048
~~telecommunications network~~ commission shall deposit any money it 36049
receives for services provided to affiliates to the credit of the 36050
fund, including: 36051

(1) Reimbursements for services provided to stations; 36052

(2) Charges levied for maintenance of telecommunications, 36053
broadcasting, or transmission equipment; 36054

(3) Contract or grant payments from affiliates. 36055

(B) The commission shall use money credited to the affiliates 36056
services fund for any commission operating purposes, including: 36057

(1) The purchase, repair, or maintenance of 36058
telecommunications, broadcasting, or transmission equipment; 36059

(2) The purchase or lease of educational programming; 36060

(3) The purchase of tape and maintenance of a media library; 36061

(4) Professional development programs and services; 36062

(5) Administrative expenses ~~and legal fees.~~ 36063

Sec. 3353.07. (A) ~~As used in this section, "broadcasting~~ 36064
~~station" has the same meaning as in section 3353.01 of the Revised~~ 36065
~~Code.~~ 36066

~~(B)~~ Ohio government telecommunications shall be funded 36067
through the eTech Ohio ~~educational telecommunications network~~ 36068
commission and shall be managed by a broadcasting station under a 36069
contract. The contract shall not take effect until the program 36070
committee of Ohio government telecommunications approves the 36071
contract. The broadcasting station shall manage the staff of Ohio 36072
government telecommunications. 36073

~~(C)~~(B)(1) There is hereby created the program committee of 36074
Ohio government telecommunications that shall consist of the 36075
president of the senate, speaker of the house of representatives, 36076
minority leader of the senate, and minority leader of the house of 36077
representatives, or their designees. By a vote of a majority of 36078
its members, the program committee may add additional members to 36079
the committee. 36080

(2) The program committee shall adopt rules that govern the 36081
operation of Ohio government telecommunications and the coverage 36082
and distribution of official governmental activities by Ohio 36083
government telecommunications. 36084

Sec. 3354.25. (A) The provisions of this section prevail over 36085
conflicting provisions of this chapter; however, except as 36086
provided in this section, the community college district and its 36087
board of trustees created by this section shall comply with the 36088
provisions of this chapter. 36089

(B)(1) The territory of Warren county is hereby added to the 36090
territory of the community college district of Montgomery county, 36091
creating the Warren county Montgomery county community college 36092
district and replacing the former community college district of 36093
Montgomery county. The district created in this section may be 36094
known as and operate under the name of the Sinclair community 36095
college district. 36096

(2) The community college district created by this section shall be divided into separate taxing subdistricts, one consisting of the territory of Warren county, and another consisting of the territory of Montgomery county. 36097
36098
36099
36100

Taxes for the benefit of the community college district shall be levied and the benefits from the revenues of those taxes shall be apportioned among the subdistricts only in accordance with this section. 36101
36102
36103
36104

(C) The board of trustees of the two-county community college district created by this section shall consist of eleven members. 36105
36106

(1) Nine members of the board of trustees shall be residents of Montgomery county. The initial Montgomery county members shall be the same members of the board of trustees of the former community college district of Montgomery county, as it existed prior to the effective date of this section, whose terms shall expire and whose successors shall be appointed as they would have otherwise under division (B) of section 3354.05 of the Revised Code. 36107
36108
36109
36110
36111
36112
36113
36114

(2) Two members of the board of trustees shall be residents of Warren county, one of whom shall be appointed by the board of county commissioners of Warren county, and one of whom shall be appointed by the governor with the advice and consent of the senate. Each of the initial appointments under division (C)(2) of this section shall be made within ninety days after the effective date of this section. At the time of the initial meeting of the trustees of the community college district created by this section, a drawing among the Warren county appointees shall be held to determine the initial term of each appointee, one trustee to serve for a term ending three years after the expiration date of the Montgomery county trustee's term that is the first to expire after the effective date of this section, and the other 36115
36116
36117
36118
36119
36120
36121
36122
36123
36124
36125
36126
36127

trustee to serve for a term ending five years after the expiration 36128
date of the Montgomery county trustee's term that is the first to 36129
expire after the effective date of this section. Thereafter, the 36130
successive terms of the Warren county members of the board of 36131
trustees shall be for five years, each term ending on the same day 36132
of the same month of the year as did the term which it succeeds. 36133
Each trustee shall hold office from the date of the trustee's 36134
appointment until the end of the term for which appointed. Any 36135
trustee appointed to fill a vacancy occurring prior to the 36136
expiration of the term for which the trustee's predecessor was 36137
appointed shall hold office for the remainder of that term. Any 36138
trustee shall continue in office subsequent to the expiration date 36139
of the trustee's term until the trustee's successor takes office, 36140
or until a period of sixty days has elapsed, whichever occurs 36141
first. 36142

(D) The board of trustees of the community college district 36143
created by this section shall continue to comply with division (G) 36144
of section 3354.09 of the Revised Code, regarding tuition for 36145
students who are residents of Ohio but not of the district, and 36146
for students who are nonresidents of Ohio. The tuition rate shall 36147
be based on the student's county of residence and shall apply to 36148
all Sinclair community college classes in all Sinclair community 36149
college locations. Except as provided in division (G)(2) of this 36150
section, students who are residents of Warren county shall 36151
continue to be charged tuition at the same rate as Ohio residents 36152
who are not residents of the district. 36153

(E)(1) Unless the conditions prescribed in division (F) of 36154
this section are satisfied, the trustees from each respective 36155
county of the community college district created by this section 36156
shall have no vote on any of the following matters pertaining to 36157
the other county: 36158

(a) Tax levies; 36159

<u>(b) The expenditure of revenue from tax levies;</u>	36160
<u>(c) Levy-subsidized tuition rates.</u>	36161
<u>(2) As long as either of the conditions prescribed in</u>	36162
<u>division (F)(1) or (2) of this section are satisfied, each member</u>	36163
<u>of the board of trustees shall have full voting rights on all</u>	36164
<u>matters coming before the board.</u>	36165
<u>(3) At all times, on any matter related to community college</u>	36166
<u>programming or facilities within one county or the other, both of</u>	36167
<u>the following are necessary:</u>	36168
<u>(a) The affirmative vote of a majority of the full membership</u>	36169
<u>of the board of trustees;</u>	36170
<u>(b) The affirmative vote of at least fifty per cent of the</u>	36171
<u>trustees from the affected county.</u>	36172
<u>(4) If the millage rate of the Warren county tax levy</u>	36173
<u>described in division (F) of this section is subsequently reduced</u>	36174
<u>by a vote of the electors of Warren county to the extent that it</u>	36175
<u>no longer satisfies a condition prescribed in either division</u>	36176
<u>(F)(1) or (2) of this section, the voting restrictions prescribed</u>	36177
<u>in division (E)(1) of this section again apply to the board</u>	36178
<u>effective on the first day of the tax year that begins after the</u>	36179
<u>reduction is approved by the electors.</u>	36180
<u>(F) The voting restrictions of division (E)(1) of this</u>	36181
<u>section apply until the electors of Warren county approve a tax</u>	36182
<u>levy, in accordance with division (G)(3) of this section,</u>	36183
<u>equivalent to the tax levy approved by the electors of Montgomery</u>	36184
<u>county for the support of the former community college district of</u>	36185
<u>Montgomery county prior to the effective date of this section. For</u>	36186
<u>this purpose, an equivalent tax levy is a tax levied in Warren</u>	36187
<u>county that either:</u>	36188
<u>(1) In the first tax year for which the tax is collected,</u>	36189

