

inspections and to examine and copy records to ascertain 31072
compliance with this division and rules, orders, and terms and 31073
conditions of permits adopted or issued under it; the provision 31074
and maintenance of information through monitoring, recordkeeping, 31075
and reporting; and other provisions in furtherance of the goals of 31076
this section and the Safe Drinking Water Act. To implement the 31077
goals of the Safe Drinking Water Act, the chief shall not issue a 31078
permit for the injection of brine or other waste substances 31079
resulting from, obtained from, or produced in connection with oil 31080
or gas drilling, exploration, or production unless the chief 31081
concludes that the applicant has demonstrated that the injection 31082
will not result in the presence of any contaminant in ground water 31083
that supplies or can reasonably be expected to supply any public 31084
water system, such that the presence of the contaminant may result 31085
in the system's not complying with any national primary drinking 31086
water regulation or may otherwise adversely affect the health of 31087
persons. This division and rules, orders, and terms and conditions 31088
of permits adopted or issued under it shall be construed to be no 31089
more stringent than required for compliance with the Safe Drinking 31090
Water Act unless essential to ensure that underground sources of 31091
drinking water will not be endangered. 31092

(E) The owner holding a permit, or an assignee or transferee 31093
who has assumed the obligations and liabilities imposed by this 31094
chapter and any rules adopted or orders issued under it pursuant 31095
to section 1509.31 of the Revised Code, and the operator of a well 31096
shall be liable for a violation of this section or any rules 31097
adopted or orders or terms or conditions of a permit issued under 31098
it. 31099

(F) An owner shall replace the water supply of the holder of 31100
an interest in real property who obtains all or part of the 31101
holder's supply of water for domestic, agricultural, industrial, 31102
or other legitimate use from an underground or surface source 31103

where the supply has been substantially disrupted by 31104
contamination, diminution, or interruption proximately resulting 31105
from the owner's oil or gas operation, or the owner may elect to 31106
compensate the holder of the interest in real property for the 31107
difference between the fair market value of the interest before 31108
the damage occurred to the water supply and the fair market value 31109
after the damage occurred if the cost of replacing the water 31110
supply exceeds this difference in fair market values. However, 31111
during the pendency of any order issued under this division, the 31112
owner shall obtain for the holder or shall reimburse the holder 31113
for the reasonable cost of obtaining a water supply from the time 31114
of the contamination, diminution, or interruption by the operation 31115
until the owner has complied with an order of the chief for 31116
compliance with this division or such an order has been revoked or 31117
otherwise becomes not effective. If the owner elects to pay the 31118
difference in fair market values, but the owner and the holder 31119
have not agreed on the difference within thirty days after the 31120
chief issues an order for compliance with this division, within 31121
ten days after the expiration of that thirty-day period, the owner 31122
and the chief each shall appoint an appraiser to determine the 31123
difference in fair market values, except that the holder of the 31124
interest in real property may elect to appoint and compensate the 31125
holder's own appraiser, in which case the chief shall not appoint 31126
an appraiser. The two appraisers appointed shall appoint a third 31127
appraiser, and within thirty days after the appointment of the 31128
third appraiser, the three appraisers shall hold a hearing to 31129
determine the difference in fair market values. Within ten days 31130
after the hearing, the appraisers shall make their determination 31131
by majority vote and issue their final determination of the 31132
difference in fair market values. The chief shall accept a 31133
determination of the difference in fair market values made by 31134
agreement of the owner and holder or by appraisers under this 31135
division and shall make and dissolve orders accordingly. This 31136

division does not affect in any way the right of any person to 31137
enforce or protect, under applicable law, the person's interest in 31138
water resources affected by an oil or gas operation. 31139

(G) In any action brought by the state for a violation of 31140
division (A) of this section involving any well at which annular 31141
disposal is used, there shall be a rebuttable presumption 31142
available to the state that the annular disposal caused the 31143
violation if the well is located within a one-quarter-mile radius 31144
of the site of the violation. 31145

Sec. 1509.221. (A) No person, without first having obtained a 31146
permit from the chief of the division of ~~mineral oil and gas~~ 31147
resources management, shall drill a well or inject a substance 31148
into a well for the exploration for or extraction of minerals or 31149
energy, other than oil or natural gas, including, but not limited 31150
to, the mining of sulfur by the Frasch process, the solution 31151
mining of minerals, the in situ combustion of fossil fuel, or the 31152
recovery of geothermal energy to produce electric power, unless a 31153
rule of the chief expressly authorizes the activity without a 31154
permit. The permit shall be in addition to any permit required by 31155
section 1509.05 of the Revised Code. The chief shall adopt rules 31156
in accordance with Chapter 119. of the Revised Code governing the 31157
issuance of permits under this section. The rules shall include 31158
provisions regarding the matters the applicant for a permit shall 31159
demonstrate to establish eligibility for a permit; the form and 31160
content of applications for permits; the terms and conditions of 31161
permits; entry to conduct inspections and to examine and copy 31162
records to ascertain compliance with this section and rules, 31163
orders, and terms and conditions of permits adopted or issued 31164
thereunder; provision and maintenance of information through 31165
monitoring, recordkeeping, and reporting; and other provisions in 31166
furtherance of the goals of this section and the Safe Drinking 31167
Water Act. To implement the goals of the Safe Drinking Water Act, 31168

the chief shall not issue a permit under this section, unless the 31169
chief concludes that the applicant has demonstrated that the 31170
drilling, injection of a substance, and extraction of minerals or 31171
energy will not result in the presence of any contaminant in 31172
underground water that supplies or can reasonably be expected to 31173
supply any public water system, such that the presence of the 31174
contaminant may result in the system's not complying with any 31175
national primary drinking water regulation or may otherwise 31176
adversely affect the health of persons. The chief may issue, 31177
without a prior adjudication hearing, orders requiring compliance 31178
with this section and rules, orders, and terms and conditions of 31179
permits adopted or issued thereunder. This section and rules, 31180
orders, and terms and conditions of permits adopted or issued 31181
thereunder shall be construed to be no more stringent than 31182
required for compliance with the Safe Drinking Water Act, unless 31183
essential to ensure that underground sources of drinking water 31184
will not be endangered. 31185

(B)(1) There is levied on the owner of an injection well who 31186
has been issued a permit under division (D) of section 1509.22 of 31187
the Revised Code the following fees: 31188

(a) Five cents per barrel of each substance that is delivered 31189
to a well to be injected in the well when the substance is 31190
produced within the division of ~~mineral~~ oil and gas resources 31191
management regulatory district in which the well is located or 31192
within an adjoining ~~mineral~~ oil and gas resources management 31193
regulatory district; 31194

(b) Twenty cents per barrel of each substance that is 31195
delivered to a well to be injected in the well when the substance 31196
is not produced within the division of ~~mineral~~ oil and gas 31197
resources management regulatory district in which the well is 31198
located or within an adjoining ~~mineral~~ oil and gas resources 31199
management regulatory district. 31200

(2) The maximum number of barrels of substance per injection well in a calendar year on which a fee may be levied under division (B) of this section is five hundred thousand. If in a calendar year the owner of an injection well receives more than five hundred thousand barrels of substance to be injected in the owner's well and if the owner receives at least one substance that is produced within the division's regulatory district in which the well is located or within an adjoining regulatory district and at least one substance that is not produced within the division's regulatory district in which the well is located or within an adjoining regulatory district, the fee shall be calculated first on all of the barrels of substance that are not produced within the division's regulatory district in which the well is located or within an adjoining district at the rate established in division (B)(2) of this section. The fee then shall be calculated on the barrels of substance that are produced within the division's regulatory district in which the well is located or within an adjoining district at the rate established in division (B)(1) of this section until the maximum number of barrels established in division (B)(2) of this section has been attained.

(3) The owner of an injection well who is issued a permit under division (D) of section 1509.22 of the Revised Code shall collect the fee levied by division (B) of this section on behalf of the division of ~~mineral~~ oil and gas resources management and forward the fee to the division. The chief shall transmit all money received under division (B) of this section to the treasurer of state who shall deposit the money in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code. The owner of an injection well who collects the fee levied by this division may retain up to three per cent of the amount that is collected.

(4) The chief shall adopt rules in accordance with Chapter

119. of the Revised Code establishing requirements and procedures 31233
for collection of the fee levied by division (B) of this section. 31234

(C) In an action under section 1509.04 or 1509.33 of the 31235
Revised Code to enforce this section, the court shall grant 31236
preliminary and permanent injunctive relief and impose a civil 31237
penalty upon the showing that the person against whom the action 31238
is brought has violated, is violating, or will violate this 31239
section or rules, orders, or terms or conditions of permits 31240
adopted or issued thereunder. The court shall not require, prior 31241
to granting such preliminary and permanent injunctive relief or 31242
imposing a civil penalty, proof that the violation was, is, or 31243
will be the result of intentional conduct or negligence. In any 31244
such action, any person may intervene as a plaintiff upon the 31245
demonstration that the person has an interest that is or may be 31246
adversely affected by the activity for which injunctive relief or 31247
a civil penalty is sought. 31248

Sec. 1509.222. (A)(1) Except as provided in section 1509.226 31249
of the Revised Code, no person shall transport brine by vehicle in 31250
this state unless the business entity that employs the person 31251
first registers with and obtains a registration certificate and 31252
identification number from the chief of the division of ~~mineral~~ 31253
oil and gas resources management. 31254

(2) No more than one registration certificate shall be 31255
required of any business entity. Registration certificates issued 31256
under this section are not transferable. An applicant shall file 31257
an application with the chief, containing such information in such 31258
form as the chief prescribes, but including a plan for disposal 31259
that provides for compliance with the requirements of this chapter 31260
and rules of the chief pertaining to the transportation of brine 31261
by vehicle and the disposal of brine so transported and that lists 31262
all disposal sites that the applicant intends to use, the bond 31263

required by section 1509.225 of the Revised Code, and a 31264
certificate issued by an insurance company authorized to do 31265
business in this state certifying that the applicant has in force 31266
a liability insurance policy in an amount not less than three 31267
hundred thousand dollars bodily injury coverage and three hundred 31268
thousand dollars property damage coverage to pay damages for 31269
injury to persons or property caused by the collecting, handling, 31270
transportation, or disposal of brine. The policy shall be 31271
maintained in effect during the term of the registration 31272
certificate. The policy or policies providing the coverage shall 31273
require the insurance company to give notice to the chief if the 31274
policy or policies lapse for any reason. Upon such termination of 31275
the policy, the chief may suspend the registration certificate 31276
until proper insurance coverage is obtained. Each application for 31277
a registration certificate shall be accompanied by a nonrefundable 31278
fee of five hundred dollars. 31279

(3) If a business entity that has been issued a registration 31280
certificate under this section changes its name due to a business 31281
reorganization or merger, the business entity shall revise the 31282
bond or certificates of deposit required by section 1509.225 of 31283
the Revised Code and obtain a new certificate from an insurance 31284
company in accordance with division (A)(2) of this section to 31285
reflect the change in the name of the business entity. 31286

(B) The chief shall issue an order denying an application for 31287
a registration certificate if the chief finds that either of the 31288
following applies: 31289

(1) The applicant, at the time of applying for the 31290
registration certificate, has been found liable by a final 31291
nonappealable order of a court of competent jurisdiction for 31292
damage to streets, roads, highways, bridges, culverts, or 31293
drainways pursuant to section 4513.34 or 5577.12 of the Revised 31294
Code until the applicant provides the chief with evidence of 31295

compliance with the order. 31296

(2) The applicant's plan for disposal does not provide for 31297
compliance with the requirements of this chapter and rules of the 31298
chief pertaining to the transportation of brine by vehicle and the 31299
disposal of brine so transported. 31300

(C) No applicant shall attempt to circumvent division (B) of 31301
this section by applying for a registration certificate under a 31302
different name or business organization name, by transferring 31303
responsibility to another person or entity, or by any similar act. 31304

(D) A registered transporter shall apply to revise a disposal 31305
plan under procedures that the chief shall prescribe by rule. 31306
However, at a minimum, an application for a revision shall list 31307
all sources and disposal sites of brine currently transported. The 31308
chief shall deny any application for a revision of a plan under 31309
this division if the chief finds that the proposed revised plan 31310
does not provide for compliance with the requirements of this 31311
chapter and rules of the chief pertaining to the transportation of 31312
brine by vehicle and the disposal of brine so transported. 31313
Approvals and denials of revisions shall be by order of the chief. 31314

(E) The chief may adopt rules, issue orders, and attach terms 31315
and conditions to registration certificates as may be necessary to 31316
administer, implement, and enforce sections 1509.222 to 1509.226 31317
of the Revised Code for protection of public health or safety or 31318
conservation of natural resources. 31319

Sec. 1509.223. (A) No permit holder or owner of a well shall 31320
enter into an agreement with or permit any person to transport 31321
brine produced from the well who is not registered pursuant to 31322
section 1509.222 of the Revised Code or exempt from registration 31323
under section 1509.226 of the Revised Code. 31324

(B) Each registered transporter shall file with the chief of 31325

the division of ~~mineral~~ oil and gas resources management, on or 31326
before the fifteenth day of April, a statement concerning brine 31327
transported, including quantities transported and source and 31328
delivery points, during the last preceding calendar year, and such 31329
other information in such form as the chief may prescribe. 31330

(C) Each registered transporter shall keep on each vehicle 31331
used to transport brine a daily log and have it available upon the 31332
request of the chief or an authorized representative of the chief 31333
or a peace officer. The log shall, at a minimum, include all of 31334
the following information: 31335

(1) The name of the owner or owners of the well or wells 31336
producing the brine to be transported; 31337

(2) The date and time the brine is loaded; 31338

(3) The name of the driver; 31339

(4) The amount of brine loaded at each collection point; 31340

(5) The disposal location; 31341

(6) The date and time the brine is disposed of and the amount 31342
of brine disposed of at each location. 31343

No registered transporter shall falsify or fail to keep or 31344
submit the log required by this division. 31345

(D) Each registered transporter shall legibly identify with 31346
reflective paints all vehicles employed in transporting or 31347
disposing of brine. Letters shall be no less than four inches in 31348
height and shall indicate the identification number issued by the 31349
chief, the word "brine," and the name and telephone number of the 31350
transporter. 31351

(E) The chief shall maintain and keep a current list of 31352
persons registered to transport brine under section 1509.222 of 31353
the Revised Code. The list shall be open to public inspection. It 31354
is an affirmative defense to a charge under division (A) of this 31355

section that at the time the permit holder or owner of a well 31356
entered into an agreement with or permitted a person to transport 31357
brine, the person was shown on the list as currently registered to 31358
transport brine. 31359

Sec. 1509.224. (A) In addition to any other remedies provided 31360
in this chapter, if the chief of the division of ~~mineral oil and~~ 31361
gas resources management has reason to believe that a pattern of 31362
the same or similar violations of any requirements of ~~sections~~ 31363
section 1509.22, 1509.222, or 1509.223 of the Revised Code, or any 31364
rule adopted thereunder or term or condition of the registration 31365
certificate issued thereunder exists or has existed, and the 31366
violations are caused by the transporter's indifference, lack of 31367
diligence, or lack of reasonable care, or are willfully caused by 31368
the transporter, the chief shall immediately issue an order to the 31369
transporter to show cause why the certificate should not be 31370
suspended or revoked. After the issuance of the order, the chief 31371
shall provide the transporter an opportunity to be heard and to 31372
present evidence at an informal hearing conducted by the chief. 31373
If, at the conclusion of the hearing, the chief finds that such a 31374
pattern of violations exists or has existed, the chief shall issue 31375
an order suspending or revoking the transporter's registration 31376
certificate. An order suspending or revoking a certificate under 31377
this section may be appealed under sections 1509.36 and 1509.37 of 31378
the Revised Code, or notwithstanding any other provision of this 31379
chapter, may be appealed directly to the court of common pleas of 31380
Franklin county. 31381

(B) Before issuing an order denying a registration 31382
certificate; approving or denying approval of an application for 31383
revision of a registered transporter's plan for disposal; or to 31384
implement, administer, or enforce section 1509.22, 1509.222, 31385
1509.223, 1509.225, or 1509.226 of the Revised Code and rules and 31386
terms and conditions of registration certificates adopted or 31387

issued thereunder pertaining to the transportation of brine by 31388
vehicle and the disposal of brine so transported, the chief shall 31389
issue a preliminary order indicating the chief's intent to issue a 31390
final order. The preliminary order shall clearly state the nature 31391
of the chief's proposed action and the findings on which it is 31392
based and shall state that the preliminary order becomes a final 31393
order thirty days after its issuance unless the person to whom the 31394
preliminary order is directed submits to the chief a written 31395
request for an informal hearing before the chief within that 31396
thirty-day period. At the hearing the person may present evidence 31397
as to why the preliminary order should be revoked or modified. 31398
Based upon the findings from the informal hearing, the chief shall 31399
revoke, issue, or modify and issue the preliminary order as a 31400
final order. A final order may be appealed under sections 1509.36 31401
and 1509.37 of the Revised Code. 31402