yields revenue per capita equal to or greater than the yield per 36190
capita of levies of the community college district in effect that 36191
tax year in Montgomery county, as jointly determined by the county 36192
auditors of Montgomery and Warren counties; 36193

(2) In the first tax year for which the tax is collected, 36194
imposes a millage rate that is equal to or greater than the 36195
effective tax rate of levies of the community college district in 36196
effect that tax year in Montgomery county, as jointly determined 36197
by the county auditors of Montgomery and Warren counties. 36198

As used in division (F)(2) of this section, "effective tax 36199
rate" means the quotient obtained by dividing the total taxes 36200
charged and payable for the taxing subdistrict for a tax year, 36201
after the reduction prescribed by section 319.301 of the Revised 36202
Code but before the reduction prescribed by section 319.302 or 36203
323.152 of the Revised Code, by the taxable value for the taxing 36204
subdistrict for that tax year. 36205

(G)(1) The board of trustees may propose to levy a tax on 36206
taxable property in Montgomery county to be voted on by the 36207
electors of Montgomery county as provided in division (G)(3) of 36208
this section. Any money raised by a tax levied by the former 36209
community college district of Montgomery county or a subsequent 36210
tax levied in Montgomery county in accordance with division (G)(3) 36211
of this section shall be used solely for the benefit of Montgomery 36212
county residents attending Sinclair community college in the form 36213
of student tuition subsidy, student scholarships, and 36214
instructional facilities, equipment and support services located 36215
within Montgomery county, shall be deposited into a separate fund 36216
from all other revenues of the district, and shall be budgeted 36217
separately. 36218

(2) The board of trustees may propose to levy a tax on 36219
taxable property in Warren county to be voted on by electors of 36220

Warren county as provided in division (G)(3) of this section. Any 36221
money raised by the tax shall be used solely for the benefit of 36222
Warren county residents attending Sinclair community college in 36223
the form of student tuition subsidy, student scholarships, and 36224
instructional facilities, equipment and support services located 36225
within Warren county, shall be deposited into a separate fund from 36226
all other revenues of the district, and shall be budgeted 36227
separately. If the tax is approved in accordance with division 36228
(G)(3)(c) of this section, the board of trustees may adjust the 36229
rate of tuition charged to Warren county residents commensurate 36230
with the amount of that tax the board of trustees dedicates for 36231
instructional and general services provided to Warren county 36232
residents. 36233

(3) For each taxing subdistrict of the community college 36234
district created by this section, the board of trustees may 36235
propose to levy a tax in accordance with the procedures prescribed 36236
in section 3354.12 of the Revised Code, except as provided in 36237
divisions (G)(3)(a) to (c) of this section. 36238

(a) Wherein section 3354.12 of the Revised Code the terms 36239
"district" and "community college district" are used, those terms 36240
shall be construed to mean the appropriate taxing subdistrict 36241
described in division (B)(2) of this section, except that the 36242
"board of trustees of the community college district" means the 36243
board of trustees for the entire community college district as 36244
described in division (C) of this section. That board of trustees 36245
may propose separate levies for either of the two taxing 36246
subdistricts. 36247

(b) "Tax duplicate," as used in section 3354.12 of the 36248
Revised Code, means the tax duplicate of only the appropriate 36249
taxing subdistrict and not the tax duplicate of the entire 36250
community college district. 36251

(c) The resolution of the board of trustees proposing a tax 36252
levy in the Warren county taxing subdistrict is subject to 36253
approval of a two-thirds vote of the board of county commissioners 36254
of Warren county. If so approved by the board of county 36255
commissioners of Warren county, that board shall certify the 36256
resolution to the Warren county board of elections, which shall 36257
place on the ballot for the electors of Warren county the question 36258
of levying the tax proposed in the resolution on all taxable 36259
property of the county. If approved by the electors of the county, 36260
the tax shall be levied as provided in section 3354.12 of the 36261
Revised Code and anticipation notes may be issued by the board of 36262
trustees in accordance with that section. 36263

(H)(1) The board of trustees of the community college 36264
district created by this section may issue bonds in accordance 36265
with section 3354.11 of the Revised Code; however, the board may 36266
limit the question of approval of the issue of those bonds to the 36267
electors of only one of the two taxing subdistricts described in 36268
division (B)(2) of this section, in which case the board also may 36269
limit the use of the property or improvements to the residents of 36270
that subdistrict. 36271

(2) A resolution of the board of trustees proposing the 36272
issuance of bonds for only the Warren county taxing subdistrict is 36273
subject to approval of a two-thirds vote of the board of county 36274
commissioners of Warren county. If so approved by the board of 36275
county commissioners of Warren county, that board shall certify 36276
the resolution to the Warren county board of elections which shall 36277
place on the ballot for the electors of Warren county the question 36278
of issuing bonds as proposed in the resolution. 36279

Sec. 3362.02. The board of trustees of Shawnee state 36280
university shall annually elect from their members a ~~chairman~~ 36281
chairperson and ~~vice-chairman~~ vice-chairperson; and they may also 36282

appoint a secretary of the board, a treasurer, and such other 36283
officers of the university as the interests of the university 36284
require, who may be members of the board. The treasurer, before 36285
entering upon the discharge of ~~his~~ official duties, shall give 36286
bond to the state or be insured for the faithful performance of 36287
~~his~~ the treasurer's duties and the proper accounting for all 36288
moneys coming into ~~his~~ the treasurer's care. The amount of said 36289
bond or insurance shall be determined by the board, but shall not 36290
be for a sum less than the estimated amount which may come into 36291
the treasurer's sole control at any time, less any reasonable 36292
deductible. ~~Said bond shall be approved by the attorney general.~~ 36293