Sec. 1509.225. (A) Before being issued a registration 31403
certificate under section 1509.222 of the Revised Code, an 31404
applicant shall execute and file with the division of ~~mineral oil~~ 31405
and gas resources management a surety bond for fifteen thousand 31406
dollars to provide compensation for damage and injury resulting 31407
from transporters' violations of sections 1509.22, 1509.222, and 31408
1509.223 of the Revised Code, all rules and orders of the chief of 31409
the division of ~~mineral resource~~ oil and gas resources management 31410
relating thereto, and all terms and conditions of the registration 31411
certificate imposed thereunder. The applicant may deposit with the 31412
chief, in lieu of a surety bond, cash in an amount equal to the 31413
surety bond as prescribed in this section, or negotiable 31414
certificates of deposit issued by any bank organized or 31415
transacting business in this state, or certificates of deposit 31416
issued by any building and loan association as defined in section 31417
1151.01 of the Revised Code, having a cash value equal to or 31418
greater than the amount of the surety bond as prescribed in this 31419

section. Cash or certificates of deposit shall be deposited upon 31420
the same terms as those upon which surety bonds may be deposited. 31421
If certificates of deposit are deposited with the chief in lieu of 31422
a surety bond, the chief shall require the bank or building and 31423
loan association that issued any such certificate to pledge 31424
securities of a cash value equal to the amount of the certificate 31425
that is in excess of the amount insured by any of the agencies and 31426
instrumentalities created under the "Federal Deposit Insurance 31427
Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as amended, and 31428
regulations adopted under it, including at least the federal 31429
deposit insurance corporation, bank insurance fund, and savings 31430
association insurance fund. 31431

Such securities shall be security for the repayment of the 31432
certificate of deposit. Immediately upon a deposit of cash or 31433
certificates with the chief, the chief shall deliver it to the 31434
treasurer of state who shall hold it in trust for the purposes for 31435
which it has been deposited. 31436

(B) The surety bond provided for in this section shall be 31437
executed by a surety company authorized to do business in this 31438
state. The chief shall not approve any bond until it is personally 31439
signed and acknowledged by both principal and surety, or as to 31440
either by an attorney in fact, with a certified copy of the power 31441
of attorney attached thereto. The chief shall not approve the bond 31442
unless there is attached a certificate of the superintendent of 31443
insurance that the company is authorized to transact a fidelity 31444
and surety business in this state. All bonds shall be given in a 31445
form to be prescribed by the chief. 31446

(C) If a registered transporter is found liable for a 31447
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 31448
Code or a rule, order, or term or condition of a certificate 31449
involving, in any case, damage or injury to persons or property, 31450
or both, the court may order the forfeiture of any portion of the 31451

bond, cash, or other securities required by this section in full 31452
or partial payment of damages to the person to whom the damages 31453
are due. The treasurer of state and the chief shall deliver the 31454
bond or any cash or other securities deposited in lieu of bond, as 31455
specified in the court's order, to the person to whom the damages 31456
are due; however, execution against the bond, cash, or other 31457
securities, if necessary, is the responsibility of the person to 31458
whom the damages are due. The chief shall not release the bond, 31459
cash, or securities required by this section except by court order 31460
or until the registration is terminated. 31461

Sec. 1509.226. (A) If a board of county commissioners, a 31462
board of township trustees, or the legislative authority of a 31463
municipal corporation wishes to permit the surface application of 31464
brine to roads, streets, highways, and other similar land surfaces 31465
it owns or has the right to control for control of dust or ice, it 31466
may adopt a resolution permitting such application as provided in 31467
this section. If a board or legislative authority does not adopt 31468
such a resolution, then no such surface application of brine is 31469
permitted on such roads, streets, highways, and other similar 31470
surfaces. If a board or legislative authority votes on a proposed 31471
resolution to permit such surface application of brine, but the 31472
resolution fails to receive the affirmative vote of a majority of 31473
the board or legislative authority, the board or legislative 31474
authority shall not adopt such a resolution for one year following 31475
the date on which the vote was taken. A board or legislative 31476
authority shall hold at least one public hearing on any proposal 31477
to permit surface application of brine under this division and may 31478
hold additional hearings. The board or legislative authority shall 31479
publish notice of the time and place of each such public hearing 31480
in a newspaper of general circulation in the political subdivision 31481
at least five days before the day on which the hearing is to be 31482
held. 31483

(B) If a board or legislative authority adopts a resolution 31484
permitting the surface application of brine to roads, streets, 31485
highways, and other similar land surfaces under division (A) of 31486
this section, the board or legislative authority shall, within 31487
thirty days after the adoption of the resolution, prepare and 31488
submit to the chief of the division of ~~mineral~~ oil and gas 31489
resources management a copy of the resolution. Any department, 31490
agency, or instrumentality of this state or the United States that 31491
wishes to permit the surface application of brine to roads, 31492
streets, highways, and other similar land surfaces it owns or has 31493
a right to control shall prepare and submit guidelines for such 31494
application, but need not adopt a resolution under division (A) of 31495
this section permitting such surface application. 31496

All resolutions and guidelines shall be subject to the 31497
following standards: 31498

(1) Brine shall not be applied: 31499

(a) To a water-saturated surface; 31500

(b) Directly to vegetation near or adjacent to surfaces being 31501
treated; 31502

(c) Within twelve feet of structures crossing bodies of water 31503
or crossing drainage ditches; 31504

(d) Between sundown and sunrise, except for ice control. 31505

(2) The discharge of brine through the spreader bar shall 31506
stop when the application stops. 31507

(3) The applicator vehicle shall be moving at least five 31508
miles per hour at all times while the brine is being applied. 31509

(4) The maximum spreader bar nozzle opening shall be 31510
three-quarters of an inch in diameter. 31511

(5) The maximum uniform application rate of brine shall be 31512
three thousand gallons per mile on a twelve-foot-wide road or 31513

three gallons per sixty square feet on unpaved lots. 31514

(6) The applicator vehicle discharge valve shall be closed 31515
between the brine collection point and the specific surfaces that 31516
have been approved for brine application. 31517

(7) Any valves that provide for tank draining other than 31518
through the spreader bar shall be closed during the brine 31519
application and transport. 31520

(8) The angle of discharge from the applicator vehicle 31521
spreader bar shall not be greater than sixty degrees from the 31522
perpendicular to the unpaved surface. 31523

(9) Only the last twenty-five per cent of an applicator 31524
vehicle's contents shall be allowed to have a pressure greater 31525
than atmospheric pressure; therefore, the first seventy-five per 31526
cent of the applicator vehicle's contents shall be discharged 31527
under atmospheric pressure. 31528

(10) Only brine that is produced from a well shall be allowed 31529
to be spread on a road. Fluids from the drilling of a well, 31530
flowback from the stimulation of a well, and other fluids used to 31531
treat a well shall not be spread on a road. 31532

If a resolution or guidelines contain only the standards 31533
listed in ~~division~~ divisions (B)(1) to (10) of this section, 31534
without addition or qualification, the resolution or guidelines 31535
shall be deemed effective when submitted to the chief without 31536
further action by the chief. All other resolutions and guidelines 31537
shall comply with and be no less stringent than this chapter, 31538
rules concerning surface application that the chief shall adopt 31539
under division (C) of section 1509.22 of the Revised Code, and 31540
other rules of the chief. Within fifteen days after receiving such 31541
other resolutions and guidelines, the chief shall review them for 31542
compliance with the law and rules and disapprove them if they do 31543
not comply. 31544

The board, legislative authority, or department, agency, or instrumentality may revise and resubmit any resolutions or guidelines that the chief disapproves after each disapproval, and the chief shall again review and approve or disapprove them within fifteen days after receiving them. The board, legislative authority, or department, agency, or instrumentality may amend any resolutions or guidelines previously approved by the chief and submit them, as amended, to the chief. The chief shall receive, review, and approve or disapprove the amended resolutions or guidelines on the same basis and in the same time as original resolutions or guidelines. The board, legislative authority, or department, agency, or instrumentality shall not implement amended resolutions or guidelines until they are approved by the chief under this division.

(C) Any person, other than a political subdivision required to adopt a resolution under division (A) of this section or a department, agency, or instrumentality of this state or the United States, who owns or has a legal right or obligation to maintain a road, street, highway, or other similar land surface may file with the board of county commissioners a written plan for the application of brine to the road, street, highway, or other surface. The board need not approve any such plans, but if it approves a plan, the plan shall comply with this chapter, rules adopted thereunder, and the board's resolutions, if any. Disapproved plans may be revised and resubmitted for the board's approval. Approved plans may also be revised and submitted to the board. A plan or revised plan shall do all of the following:

- (1) Identify the sources of brine to be used under the plan;
- (2) Identify by name, address, and registration certificate, if applicable, any transporters of the brine;
- (3) Specifically identify the places to which the brine will be applied;

(4) Specifically describe the method, rate, and frequency of application. 31577
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(D) The board may attach terms and conditions to approval of a plan, or revised plan, and may revoke approval for any violation of this chapter, rules adopted thereunder, resolutions adopted by the board, or terms or conditions attached by the board. The board shall conduct at least one public hearing before approving a plan or revised plan, publishing notice of the time and place of each such public hearing in a newspaper of general circulation in the county at least five days before the day on which the hearing is to be held. The board shall record the filings of all plans and revised plans in its journal. The board shall approve, disapprove, or revoke approval of a plan or revised plan by the adoption of a resolution. Upon approval of a plan or revised plan, the board shall send a copy of the plan to the chief. Upon revoking approval of a plan or revised plan, the board shall notify the chief of the revocation. 31579
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(E) No person shall: 31594

(1) Apply brine to a water-saturated surface; 31595

(2) Apply brine directly to vegetation adjacent to the surface of roads, streets, highways, and other surfaces to which brine may be applied. 31596
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(F) Each political subdivision that adopts a resolution under divisions (A) and (B) of this section, each department, agency, or instrumentality of this state or the United States that submits guidelines under division (B) of this section, and each person who files a plan under divisions (C) and (D) of this section shall, on or before the fifteenth day of April of each year, file a report with the chief concerning brine applied within the person's or governmental entity's jurisdiction, including the quantities transported and the sources and application points during the last 31599
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preceding calendar year and such other information in such form as 31608
the chief requires. 31609

(G) Any political subdivision or department, agency, or 31610
instrumentality of this state or the United States that applies 31611
brine under this section may do so with its own personnel, 31612
vehicles, and equipment without registration under or compliance 31613
with section 1509.222 or 1509.223 of the Revised Code and without 31614
the necessity for filing the surety bond or other security 31615
required by section 1509.225 of the Revised Code. However, each 31616
such entity shall legibly identify vehicles used to apply brine 31617
with reflective paint in letters no less than four inches in 31618
height, indicating the word "brine" and that the vehicle is a 31619
vehicle of the political subdivision, department, agency, or 31620
instrumentality. Except as stated in this division, such entities 31621
shall transport brine in accordance with sections 1509.22 to 31622
1509.226 of the Revised Code. 31623

(H) A surface application plan filed for approval under 31624
division (C) of this section shall be accompanied by a 31625
nonrefundable fee of fifty dollars, which shall be credited to the 31626
general fund of the county. An approved plan is valid for one year 31627
from the date of its approval unless it is revoked before that 31628
time. An approved revised plan is valid for the remainder of the 31629
term of the plan it supersedes unless it is revoked before that 31630
time. Any person who has filed such a plan or revised plan and had 31631
it approved may renew it by refiling it in accordance with 31632
divisions (C) and (D) of this section within thirty days before 31633
any anniversary of the date on which the original plan was 31634
approved. The board shall notify the chief of renewals and 31635
nonrenewals of plans. Even if a renewed plan is approved under 31636
those divisions, the plan is not effective until notice is 31637
received by the chief, and until notice is received, the chief 31638
shall enforce this chapter and rules adopted thereunder with 31639

regard to the affected roads, streets, highways, and other similar 31640
land surfaces as if the plan had not been renewed. 31641

(I) A resolution adopted under division (A) of this section 31642
by a board or legislative authority shall be effective for one 31643
year following the date of its adoption and from month to month 31644
thereafter until the board or legislative authority, by 31645
resolution, terminates the authority granted in the original 31646
resolution. The termination shall be effective not less than seven 31647
days after enactment of the resolution, and a copy of the 31648
resolution shall be sent to the chief. 31649

Sec. 1509.23. (A) Rules of the chief of the division of 31650
~~mineral oil and gas~~ resources management may specify practices to 31651
be followed in the drilling and treatment of wells, production of 31652
oil and gas, and plugging of wells for protection of public health 31653
or safety or to prevent damage to natural resources, including 31654
specification of the following: 31655

(1) Appropriate devices; 31656

(2) Minimum distances that wells and other excavations, 31657
structures, and equipment shall be located from water wells, 31658
streets, roads, highways, rivers, lakes, streams, ponds, other 31659
bodies of water, railroad tracks, public or private recreational 31660
areas, zoning districts, and buildings or other structures. Rules 31661
adopted under division (A)(2) of this section shall not conflict 31662
with section 1509.021 of the Revised Code. 31663

(3) Other methods of operation; 31664

(4) Procedures, methods, and equipment and other requirements 31665
for equipment to prevent and contain discharges of oil and brine 31666
from oil production facilities and oil drilling and workover 31667
facilities consistent with and equivalent in scope, content, and 31668
coverage to section 311(j)(1)(c) of the "Federal Water Pollution 31669

Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 31670
as amended, and regulations adopted under it. In addition, the 31671
rules may specify procedures, methods, and equipment and other 31672
requirements for equipment to prevent and contain surface and 31673
subsurface discharges of fluids, condensates, and gases. 31674

(5) Notifications. 31675

(B) The chief, in consultation with the emergency response 31676
commission created in section 3750.02 of the Revised Code, shall 31677
adopt rules in accordance with Chapter 119. of the Revised Code 31678
that specify the information that shall be included in an 31679
electronic database that the chief shall create and host. The 31680
information shall be that which the chief considers to be 31681
appropriate for the purpose of responding to emergency situations 31682
that pose a threat to public health or safety or the environment. 31683
At the minimum, the information shall include that which a person 31684
who is regulated under this chapter is required to submit under 31685
the "Emergency Planning and Community Right-To-Know Act of 1986," 31686
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 31687
it. 31688

In addition, the rules shall specify whether and to what 31689
extent the database and the information that it contains will be 31690
made accessible to the public. The rules shall ensure that the 31691
database will be made available via the internet or a system of 31692
computer disks to the emergency response commission and to every 31693
local emergency planning committee and fire department in this 31694
state. 31695

Sec. 1509.24. (A) The chief of the division of mineral oil 31696
and gas resources management, with the approval of the technical 31697
advisory council on oil and gas created in section 1509.38 of the 31698
Revised Code, may adopt, amend, or rescind rules relative to 31699
minimum acreage requirements for drilling units and minimum 31700

distances from which a new well may be drilled or an existing well 31701
deepened, plugged back, or reopened to a source of supply 31702
different from the existing pool from boundaries of tracts, 31703
drilling units, and other wells for the purpose of conserving oil 31704
and gas reserves. The rules relative to minimum acreage 31705
requirements for drilling units shall require a drilling unit to 31706
be compact and composed of contiguous land. 31707

(B) Rules adopted under this section and special orders made 31708
under section 1509.25 of the Revised Code shall apply only to new 31709
wells to be drilled or existing wells to be deepened, plugged 31710
back, or reopened to a source of supply different from the 31711
existing pool for the purpose of extracting oil or gas in their 31712
natural state. 31713

Sec. 1509.25. The chief of the division of ~~mineral oil and~~ 31714
gas resources management, upon the chief's own motion or upon 31715
application of an owner, may hold a hearing to consider the need 31716
or desirability of adopting a special order for drilling unit 31717
requirements in a particular pool different from those established 31718
under section 1509.24 of the Revised Code. The chief shall notify 31719
every owner of land within the area proposed to be included within 31720
the order, of the date, time, and place of the hearing and the 31721
nature of the order being considered at least thirty days prior to 31722
the date of the hearing. Each application for such an order shall 31723
be accompanied by such information as the chief may request. If 31724
the chief finds that the pool can be defined with reasonable 31725
certainty, that the pool is in the initial state of development, 31726
and that the establishment of such different requirements for 31727
drilling a well on a tract or drilling unit in ~~such~~ the pool is 31728
reasonably necessary to protect correlative rights or to provide 31729
effective development, use, or conservation of oil and gas, the 31730
chief, with the written approval of the technical advisory council 31731
on oil and gas created in section 1509.38 of the Revised Code, 31732

shall make a special order designating the area covered by the 31733
order, and specifying the acreage requirements for drilling a well 31734
on a tract or drilling unit in ~~such~~ the area, which acreage 31735
requirements shall be uniform for the entire pool. The order shall 31736
specify minimum distances from the boundary of the tract or 31737
drilling unit for the drilling of wells and minimum distances from 31738
other wells and allow exceptions for wells drilled or drilling in 31739
a particular pool at the time of the filing of the application. 31740
The chief may exempt the discovery well from minimum acreage and 31741
distance requirements in the order. After the date of the notice 31742
for a hearing called to make ~~such~~ the order, no additional well 31743
shall be commenced in the pool for a period of sixty days or until 31744
an order has been made pursuant to the application, whichever is 31745
earlier. The chief, upon the chief's own motion or upon 31746
application of an owner, after a hearing and with the approval of 31747
the technical advisory council on oil and gas, may include 31748
additional lands determined to be underlaid by a particular pool 31749
or to exclude lands determined not to be underlaid by a particular 31750
pool, and may modify the spacing and acreage requirements of the 31751
order. 31752

Nothing in this section permits the chief to establish 31753
drilling units in a pool by requiring the use of a survey grid 31754
coordinate system with fixed or established unit boundaries. 31755

Sec. 1509.26. The owners of adjoining tracts may agree to 31756
pool ~~such~~ the tracts to form a drilling unit that conforms to the 31757
minimum acreage and distance requirements of the division of 31758
~~mineral oil and gas~~ resources management under section 1509.24 or 31759
1509.25 of the Revised Code. ~~Such~~ The agreement shall be in 31760
writing, a copy of which shall be submitted to the division with 31761
the application for a permit required by section 1509.05 of the 31762
Revised Code. Parties to the agreement shall designate one of 31763
their number as the applicant for ~~such~~ the permit. 31764