Sec. 3365.01. As used in ~~sections 3365.01 to 3365.10 of the~~ 36294
~~Revised Code~~ this chapter: 36295

(A) "College" means any state-assisted college or university 36296
described in section 3333.041 of the Revised Code, any nonprofit 36297
institution holding a certificate of authorization pursuant to 36298
Chapter 1713. of the Revised Code, any private institution exempt 36299
from regulation under Chapter 3332. of the Revised Code as 36300
prescribed in section 3333.046 of the Revised Code, and any 36301
institution holding a certificate of registration from the state 36302
board of career colleges and schools and program authorization for 36303
an associate or bachelor's degree program issued under section 36304
3332.05 of the Revised Code. 36305

(B) "School district," except as specified in division (G) of 36306
this section, means any school district to which a student is 36307
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 36308
the Revised Code and does not include a joint vocational or 36309
cooperative education school district. 36310

(C) "Parent" has the same meaning as in section 3313.64 of 36311
the Revised Code. 36312

(D) "Participant" means a student enrolled in a college under 36313

the post-secondary enrollment options program established by this chapter. 36314
36315

(E) "Secondary grade" means the ninth through twelfth grades. 36316

(F) "School foundation payments" means the amount required to be paid to a school district for a fiscal year under Chapter 3317. of the Revised Code. 36317
36318
36319

(G) "Tuition base" means, with respect to a participant's school district, the greater of the following: 36320
36321

(1) The fiscal year 2005 formula amount defined in division (B) of section 3317.02 of the Revised Code multiplied by the district's fiscal year 2005 cost-of-doing-business factor defined in division (N) of that section 3317.02 of the Revised Code. The 36322
36323
36324
36325

(2) The sum of (the current formula amount times the current cost-of-doing-business factor defined in section 3317.02 of the Revised Code) plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 36326
36327
36328
36329
36330

The participant's "school district" in the case of a participant enrolled in a community school shall be the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 36331
36332
36333
36334

(H) "Educational program" means enrollment in one or more school districts, in a nonpublic school, or in a college under division (B) of section 3365.04 of the Revised Code. 36335
36336
36337

(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code. 36338
36339
36340
36341

(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June. 36342
36343

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

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

Sec. 3365.02. There is hereby established the post-secondary enrollment options program under which a secondary grade student who is a resident of this state may enroll at a college, on a full- or part-time basis, and complete nonsectarian courses for high school and college credit. The purpose of the program is to provide enriched education opportunities to secondary grade students that are beyond the opportunities offered by the high school in which they are enrolled.

Secondary grade students in a nonpublic school may participate in the post-secondary enrollment options program if the chief administrator of such school notifies the department of education by the first day of April prior to the school year in which the school's students will participate.

The state board of education, after consulting with the board of regents, shall adopt rules governing the program. The rules shall include:

(A) Requirements for school districts, community schools, or participating nonpublic schools to provide information about the program prior to the first day of March of each year to all students enrolled in grades eight through eleven;

(B) A requirement that a student or the student's parent inform the district board of education, the governing authority of a community school, or the nonpublic school administrator by the thirtieth day of March of the student's intent to participate in

the program during the following school year. The rule shall
provide that any student who fails to notify a district board, the
governing authority of a community school, or the nonpublic school
administrator by the required date may not participate in the
program during the following school year without the written
consent of the district superintendent, the governing authority of
a community school, or the nonpublic school administrator.

(C) Requirements that school districts and community schools
provide counseling services to students in grades eight through
eleven and to their parents before the students participate in the
program under this chapter to ensure that students and parents are
fully aware of the possible risks and consequences of
participation. Counseling information shall include without
limitation:

- (1) Program eligibility;
- (2) The process for granting academic credits;
- (3) Financial arrangements for tuition, books, materials, and
fees;
- (4) Criteria for any transportation aid;
- (5) Available support services;
- (6) Scheduling;
- (7) The consequences of failing or not completing a course in
which the student enrolls and the effect of the grade attained in
the course being included in the student's grade point average, if
applicable;
- (8) The effect of program participation on the student's
ability to complete the district's, community school's, or
nonpublic school's graduation requirements;
- (9) The academic and social responsibilities of students and
parents under the program;

(10) Information about and encouragement to use the 36404
counseling services of the college in which the student intends to 36405
enroll. 36406

(D) A requirement that the student and the student's parent 36407
sign a form, provided by the school district or school, stating 36408
that they have received the counseling required by division (C) of 36409
this section and that they understand the responsibilities they 36410
must assume in the program; 36411

(E) The options required by section 3365.04 of the Revised 36412
Code; 36413

(F) A requirement that a student may not enroll in any 36414
specific college course through the program if the student has 36415
taken high school courses in the same subject area as that college 36416
course and has failed to attain a cumulative grade point average 36417
of at least 3.0 on a 4.0 scale, or the equivalent, in such 36418
completed high school courses; 36419

(G) A requirement that a student or the student's parent will 36420
reimburse the state for the amount of state funds paid to a 36421
college for a course in which the student is enrolled under this 36422
chapter if the student does not attain a passing final grade in 36423
that course. 36424

Sec. 3365.04. The rules adopted under section 3365.02 of the 36425
Revised Code shall provide for students to enroll in courses under 36426
either of the following options: 36427

(A) The student may elect at the time of enrollment to 36428
~~receive only college credit for~~ be responsible for payment of all 36429
tuition and the cost of all textbooks, materials, and fees 36430
associated with the course. The college shall notify the student 36431
about payment of tuition and fees in the customary manner followed 36432
by the college, ~~and the student shall be responsible for payment 36433~~

~~of all tuition and the cost of all textbooks, materials, and fees~~ 36434
~~associated with the course. If A student electing this option also~~ 36435
~~shall elect, at the time of enrollment, whether to receive only~~ 36436
~~college credit or high school credit and college credit for the~~ 36437
~~course.~~ 36438

(1) The student may elect to receive only college credit for 36439
the course. Except as provided in section 3365.041 of the Revised 36440
Code, if the student successfully completes the course, the 36441
college shall award the student full credit for the course, but 36442
the board of education, community school governing authority, or 36443
nonpublic participating school shall not award the high school 36444
credit. 36445

(2) The student may elect to receive both high school credit 36446
and college credit for the course. Except as provided in section 36447
3365.041 of the Revised Code, if the student successfully 36448
completes the course, the college shall award the student full 36449
credit for the course and the board of education, community school 36450
governing authority, or nonpublic school shall award the student 36451
high school credit. 36452