Sec. 1509.27. If a tract of land is of insufficient size or 31765
shape to meet the requirements for drilling a well thereon as 31766
provided in section 1509.24 or 1509.25 of the Revised Code, 31767
whichever is applicable, and the owner of the tract who also is 31768
the owner of the mineral interest has been unable to form a 31769
drilling unit under agreement as provided in section 1509.26 of 31770
the Revised Code, on a just and equitable basis, such an owner may 31771
make application to the division of ~~mineral~~ oil and gas resources 31772
management for a mandatory pooling order. 31773

The application shall include information as shall be 31774
reasonably required by the chief of the division of ~~mineral~~ oil 31775
and gas resources management and shall be accompanied by an 31776
application for a permit as required by section 1509.05 of the 31777
Revised Code. The chief shall notify all owners of land within the 31778
area proposed to be included within the drilling unit of the 31779
filing of the application and of their right to a hearing. After 31780
the hearing or after the expiration of thirty days from the date 31781
notice of application was mailed to such owners, the chief, if 31782
satisfied that the application is proper in form and that 31783
mandatory pooling is necessary to protect correlative rights and 31784
to provide effective development, use, and conservation of oil and 31785
gas, shall issue a drilling permit and a mandatory pooling order 31786
complying with the requirements for drilling a well as provided in 31787
section 1509.24 or 1509.25 of the Revised Code, whichever is 31788
applicable. The mandatory pooling order shall: 31789

(A) Designate the boundaries of the drilling unit within 31790
which the well shall be drilled; 31791

(B) Designate the proposed production site; 31792

(C) Describe each separately owned tract or part thereof 31793
pooled by the order; 31794

(D) Allocate on a surface acreage basis a pro rata portion of 31795

the production to the owner of each tract pooled by the order. The 31796
pro rata portion shall be in the same proportion that the 31797
percentage of the owner's acreage is to the state minimum acreage 31798
requirements established in rules adopted under this chapter for a 31799
drilling unit unless the applicant demonstrates to the chief using 31800
geological evidence that the geologic structure containing the oil 31801
or gas is larger than the minimum acreage requirement in which 31802
case the pro rata portion shall be in the same proportion that the 31803
percentage of the owner's acreage is to the geologic structure. 31804

(E) Specify the basis upon which each owner of a tract pooled 31805
by the order shall share all reasonable costs and expenses of 31806
drilling and producing if the owner elects to participate in the 31807
drilling and operation of the well; 31808

(F) Designate the person to whom the permit shall be issued. 31809

A person shall not submit more than five applications for 31810
mandatory pooling orders per year under this section unless 31811
otherwise approved by the chief. 31812

No surface operations or disturbances to the surface of the 31813
land shall occur on a tract pooled by an order without the written 31814
consent of or a written agreement with the owner of the tract that 31815
approves the operations or disturbances. 31816

If an owner of a tract pooled by the order does not elect to 31817
participate in the risk and cost of the drilling and operation of 31818
a well, the owner shall be designated as a nonparticipating owner 31819
in the drilling and operation of the well on a limited or carried 31820
basis and is subject to terms and conditions determined by the 31821
chief to be just and reasonable. In addition, if an owner is 31822
designated as a nonparticipating owner, the owner is not liable 31823
for actions or conditions associated with the drilling or 31824
operation of the well. If the applicant bears the costs of 31825
drilling, equipping, and operating a well for the benefit of a 31826

nonparticipating owner, as provided for in the pooling order, then 31827
the applicant shall be entitled to the share of production from 31828
the drilling unit accruing to the interest of that 31829
nonparticipating owner, exclusive of the nonparticipating owner's 31830
proportionate share of the royalty interest until there has been 31831
received the share of costs charged to that nonparticipating owner 31832
plus such additional percentage of the share of costs as the chief 31833
shall determine. The total amount receivable hereunder shall in no 31834
event exceed two hundred per cent of the share of costs charged to 31835
that nonparticipating owner. After receipt of that share of costs 31836
by such an applicant, a nonparticipating owner shall receive a 31837
proportionate share of the working interest in the well in 31838
addition to a proportionate share of the royalty interest, if any. 31839

If there is a dispute as to costs of drilling, equipping, or 31840
operating a well, the chief shall determine those costs. 31841

Sec. 1509.28. (A) The chief of the division of mineral oil 31842
and gas resources management, upon the chief's own motion or upon 31843
application by the owners of sixty-five per cent of the land area 31844
overlying the pool, shall hold a hearing to consider the need for 31845
the operation as a unit of an entire pool or part thereof. An 31846
application by owners shall be accompanied by such information as 31847
the chief may request. 31848

The chief shall make an order providing for the unit 31849
operation of a pool or part thereof if the chief finds that such 31850
operation is reasonably necessary to increase substantially the 31851
ultimate recovery of oil and gas, and the value of the estimated 31852
additional recovery of oil or gas exceeds the estimated additional 31853
cost incident to conducting ~~such~~ the operation. The order shall be 31854
upon terms and conditions that are just and reasonable and shall 31855
prescribe a plan for unit operations that shall include: 31856

(1) A description of the unitized area, termed the unit area; 31857

- (2) A statement of the nature of the operations contemplated; 31858
- (3) An allocation to the separately owned tracts in the unit 31859
area of all the oil and gas that is produced from the unit area 31860
and is saved, being the production that is not used in the conduct 31861
of operations on the unit area or not unavoidably lost. The 31862
allocation shall be in accord with the agreement, if any, of the 31863
interested parties. If there is no such agreement, the chief shall 31864
determine the value, from the evidence introduced at the hearing, 31865
of each separately owned tract in the unit area, exclusive of 31866
physical equipment, for development of oil and gas by unit 31867
operations, and the production allocated to each tract shall be 31868
the proportion that the value of each tract so determined bears to 31869
the value of all tracts in the unit area. 31870
- (4) A provision for the credits and charges to be made in the 31871
adjustment among the owners in the unit area for their respective 31872
investments in wells, tanks, pumps, machinery, materials, and 31873
equipment contributed to the unit operations; 31874
- (5) A provision providing how the expenses of unit 31875
operations, including capital investment, shall be determined and 31876
charged to the separately owned tracts and how the expenses shall 31877
be paid; 31878
- (6) A provision, if necessary, for carrying or otherwise 31879
financing any person who is unable to meet the person's financial 31880
obligations in connection with the unit, allowing a reasonable 31881
interest charge for such service; 31882
- (7) A provision for the supervision and conduct of the unit 31883
operations, in respect to which each person shall have a vote with 31884
a value corresponding to the percentage of the expenses of unit 31885
operations chargeable against the interest of ~~such~~ that person; 31886
- (8) The time when the unit operations shall commence, and the 31887
manner in which, and the circumstances under which, the unit 31888

operations shall terminate; 31889

(9) Such additional provisions as are found to be appropriate 31890
for carrying on the unit operations, and for the protection or 31891
adjustment of correlative rights. 31892

(B) No order of the chief providing for unit operations shall 31893
become effective unless and until the plan for unit operations 31894
prescribed by the chief has been approved in writing by those 31895
owners who, under the chief's order, will be required to pay at 31896
least sixty-five per cent of the costs of the unit operation, and 31897
also by the royalty or, with respect to unleased acreage, fee 31898
owners of sixty-five per cent of the acreage to be included in the 31899
unit. If the plan for unit operations has not been so approved by 31900
owners and royalty owners at the time the order providing for unit 31901
operations is made, the chief shall upon application and notice 31902
hold such supplemental hearings as may be required to determine if 31903
and when the plan for unit operations has been so approved. If the 31904
owners and royalty owners, or either, owning the required 31905
percentage of interest in the unit area do not approve the plan 31906
for unit operations within a period of six months from the date on 31907
which the order providing for unit operations is made, ~~such~~ the 31908
order shall cease to be of force and shall be revoked by the 31909
chief. 31910

An order providing for unit operations may be amended by an 31911
order made by the chief, in the same manner and subject to the 31912
same conditions as an original order providing for unit 31913
operations, provided that: 31914

(1) If such an amendment affects only the rights and 31915
interests of the owners, the approval of the amendment by the 31916
royalty owners shall not be required. 31917

(2) No such order of amendment shall change the percentage 31918
for allocation of oil and gas as established for any separately 31919

owned tract by the original order, except with the consent of all 31920
persons owning interest in ~~such~~ the tract. 31921

The chief, by an order, may provide for the unit operation of 31922
a pool or a part thereof that embraces a unit area established by 31923
a previous order of the chief. Such an order, in providing for the 31924
allocation of unit production, shall first treat the unit area 31925
previously established as a single tract, and the portion of the 31926
unit production so allocated thereto shall then be allocated among 31927
the separately owned tracts included in ~~such~~ the previously 31928
established unit area in the same proportions as those specified 31929
in the previous order. 31930

Oil and gas allocated to a separately owned tract shall be 31931
deemed, for all purposes, to have been actually produced from ~~such~~ 31932
the tract, and all operations, including, but not limited to, the 31933
commencement, drilling, operation of, or production from a well 31934
upon any portion of the unit area shall be deemed for all purposes 31935
the conduct of such operations and production from any lease or 31936
contract for lands any portion of which is included in the unit 31937
area. The operations conducted pursuant to the order of the chief 31938
shall constitute a fulfillment of all the express or implied 31939
obligations of each lease or contract covering lands in the unit 31940
area to the extent that compliance with such obligations cannot be 31941
had because of the order of the chief. 31942

Oil and gas allocated to any tract, and the proceeds from the 31943
sale thereof, shall be the property and income of the several 31944
persons to whom, or to whose credit, the same are allocated or 31945
payable under the order providing for unit operations. 31946

No order of the chief or other contract relating to the sale 31947
or purchase of production from a separately owned tract shall be 31948
terminated by the order providing for unit operations, but shall 31949
remain in force and apply to oil and gas allocated to ~~such~~ the 31950
tract until terminated in accordance with the provisions thereof. 31951

Except to the extent that the parties affected so agree, no order providing for unit operations shall be construed to result in a transfer of all or any part of the title of any person to the oil and gas rights in any tract in the unit area. All property, whether real or personal, that may be acquired for the account of the owners within the unit area shall be the property of such owners in the proportion that the expenses of unit operations are charged.

Sec. 1509.29. Upon application by an owner of a tract for which a drilling permit may not be issued, and a showing by the owner that the owner is unable to enter a voluntary pooling agreement and that the owner would be unable to participate under a mandatory pooling order, the chief of the division of ~~mineral oil and gas~~ resources management shall issue a permit and order establishing the tract as an exception tract if the chief finds that ~~such~~ the owner would otherwise be precluded from producing oil or gas from the owner's tract because of minimum acreage or distance requirements. The order shall set a percentage of the maximum daily potential production at which the well may be produced. The percentage shall be the same as the percentage that the number of acres in the tract bears to the number of acres in the minimum acreage requirement that has been established under section 1509.24 or 1509.25 of the Revised Code, whichever is applicable, but if the well drilled on ~~such~~ the tract is located nearer to the boundary of the tract than the required minimum distance, the percentage may not exceed the percentage determined by dividing the distance from the well to the boundary by the minimum distance requirement. Within ten days after completion of the well, the maximum daily potential production of the well shall be determined by such drill stem, open flow, or other tests as may be required by the chief. The chief shall require such tests, at least once every three months, as are necessary to determine the

maximum daily potential production at that time. 31984

Sec. 1509.31. (A) Whenever the entire interest of an oil and 31985
gas lease is assigned or otherwise transferred, the assignor or 31986
transferor shall notify the holders of the royalty interests, and, 31987
if a well or wells exist on the lease, the division of ~~mineral oil~~ oil 31988
and gas resources management, of the name and address of the 31989
assignee or transferee by certified mail, return receipt 31990
requested, not later than thirty days after the date of the 31991
assignment or transfer. When notice of any such assignment or 31992
transfer is required to be provided to the division, it shall be 31993
provided on a form prescribed and provided by the division and 31994
verified by both the assignor or transferor and by the assignee or 31995
transferee and shall be accompanied by a nonrefundable fee of one 31996
hundred dollars for each well. The notice form applicable to 31997
assignments or transfers of a well to the owner of the surface 31998
estate of the tract on which the well is located shall contain a 31999
statement informing the landowner that the well may require 32000
periodic servicing to maintain its productivity; that, upon 32001
assignment or transfer of the well to the landowner, the landowner 32002
becomes responsible for compliance with the requirements of this 32003
chapter and rules adopted under it, including, without limitation, 32004
the proper disposal of brine obtained from the well, the plugging 32005
of the well when it becomes incapable of producing oil or gas, and 32006
the restoration of the well site; and that, upon assignment or 32007
transfer of the well to the landowner, the landowner becomes 32008
responsible for the costs of compliance with the requirements of 32009
this chapter and rules adopted under it and the costs for 32010
operating and servicing the well. 32011

(B) When the entire interest of a well is proposed to be 32012
assigned or otherwise transferred to the landowner for use as an 32013
exempt domestic well, the owner who has been issued a permit under 32014
this chapter for the well shall submit to the chief of the 32015

division of oil and gas resources management an application for 32016
the assignment or transfer that contains all documents that the 32017
chief requires and a nonrefundable fee of one hundred dollars. The 32018
application for such an assignment or transfer shall be prescribed 32019
and provided by the chief. The chief may approve the application 32020
if the application is accompanied by a release of all of the oil 32021
and gas leases that are included in the applicable formation of 32022
the drilling unit, the release is in a form such that the well 32023
ownership merges with the fee simple interest of the surface 32024
tract, and the release is in a form that may be recorded. However, 32025
if the owner of the well does not release the oil and gas leases 32026
associated with the well that is proposed to be assigned or 32027
otherwise transferred or if the fee simple tract that results from 32028
the merger of the well ownership with the fee simple interest of 32029
the surface tract is less than five acres, the proposed exempt 32030
domestic well owner shall post a five thousand dollar bond with 32031
the division ~~of mineral resources management~~ prior to the 32032
assignment or transfer of the well to ensure that the well will be 32033
properly plugged. The chief, for good cause, may modify the 32034
requirements of this section governing the assignment or transfer 32035
of the interests of a well to the landowner. Upon the assignment 32036
or transfer of the well, the owner of an exempt domestic well is 32037
not subject to the severance tax levied under section 5749.02 of 32038
the Revised Code, but is subject to all applicable fees 32039
established in this chapter. 32040

(C) The owner holding a permit under section 1509.05 of the 32041
Revised Code is responsible for all obligations and liabilities 32042
imposed by this chapter and any rules, orders, and terms and 32043
conditions of a permit adopted or issued under it, and no 32044
assignment or transfer by the owner relieves the owner of the 32045
obligations and liabilities until and unless the assignee or 32046
transferee files with the division the information described in 32047
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 32048

section 1509.06 of the Revised Code; obtains liability insurance 32049
coverage required by section 1509.07 of the Revised Code, except 32050
when none is required by that section; and executes and files a 32051
surety bond, negotiable certificates of deposit or irrevocable 32052
letters of credit, or cash, as described in that section. Instead 32053
of a bond, but only upon acceptance by the chief ~~of the division~~ 32054
~~of mineral resources management~~, the assignee or transferee may 32055
file proof of financial responsibility, described in section 32056
1509.07 of the Revised Code. Section 1509.071 of the Revised Code 32057
applies to the surety bond, cash, and negotiable certificates of 32058
deposit and irrevocable letters of credit described in this 32059
section. Unless the chief approves a modification, each assignee 32060
or transferee shall operate in accordance with the plans and 32061
information filed by the permit holder pursuant to section 1509.06 32062
of the Revised Code. 32063

(D) If a mortgaged property that is being foreclosed is 32064
subject to an oil or gas lease, pipeline agreement, or other 32065
instrument related to the production or sale of oil or natural gas 32066
and the lease, agreement, or other instrument was recorded 32067
subsequent to the mortgage, and if the lease, agreement, or other 32068
instrument is not in default, the oil or gas lease, pipeline 32069
agreement, or other instrument, as applicable, has priority over 32070
all other liens, claims, or encumbrances on the property so that 32071
the oil or gas lease, pipeline agreement, or other instrument is 32072
not terminated or extinguished upon the foreclosure sale of the 32073
mortgaged property. If the owner of the mortgaged property was 32074
entitled to oil and gas royalties before the foreclosure sale, the 32075
oil or gas royalties shall be paid to the purchaser of the 32076
foreclosed property. 32077

Sec. 1509.32. Any person adversely affected may file with the 32078
chief of the division of ~~mineral~~ oil and gas resources management 32079
a written complaint alleging failure to restore disturbed land 32080

surfaces in violation of section 1509.072 or 1509.22 of the Revised Code or a rule adopted thereunder.

Upon receipt of a complaint, the chief shall cause an investigation to be made of the lands where the alleged violation has occurred and send copies of the investigation report to the person who filed the complaint and to the owner. Upon finding a violation the chief shall order the owner to eliminate the violation within a specified time. If the owner fails to eliminate the violation within the time specified, the chief may request the prosecuting attorney of the county in which the violation occurs or the attorney general to bring appropriate action to secure compliance with ~~such~~ those sections. If the chief fails to bring an appropriate action to secure compliance with ~~such~~ those sections within twenty days after the time specified, the person filing the complaint may request the prosecuting attorney of the county in which the violation occurs to bring an appropriate action to secure compliance with ~~such~~ those sections. The division of ~~mineral oil and gas~~ resources management may cooperate with any state or local agency to provide technical advice or minimum standards for the restoration of various soils and land surfaces or to assist in any investigation.

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 1509.31 of the Revised Code, or any rules adopted or orders or terms or conditions of a permit or registration certificate issued pursuant to these sections for which no specific penalty is provided in this section, shall pay a civil penalty of not more than four thousand dollars for each offense.

(B) Whoever violates section 1509.221 of the Revised Code or any rules adopted or orders or terms or conditions of a permit issued thereunder shall pay a civil penalty of not more than two thousand five hundred dollars for each violation.