(B) The student may elect at the time of enrollment for each 36453
course to ~~receive both~~ have the college ~~credit and high school~~ 36454
~~credit~~ reimbursed under section 3365.07 of the Revised Code. 36455
Except as provided in section 3365.041 of the Revised Code, if the 36456
student successfully completes the course, the college shall award 36457
the student full credit for the course, the board of education, 36458
community school governing authority, or nonpublic school shall 36459
award the student high school credit, and the college shall be 36460
reimbursed in accordance with section 3365.07 of the Revised Code. 36461

When determining a school district's formula ADM under 36462
section 3317.03 of the Revised Code, the time a participant is 36463
attending courses under division (A) of this section shall be 36464
considered as time the participant is not attending or enrolled in 36465

school anywhere, and the time a participant is attending courses 36466
under division (B) of this section shall be considered as time the 36467
participant is attending or enrolled in the district's schools. 36468

Sec. 3365.041. (A) When a school district superintendent or 36469
governing authority of a community school expels a student under 36470
division (B) of section 3313.66 of the Revised Code, the district 36471
superintendent or board shall send a written notice of the 36472
expulsion to any college in which the expelled student is enrolled 36473
under section 3365.03 of the Revised Code at the time the 36474
expulsion is imposed. The notice shall indicate the date the 36475
expulsion is scheduled to expire. The notice also shall indicate 36476
whether the district board of education or community school 36477
governing authority has adopted a policy under section 3313.613 of 36478
the Revised Code to deny high school credit for post-secondary 36479
courses taken during an expulsion. If the expulsion is extended 36480
under division (F) of section 3313.66 of the Revised Code, the 36481
district superintendent or governing authority shall notify the 36482
college of the extension. 36483

(B) A college may withdraw its acceptance under section 36484
3365.03 of the Revised Code of a student who is expelled from 36485
school under division (B) of section 3313.66 of the Revised Code. 36486
As provided in section 3365.03 of the Revised Code, regardless of 36487
whether the college withdraws its acceptance of the student for 36488
the college term in which the student is expelled, the student is 36489
ineligible to enroll in a college under that section for 36490
subsequent college terms during the period of the expulsion, 36491
unless the student enrolls in another school district or community 36492
school, or participating nonpublic school during that period. 36493

If a college withdraws its acceptance of an expelled student 36494
who elected ~~the~~ either option of division (A)(1) or (2) of section 36495
3365.04 of the Revised Code, the college shall refund tuition and 36496

fees paid by the student in the same proportion that it refunds 36497
tuition and fees to students who voluntarily withdraw from the 36498
college at the same time in the term. 36499

If a college withdraws its acceptance of an expelled student 36500
who elected the option of division (B) of section 3365.04 of the 36501
Revised Code, the school district or community school shall not 36502
award high school credit for the college courses in which the 36503
student was enrolled at the time the college withdrew its 36504
acceptance, and any reimbursement under section 3365.07 of the 36505
Revised Code for the student's attendance prior to the withdrawal 36506
shall be the same as would be paid for a student who voluntarily 36507
withdrew from the college at the same time in the term. If the 36508
withdrawal results in the college's receiving no reimbursement, 36509
the college may require the student to return or pay for the 36510
textbooks and materials it provided the student free of charge 36511
under section 3365.08 of the Revised Code. 36512

(C) When a student who elected the option of division (B) of 36513
section 3365.04 of the Revised Code is expelled under division (B) 36514
of section 3313.66 of the Revised Code from a school district or 36515
community school that has adopted a policy under section 3313.613 36516
of the Revised Code, that election is automatically revoked for 36517
all college courses in which the student is enrolled during the 36518
college term in which the expulsion is imposed. Any reimbursement 36519
under section 3365.07 of the Revised Code for the student's 36520
attendance prior to the expulsion shall be the same as would be 36521
paid for a student who voluntarily withdrew from the college at 36522
the same time in the term. If the revocation results in the 36523
college's receiving no reimbursement, the college may require the 36524
student to return or pay for the textbooks and materials it 36525
provided the student free of charge under section 3365.08 of the 36526
Revised Code. 36527

No later than five days after receiving an expulsion notice 36528

from the superintendent of a district or the governing authority 36529
of a community school that has adopted a policy under section 36530
3313.613 of the Revised Code, the college shall send a written 36531
notice to the expelled student that the student's election of 36532
division (B) of section 3365.04 of the Revised Code is revoked. If 36533
the college elects not to withdraw its acceptance of the student, 36534
the student shall pay all applicable tuition and fees for the 36535
college courses and shall pay for the textbooks and materials that 36536
the college provided under section 3365.08 of the Revised Code. 36537

Sec. 3365.05. High school credit awarded for courses 36538
successfully completed under this chapter shall count toward the 36539
graduation requirements and subject area requirements of the 36540
school district, community school, or nonpublic school. If a 36541
course comparable to one a student completed at a college is 36542
offered by the district, community school, or nonpublic school, 36543
the board or school shall award comparable credit for the course 36544
completed at the college. If no comparable course is offered by 36545
the district, community school, or nonpublic school, the board or 36546
school shall grant an appropriate number of credits in a similar 36547
subject area to the student. 36548

If there is a dispute between a school district board or a 36549
community school governing authority and a student regarding high 36550
school credits granted for a course, the student may appeal the 36551
board's or governing authority's decision to the state board of 36552
education. The state board's decision regarding any high school 36553
credits granted under this ~~division~~ section is final. 36554

Evidence of successful completion of each course and the high 36555
school credits awarded by the district, community school, or 36556
participating nonpublic school shall be included in the student's 36557
record. The record shall indicate that the credits were earned as 36558
a participant under this chapter and shall include the name of the 36559

college at which the credits were earned. The district board, 36560
community school governing authority, or nonpublic school shall 36561
determine whether and the manner in which the grade achieved in a 36562
course completed at a college under division (A)(2) or (B) of 36563
section 3365.04 of the Revised Code will be counted in any 36564
cumulative grade point average maintained for the student. 36565

Sec. 3365.08. (A) A college that expects to receive or 36566
receives reimbursement under section 3365.07 of the Revised Code 36567
shall furnish to a participant all textbooks and materials 36568
directly related to a course taken by the participant under 36569
division (B) of section 3365.04 of the Revised Code. No college 36570
shall charge such participant for tuition, textbooks, materials, 36571
or other fees directly related to any such course. 36572

(B) No student enrolled under this chapter in a course for 36573
which credit toward high school graduation is awarded shall 36574
receive direct financial aid through any state or federal program. 36575

(C) If a school district provides transportation for resident 36576
school students in grades eleven and twelve under section 3327.01 36577
of the Revised Code, a parent of a pupil enrolled in a course 36578
under division (A)(2) or (B) of section 3365.04 of the Revised 36579
Code may apply to the board of education for full or partial 36580
reimbursement for the necessary costs of transporting the student 36581
between the secondary school the student attends and the college 36582
in which the student is enrolled. Reimbursement may be paid solely 36583
from funds received by the district under division (D) of section 36584
3317.022 of the Revised Code. The state board of education shall 36585
establish guidelines, based on financial need, under which a 36586
district may provide such reimbursement. 36587

(D) If a community school provides or arranges transportation 36588
for its pupils in grades nine through twelve under section 36589
3314.091 of the Revised Code, a parent of a pupil of the community 36590

school who is enrolled in a course under division (A)(2) or (B) of 36591
section 3365.04 of the Revised Code may apply to the governing 36592
authority of the community school for full or partial 36593
reimbursement of the necessary costs of transporting the student 36594
between the community school and the college. The governing 36595
authority may pay the reimbursement in accordance with the state 36596
board's rules adopted under division (C) of this section solely 36597
from funds paid to it under section 3314.091 of the Revised Code. 36598

Sec. 3365.11. If the superintendent of the school district or 36599
the chief administrator of the community school or nonpublic 36600
school in which the student is enrolled notifies the 36601
superintendent of public instruction that the student has not 36602
attained a passing final grade in a college course in which the 36603
student is enrolled under this chapter, the superintendent of 36604
public instruction shall initiate proceedings to seek 36605
reimbursement from the student or the student's parent for the 36606
amount of state funds calculated for payment to the college on 36607
behalf of the student for enrollment in that college course. In 36608
seeking reimbursement, the superintendent of public instruction 36609
may request that the attorney general bring a civil action in the 36610
court of common pleas of the county in which the school district, 36611
community school, or nonpublic school is located, if the 36612
superintendent of public instruction determines it appropriate to 36613
bring such an action. 36614

Upon the collection of any funds from a student or student's 36615
parent under this section, the superintendent of public 36616
instruction shall credit the amount collected to the school 36617
district or community school from which an amount was deducted 36618
under division (D) of section 3365.07 of the Revised Code for the 36619
course or, if the student is enrolled in a nonpublic school, to 36620
the general revenue fund. 36621

Sec. 3375.40. Each board of library trustees appointed 36622
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 36623
or 3375.30 of the Revised Code may do the following: 36624

(A) Hold title to and have the custody of all real and 36625
personal property of the free public library under its 36626
jurisdiction; 36627

(B) Expend for library purposes, and in the exercise of the 36628
power enumerated in this section, all moneys, whether derived from 36629
the county library and local government support fund or otherwise, 36630
credited to the free public library under its jurisdiction and 36631
generally do all things it considers necessary for the 36632
establishment, maintenance, and improvement of the free public 36633
library under its jurisdiction; 36634

(C) Purchase, lease, construct, remodel, renovate, or 36635
otherwise improve, equip, and furnish buildings or parts of 36636
buildings and other real property, and purchase, lease, or 36637
otherwise acquire motor vehicles and other personal property, 36638
necessary for the proper maintenance and operation of the free 36639
public library under its jurisdiction, and pay their costs in 36640
installments or otherwise. Financing of these costs may be 36641
provided through the issuance of notes, through an installment 36642
sale, or through a lease-purchase agreement. Any such notes shall 36643
be issued pursuant to section 3375.404 of the Revised Code. 36644

(D) Purchase, lease, lease with an option to purchase, or 36645
erect buildings or parts of buildings to be used as main 36646
libraries, branch libraries, or library stations pursuant to 36647
section 3375.41 of the Revised Code; 36648

(E) Establish and maintain a main library, branches, library 36649
stations, and traveling library service within the territorial 36650
boundaries of the political subdivision or district over which it 36651

has jurisdiction of free public library service; 36652

(F) Except as otherwise provided in this division, establish 36653
and maintain branches, library stations, and traveling library 36654
service in any school district, outside the territorial boundaries 36655
of the political subdivision or district over which it has 36656
jurisdiction of free public library service, upon application to 36657
and approval of the state library board, pursuant to section 36658
3375.05 of the Revised Code. The board of library trustees of any 36659
free public library maintaining branches, stations, or traveling 36660
library service, outside the territorial boundaries of the 36661
political subdivision or district over which it has jurisdiction 36662
of free public library service, on September 4, 1947, may continue 36663
to maintain and operate those branches, those stations, and that 36664
traveling library service without the approval of the state 36665
library board. 36666

(G) Appoint and fix the compensation of all of the employees 36667
of the free public library under its jurisdiction, pay the 36668
reasonable cost of tuition for any of its employees who enroll in 36669
a course of study the board considers essential to the duties of 36670
the employee or to the improvement of the employee's performance, 36671
and reimburse applicants for employment for any reasonable 36672
expenses they incur by appearing for a personal interview; 36673

(H) Make and publish rules for the proper operation and 36674
management of the free public library and facilities under its 36675
jurisdiction, including rules pertaining to the provision of 36676
library services to individuals, corporations, or institutions 36677
that are not inhabitants of the county; 36678

(I) Assess uniform fees for the provision of services to 36679
patrons of the library, but no fee shall be assessed for the 36680
circulation of printed materials held by the library except for 36681
the assessment of fines for materials not returned in accordance 36682

with the board's rules; 36683

(J) Establish and maintain a museum in connection with and as 36684
an adjunct to the free public library under its jurisdiction; 36685

~~(J)~~(K) By the adoption of a resolution, accept any bequest, 36686
gift, or endowment upon the conditions connected with the bequest, 36687
gift, or endowment. No such bequest, gift, or endowment shall be 36688
accepted by the board if its conditions remove any portion of the 36689
free public library under the board's jurisdiction from the 36690
control of the board or if the conditions, in any manner, limit 36691
the free use of the library or any part of it by the residents of 36692
the counties in which the library is located. 36693

~~(K)~~(L) At the end of any fiscal year, by a two-thirds vote of 36694
its full membership, set aside any unencumbered surplus remaining 36695
in the general fund of the free public library under its 36696
jurisdiction for any purpose, including creating or increasing a 36697
special building and repair fund, or for operating the library or 36698
acquiring equipment and supplies; 36699

~~(L)~~(M) Procure and pay all or part of the cost of group term 36700
life, hospitalization, surgical, major medical, disability 36701
benefit, dental care, eye care, hearing aids, or prescription drug 36702
insurance or coverage, or a combination of any of those types of 36703
insurance or coverage, whether issued by an insurance company or a 36704
health insuring corporation duly licensed by the state, covering 36705
its employees, and, in the case of group term life, 36706
hospitalization, surgical, major medical, dental care, eye care, 36707
hearing aids, or prescription drug insurance or coverage, also 36708
covering the dependents and spouses of its employees, and, in the 36709
case of disability benefits, also covering the spouses of its 36710
employees. 36711