(C) Whoever violates division (D) of section 1509.22 or 32112
division (A)(1) of section 1509.222 of the Revised Code shall pay 32113
a civil penalty of not less than two thousand five hundred dollars 32114
nor more than twenty thousand dollars for each violation. 32115

(D) Whoever violates division (A) of section 1509.22 of the 32116
Revised Code shall pay a civil penalty of not less than two 32117
thousand five hundred dollars nor more than ten thousand dollars 32118
for each violation. 32119

(E) Whoever violates division (A) of section 1509.223 of the 32120
Revised Code shall pay a civil penalty of not more than ten 32121
thousand dollars for each violation. 32122

(F) Whoever violates section 1509.072 of the Revised Code or 32123
any rules adopted or orders issued to administer, implement, or 32124
enforce that section shall pay a civil penalty of not more than 32125
five thousand dollars for each violation. 32126

(G) In addition to any other penalties provided in this 32127
chapter, whoever violates division (B) of section 1509.22 or 32128
division (A)(1) of section 1509.222 or knowingly violates division 32129
(A) of section 1509.223 of the Revised Code is liable for any 32130
damage or injury caused by the violation and for the cost of 32131
rectifying the violation and conditions caused by the violation. 32132
If two or more persons knowingly violate one or more of ~~such~~ those 32133
divisions in connection with the same event, activity, or 32134
transaction, they are jointly and severally liable under this 32135
division. 32136

(H) The attorney general, upon the request of the chief of 32137
the division of ~~mineral~~ oil and gas resources management, shall 32138
commence an action under this section against any person who 32139
violates sections 1509.01 to 1509.31 of the Revised Code, or any 32140
rules adopted or orders or terms or conditions of a permit or 32141
registration certificate issued pursuant to these sections. Any 32142

action under this section is a civil action, governed by the Rules 32143
of Civil Procedure and other rules of practice and procedure 32144
applicable to civil actions. The remedy provided in this division 32145
is cumulative and concurrent with any other remedy provided in 32146
this chapter, and the existence or exercise of one remedy does not 32147
prevent the exercise of any other, except that no person shall be 32148
subject to both a civil penalty under division (A), (B), (C), or 32149
(D) of this section and a criminal penalty under section 1509.99 32150
of the Revised Code for the same offense. 32151

Sec. 1509.34. (A)(1) If an owner fails to pay the fees 32152
imposed by this chapter, or if the chief of the division of 32153
~~mineral oil and gas~~ resources management incurs costs under 32154
division (E) of section 1509.071 of the Revised Code to correct 32155
conditions associated with the owner's well that the chief 32156
reasonably has determined are causing imminent health or safety 32157
risks, the division of ~~mineral oil and gas~~ resources management 32158
shall have a priority lien against that owner's interest in the 32159
applicable well in front of all other creditors for the amount of 32160
any such unpaid fees and costs incurred. The chief shall file a 32161
statement in the office of the county recorder of the county in 32162
which the applicable well is located of the amount of the unpaid 32163
fees and costs incurred as described in this division. The 32164
statement shall constitute a lien on the owner's interest in the 32165
well as of the date of the filing. The lien shall remain in force 32166
so long as any portion of the lien remains unpaid or until the 32167
chief issues a certificate of release of the lien. If the chief 32168
issues a certificate of release of the lien, the chief shall file 32169
the certificate of release in the office of the applicable county 32170
recorder. 32171

(2) A lien imposed under division (A)(1) of this section 32172
shall be in addition to any lien imposed by the attorney general 32173
for failure to pay the assessment imposed by section 1509.50 of 32174

the Revised Code or the tax levied under division (A)(5) or (6) of section 5749.02 of the Revised Code, as applicable.

(3) If the attorney general cannot collect from a severer or an owner for an outstanding balance of amounts due under section 1509.50 of the Revised Code or of unpaid taxes levied under division (A)(5) or (6) of section 5749.02 of the Revised Code, as applicable, the tax commissioner may request the chief to impose a priority lien against the owner's interest in the applicable well. Such a lien has priority in front of all other creditors.

(B) The chief promptly shall issue a certificate of release of a lien under either of the following circumstances:

(1) Upon the repayment in full of the amount of unpaid fees imposed by this chapter or costs incurred by the chief under division (E) of section 1509.071 of the Revised Code to correct conditions associated with the owner's well that the chief reasonably has determined are causing imminent health or safety risks;

(2) Any other circumstance that the chief determines to be in the best interests of the state.

(C) The chief may modify the amount of a lien under this section. If the chief modifies a lien, the chief shall file a statement in the office of the county recorder of the applicable county of the new amount of the lien.

(D) An owner regarding which the division has recorded a lien against the owner's interest in a well in accordance with this section shall not transfer a well, lease, or mineral rights to another owner or person until the chief issues a certificate of release for each lien against the owner's interest in the well.

(E) All money from the collection of liens under this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

Sec. 1509.36. Any person adversely affected by an order by 32206
the chief of the division of ~~mineral~~ oil and gas resources 32207
management may appeal to the oil and gas commission for an order 32208
vacating or modifying the order. 32209

The person so appealing to the commission shall be known as 32210
appellant and the chief shall be known as appellee. Appellant and 32211
appellee shall be deemed to be parties to the appeal. 32212

The appeal shall be in writing and shall set forth the order 32213
complained of and the grounds upon which the appeal is based. The 32214
appeal shall be filed with the commission within thirty days after 32215
the date upon which the appellant received notice by certified 32216
mail and, for all other persons adversely affected by the order, 32217
within thirty days after the date of the order complained of. 32218
Notice of the filing of the appeal shall be filed with the chief 32219
within three days after the appeal is filed with the commission. 32220

Upon the filing of the appeal the commission promptly shall 32221
fix the time and place at which the hearing on the appeal will be 32222
held, and shall give the appellant and the chief at least ten 32223
days' written notice thereof by mail. The commission may postpone 32224
or continue any hearing upon its own motion or upon application of 32225
the appellant or of the chief. 32226

The filing of an appeal provided for in this section does not 32227
automatically suspend or stay execution of the order appealed 32228
from, but upon application by the appellant the commission may 32229
suspend or stay the execution pending determination of the appeal 32230
upon such terms as the commission considers proper. 32231

Either party to the appeal or any interested person who, 32232
pursuant to commission rules has been granted permission to 32233
appear, may submit such evidence as the commission considers 32234
admissible. 32235

For the purpose of conducting a hearing on an appeal, the 32236
commission may require the attendance of witnesses and the 32237
production of books, records, and papers, and it may, and at the 32238
request of any party it shall, issue subpoenas for witnesses or 32239
subpoenas duces tecum to compel the production of any books, 32240
records, or papers, directed to the sheriffs of the counties where 32241
the witnesses are found. The subpoenas shall be served and 32242
returned in the same manner as subpoenas in criminal cases are 32243
served and returned. The fees of sheriffs shall be the same as 32244
those allowed by the court of common pleas in criminal cases. 32245
Witnesses shall be paid the fees and mileage provided for under 32246
section 119.094 of the Revised Code. Such fees and mileage 32247
expenses incurred at the request of appellant shall be paid in 32248
advance by the appellant, and the remainder of those expenses 32249
shall be paid out of funds appropriated for the expenses of the 32250
division of ~~mineral~~ oil and gas resources management. 32251

In case of disobedience or neglect of any subpoena served on 32252
any person, or the refusal of any witness to testify to any matter 32253
regarding which the witness may be lawfully interrogated, the 32254
court of common pleas of the county in which the disobedience, 32255
neglect, or refusal occurs, or any judge thereof, on application 32256
of the commission or any member thereof, shall compel obedience by 32257
attachment proceedings for contempt as in the case of disobedience 32258
of the requirements of a subpoena issued from that court or a 32259
refusal to testify therein. Witnesses at such hearings shall 32260
testify under oath, and any member of the commission may 32261
administer oaths or affirmations to persons who so testify. 32262

At the request of any party to the appeal, a stenographic 32263
record of the testimony and other evidence submitted shall be 32264
taken by an official court shorthand reporter at the expense of 32265
the party making the request therefor. The record shall include 32266
all of the testimony and other evidence and the rulings on the 32267

admissibility thereof presented at the hearing. The commission 32268
shall pass upon the admissibility of evidence, but any party may 32269
at the time object to the admission of any evidence and except to 32270
the rulings of the commission thereon, and if the commission 32271
refuses to admit evidence the party offering same may make a 32272
proffer thereof, and such proffer shall be made a part of the 32273
record of the hearing. 32274

If upon completion of the hearing the commission finds that 32275
the order appealed from was lawful and reasonable, it shall make a 32276
written order affirming the order appealed from; if the commission 32277
finds that the order was unreasonable or unlawful, it shall make a 32278
written order vacating the order appealed from and making the 32279
order that it finds the chief should have made. Every order made 32280
by the commission shall contain a written finding by the 32281
commission of the facts upon which the order is based. 32282

Notice of the making of the order shall be given forthwith to 32283
each party to the appeal by mailing a certified copy thereof to 32284
each such party by certified mail. 32285

The order of the commission is final unless vacated by the 32286
court of common pleas of Franklin county in an appeal as provided 32287
for in section 1509.37 of the Revised Code. Sections 1509.01 to 32288
1509.37 of the Revised Code, providing for appeals relating to 32289
orders by the chief or by the commission, or relating to rules 32290
adopted by the chief, do not constitute the exclusive procedure 32291
that any person who believes the person's rights to be unlawfully 32292
affected by those sections or any official action taken thereunder 32293
must pursue in order to protect and preserve those rights, nor do 32294
those sections constitute a procedure that that person must pursue 32295
before that person may lawfully appeal to the courts to protect 32296
and preserve those rights. 32297

Sec. 1509.38. There is hereby created in the division of 32298

~~mineral oil and gas~~ resources management a technical advisory 32299
council on oil and gas, which shall consist of eight members to be 32300
appointed by the governor with the advice and consent of the 32301
senate. Three members shall be independent oil or gas producers, 32302
operators, or their representatives, operating and producing 32303
primarily in this state, three members shall be oil or gas 32304
producers, operators, or their representatives having substantial 32305
oil and gas producing operations in this state and at least one 32306
other state, one member shall represent the public, and one member 32307
shall represent persons having landowners' royalty interests in 32308
oil and gas production. All members shall be residents of this 32309
state, and all members, except the members representing the public 32310
and persons having landowners' royalty interests, shall have at 32311
least five years of practical or technical experience in oil or 32312
gas drilling and production. Not more than one member may 32313
represent any one company, producer, or operator. 32314

Terms of office shall be for three years, commencing on the 32315
first day of February and ending on the thirty-first day of 32316
January. Each member shall hold office from the date of 32317
appointment until the end of the term for which the member was 32318
appointed. A vacancy in the office of a member shall be filled by 32319
the governor, with the advice and consent of the senate. Any 32320
member appointed to fill a vacancy occurring prior to the 32321
expiration of the term for which the member's predecessor was 32322
appointed shall hold office for the remainder of that term. Any 32323
member shall continue in office subsequent to the expiration date 32324
of the member's term until the member's successor takes office, or 32325
until a period of sixty days has elapsed, whichever occurs first. 32326

The council shall select from among its members a 32327
chairperson, a vice-chairperson, and a secretary. All members are 32328
entitled to their actual and necessary expenses incurred in the 32329
performance of their duties as members, payable from the 32330

appropriations for the division. 32331

The governor may remove any member for inefficiency, neglect 32332
of duty, or malfeasance in office. 32333

The council shall hold at least one regular meeting in each 32334
quarter of a calendar year and shall keep a record of its 32335
proceedings. Special meetings may be called by the chairperson and 32336
shall be called by the chairperson upon receipt of a written 32337
request signed by two or more members of the council. A written 32338
notice of the time and place of each meeting shall be sent to each 32339
member of the council. Five members constitute a quorum, and no 32340
action of the council is valid unless five members concur. 32341

The council, when requested by the chief of the division of 32342
~~mineral oil and gas~~ resources management, shall consult with and 32343
advise the chief and perform other duties that may be lawfully 32344
delegated to it by the chief. The council may participate in 32345
hearings held by the chief under this chapter and has powers of 32346
approval as provided in sections 1509.24 and 1509.25 of the 32347
Revised Code. The council shall conduct the activities required, 32348
and exercise the authority granted, under Chapter 1510. of the 32349
Revised Code. 32350

The council, upon receiving a request from the chairperson of 32351
the oil and gas commission under division (C) of section 1509.35 32352
of the Revised Code, immediately shall prepare and provide to the 32353
chairperson a list of its members who may serve as temporary 32354
members of the oil and gas commission as provided in that 32355
division. 32356

Sec. 1509.40. Except as provided in section 1509.29 of the 32357
Revised Code, no authority granted in this chapter shall be 32358
construed as authorizing a limitation on the amount that any well, 32359
leasehold, or field is permitted to produce under proration orders 32360
of the division of ~~mineral oil and gas~~ resources management. 32361

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 32362
assessment is hereby imposed by this section on an owner. An owner 32363
shall pay the assessment in the same manner as a severer who is 32364
required to file a return under section 5749.06 of the Revised 32365
Code. However, an owner may designate a severer who shall pay the 32366
owner's assessment on behalf of the owner on the return that the 32367
severer is required to file under that section. If a severer so 32368
pays an owner's assessment, the severer may recoup from the owner 32369
the amount of the assessment. Except for an exempt domestic well, 32370
the assessment imposed shall be in addition to the taxes levied on 32371
the severance of oil and gas under section 5749.02 of the Revised 32372
Code. 32373

(B)(1) Except for an exempt domestic well, the oil and gas 32374
regulatory cost recovery assessment shall be calculated on a 32375
quarterly basis and shall be one of the following: 32376

(a) If the sum of ten cents per barrel of oil for all of the 32377
wells of the owner, one-half of one cent per one thousand cubic 32378
feet of natural gas for all of the wells of the owner, and the 32379
amount of the severance tax levied on each severer for all of the 32380
wells of the owner under divisions (A)(5) and (6) of section 32381
5749.02 of the Revised Code, as applicable, is greater than the 32382
sum of fifteen dollars for each well owned by the owner, the 32383
amount of the assessment is the sum of ten cents per barrel of oil 32384
for all of the wells of the owner and one-half of one cent per one 32385
thousand cubic feet of natural gas for all of the wells of the 32386
owner. 32387

(b) If the sum of ten cents per barrel of oil for all of the 32388
wells of the owner, one-half of one cent per one thousand cubic 32389
feet of natural gas for all of the wells of the owner, and the 32390
amount of the severance tax levied on each severer for all of the 32391
wells of the owner under divisions (A)(5) and (6) of section 32392

5749.02 of the Revised Code, as applicable, is less than the sum 32393
of fifteen dollars for each well owned by the owner, the amount of 32394
the assessment is the sum of fifteen dollars for each well owned 32395
by the owner less the amount of the tax levied on each severer for 32396
all of the wells of the owner under divisions (A)(5) and (6) of 32397
section 5749.02 of the Revised Code, as applicable. 32398

(2) The oil and gas regulatory cost recovery assessment for a 32399
well that becomes an exempt domestic well on and after ~~the~~ 32400
~~effective date of this section~~ June 30, 2010, shall be sixty 32401
dollars to be paid to the division of ~~mineral~~ oil and gas 32402
resources management on the first day of July of each year. 32403

(C) All money collected pursuant to this section shall be 32404
deposited in the state treasury to the credit of the oil and gas 32405
well fund created in section 1509.02 of the Revised Code. 32406

(D) Except for purposes of revenue distribution as specified 32407
in division (B) of section 5749.02 of the Revised Code, the oil 32408
and gas regulatory cost recovery assessment imposed by this 32409
section shall be treated the same and equivalent for all purposes 32410
as the taxes levied on the severance of oil and gas under that 32411
section. However, the assessment imposed by this section is not a 32412
tax under Chapter 5749. of the Revised Code. 32413

Sec. 1510.01. As used in this chapter: 32414

(A) "First purchaser" means: 32415

(1) With regard to crude oil, the person to whom title first 32416
is transferred beyond the gathering tank or tanks, beyond the 32417
facility from which the crude oil was first produced, or both; 32418

(2) With regard to natural gas, the person to whom title 32419
first is transferred beyond the inlet side of the measurement 32420
station from which the natural gas was first produced. 32421

(B) "Independent producer" means a person who complies with 32422

both of the following: 32423

(1) Produces oil or natural gas and is not engaged in 32424
refining either product; 32425

(2) Derives a majority of income from ownership in properties 32426
producing oil or natural gas. 32427

(C) "Qualified independent producer association" means an 32428
association that complies with all of the following: 32429

(1) It is in existence on December 18, 1997. 32430

(2) It is organized and operating within this state. 32431

(3) A majority of the members of its governing body are 32432
independent producers. 32433

(D) "Technical advisory council" or "council" means the 32434
technical advisory council created in the division of ~~mineral oil~~ oil 32435
and gas resources management under section 1509.38 of the Revised 32436
Code. 32437

Sec. 1510.08. (A)(1) Except as provided in division (A)(2) of 32438
this section, an operating committee may levy assessments on the 32439
production of oil and natural gas in this state for the purposes 32440
of a marketing program established under this chapter. 32441

(2) An operating committee shall not levy an assessment that 32442
was not approved by independent producers or that exceeds the 32443
amount authorized under division (B)(1) of section 1510.04 of the 32444
Revised Code. An operating committee shall not levy an assessment 32445
against an independent producer who is not eligible to vote in a 32446
referendum for the marketing program that the operating committee 32447
administers, as determined under division (C) of section 1510.02 32448
of the Revised Code. 32449

(B) The technical advisory council may require a first 32450
purchaser to withhold assessments from any amounts that the first 32451

purchaser owes to independent producers and, notwithstanding 32452
division (A)(2) of this section, to remit them to the chairperson 32453
of the council at the office of the division of ~~mineral~~ oil and 32454
gas resources management. A first purchaser who pays an assessment 32455
that is levied pursuant to this section for an independent 32456
producer may deduct the amount of the assessment from any moneys 32457
that the first purchaser owes the independent producer. 32458

(C) A marketing program shall require a refund of assessments 32459
collected under this section after receiving an application for a 32460
refund from an independent producer. An application for a refund 32461
shall be made on a form furnished by the council. The operating 32462
committee shall ensure that refund forms are available where 32463
assessments for its program are withheld. 32464

An independent producer who desires a refund shall submit a 32465
request for a refund not later than the thirty-first day of March 32466
of the year in which the request is submitted. The council shall 32467
refund the assessment to the independent producer not later than 32468
the thirtieth day of June of the year in which the request for the 32469
refund is submitted. 32470

(D) An operating committee shall not use moneys from any 32471
assessments that it levies for any political or legislative 32472
purpose or for preferential treatment of one person to the 32473
detriment of another person who is affected by the marketing 32474
program that the operating committee administers. 32475

Sec. 1515.08. The supervisors of a soil and water 32476
conservation district have the following powers in addition to 32477
their other powers: 32478

(A) To conduct surveys, investigations, and research relating 32479
to the character of soil erosion, floodwater and sediment damages, 32480
and the preventive and control measures and works of improvement 32481
for flood prevention and the conservation, development, 32482

utilization, and disposal of water needed within the district, and 32483
to publish the results of those surveys, investigations, or 32484
research, provided that no district shall initiate any research 32485
program except in cooperation or after consultation with the Ohio 32486
agricultural research and development center; 32487

(B) To develop plans for the conservation of soil resources, 32488
for the control and prevention of soil erosion, and for works of 32489
improvement for flood prevention and the conservation, 32490
development, utilization, and disposal of water within the 32491
district, and to publish those plans and information; 32492

(C) To implement, construct, repair, maintain, and operate 32493
preventive and control measures and other works of improvement for 32494
natural resource conservation and development and flood 32495
prevention, and the conservation, development, utilization, and 32496
disposal of water within the district on lands owned or controlled 32497
by this state or any of its agencies and on any other lands within 32498
the district, which works may include any facilities authorized 32499
under state or federal programs, and to acquire, by purchase or 32500
gift, to hold, encumber, or dispose of, and to lease real and 32501
personal property or interests in such property for those 32502
purposes; 32503

(D) To cooperate or enter into agreements with any occupier 32504
of lands within the district in the carrying on of natural 32505
resource conservation operations and works of improvement for 32506
flood prevention and the conservation, development, utilization, 32507
and management of natural resources within the district, subject 32508
to such conditions as the supervisors consider necessary; 32509

(E) To accept donations, gifts, grants, and contributions in 32510
money, service, materials, or otherwise, and to use or expend them 32511
according to their terms; 32512

(F) To adopt, amend, and rescind rules to carry into effect 32513

the purposes and powers of the district; 32514

(G) To sue and plead in the name of the district, and be sued 32515
and impleaded in the name of the district, with respect to its 32516
contracts and, as indicated in section 1515.081 of the Revised 32517
Code, certain torts of its officers, employees, or agents acting 32518
within the scope of their employment or official responsibilities, 32519
or with respect to the enforcement of its obligations and 32520
covenants made under this chapter; 32521

(H) To make and enter into all contracts, leases, and 32522
agreements and execute all instruments necessary or incidental to 32523
the performance of the duties and the execution of the powers of 32524
the district under this chapter, provided that all of the 32525
following apply: 32526

(1) Except as provided in section 307.86 of the Revised Code 32527
regarding expenditures by boards of county commissioners, when the 32528
cost under any such contract, lease, or agreement, other than 32529
compensation for personal services or rental of office space, 32530
involves an expenditure of more than the amount established in 32531
that section regarding expenditures by boards of county 32532
commissioners, the supervisors shall make a written contract with 32533
the lowest and best bidder after advertisement, for not less than 32534
two nor more than four consecutive weeks preceding the day of the 32535
opening of bids, in a newspaper of general circulation within the 32536
district or as provided in section 7.16 of the Revised Code and in 32537
such other publications as the supervisors determine. The notice 32538
shall state the general character of the work and materials to be 32539
furnished, the place where plans and specifications may be 32540
examined, and the time and place of receiving bids. 32541

(2) Each bid for a contract shall contain the full name of 32542
every person interested in it. 32543

(3) Each bid for a contract for the construction, demolition, 32544

alteration, repair, or reconstruction of an improvement shall meet 32545
the requirements of section 153.54 of the Revised Code. 32546

(4) Each bid for a contract, other than a contract for the 32547
construction, demolition, alteration, repair, or reconstruction of 32548
an improvement, at the discretion of the supervisors, may be 32549
accompanied by a bond or certified check on a solvent bank in an 32550
amount not to exceed five per cent of the bid, conditioned that, 32551
if the bid is accepted, a contract shall be entered into. 32552

(5) The supervisors may reject any and all bids. 32553

(I) To make agreements with the department of natural 32554
resources giving it control over lands of the district for the 32555
purpose of construction of improvements by the department under 32556
section 1501.011 of the Revised Code; 32557

(J) To charge, alter, and collect rentals and other charges 32558
for the use or services of any works of the district; 32559

(K) To enter, either in person or by designated 32560
representatives, upon lands, private or public, in the necessary 32561
discharge of their duties; 32562

(L) To enter into agreements or contracts with the department 32563
for the determination, implementation, inspection, and funding of 32564
agricultural pollution abatement and urban sediment pollution 32565
abatement measures whereby landowners, operators, managers, and 32566
developers may meet adopted state standards for a quality 32567
environment, except that failure of a district board of 32568
supervisors to negotiate an agreement or contract with the 32569
department shall authorize the division of soil and water 32570
resources to implement the required program; 32571

(M) To conduct demonstrations and provide information to the 32572
public regarding practices and methods for natural resource 32573
conservation, development, and utilization; 32574

(N) To enter into contracts or agreements with the chief of 32575
the division of soil and water resources to implement and 32576
administer a program for urban sediment pollution abatement and to 32577
receive and expend moneys provided by the chief for that purpose; 32578

(O) To develop operation and management plans, as defined in 32579
section 1511.01 of the Revised Code, as necessary; 32580

(P) To determine whether operation and management plans 32581
developed under division (A) of section 1511.021 of the Revised 32582
Code comply with the standards established under division (E)(1) 32583
of section 1511.02 of the Revised Code and to approve or 32584
disapprove the plans, based on such compliance. If an operation 32585
and management plan is disapproved, the board shall provide a 32586
written explanation to the person who submitted the plan. The 32587
person may appeal the plan disapproval to the chief, who shall 32588
afford the person a hearing. Following the hearing, the chief 32589
shall uphold the plan disapproval or reverse it. If the chief 32590
reverses the plan disapproval, the plan shall be deemed approved 32591
under this division. In the event that any person operating or 32592
owning agricultural land or a concentrated animal feeding 32593
operation in accordance with an approved operation and management 32594
plan who, in good faith, is following that plan, causes 32595
agricultural pollution, the plan shall be revised in a fashion 32596
necessary to mitigate the agricultural pollution, as determined 32597
and approved by the board of supervisors of the soil and water 32598
conservation district. 32599

(Q) With regard to composting conducted in conjunction with 32600
agricultural operations, to do all of the following: 32601

(1) Upon request or upon their own initiative, inspect 32602
composting at any such operation to determine whether the 32603
composting is being conducted in accordance with section 1511.022 32604
of the Revised Code; 32605

(2) If the board determines that composting is not being so 32606
conducted, request the chief to issue an order under division (G) 32607
of section 1511.02 of the Revised Code requiring the person who is 32608
conducting the composting to prepare a composting plan in 32609
accordance with rules adopted under division (E)(8)(c) of that 32610
section and to operate in accordance with that plan or to operate 32611
in accordance with a previously prepared plan, as applicable; 32612

(3) In accordance with rules adopted under division (E)(8)(c) 32613
of section 1511.02 of the Revised Code, review and approve or 32614
disapprove any such composting plan. If a plan is disapproved, the 32615
board shall provide a written explanation to the person who 32616
submitted the plan. 32617

As used in division (Q) of this section, "composting" has the 32618
same meaning as in section 1511.01 of the Revised Code. 32619

(R) With regard to conservation activities that are conducted 32620
in conjunction with agricultural operations, to assist the county 32621
auditor, upon request, in determining whether a conservation 32622
activity is a conservation practice for purposes of Chapter 929. 32623
or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code. 32624

As used in this division, "conservation practice" has the 32625
same meaning as in section 5713.30 of the Revised Code. 32626

(S) To do all acts necessary or proper to carry out the 32627
powers granted in this chapter. 32628

The director of natural resources shall make recommendations 32629
to reduce the adverse environmental effects of each project that a 32630
soil and water conservation district plans to undertake under 32631
division (A), (B), (C), or (D) of this section and that will be 32632
funded in whole or in part by moneys authorized under section 32633
1515.16 of the Revised Code and shall disapprove any such project 32634
that the director finds will adversely affect the environment 32635
without equal or greater benefit to the public. The director's 32636

disapproval or recommendations, upon the request of the district 32637
filed in accordance with rules adopted by the Ohio soil and water 32638
conservation commission, shall be reviewed by the commission, 32639
which may confirm the director's decision, modify it, or add 32640
recommendations to or approve a project the director has 32641
disapproved. 32642

Any instrument by which real property is acquired pursuant to 32643
this section shall identify the agency of the state that has the 32644
use and benefit of the real property as specified in section 32645
5301.012 of the Revised Code. 32646

Sec. 1515.14. Within the limits of funds appropriated to the 32647
department of natural resources and the soil and water 32648
conservation district assistance fund created in this section, 32649
there shall be paid in each calendar year to each local soil and 32650
water conservation district an amount not to exceed one dollar for 32651
each one dollar received in accordance with section 1515.10 of the 32652
Revised Code, received from tax levies in excess of the ten-mill 32653
levy limitation approved for the benefit of local soil and water 32654
conservation districts, or received from an appropriation by a 32655
municipal corporation or a township to a maximum of eight thousand 32656
dollars, provided that the Ohio soil and water conservation 32657
commission may approve payment to a district in an amount in 32658
excess of eight thousand dollars in any calendar year upon receipt 32659
of a request and justification from the district. The county 32660
auditor shall credit such payments to the special fund established 32661
pursuant to section 1515.10 of the Revised Code for the local soil 32662
and water conservation district. The department may make advances 32663
at least quarterly to each district on the basis of the estimated 32664
contribution of the state to each district. Moneys received by 32665
each district shall be expended for the purposes of the district. 32666

For the purpose of providing money to soil and water 32667

conservation districts under this section, there is hereby created 32668
in the state treasury the soil and water conservation district 32669
assistance fund consisting of money credited to it under sections 32670
3714.073 and 3734.901 and division (A)~~(5)~~(4) of section 3734.57 of 32671
the Revised Code. 32672

Sec. 1515.24. (A) Following receipt of a certification made 32673
by the supervisors of a soil and water conservation district 32674
pursuant to section 1515.19 of the Revised Code together with 32675
receipt of all plans, specifications, and estimates submitted 32676
under that section and upon completion of a schedule of estimated 32677
assessments in accordance with section 1515.211 of the Revised 32678
Code, the board of county commissioners may adopt a resolution 32679
levying upon the property within the project area an assessment at 32680
a uniform or varied rate based upon the benefit to the area 32681
certified by the supervisors, as necessary to pay the cost of 32682
construction of the improvement not otherwise funded and to repay 32683
advances made for purposes of the improvement from the fund 32684
created by section 1515.15 of the Revised Code. The board of 32685
county commissioners shall direct the person or authority 32686
preparing assessments to give primary consideration, in 32687
determining a parcel's estimated assessments relating to the 32688
disposal of water, to the potential increase in productivity that 32689
the parcel may experience as a result of the improvement and also 32690
to give consideration to the amount of water disposed of, the 32691
location of the property relative to the project, the value of the 32692
project to the watershed, and benefits. The part of the assessment 32693
that is found to benefit state, county, or township roads or 32694
highways or municipal streets shall be assessed against the state, 32695
county, township, or municipal corporation, respectively, payable 32696
from motor vehicle revenues. The part of the assessment that is 32697
found to benefit property owned by any public corporation, any 32698
political subdivision of the state, or the state shall be assessed 32699

against the public corporation, the political subdivision, or the 32700
state and shall be paid out of the general funds or motor vehicle 32701
revenues of the public corporation, the political subdivision of 32702
the state, or the state, except as otherwise provided by law. 32703

(B) The assessment shall be certified to the county auditor 32704
and by the county auditor to the county treasurer. The collection 32705
of the assessment shall conform in all matters to Chapter 323. of 32706
the Revised Code. 32707

(C) Any land owned and managed by the department of natural 32708
resources for wildlife, recreation, nature preserve, or forestry 32709
purposes is exempt from assessments if the director of natural 32710
resources determines that the land derives no benefit from the 32711
improvement. In making such a determination, the director shall 32712
consider the purposes for which the land is owned and managed and 32713
any relevant articles of dedication or existing management plans 32714
for the land. If the director determines that the land derives no 32715
benefit from the improvement, the director shall notify the board 32716
of county commissioners, within thirty days after receiving the 32717
assessment notification required by this section, indicating that 32718
the director has determined that the land is to be exempt and 32719
explaining the specific reason for making this determination. The 32720
board of county commissioners, within thirty days after receiving 32721
the director's exemption notification, may appeal the 32722
determination to the court of common pleas. If the court of common 32723
pleas finds in favor of the board of county commissioners, the 32724
department of natural resources shall pay all court costs and 32725
legal fees. 32726

(D)(1) The board shall give notice by first class mail to 32727
every public and private property owner whose property is subject 32728
to assessment, at the tax mailing or other known address of the 32729
owner. The notice shall contain a statement of the amount to be 32730

assessed against the property of the addressee, a description of 32731
the method used to determine the necessity for and the amount of 32732
the proposed assessment, a description of any easement on the 32733
property that is necessary for purposes of the improvement, and a 32734
statement that the addressee may file an objection in writing at 32735
the office of the board of county commissioners within thirty days 32736
after the mailing of notice. If the residence of any owner cannot 32737
be ascertained, or if any mailed notice is returned undelivered, 32738
the board shall publish the notice to all such owners in a 32739
newspaper of general circulation within the project area, ~~at least~~ 32740
once each week for three weeks, which or as provided in section 32741
7.16 of the Revised Code. The notice shall include the information 32742
contained in the mailed notice, but shall state that the owner may 32743
file an objection in writing at the office of the board of county 32744
commissioners within thirty days after the last publication of the 32745
notice. 32746

(2) Upon receipt of objections as provided in this section, 32747
the board shall proceed within thirty days to hold a final hearing 32748
on the objections by fixing a date and giving notice by first 32749
class mail to the objectors at the address provided in filing the 32750
objection. If any mailed notice is returned undelivered, the board 32751
shall give due notice to the objectors in a newspaper of general 32752
circulation in the project area or as provided in section 7.16 of 32753
the Revised Code, stating the time, place, and purpose of the 32754
hearing. Upon hearing the objectors, the board may adopt a 32755
resolution amending and approving the final schedule of 32756
assessments and shall enter it in the journal. 32757

(3) Any owner whose objection is not allowed may appeal 32758
within thirty days to the court of common pleas of the county in 32759
which the property is located. 32760

(4) The board of county commissioners shall make an order 32761
approving the levying of the assessment and shall proceed under 32762

section 6131.23 of the Revised Code after one of the following has occurred, as applicable:

(a) Final notice is provided by mail or publication.

(b) The imposition of assessments is upheld in the final disposition of an appeal that is filed pursuant to division (D)(3) of this section.

(c) The resolution levying the assessments is approved in a referendum that is held pursuant to section 305.31 of the Revised Code.

(5) The county treasurer shall deposit the proceeds of the assessment in the fund designated by the board and shall report to the county auditor the amount of money from the assessment that is collected by the treasurer. Moneys shall be expended from the fund for purposes of the improvement.