~~(M)~~(N) Pay reasonable dues and expenses for the free public 36712
library and library trustees in library associations. 36713

Any instrument by which real property is acquired pursuant to 36714
this section shall identify the agency of the state that has the 36715
use and benefit of the real property as specified in section 36716
5301.012 of the Revised Code. 36717

~~Section Sec. 3375.48. The judges of the court of common pleas~~ 36718
~~of any county in which there is a A law library association which~~ 36719
~~furnishes that receives fines and penalties, and moneys arising~~ 36720
~~from forfeited bail, under sections 3375.50 to 3375.53 of the~~ 36721
~~Revised Code shall furnish to all of the members of the ~~Ohio~~~~ 36722
~~general assembly, the ~~county~~ officers of the county in which the~~ 36723
~~association is located, and the judges of the ~~several~~ courts in~~ 36724
~~the that county admission to ~~its~~ the associations's law library~~ 36725
~~and the use of its books, materials, and equipment free of charge,~~ 36726
~~upon the appointment by the. The association's board of trustees~~ 36727
~~of such association of may appoint a person to act as librarian~~ 36728
~~thereof, or of a person to act as librarian and not more than two~~ 36729
~~additional persons to act as assistant law librarians thereof, of~~ 36730
~~the law library. The board shall ~~fix~~ be responsible for fixing and~~ 36731
~~paying the compensation of ~~such~~ those persons, which shall be paid~~ 36732
~~from the county treasury subject to section 3375.49 of the Revised~~ 36733
~~Code.~~ 36734

~~Sec. 3375.49. ~~For~~ (A) Subject to divisions (B) and (C) of~~ 36735
~~this section, for the use of the law library referred to in~~ 36736
~~section 3375.48 of the Revised Code, the board of county~~ 36737
~~commissioners shall provide, ~~at the expense of the county,~~~~ 36738
~~~~suitable rooms with sufficient and suitable bookcases~~ space in the~~ 36739  
~~county courthouse or, ~~if there are no suitable rooms in the~~~~ 36740  
~~~~courthouse, any other suitable rooms at~~ in any other building~~ 36741  
~~located in the county seat with sufficient, and ~~suitable bookcases~~~~ 36742
~~utilities for that space. The~~ 36743

(B)(1) Subject to division (C) of this section, through calendar year 2006, the board of county commissioners shall be responsible for paying the compensation of the librarian and up to two assistant librarians of the law library appointed by the board of trustees of the law library association under section 3375.48 of the Revised Code and the costs of the space in the county courthouse or other building that the board provides for the use of the law library under division (A) of this section, the utilities for that space, and furniture and fixtures for the law library. 36744
36745
36746
36747
36748
36749
36750
36751
36752
36753

(2) In calendar years 2007 through 2010, the board of county commissioners and the board of trustees shall be responsible for paying the compensation of the librarian and up to two assistant librarians appointed under section 3375.48 of the Revised Code and the costs of the space in the county courthouse or other building that the board of county commissioners provides for the use of the law library under division (A) of this section, the utilities for that space, and furniture and fixtures for the law library as follows: 36754
36755
36756
36757
36758
36759
36760
36761
36762

(a) In calendar year 2007, the board of county commissioners shall pay eighty per cent, and the board of trustees shall pay twenty per cent. 36763
36764
36765

(b) In calendar year 2008, the board of county commissioners shall pay sixty per cent, and the board of trustees shall pay forty per cent. 36766
36767
36768

(c) In calendar year 2009, the board of county commissioners shall pay forty per cent, and the board of trustees shall pay sixty per cent. 36769
36770
36771

(d) In calendar year 2010, the board of county commissioners shall pay twenty per cent, and the board of trustees shall pay eighty per cent. 36772
36773
36774

(3) Beginning in calendar year 2011 and thereafter, the board of trustees shall be responsible for paying the compensation of the librarian and all assistant librarians appointed under section 3375.48 of the Revised Code as well as the costs of the space in the county courthouse or other building that the board of county commissioners provides for the use of the law library under division (A) of this section, the utilities for that space, and the law library's furniture and fixtures.

(C) If the board of trustees of a law library association referred to in section 3375.48 of the Revised Code rents, leases, lease-purchases, or otherwise acquires space for the use of the law library, or constructs, enlarges, renovates, or otherwise modifies buildings or other structures to provide space for the use of the law library, the board of county commissioners of the county in which the association is located has no further obligation under division (A) of this section to provide space in the county courthouse or any other building located in the county seat for the use of the law library and utilities for that space, and has no further obligation under division (B) of this section to make payments for the compensation of the librarian and up to two assistant librarians of the law library appointed under section 3375.48 of the Revised Code and for the costs of space in the county courthouse or an other building for the use of the law library, the utilities for that space, and the law library's furniture and fixtures.

(D) The librarian ~~or person in charge~~ of the law library shall receive and safely keep in ~~these rooms~~ the law library the law reports and other books furnished by the state for use of the court and bar. ~~The board of county commissioners shall heat and light any such rooms. The~~

(E) The books, computer communications console that is a means of access to a system of computerized legal research,

microform materials and equipment, videotape materials and 36807
equipment, audio or visual materials and equipment, other 36808
materials and equipment utilized in conducting legal research, ~~and~~ 36809
furniture, and fixtures of the law library association that are 36810
owned by, and used exclusively in, the law library are exempt from 36811
taxation. 36812

Sec. 3375.54. The money that is paid to the board of trustees 36813
of a law library association under sections 3375.50 to 3375.53 of 36814
the Revised Code shall be expended in the support and operation of 36815
the law library association ~~and~~; in the purchase, lease, or rental 36816
of lawbooks, a computer communications console that is a means of 36817
access to a system of computerized legal research, microform 36818
materials and equipment, videotape materials and equipment, audio 36819
or visual materials and equipment, ~~and other services, materials,~~ 36820
~~and equipment that provide legal information or facilitate~~ 36821
utilized in conducting legal research, furniture, and fixtures 36822
used in the association's law library; and to pay the compensation 36823
of any librarian and assistant librarians of the law library 36824
appointed under section 3375.48 of the Revised Code. 36825

Sec. 3375.55. ~~Judges of the county court in the county and~~ 36826
~~officers~~ Officers of the townships and municipal corporations 36827
~~therein~~ in a county in which a law library association that 36828
receives fines and penalties, and moneys arising from forfeited 36829
bail, under sections 3375.50 to 3375.53 of the Revised Code is 36830
located shall have the same free use of the books, materials, and 36831
equipment of the association's law library ~~receiving moneys under~~ 36832
~~sections 3375.50 to 3375.53, inclusive, of the Revised Code, as~~ 36833
general assembly members and the judges and county officers 36834
mentioned in section 3375.48 of the Revised Code. 36835

Sec. 3381.02. A regional arts and cultural district may be 36836

created ~~under section 3381.03 or 3381.04 of the Revised Code~~ for 36837
any of the following purposes: making grants to support the 36838
operating or capital expenses of arts or cultural organizations 36839
located within its district, or acquiring, constructing, 36840
equipping, furnishing, repairing, remodeling, renovating, 36841
enlarging, improving, or administering artistic or cultural 36842
facilities. A regional arts and cultural district is a political 36843
subdivision of the state and a body corporate, comprised of the 36844
territory of a county, or two or more counties, municipal 36845
corporations, townships, or any combination thereof, ~~provided,~~ 36846
~~that if.~~ If more than one county is in a regional arts and 36847
cultural district, each county shall be contiguous to a county in 36848
~~its~~ the district, and, ~~provided~~ also in the case of a combination 36849
of political subdivisions, ~~that~~ each municipal corporation or 36850
township shall either be contiguous to a county, municipal 36851
corporation, or township in ~~its~~ the regional arts and cultural 36852
district, or each municipal corporation or township shall be 36853
located in a county that is contiguous to a county in ~~its~~ the 36854
district. 36855

Sec. 3381.04. (A) In lieu of the procedure set forth in 36856
section 3381.03 of the Revised Code, any county with a population 36857
of five hundred thousand or more ~~may,~~ at any time ~~prior to~~ before 36858
the creation of a regional arts and cultural district ~~pursuant to~~ 36859
under that section ~~3381.03 of the Revised Code,~~ may create a 36860
regional arts and cultural district by adoption of a resolution ~~or~~ 36861
~~ordinance~~ by the board of county commissioners of ~~such~~ that 36862
county. ~~Such~~ The resolution shall state all of the following: 36863

~~(A)~~(1) The purposes for the creation of the district; 36864

~~(B)~~(2) That the territory of the district shall be 36865
coextensive with the territory of ~~such~~ the county; 36866

~~(C)~~(3) The official name by which the district shall be 36867

known; 36868

~~(D)~~(4) The location of the principal office of the district 36869
or the manner in which the location shall be selected. 36870

(B) The district provided for in ~~such the~~ resolution ~~or~~ 36871
~~ordinance~~ shall be created upon the adoption of ~~such the~~ 36872
resolution ~~or ordinance~~ by the board of county commissioners of 36873
~~such that~~ county. Upon the adoption of ~~such the~~ resolution ~~or~~ 36874
~~ordinance~~, ~~such the~~ county and the municipal corporations and 36875
townships contained ~~therein in the county~~ shall not thereafter be 36876
a part of any other regional arts and cultural district. 36877

(C) The board of trustees of any regional arts and cultural 36878
district formed in accordance with this section shall be comprised 36879
of ~~three members appointed by the same persons who comprise such~~ 36880
~~county's~~ board of county commissioners. 36881

Sec. 3381.05. Within sixty days after a regional arts and 36882
cultural district has been created ~~under section 3381.03 of the~~ 36883
~~Revised Code~~, the board of trustees of the district shall be 36884
appointed as provided in this section. 36885

Members of a board of trustees of a regional arts and 36886
cultural district created by the exclusive action of a county 36887
shall be appointed by the board of county commissioners of ~~such~~ 36888
the county. A board of trustees of a district created by two or 36889
more political subdivisions shall consist of ~~such the~~ number of 36890
members, and shall be appointed by ~~such the~~ public officers or 36891
bodies, as shall be provided in the resolutions or ordinances 36892
creating ~~such the~~ district, or any amendments ~~thereto to them~~. ~~All~~ 36893

All members of a board of trustees of a regional arts and 36894
cultural district ~~created under section 3381.03 of the Revised~~ 36895
~~Code~~ shall be persons who have broad knowledge and experience in 36896
the arts or cultural heritage and shall have other qualifications 36897

as are specified in the ~~resolution~~ resolutions or ~~ordinance~~ 36898
ordinances creating the district, or any amendments ~~thereto~~ to 36899
them; provided, that at least two members of the board of trustees 36900
shall be persons who devote a major portion of their time to 36901
practicing, performing, or teaching any of the arts or who are 36902
professional administrators in any field of the arts or cultural 36903
heritage, and the ~~resolution~~ resolutions or ~~ordinance~~ ordinances 36904
creating ~~such regional arts and cultural~~ the district shall so 36905
provide. All members of the board of trustees also shall be 36906
qualified electors in the district's territory. ~~The~~ 36907

The appointing authority shall consider for appointment as 36908
members of the board of trustees, but need not appoint, ~~such~~ 36909
persons ~~as are~~ nominated by area arts councils, as defined in 36910
section 757.03 of the Revised Code, located within the district; 36911
provided that all ~~such~~ those persons shall meet the qualifications 36912
specified in this section and the ~~resolution~~ resolutions or 36913
~~ordinance~~ ordinances creating the district. The ~~resolution~~ 36914
resolutions or ~~ordinance~~ ordinances creating the district may, but 36915
need not, provide that the members of an area arts council located 36916
within the district shall constitute the board of trustees of the 36917
district. ~~The~~ 36918

The appointing authority ~~may~~, at any time, may remove a 36919
trustee member of the board of trustees for misfeasance, 36920
nonfeasance, or malfeasance in office. 36921

The initially appointed members of the board of trustees of 36922
any regional arts and cultural district ~~created under section~~ 36923
~~3381.03 of the Revised Code~~ shall serve staggered terms of one, 36924
two, and three years. Thereafter, each ~~trustee~~ member shall serve 36925
~~terms~~ a term of three years, except that any person appointed to 36926
fill a vacancy shall be appointed to only the unexpired term. Any 36927
~~appointed trustee~~ member is eligible for reappointment, except as 36928
otherwise provided in the ~~resolution~~ resolutions or ~~ordinance~~ 36929

ordinances creating ~~such the~~ district, or any amendment ~~thereto to~~
them. 36930
36931