(E) Any moneys collected in excess of the amount needed for construction of the improvement and the subsequent first year's maintenance may be maintained in a fund to be used for maintenance of the improvement. In any year subsequent to a year in which an assessment for construction of an improvement levied under this section has been collected, and upon determination by the board of county commissioners that funds are not otherwise available for maintenance or repair of the improvement, the board shall levy on the property within the project area an assessment for maintenance at a uniform percentage of all construction costs based upon the assessment schedule used in determining the construction assessment. The assessment is not subject to the provisions concerning notice and petition contained in this section. An assessment for maintenance shall not be levied in any year in which the unencumbered balance of funds available for maintenance of the improvement exceeds twenty per cent of the cost of construction of the improvement, except that the board may adjust

the level of assessment within the twenty per cent limitation, or 32794
suspend temporarily the levying of an assessment, for maintenance 32795
purposes as maintenance funds are needed. 32796

For the purpose of levying an assessment for maintenance of 32797
an improvement, a board may use the procedures established in 32798
Chapter 6137. of the Revised Code regarding maintenance of 32799
improvements as defined in section 6131.01 of the Revised Code in 32800
lieu of using the procedures established under this section. 32801

(F) The board of county commissioners may issue bonds and 32802
notes as authorized by section 131.23 or 133.17 of the Revised 32803
Code. 32804

Sec. 1517.02. There is hereby created in the department of 32805
natural resources the division of natural areas and preserves, 32806
which shall be administered by the chief of the division of 32807
natural areas and preserves. The chief shall take an oath of 32808
office and shall file in the office of the secretary of state a 32809
bond signed by the chief and by a surety approved by the governor 32810
for a sum fixed pursuant to section 121.11 of the Revised Code. 32811

The chief shall administer a system of nature preserves. The 32812
chief shall establish a system of nature preserves through 32813
acquisition and dedication of natural areas of state or national 32814
significance, which shall include, but not be limited to, areas 32815
that represent characteristic examples of Ohio's natural landscape 32816
types and its natural vegetation and geological history. The chief 32817
shall encourage landowners to dedicate areas of unusual 32818
significance as nature preserves, and shall establish and maintain 32819
a registry of natural areas of unusual significance. 32820

The chief may participate in watershed planning activities 32821
with other states or federal agencies. 32822

The chief shall do the following: 32823

(A) Formulate policies and plans for the acquisition, use, management, and protection of nature preserves;	32824 32825
(B) Formulate policies for the selection of areas suitable for registration;	32826 32827
(C) Formulate policies for the dedication of areas as nature preserves;	32828 32829
(D) Prepare and maintain surveys and inventories of natural areas, rare and endangered species of plants and animals, and other unique natural features. The information shall be stored <u>entered</u> in the Ohio natural heritage database, established pursuant to this division, and may be made available to any individual or private or public agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature. Information regarding sensitive site locations of species that are listed pursuant to section 1518.01 of the Revised Code and of unique natural features that are included in the Ohio natural heritage database is not subject to section 149.43 of the Revised Code if the chief determines that the release of the information could be detrimental to the conservation of a species or unique natural feature <u>under section 1531.04 of the Revised Code.</u>	32830 32831 32832 32833 32834 32835 32836 32837 32838 32839 32840 32841 32842 32843 32844
(E) Adopt rules for the use, visitation, and protection of nature preserves and natural areas owned or managed through easement, license, or lease by the department and administered by the division in accordance with Chapter 119. of the Revised Code;	32845 32846 32847 32848
(F) Provide facilities and improvements within the state system of nature preserves that are necessary for their visitation, use, restoration, and protection and do not impair their natural character;	32849 32850 32851 32852
(G) Provide interpretive programs and publish and disseminate information pertaining to nature preserves and natural areas for	32853 32854

their visitation and use;	32855
(H) Conduct and grant permits to qualified persons for the conduct of scientific research and investigations within nature preserves;	32856 32857 32858
(I) Establish an appropriate system for marking nature preserves;	32859 32860
(J) Publish and submit to the governor and the general assembly a biennial report of the status and condition of each nature preserve, activities conducted within each preserve, and plans and recommendations for natural area preservation.	32861 32862 32863 32864
Sec. 1517.03. <u>(A)</u> There is hereby created the Ohio natural areas council to advise the chief of the division <u>director</u> of natural areas and preserves <u>resources or the director's designee</u> on the administration of nature preserves and the preservation of natural areas.	32865 32866 32867 32868 32869
<u>(B)</u> The council shall have no fewer than five members as determined by the director of natural resources. The members shall be appointed by the director.	32870 32871 32872
Not later than thirty days after the effective date of this section, the director shall make initial appointments to the council. The director shall establish the terms of office of the members of the council <u>be composed of the following members</u> <u>appointed by the governor with the advice and consent of the</u> <u>senate:</u>	32873 32874 32875 32876 32877 32878
<u>(1) One member representing natural history museums;</u>	32879
<u>(2) One member representing metropolitan park districts;</u>	32880
<u>(3) One member representing colleges and universities;</u>	32881
<u>(4) One member representing outdoor education programs in primary and secondary education;</u>	32882 32883

(5) One member representing nature centers; 32884

(6) Two members representing the public. 32885

Each appointed member shall be active or interested in 32886
natural area preservation. Not more than four of the appointed 32887
members shall belong to the same political party. 32888

The director or the director's designee shall be a nonvoting 32889
ex officio member of the council. 32890

(C) Not later than thirty days after the effective date of 32891
this amendment, the governor shall make appointments to the 32892
council. Of the initial appointments, two shall be for terms 32893
ending on the first Monday in February 2012, two shall be for 32894
terms ending on the first Monday in February 2013, two shall be 32895
for terms ending on the first Monday in February 2014, and one 32896
shall be for a term ending on the first Monday in February 2015. 32897
Thereafter, terms of office shall be for four years, with each 32898
term ending on the same day of the same month as did the term that 32899
it succeeds. A member shall hold office from the date of 32900
appointment until the end of the term for which the member was 32901
appointed. Members may be reappointed. Vacancies shall be filled 32902
in the manner provided for original appointments. A member 32903
appointed to fill a vacancy occurring prior to the expiration date 32904
of the term for which the member's predecessor was appointed shall 32905
hold office for the remainder of that term. A member shall 32906
continue in office subsequent to the expiration date of the 32907
member's term until the member's successor takes office or until a 32908
period of sixty days has elapsed, whichever occurs first. 32909

(D) The council annually shall select from among its members 32910
a chairperson and a secretary. ~~Members~~ The department of natural 32911
resources shall furnish clerical, technical, legal, and other 32912
services required by the council in the performance of its duties. 32913

Members of the council shall receive no compensation and 32914

shall not be reimbursed for expenses incurred as members of the 32915
council. 32916

(E) The council shall hold at least one regular meeting ~~in~~ 32917
~~each calendar year~~ every three months. Special meetings may be 32918
called by the chairperson and shall be called by the chairperson 32919
upon written request by two or more members of the council. A 32920
written notice of the time and place of each meeting shall be sent 32921
to each member and to the director. A majority of the members of 32922
the council constitutes a quorum. The council shall keep a record 32923
of its proceedings at each meeting and shall send a copy of the 32924
record to the director. The record shall be open to the public for 32925
inspection. 32926

Sec. 1531.04. The division of wildlife, at the direction of 32927
the chief of the division, shall do all of the following: 32928

(A) Plan, develop, and institute programs and policies based 32929
on the best available information, including biological 32930
information derived from professionally accepted practices in 32931
wildlife and fisheries management, with the approval of the 32932
director of natural resources; 32933

(B) Have and take the general care, protection, and 32934
supervision of the wildlife in the state parks known as Lake St. 32935
Marys, The Portage Lakes, Lake Loramie, Indian Lake, Buckeye Lake, 32936
Guilford Lake, such part of Pymatuning reservoir as lies in this 32937
state, and all other state parks and lands owned by the state or 32938
in which it is interested or may acquire or become interested, 32939
except lands and lakes the care and supervision of which are 32940
vested in some other officer, body, board, association, or 32941
organization; 32942

(C) Enforce by proper legal action or proceeding the laws of 32943
the state and division rules for the protection, preservation, 32944
propagation, and management of wild animals and sanctuaries and 32945

refuges for the propagation of those wild animals, and adopt and 32946
carry into effect such measures as it considers necessary in the 32947
performance of its duties; 32948

(D) Promote, educate, and inform the citizens of the state 32949
about conservation and the values of fishing, hunting, and 32950
trapping, with the approval of the director; 32951

(E) Prepare and maintain surveys and inventories of rare and 32952
endangered species of plants and animals and other unique natural 32953
features. The information shall be stored in the Ohio natural 32954
heritage database, established pursuant to this division, and may 32955
be made available to any individual or private or public agency 32956
for research, educational, environmental, land management, or 32957
other similar purposes that are not detrimental to the 32958
conservation of a species or feature. Information regarding 32959
sensitive site locations of species that are listed pursuant to 32960
section 1518.01 of the Revised Code and of unique natural features 32961
that are included in the Ohio natural heritage database is not 32962
subject to section 149.43 of the Revised Code if the chief 32963
determines that the release of the information could be 32964
detrimental to the conservation of a species or unique natural 32965
feature. 32966

Sec. 1533.10. Except as provided in this section or division 32967
(A)(2) of section 1533.12 of the Revised Code, no person shall 32968
hunt any wild bird or wild quadruped without a hunting license. 32969
Each day that any person hunts within the state without procuring 32970
such a license constitutes a separate offense. Except as otherwise 32971
provided in this section, every applicant for a hunting license 32972
who is a resident of the state and eighteen years of age or more 32973
shall procure a resident hunting license or an apprentice resident 32974
hunting license, the fee for which shall be eighteen dollars 32975
unless the rules adopted under division (B) of section 1533.12 of 32976

the Revised Code provide for issuance of a resident hunting 32977
license to the applicant free of charge. Except as provided in 32978
rules adopted under division (B)(2) of that section, each 32979
applicant who is a resident of this state and who at the time of 32980
application is sixty-six years of age or older shall procure a 32981
special senior hunting license, the fee for which shall be 32982
one-half of the regular hunting license fee. Every applicant who 32983
is under the age of eighteen years shall procure a special youth 32984
hunting license or an apprentice youth hunting license, the fee 32985
for which shall be one-half of the regular hunting license fee. 32986
~~The owner of~~ 32987

A resident of this state who owns lands in the state and the 32988
owner's children of any age and grandchildren under eighteen years 32989
of age may hunt on the lands without a hunting license. If the 32990
owner of land in this state is a limited liability company or a 32991
limited liability partnership that consists of three or fewer 32992
individual members or partners, as applicable, an individual 32993
member or partner who is a resident of this state and the member's 32994
or partner's children of any age and grandchildren under eighteen 32995
years of age may hunt on the land owned by the limited liability 32996
company or limited liability partnership without a hunting 32997
license. In addition, if the owner of land in this state is a 32998
trust that has a total of three or fewer trustees and 32999
beneficiaries, an individual who is a trustee or beneficiary and 33000
who is a resident of this state and the individual's children of 33001
any age and grandchildren under eighteen years of age may hunt on 33002
the land owned by the trust without a hunting license. The tenant 33003
and children of the tenant, residing on lands in the state, may 33004
hunt on them without a hunting license. ~~Except~~ 33005

Except as otherwise provided in division (A)(1) of section 33006
1533.12 of the Revised Code, every applicant for a hunting license 33007
who is a nonresident of the state and who is eighteen years of age 33008

or older shall procure a nonresident hunting license or an 33009
apprentice nonresident hunting license, the fee for which shall be 33010
one hundred twenty-four dollars unless the applicant is a resident 33011
of a state that is a party to an agreement under section 1533.91 33012
of the Revised Code, in which case the fee shall be eighteen 33013
dollars. Apprentice resident hunting licenses, apprentice youth 33014
hunting licenses, and apprentice nonresident hunting licenses are 33015
subject to the requirements established under section 1533.102 of 33016
the Revised Code and rules adopted pursuant to it. 33017

The chief of the division of wildlife may issue a small game 33018
hunting license expiring three days from the effective date of the 33019
license to a nonresident of the state, the fee for which shall be 33020
thirty-nine dollars. No person shall take or possess deer, wild 33021
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 33022
animal while possessing only a small game hunting license. A small 33023
game hunting license or an apprentice nonresident hunting license 33024
does not authorize the taking or possessing of ducks, geese, or 33025
brant without having obtained, in addition to the small game 33026
hunting license or the apprentice nonresident hunting license, a 33027
wetlands habitat stamp as provided in section 1533.112 of the 33028
Revised Code. A small game hunting license or an apprentice 33029
nonresident hunting license does not authorize the taking or 33030
possessing of deer, wild turkeys, or fur-bearing animals. A 33031
nonresident of the state who wishes to take or possess deer, wild 33032
turkeys, or fur-bearing animals in this state shall procure, 33033
respectively, a deer or wild turkey permit as provided in section 33034
1533.11 of the Revised Code or a fur taker permit as provided in 33035
section 1533.111 of the Revised Code in addition to a nonresident 33036
hunting license, an apprentice nonresident hunting license, a 33037
special youth hunting license, or an apprentice youth hunting 33038
license, as applicable, as provided in this section. 33039

No person shall procure or attempt to procure a hunting 33040

license by fraud, deceit, misrepresentation, or any false statement. 33041
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This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or the taking and possessing of ducks, geese, or brant without first having obtained, in addition to the hunting license required by this section, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code. 33043
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This section does not authorize the hunting or trapping of fur-bearing animals without first having obtained, in addition to a hunting license required by this section, a fur taker permit as provided in section 1533.111 of the Revised Code. 33051
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No hunting license shall be issued unless it is accompanied by a written explanation of the law in section 1533.17 of the Revised Code and the penalty for its violation, including a description of terms of imprisonment and fines that may be imposed. 33055
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No hunting license, other than an apprentice hunting license, shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such a license in content and manner approved by the chief, a certificate of completion issued upon completion of a hunter education and conservation course approved by the chief, or evidence of equivalent training in content and manner approved by the chief. A previously held apprentice hunting license does not satisfy the requirement concerning the presentation of a previously held hunting license or evidence of it. 33060
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No person shall issue a hunting license, except an apprentice 33071

hunting license, to any person who fails to present the evidence 33072
required by this section. No person shall purchase or obtain a 33073
hunting license, other than an apprentice hunting license, without 33074
presenting to the issuing agent the evidence required by this 33075
section. Issuance of a hunting license in violation of the 33076
requirements of this section is an offense by both the purchaser 33077
of the illegally obtained hunting license and the clerk or agent 33078
who issued the hunting license. Any hunting license issued in 33079
violation of this section is void. 33080

The chief, with approval of the wildlife council, shall adopt 33081
rules prescribing a hunter education and conservation course for 33082
first-time hunting license buyers, other than buyers of apprentice 33083
hunting licenses, and for volunteer instructors. The course shall 33084
consist of subjects including, but not limited to, hunter safety 33085
and health, use of hunting implements, hunting tradition and 33086
ethics, the hunter and conservation, the law in section 1533.17 of 33087
the Revised Code along with the penalty for its violation, 33088
including a description of terms of imprisonment and fines that 33089
may be imposed, and other law relating to hunting. Authorized 33090
personnel of the division or volunteer instructors approved by the 33091
chief shall conduct such courses with such frequency and at such 33092
locations throughout the state as to reasonably meet the needs of 33093
license applicants. The chief shall issue a certificate of 33094
completion to each person who successfully completes the course 33095
and passes an examination prescribed by the chief. 33096

Sec. 1533.11. (A) Except as provided in this section, no 33097
person shall hunt deer on lands of another without first obtaining 33098
an annual deer permit. Except as provided in this section, no 33099
person shall hunt wild turkeys on lands of another without first 33100
obtaining an annual wild turkey permit. Each applicant for a deer 33101
or wild turkey permit shall pay an annual fee of twenty-three 33102
dollars for each permit unless the rules adopted under division 33103

(B) of section 1533.12 of the Revised Code provide for issuance of 33104
a deer or wild turkey permit to the applicant free of charge. 33105
Except as provided in rules adopted under division (B)(2) of that 33106
section, each applicant who is a resident of this state and who at 33107
the time of application is sixty-six years of age or older shall 33108
procure a senior deer or wild turkey permit, the fee for which 33109
shall be one-half of the regular deer or wild turkey permit fee. 33110
Each applicant who is under the age of eighteen years shall 33111
procure a youth deer or wild turkey permit, the fee for which 33112
shall be one-half of the regular deer or wild turkey permit fee. 33113
Except as provided in division (A)(2) of section 1533.12 of the 33114
Revised Code, a deer or wild turkey permit shall run concurrently 33115
with the hunting license. The money received shall be paid into 33116
the state treasury to the credit of the wildlife fund, created in 33117
section 1531.17 of the Revised Code, exclusively for the use of 33118
the division of wildlife in the acquisition and development of 33119
land for deer or wild turkey management, for investigating deer or 33120
wild turkey problems, and for the stocking, management, and 33121
protection of deer or wild turkey. Every person, while hunting 33122
deer or wild turkey on lands of another, shall carry the person's 33123
deer or wild turkey permit and exhibit it to any enforcement 33124
officer so requesting. Failure to so carry and exhibit such a 33125
permit constitutes an offense under this section. The chief of the 33126
division of wildlife shall adopt any additional rules the chief 33127
considers necessary to carry out this section and section 1533.10 33128
of the Revised Code. 33129

The An owner who is a resident of this state and the children 33130
of the owner of lands in this state may hunt deer or wild turkey 33131
thereon without a deer or wild turkey permit. If the owner of land 33132
in this state is a limited liability company or a limited 33133
liability partnership that consists of three or fewer individual 33134
members or partners, as applicable, an individual member or 33135
partner who is a resident of this state and the member's or 33136

partner's children of any age may hunt deer or wild turkey on the 33137
land owned by the limited liability company or limited liability 33138
partnership without a deer or wild turkey permit. In addition, if 33139
the owner of land in this state is a trust that has a total of 33140
three or fewer trustees and beneficiaries, an individual who is a 33141
trustee or beneficiary and who is a resident of this state and the 33142
individual's children of any age may hunt deer or wild turkey on 33143
the land owned by the trust without a deer or wild turkey permit. 33144
The tenant and children of the tenant may hunt deer or wild turkey 33145
on lands where they reside without a deer or wild turkey permit. 33146

(B) A deer or wild turkey permit is not transferable. No 33147
person shall carry a deer or wild turkey permit issued in the name 33148
of another person. 33149

(C) The wildlife refunds fund is hereby created in the state 33150
treasury. The fund shall consist of money received from 33151
application fees for deer permits that are not issued. Money in 33152
the fund shall be used to make refunds of such application fees. 33153

(D) If the division establishes a system for the electronic 33154
submission of information regarding deer or wild turkey that are 33155
taken, the division shall allow the owner and the children of the 33156
owner of lands in this state to use the owner's name or address 33157
for purposes of submitting that information electronically via 33158
that system. 33159