Sec. 3381.06. All the power and authority granted to a 36932
regional arts and cultural district ~~created under section 3381.03~~
~~or 3381.04 of the Revised Code~~ shall be vested in and exercised by 36933
its board of trustees, which shall manage and conduct its affairs. 36934
The board ~~shall~~, within the limitations of this chapter, shall 36935
provide, by rules, the procedure for its actions, the manner of 36936
selection of its president, vice-president, executive director, 36937
and other officers and employees, their titles, terms of office, 36938
compensation, duties, number, and qualifications, and any other 36939
lawful subject necessary or desirable to the operation and 36940
administration of the district and the exercise of the powers 36941
granted to it. 36942
36943

Sec. 3381.07. Upon the creation of a regional arts and 36944
cultural district ~~under section 3381.03 or 3381.04 of the Revised~~
~~Code~~ and upon the qualifying of its board of trustees and the 36945
election of a president and a vice-president, the district shall 36946
exercise in its own name all the rights, powers, and duties vested 36947
in and conferred upon it by this chapter. A regional arts and 36948
cultural district: 36949
36950

(A) May sue or be sued in its corporate name; 36951

(B) May make contracts in the exercise of the rights, powers,
and duties conferred upon it; 36952
36953

(C) May adopt and alter a seal and use ~~such that~~ seal by
causing it to be impressed, affixed, reproduced, or otherwise
used, but failure to affix the seal shall not affect the validity
of any instrument; 36954
36955
36956
36957

(D) May make, adopt, amend, and repeal bylaws for the 36958
administration of its affairs and rules for the administration and 36959

operation of any artistic or cultural facilities under its control 36960
and for the exercise of all of its rights of ownership ~~therein~~ in 36961
those facilities, provided, however, that it may not be directly 36962
involved in any programatic activities; 36963

(E) May make grants, on such terms and conditions as it may 36964
deem advisable, to any arts or cultural organization within its 36965
district as provided in section 3381.17 of the Revised Code; 36966

(F) May fix, alter, and collect rentals and other charges for 36967
the use of any artistic or cultural facilities under its control, 36968
to be determined exclusively by it for the purpose of providing 36969
for the payment of the expenses of the district, the acquisition, 36970
construction, equipping, improvement, extension, repair, 36971
maintenance, renovation, enlargement, administration, and 36972
operation of artistic or cultural facilities under its control, 36973
and the payment of principal and interest on its obligations, and 36974
~~to fulfill~~ fulfilling the terms of any agreements made with the 36975
purchasers or holders of any such obligations, or with any person 36976
or political subdivision; 36977

(G) Shall have jurisdiction, control, possession, and 36978
supervision over the use and disposition of all property, rights, 36979
licenses, moneys, contracts, accounts, liens, books, records, or 36980
other property rights and interests conveyed, delivered, 36981
transferred, or assigned to it; 36982

(H) May acquire, construct, improve, extend, repair, remodel, 36983
renovate, furnish, equip, enlarge, lease, or maintain artistic or 36984
cultural facilities within its territory as it considers necessary 36985
to accomplish the purposes of this chapter, and make charges for 36986
the use of artistic or cultural facilities; 36987

(I) May levy and collect taxes as provided in section 3381.16 36988
of the Revised Code; 36989

(J) May issue bonds secured by its general credit as provided 36990

| | |
|--|-------|
| in section 3381.08 of the Revised Code; | 36991 |
| (K) May hold, encumber, control, acquire by donation, | 36992 |
| purchase, construct, own, lease as lessee or lessor, use, and sell | 36993 |
| real and personal property, or any interest or right therein <u>in</u> | 36994 |
| <u>real or personal property</u> , within or without its territory; | 36995 |
| (L) May employ or retain and fix the compensation of such | 36996 |
| employees, agent <u>agents</u> , accountants, attorneys, and consultants | 36997 |
| or advisors as may be necessary or desirable for the | 36998 |
| accomplishment of its purposes; | 36999 |
| (M) May procure insurance against loss to it by reason of | 37000 |
| damages to its properties resulting from fire, theft, accident, or | 37001 |
| other casualties or by reason of its liability for any damages to | 37002 |
| persons or property; | 37003 |
| (N) May maintain such funds as it determines necessary or | 37004 |
| desirable for the efficient performance of its duties; | 37005 |
| (O) May procure a policy or policies insuring members of its | 37006 |
| board of trustees, <u>and</u> its officers, employees, and agents, | 37007 |
| against liability on account of damages or injury to persons and | 37008 |
| property resulting from any act or omission of such person in his | 37009 |
| <u>the person's</u> official capacity or resulting solely out of his <u>the</u> | 37010 |
| <u>person's</u> service to such <u>the</u> district; | 37011 |
| (P) May receive and expend gifts, grants, bequests, or | 37012 |
| devices, or grants, including, but not limited to, grants of | 37013 |
| public funds. | 37014 |
| Sec. 3381.15. (A) The board of county commissioners of any | 37015 |
| county, the legislative authority of any municipal corporation, | 37016 |
| and the board of township trustees of any township, included | 37017 |
| within a regional arts and cultural district may appropriate | 37018 |
| annually, from moneys to the credit of the general fund of the | 37019 |
| county, the municipal corporation, or the township and not | 37020 |

otherwise appropriated, that portion of the expense of the 37021
district to be paid by ~~such~~ the county, municipal corporation, or 37022
township as provided in the resolution creating or enlarging the 37023
district adopted under section 3381.03 of the Revised Code, or by 37024
any amendment ~~thereto~~ to the resolution. 37025

(B) In addition to the authority granted to a board of county 37026
commissioners under division (A) of this section, a board of 37027
county commissioners in a county with a population of one million 37028
two hundred thousand or more may establish and provide local 37029
funding options for the support of arts and cultural organizations 37030
operating within the regional arts and cultural district in which 37031
the county is included. 37032

Sec. 3383.02. (A) There is hereby created the Ohio cultural 37033
facilities commission. The commission shall engage in and provide 37034
for the development, performance, and presentation or making 37035
available of culture and professional sports and athletics to the 37036
public in this state, and the provision of training or education 37037
in culture, by the exercise of its powers under this chapter, 37038
including the provision, operation, management, and cooperative 37039
use of Ohio cultural facilities and Ohio sports facilities. The 37040
commission is a body corporate and politic, an agency of state 37041
government and an instrumentality of the state, performing 37042
essential governmental functions of this state. The carrying out 37043
of the purposes and the exercise by the commission of its powers 37044
conferred by this chapter are essential public functions and 37045
public purposes of the state and of state government. The 37046
commission may, in its own name, sue and be sued, enter into 37047
contracts, and perform all the powers and duties given to it by 37048
this chapter; however, it does not have and shall not exercise the 37049
power of eminent domain. 37050

(B) The commission shall consist of ~~ten~~ twelve members, ~~seven~~ 37051