Sec. 1533.111. Except as provided in this section or division 33160
(A)(2) of section 1533.12 of the Revised Code, no person shall 33161
hunt or trap fur-bearing animals on land of another without first 33162
obtaining some type of an annual fur taker permit. Each applicant 33163
for a fur taker permit or an apprentice fur taker permit shall pay 33164
an annual fee of fourteen dollars for the permit, except as 33165
otherwise provided in this section or unless the rules adopted 33166
under division (B) of section 1533.12 of the Revised Code provide 33167

for issuance of a fur taker permit to the applicant free of 33168
charge. Except as provided in rules adopted under division (B)(2) 33169
of that section, each applicant who is a resident of this state 33170
and who at the time of application is sixty-six years of age or 33171
older shall procure a special senior fur taker permit, the fee for 33172
which shall be one-half of the regular fur taker permit fee. Each 33173
applicant under the age of eighteen years shall procure a special 33174
youth fur taker permit or an apprentice youth fur taker permit, 33175
the fee for which shall be one-half of the regular fur taker 33176
permit fee. Each type of fur taker permit shall run concurrently 33177
with the hunting license. The money received shall be paid into 33178
the state treasury to the credit of the fund established in 33179
section 1533.15 of the Revised Code. Apprentice fur taker permits 33180
and apprentice youth fur taker permits are subject to the 33181
requirements established under section 1533.102 of the Revised 33182
Code and rules adopted pursuant to it. 33183

No fur taker permit shall be issued unless it is accompanied 33184
by a written explanation of the law in section 1533.17 of the 33185
Revised Code and the penalty for its violation, including a 33186
description of terms of imprisonment and fines that may be 33187
imposed. 33188

No fur taker permit, other than an apprentice fur taker 33189
permit or an apprentice youth fur taker permit, shall be issued 33190
unless the applicant presents to the agent authorized to issue a 33191
fur taker permit a previously held hunting license or trapping or 33192
fur taker permit or evidence of having held such a license or 33193
permit in content and manner approved by the chief of the division 33194
of wildlife, a certificate of completion issued upon completion of 33195
a trapper education course approved by the chief, or evidence of 33196
equivalent training in content and manner approved by the chief. A 33197
previously held apprentice hunting license, apprentice fur taker 33198
permit, or apprentice youth fur taker permit does not satisfy the 33199

requirement concerning the presentation of a previously held 33200
hunting license or fur taker permit or evidence of such a license 33201
or permit. 33202

No person shall issue a fur taker permit, other than an 33203
apprentice fur taker permit or an apprentice youth fur taker 33204
permit, to any person who fails to present the evidence required 33205
by this section. No person shall purchase or obtain a fur taker 33206
permit, other than an apprentice fur taker permit or an apprentice 33207
youth fur taker permit, without presenting to the issuing agent 33208
the evidence required by this section. Issuance of a fur taker 33209
permit in violation of the requirements of this section is an 33210
offense by both the purchaser of the illegally obtained permit and 33211
the clerk or agent who issued the permit. Any fur taker permit 33212
issued in violation of this section is void. 33213

The chief, with approval of the wildlife council, shall adopt 33214
rules prescribing a trapper education course for first-time fur 33215
taker permit buyers, other than buyers of apprentice fur taker 33216
permits or apprentice youth fur taker permits, and for volunteer 33217
instructors. The course shall consist of subjects that include, 33218
but are not limited to, trapping techniques, animal habits and 33219
identification, trapping tradition and ethics, the trapper and 33220
conservation, the law in section 1533.17 of the Revised Code along 33221
with the penalty for its violation, including a description of 33222
terms of imprisonment and fines that may be imposed, and other law 33223
relating to trapping. Authorized personnel of the division of 33224
wildlife or volunteer instructors approved by the chief shall 33225
conduct the courses with such frequency and at such locations 33226
throughout the state as to reasonably meet the needs of permit 33227
applicants. The chief shall issue a certificate of completion to 33228
each person who successfully completes the course and passes an 33229
examination prescribed by the chief. 33230

Every person, while hunting or trapping fur-bearing animals 33231

on lands of another, shall carry the person's fur taker permit 33232
with the person's signature written on the permit. Failure to 33233
carry such a signed permit constitutes an offense under this 33234
section. The chief shall adopt any additional rules the chief 33235
considers necessary to carry out this section. 33236

The An owner who is a resident of this state and the children 33237
of the owner of lands in this state may hunt or trap fur-bearing 33238
animals thereon without a fur taker permit. If the owner of land 33239
in this state is a limited liability company or a limited 33240
liability partnership that consists of three or fewer individual 33241
members or partners, as applicable, an individual member or 33242
partner who is a resident of this state and the member's or 33243
partner's children of any age may hunt or trap fur-bearing animals 33244
on the land owned by the limited liability company or limited 33245
liability partnership without a fur taker permit. In addition, if 33246
the owner of land in this state is a trust that has a total of 33247
three or fewer trustees and beneficiaries, an individual who is a 33248
trustee or beneficiary and who is a resident of this state and the 33249
individual's children of any age may hunt or trap fur-bearing 33250
animals on the land owned by the trust without a fur taker permit. 33251
The tenant and children of the tenant may hunt or trap fur-bearing 33252
animals on lands where they reside without a fur taker permit. 33253

A fur taker permit is not transferable. No person shall carry 33254
a fur taker permit issued in the name of another person. 33255

A fur taker permit entitles a nonresident to take from this 33256
state fur-bearing animals taken and possessed by the nonresident 33257
as provided by law or division rule. 33258

Sec. 1533.32. Except as provided in this section or division 33259
(A)(2) or (C) of section 1533.12 of the Revised Code, no person, 33260
including nonresidents, shall take or catch any fish by angling in 33261
any of the waters in the state or engage in fishing in those 33262

waters without a license. No person shall take or catch frogs or 33263
turtles without a valid fishing license, except as provided in 33264
this section. Persons fishing in privately owned ponds, lakes, or 33265
reservoirs to or from which fish are not accustomed to migrate are 33266
exempt from the license requirements set forth in this section. 33267
Persons fishing in privately owned ponds, lakes, or reservoirs 33268
that are open to public fishing through an agreement or lease with 33269
the division of wildlife shall comply with the license 33270
requirements set forth in this section. 33271

The fee for an annual license shall be thirty-nine dollars 33272
for a resident of a state that is not a party to an agreement 33273
under section 1533.91 of the Revised Code. The fee for an annual 33274
license shall be eighteen dollars for a resident of a state that 33275
is a party to such an agreement. The fee for an annual license for 33276
residents of this state shall be eighteen dollars unless the rules 33277
adopted under division (B) of section 1533.12 of the Revised Code 33278
provide for issuance of a resident fishing license to the 33279
applicant free of charge. Except as provided in rules adopted 33280
under division (B)(2) of that section, each applicant who is a 33281
resident of this state and who at the time of application is 33282
sixty-six years of age or older shall procure a special senior 33283
fishing license, the fee for which shall be one-half of the annual 33284
resident fishing license fee. 33285

Any person under the age of sixteen years may take or catch 33286
frogs and turtles and take or catch fish by angling without a 33287
license. 33288

The chief of the division of wildlife may issue a tourist's 33289
license expiring three days from the effective date of the license 33290
to a resident of a state that is not a party to an agreement under 33291
section 1533.91 of the Revised Code. The fee for a tourist's 33292
license shall be eighteen dollars. 33293

The chief shall adopt rules under section 1531.10 of the 33294

Revised Code providing for the issuance of a one-day fishing 33295
license to a resident of this state or of any other state. The fee 33296
for such a license shall be fifty-five per cent of the amount 33297
established under this section for a tourist's license, rounded up 33298
to the nearest whole dollar. A one-day fishing license shall allow 33299
the holder to take or catch fish by angling in the waters in the 33300
state, engage in fishing in those waters, or take or catch frogs 33301
or turtles in those waters for one day without obtaining an annual 33302
license or a tourist's license under this section. At the request 33303
of a holder of a one-day fishing license who wishes to obtain an 33304
annual license, a clerk or agent authorized to issue licenses 33305
under section 1533.13 of the Revised Code, not later than the last 33306
day on which the one-day license would be valid if it were an 33307
annual license, shall credit the amount of the fee paid for the 33308
one-day license toward the fee charged for the annual license if 33309
so authorized by the chief. The clerk or agent shall issue the 33310
annual license upon presentation of the one-day license and 33311
payment of a fee in an amount equal to the difference between the 33312
fee for the annual license and the fee for the one-day license. 33313

Unless otherwise provided by division rule, each annual 33314
license shall begin on the first day of March of the current year 33315
and expire on the last day of February of the following year. 33316

No person shall alter a fishing license or possess a fishing 33317
license that has been altered. 33318

No person shall procure or attempt to procure a fishing 33319
license by fraud, deceit, misrepresentation, or any false 33320
statement. 33321

~~Owners of~~ A resident of this state who owns land over, 33322
through, upon, or along which any water flows or stands, except 33323
where the land is in or borders on state parks or state-owned 33324
lakes, together with the members of the immediate families of such 33325
owners, may take frogs and turtles and may take or catch fish of 33326

the kind permitted to be taken or caught therefrom without 33327
procuring a license provided for in this section. This exemption 33328
extends to tenants actually residing upon such lands and to the 33329
members of the immediate families of the tenants. If the owner of 33330
such land in this state is a limited liability company or a 33331
limited liability partnership that consists of three or fewer 33332
individual members or partners, as applicable, an individual 33333
member or partner who is a resident of this state and the member's 33334
or partner's children of any age may take frogs and turtles and 33335
may take or catch fish of the kind permitted to be taken or caught 33336
therefrom without procuring a license provided for in this 33337
section. In addition, if the owner of such land in this state is a 33338
trust that has a total of three or fewer trustees and 33339
beneficiaries, an individual who is a trustee or beneficiary and 33340
who is a resident of this state and the individual's children of 33341
any age may take frogs and turtles and may take or catch fish of 33342
the kind permitted to be taken or caught therefrom without 33343
procuring a license provided for in this section. Residents of 33344
state or county institutions, charitable institutions, and 33345
military homes in this state may take frogs and turtles without 33346
procuring the required license, provided that a member of the 33347
institution or home has an identification card, which shall be 33348
carried on that person when fishing. 33349

Every fisher required to be licensed, while fishing or taking 33350
or attempting to take frogs or turtles, shall carry the license 33351
and exhibit it to any person. Failure to so carry and exhibit the 33352
license constitutes an offense under this section. 33353

Sec. 1533.731. (A) No wild animal hunting preserve shall be 33354
less than eighty acres in area. Each such preserve shall be in one 33355
continuous block of land, except that the block of land may be 33356
intersected by highways or roads. No wild animal hunting preserve 33357
shall be located within ~~three~~ one thousand five hundred feet of 33358

another such preserve or of a commercial bird shooting preserve 33359
licensed under section 1533.72 of the Revised Code. 33360

The boundaries of each wild animal hunting preserve shall be 33361
clearly defined by posting, at intervals of not more than ~~two~~ four 33362
hundred feet, with signs prescribed by the division of wildlife. 33363
Each wild animal hunting preserve shall be surrounded by a fence 33364
at least six feet in height that is constructed of a woven wire 33365
mesh, or such other enclosure approved by the chief of the 33366
division of wildlife. 33367

(B)(1) Except as provided in divisions (B)(2) and (3) of this 33368
section, game and nonnative wildlife that have been approved by 33369
the chief for such use, that have been legally acquired or 33370
propagated under the authority of a propagating license issued 33371
under section 1533.71 of the Revised Code, and that are marked and 33372
tagged as provided in division (C) of this section may be released 33373
and hunted within the confines of the licensed wild animal hunting 33374
preserve between sunrise and sunset, without regard to sex, bag 33375
limit, or open season, by licensed hunters authorized by the 33376
holder of the wild animal hunting preserve license to hunt on 33377
those lands. The chief shall establish, by rule, the allowable 33378
methods of taking game and nonnative wildlife in a wild animal 33379
hunting preserve. 33380

(2) No game or nonnative wildlife on the federal endangered 33381
species list established in accordance with the "Endangered 33382
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1531, as amended, 33383
or the state endangered species list established in rules adopted 33384
under section 1531.25 of the Revised Code, no bears native to 33385
North America, and no large carnivores of the family Felidae shall 33386
be released for hunting or hunted in any wild animal hunting 33387
preserve in this state. 33388

(3) No person shall release for hunting or hunt within a wild 33389
animal hunting preserve any game or nonnative wildlife not listed 33390

in the application for a license for that preserve. 33391

(C) All game and nonnative wildlife released on a wild animal 33392
hunting preserve shall be identified with a tag that shall bear 33393
upon it a symbol identifying the preserve. 33394

(D) For the purposes of division (B) of section 1533.02 of 33395
the Revised Code, the owner or operator of a wild animal hunting 33396
preserve shall furnish each person who takes any game or nonnative 33397
wildlife from the preserve a certificate bearing a description of 33398
the animal, the date the animal was taken, and the name of the 33399
preserve. 33400

(E) The chief shall adopt rules under section 1531.10 of the 33401
Revised Code that provide for the safety of the public and for the 33402
protection of the game and nonnative wildlife to be hunted in a 33403
wild animal hunting preserve prior to their release in the 33404
preserve. 33405

(F) No holder of a wild animal hunting preserve license shall 33406
violate Chapter 1531. or this chapter of the Revised Code or any 33407
division rule. 33408

(G) This section does not authorize the hunting of game birds 33409
in a licensed wild animal hunting preserve. 33410

Sec. 1533.83. As used in sections 1533.83 to 1533.85 of the 33411
Revised Code: 33412

(A) "Political subdivision" means a municipal corporation, 33413
township, county, or other body corporate and politic responsible 33414
for governmental activities in a geographic area smaller than that 33415
of the state. 33416

(B) "Shooting range" means a facility operated for the 33417
purpose of shooting with firearms or archery equipment, whether 33418
publicly or privately owned and whether or not operated for 33419
profit, including, but not limited to, commercial bird shooting 33420

preserves and wild animal hunting preserves established pursuant 33421
to this chapter. "Shooting range" does not include a facility 33422
owned or operated by a municipal corporation, county, ~~or~~ township 33423
police district, or joint police district. 33424

(C) "Harm" means injury, death, or loss to person or 33425
property. 33426

(D) "The chief's noise rules" means the rules of the chief of 33427
the division of wildlife that are adopted pursuant to section 33428
1533.84 of the Revised Code and that pertain to the limitation or 33429
suppression of noise at a shooting range or to the hours of 33430
operation of shooting ranges. 33431

(E) "The chief's public safety rules" means the rules of the 33432
chief of the division of wildlife that are adopted pursuant to 33433
section 1533.84 of the Revised Code and that pertain to public 33434
safety, including standards for the reconstruction, enlargement, 33435
remodeling, or repair of any structure or facility that is part of 33436
a shooting range. 33437

Sec. 1541.03. All lands and waters dedicated and set apart 33438
for state park purposes shall be under the control and management 33439
of the division of parks and recreation, which shall protect, 33440
maintain, and keep them in repair. The division shall have the 33441
following powers over all such lands and waters: 33442

(A) To make alterations and improvements; 33443

(B) To construct and maintain dikes, wharves, landings, 33444
docks, dams, and other works; 33445

(C) To construct and maintain roads and drives in, around, 33446
upon, and to the lands and waters to make them conveniently 33447
accessible and useful to the public; 33448

(D) Except as otherwise provided in this section, to adopt, 33449
amend, and rescind, in accordance with Chapter 119. of the Revised 33450

Code, rules necessary for the proper management of state parks,	33451
bodies of water, and the lands adjacent to them under its	33452
jurisdiction and control, including the following:	33453
(1) Governing opening and closing times and dates of the	33454
parks;	33455
(2) Establishing fees and charges for use of facilities in	33456
state parks;	33457
(3) Governing camps, camping, and fees for camps and camping;	33458
(4) Governing the application for and rental of, rental fees	33459
for, and the use of cottages;	33460
(5) Relating to public use of state park lands, and governing	33461
the operation of motor vehicles, including speeds, and parking on	33462
those lands;	33463
(6) Governing all advertising within state parks and the	33464
requirements for the operation of places selling tangible personal	33465
property and control of food service sales on lands and waters	33466
under the control of the division, which rules shall establish	33467
uniform requirements;	33468
(7) Providing uniform standards relating to the size, type,	33469
location, construction, and maintenance of structures and devices	33470
used for fishing or moorage of watercraft, rowboats, sailboats,	33471
and powercraft, as those terms are defined in section 1547.01 of	33472
the Revised Code, over waters under the control of the division	33473
and establishing reasonable fees for the construction of and	33474
annual use permits for those structures and devices;	33475
(8) Governing state beaches, swimming, inflatable devices,	33476
and fees for them;	33477
(9) Governing the removal and disposition of any watercraft,	33478
rowboat, sailboat, or powercraft, as those terms are defined in	33479
section 1547.01 of the Revised Code, left unattended for more than	33480

seven days on any lands or waters under the control of the 33481
division; 33482

(10) Governing the establishment and collection of check 33483
collection charges for checks that are returned to the division or 33484
dishonored for any reason. 33485

(E) To coordinate and plan trails in accordance with section 33486
1519.03 of the Revised Code; 33487

(F) To cooperate with the United States and agencies of it 33488
and with political subdivisions in administering federal 33489
recreation moneys under the "Land and Water Conservation Fund Act 33490
of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and 33491
distribute the statewide comprehensive outdoor recreation plan; 33492
and administer the state recreational vehicle fund created in 33493
section 4519.11 of the Revised Code; 33494

(G) To administer any state or federally funded grant program 33495
that is related to natural resources and recreation as considered 33496
necessary by the director of natural resources; 33497

(H) To assist the department of natural resources and its 33498
divisions by providing department-wide planning, capital 33499
improvements planning, and special purpose planning. 33500

~~With the approval of the director, the chief of the division 33501
of parks and recreation may enter into contracts or agreements 33502
with any agency of the United States government, any other public 33503
agency, or any private entity or organization for the performance 33504
of the duties of the division. 33505~~

The division shall adopt rules under this section 33506
establishing a discount program for all persons who are issued a 33507
golden buckeye card under section 173.06 of the Revised Code. The 33508
discount program shall provide a discount for all park services 33509
and rentals, but shall not provide a discount for the purchase of 33510
merchandise. 33511

The division shall not adopt rules establishing fees or 33512
charges for parking a motor vehicle in a state park or for 33513
admission to a state park. 33514

Every resident of this state with a disability that has been 33515
determined by the veterans administration to be permanently and 33516
totally disabling, who receives a pension or compensation from the 33517
veterans administration, and who received an honorable discharge 33518
from the armed forces of the United States, and every veteran to 33519
whom the registrar of motor vehicles has issued a set of license 33520
plates under section 4503.41 of the Revised Code, shall be exempt 33521
from the fees for camping, provided that the resident or veteran 33522
carries in the state park such evidence of the resident's or 33523
veteran's disability as the chief prescribes by rule. 33524

Unless otherwise provided by division rule, every resident of 33525
this state who is sixty-five years of age or older or who is 33526
permanently and totally disabled and who furnishes evidence of 33527
that age or disability in a manner prescribed by division rule 33528
shall be charged one-half of the regular fee for camping, except 33529
on the weekends and holidays designated by the division, and shall 33530
not be charged more than ninety per cent of the regular charges 33531
for state recreational facilities, equipment, services, and food 33532
service operations utilized by the person at any time of year, 33533
whether maintained or operated by the state or leased for 33534
operation by another entity. 33535

As used in this section, "food service operations" means 33536
restaurants that are owned by the department of natural resources 33537
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 33538
parks or are part of a state park lodge. "Food service operations" 33539
does not include automatic vending machines, concession stands, or 33540
snack bars. 33541

As used in this section, "prisoner of war" means any 33542
regularly appointed, enrolled, enlisted, or inducted member of the 33543

military forces of the United States who was captured, separated, 33544
and incarcerated by an enemy of the United States. Any person who 33545
has been a prisoner of war, was honorably discharged from the 33546
military forces, and is a resident of this state is exempt from 33547
the fees for camping. To claim this exemption, the person shall 33548
present written evidence in the form of a record of separation, a 33549
letter from one of the military forces of the United States, or 33550
such other evidence as the chief prescribes by rule that satisfies 33551
the eligibility criteria established by this section. 33552

Sec. 1541.05. (A) The chief of the division of parks and 33553
recreation, with the approval of the director of natural 33554
resources, may dispose of any of the following by sale, donation, 33555
trade, trade-in, recycling, or any other lawful means, in a manner 33556
that will benefit the division: 33557

(1) Standing timber that as a result of wind, storm, 33558
pestilence, or any other natural occurrence may present a hazard 33559
to life or property, timber that has weakened or fallen on lands 33560
under the control and management of the division, or any timber or 33561
other forest products that ~~requires~~ require management to improve 33562
wildlife habitat, protect against wildfires, provide access to 33563
recreational facilities, implement sustainable forestry practices, 33564
or improve the safety, quality, or appearance of any state park 33565
area; 33566

(2) Spoils of a dredging operation conducted by the division 33567
in waters under the control and management of the division. Prior 33568
to the disposition of any spoils under this division, the chief 33569
shall notify the director of environmental protection of the 33570
chief's intent so that the director may determine if the spoils 33571
constitute solid wastes or hazardous waste, as those terms are 33572
defined in section 3734.01 of the Revised Code, that must be 33573
disposed of in accordance with Chapter 3734. of the Revised Code. 33574

If the director does not notify the chief within thirty days after receiving notice of the disposition that the spoils must be disposed of in accordance with Chapter 3734. of the Revised Code, the chief may proceed with the disposition.

(3) Notwithstanding sections 125.12 to 125.14 of the Revised Code, excess supplies and surplus supplies, as those terms are defined in section 125.12 of the Revised Code;

(4) Agricultural products that are grown or raised by the division. As used in this division, "agricultural products" includes products of apiculture, animal husbandry, or poultry husbandry, field crops, fruits, and vegetables.

(5) Abandoned personal property, including golf balls that are found on property under the control and management of the division.

(B) In accordance with Chapter 119. of the Revised Code, the chief shall adopt, and may amend and rescind, such rules as are necessary to administer this section.

(C) ~~Proceeds~~ Except as provided in division (D) of this section, proceeds from the disposition of items under this section shall be deposited in the state treasury to the credit of the state park fund created in section 1541.22 of the Revised Code.

(D) The chief of the division of parks and recreation may enter into a memorandum of understanding with the chief of the division of forestry to allow the division of forestry to administer the sale of timber and forest products on lands that are owned or controlled by the division of parks and recreation. Proceeds from the sale of timber or forest products pursuant to the memorandum of understanding shall be apportioned as follows:

(1) Seventy-five per cent of the proceeds shall be deposited in the state treasury to the credit of the state park fund.

(2) Twenty-five per cent of the proceeds shall be deposited 33605
in the state treasury to the credit of the state forest fund 33606
created in section 1503.05 of the Revised Code. 33607

Sec. 1545.071. The following applies until the department of 33608
administrative services implements for park districts the health 33609
care plans under section 9.901 of the Revised Code. If those plans 33610
do not include or address any benefits listed in this section, the 33611
following provisions continue in effect for those benefits. 33612

The board of park commissioners of any park district may 33613
procure and pay all or any part of the cost of group insurance 33614
policies that may provide benefits for hospitalization, surgical 33615
care, major medical care, disability, dental care, eye care, 33616
medical care, hearing aids, or prescription drugs, or sickness and 33617
accident insurance or a combination of any of the foregoing types 33618
of insurance or coverage for park district officers and employees 33619
and their immediate dependents issued by an insurance company duly 33620
authorized to do business in this state. 33621

The board may procure and pay all or any part of the cost of 33622
group life insurance to insure the lives of park district 33623
employees. 33624

The board also may contract for group health care services 33625
with health insuring corporations holding a certificate of 33626
authority under Chapter 1751. of the Revised Code provided that 33627
each officer or employee is permitted to: 33628

(A) Choose between a plan offered by an insurance company and 33629
a plan offered by a health insuring corporation and provided 33630
further that the officer or employee pays any amount by which the 33631
cost of the plan chosen by the officer or employee exceeds the 33632
cost of the plan offered by the board under this section; 33633

(B) Change the choice made under division (A) of this section 33634

at a time each year as determined in advance by the board. 33635

Any appointed member of the board of park commissioners and 33636
the spouse and dependent children of the member may be covered, at 33637
the option and expense of the member, as a noncompensated employee 33638
of the park district under any benefit plan described in division 33639
(A) of this section. The member shall pay to the park district the 33640
amount certified to it by the benefit provider as the provider's 33641
charge for the coverage the member has chosen under division (A) 33642
of this section. Payments for coverage shall be made, in advance, 33643
in a manner prescribed by the board. The member's exercise of an 33644
option to be covered under this section shall be in writing, 33645
announced at a regular public meeting of the board, and recorded 33646
as a public record in the minutes of the board. 33647

The board may provide the benefits authorized in this section 33648
by contributing to a health and welfare trust fund administered 33649
through or in conjunction with a collective bargaining 33650
representative of the park district employees. 33651

The board may provide the benefits described in this section 33652
through an individual self-insurance program or a joint 33653
self-insurance program as provided in section 9.833 of the Revised 33654
Code. 33655

Sec. 1545.09. (A) The board of park commissioners shall adopt 33656
such bylaws and rules as the board considers advisable for the 33657
preservation of good order within and adjacent to parks and 33658
reservations of land, and for the protection and preservation of 33659
the parks, parkways, and other reservations of land under its 33660
jurisdiction and control and of property and natural life therein. 33661
The board shall also adopt bylaws or rules establishing a 33662
procedure for contracting for professional, technical, consulting, 33663
and other special services. Any competitive bidding procedures of 33664
the board do not apply to the purchase of benefits for park 33665

district officers or employees when such benefits are provided 33666
through a health and welfare trust fund administered through or in 33667
conjunction with a collective bargaining representative of the 33668
park district employees, as authorized in section 1545.071 of the 33669
Revised Code. ~~The~~ Summaries of the bylaws and rules shall be 33670
published as provided in the case of ordinances of municipal 33671
corporations under section 731.21 of the Revised Code before 33672
taking effect. 33673

(B)(1) As used in division (B)(2) of this section, "similar 33674
violation under state law" means a violation of any section of the 33675
Revised Code, other than division (C) of this section, that is 33676
similar to a violation of a bylaw or rule adopted under division 33677
(A) of this section. 33678

(2) The board of park commissioners may adopt by bylaw a 33679
penalty for a violation of any bylaw or rule adopted under 33680
division (A) of this section, and any penalty so adopted shall not 33681
exceed in severity whichever of the following is applicable: 33682

(a) The penalty designated under the Revised Code for a 33683
violation of the state law that is similar to the bylaw or rule 33684
for which the board adopted the penalty; 33685

(b) For a violation of a bylaw or rule adopted under division 33686
(A) of this section for which the similar violation under state 33687
law does not bear a penalty or for which there is no similar 33688
violation under state law, a fine of not more than one hundred 33689
fifty dollars for a first offense and not more than one thousand 33690
dollars for each subsequent offense. 33691

(3) ~~Any~~ A summary of any bylaw adopted under division (B)(2) 33692
of this section shall be published as provided in the case of 33693
ordinances of municipal corporations under section 731.21 of the 33694
Revised Code before taking effect. 33695

(C) No person shall violate any bylaws or rules adopted under 33696

division (A) of this section. All fines collected for any 33697
violation of this section shall be paid into the treasury of such 33698
park board. 33699

Sec. 1545.12. (A) Except as provided in division (B) of this 33700
section, if the board of park commissioners finds that any lands 33701
that it has acquired are not necessary for the purposes for which 33702
they were acquired by the board, it may sell and dispose of the 33703
lands upon terms the board considers advisable. The board also may 33704
lease or permit the use of any lands for purposes not inconsistent 33705
with the purposes for which the lands were acquired, and upon 33706
terms the board considers advisable. No lands shall be sold 33707
pursuant to this division without first giving notice of the 33708
board's intention to sell the lands by publication once a week for 33709
four consecutive weeks in ~~not less than two English newspapers~~ a 33710
newspaper of general circulation in the district or as provided in 33711
section 7.16 of the Revised Code. The notice shall contain an 33712
accurate description of the lands and shall state the time and 33713
place at which sealed bids will be received for the purchase of 33714
the lands, and the lands shall not thereafter be sold at private 33715
sale for less than the best and highest bid received without 33716
giving further notice as specified in this division. 33717

(B)(1) After compliance with division (B)(2) of this section, 33718
the board of park commissioners may sell land upon terms the board 33719
considers advisable to any park district established under section 33720
511.18 or Chapter 1545. of the Revised Code, any political 33721
subdivision of the state, the state or any department or agency of 33722
the state, or any department or agency of the federal government 33723
for conservation uses or for park or recreation purposes without 33724
the necessity of having to comply with division (A) of this 33725
section. 33726

(2) Before the board of park commissioners may sell land 33727

under division (B)(1) of this section, the board shall offer the 33728
land for sale to each of the following public agencies that is 33729
authorized to acquire, develop, and maintain land for conservation 33730
uses or for park or recreation purposes: each park district 33731
established under section 511.18 or Chapter 1545. of the Revised 33732
Code or political subdivision in which the land is located, each 33733
park district that is so established and that adjoins or each 33734
political subdivision that adjoins a park district so established 33735
or political subdivision in which the land is located, and each 33736
agency or department of the state or of the federal government 33737
that operates parks or conservation or recreation areas near the 33738
land. The board shall make the offer by giving a written notice 33739
that the land is available for sale, by first class mail, to these 33740
public agencies. A failure of delivery of the written notice to 33741
any of these public agencies does not invalidate any proceedings 33742
for the sale of land under this division. Any public agency that 33743
is so notified and that wishes to purchase the land shall make an 33744
offer to the board in writing not later than sixty days after 33745
receiving the written notice. 33746

If there is only one offer to purchase the land made in that 33747
sixty-day period, the board need not hold a public hearing on the 33748
offer. The board shall accept the offer only if it determines that 33749
acceptance of the offer will result in the best public use of the 33750
land. 33751

If there is more than one offer to purchase the land made in 33752
that sixty-day period, the board shall not accept any offer until 33753
the board holds a public hearing on the offers. If, after the 33754
hearing, the board decides to accept an offer, it shall accept the 33755
offer that it determines will result in the best public use of the 33756
land. 33757

(C) No lands shall be sold under this section at either 33758
public or private sale without the approval of the probate court 33759

of the county in which the lands are situated. 33760

Sec. 1545.131. The board of park commissioners of a park 33761
district may enter into contracts with one or more townships, 33762
township police districts, joint police districts, municipal 33763
corporations, or county sheriffs of this state, with one or more 33764
township park districts created pursuant to section 511.18 of the 33765
Revised Code or other park districts, with one or more state 33766
universities or colleges, as defined in section 3345.12 of the 33767
Revised Code, or with a contiguous political subdivision of an 33768
adjoining state, and a township, township police district, joint 33769
police district, municipal corporation, county sheriff, township 33770
park district, other park district, or state university or college 33771
may enter into a contract with a park district upon any terms that 33772
are agreed to by them, to allow the use of the park district 33773
police or law enforcement officers designated under section 33774
1545.13 of the Revised Code to perform any police function, 33775
exercise any police power, or render any police service on behalf 33776
of the contracting entity that the entity may perform, exercise, 33777
or render. 33778

Chapter 2744. of the Revised Code, insofar as it applies to 33779
the operation of police departments, applies to the contracting 33780
entities and to the members of the police force or law enforcement 33781
department when they are rendering service outside their own 33782
subdivisions pursuant to that contract. 33783

Members of the police force or law enforcement department 33784
acting outside the political subdivision in which they are 33785
employed, pursuant to that contract, shall be entitled to 33786
participate in any indemnity fund established by their employer to 33787
the same extent as while acting within the employing subdivision. 33788
Those members shall be entitled to all the rights and benefits of 33789
Chapter 4123. of the Revised Code, to the same extent as while 33790

performing service within the subdivision.	33791
The contracts entered into pursuant to this section may	33792
provide for the following:	33793
(A) A fixed annual charge to be paid at the times agreed upon	33794
and stipulated in the contract;	33795
(B) Compensation based upon the following:	33796
(1) A stipulated price for each call or emergency;	33797
(2) The number of members or pieces of equipment employed;	33798
(3) The elapsed time of service required in each call or	33799
emergency.	33800
(C) Compensation for loss or damage to equipment while	33801
engaged in rendering police services outside the limits of the	33802
subdivision that owns and furnishes the equipment;	33803
(D) Reimbursement of the subdivision in which the police	33804
force or law enforcement department members are employed for any	33805
indemnity award or premium contribution assessed against the	33806
employing subdivision for workers' compensation benefits for	33807
injuries or death of its police force or law enforcement	33808
department members occurring while engaged in rendering police	33809
services pursuant to the contract.	33810
Sec. 1545.132. The police force or law enforcement department	33811
of any park district may provide police protection to any county,	33812
municipal corporation, township, or township police district, <u>or</u>	33813
<u>joint police district</u> of this state, to any other park district or	33814
any township park district created pursuant to section 511.18 of	33815
the Revised Code, or to a governmental entity of an adjoining	33816
state without a contract to provide police protection, upon the	33817
approval, by resolution, of the board of park commissioners of the	33818
park district in which the police force or law enforcement	33819
department is located and upon authorization by an officer or	33820

employee of the police force or department providing the police 33821
protection who is designated by title of office or position, 33822
pursuant to the resolution of the board of park commissioners, to 33823
give the authorization. 33824

Chapter 2744. of the Revised Code, insofar as it applies to 33825
the operation of police departments, shall apply to any park 33826
district and to members of its police force or law enforcement 33827
department when those members are rendering police services 33828
pursuant to this section outside the park district by which they 33829
are employed. 33830

Police force or law enforcement department members acting, as 33831
provided in this section, outside the park district by which they 33832
are employed shall be entitled to participate in any pension or 33833
indemnity fund established by their employer to the same extent as 33834
while acting within the park district by which they are employed. 33835
Those members shall be entitled to all rights and benefits of 33836
Chapter 4123. of the Revised Code to the same extent as while 33837
performing services within the park district by which they are 33838
employed. 33839

Sec. 1547.01. (A) As used in sections 1541.03, 1547.26, 33840
1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 1547.543, 33841
1547.56, 1547.57, 1547.66, ~~3733.21~~, and 5311.01 of the Revised 33842
Code, "watercraft" means any of the following when used or capable 33843
of being used for transportation on the water: 33844

(1) A vessel operated by machinery either permanently or 33845
temporarily affixed; 33846

(2) A sailboat other than a sailboard; 33847

(3) An inflatable, manually propelled boat that is required 33848
by federal law to have a hull identification number meeting the 33849
requirements of the United States coast guard; 33850

(4) A canoe or rowboat.	33851
"Watercraft" does not include ferries as referred to in	33852
Chapter 4583. of the Revised Code.	33853
Watercraft subject to section 1547.54 of the Revised Code	33854
shall be divided into five classes as follows:	33855
Class A: Less than sixteen feet in length;	33856
Class 1: At least sixteen feet, but less than twenty-six feet	33857
in length;	33858
Class 2: At least twenty-six feet, but less than forty feet	33859
in length;	33860
Class 3: At least forty feet, but less than sixty-five feet	33861
in length;	33862
Class 4: At least sixty-five feet in length.	33863
(B) As used in this chapter:	33864
(1) "Vessel" includes every description of craft, including	33865
nondisplacement craft and seaplanes, designed to be used as a	33866
means of transportation on water.	33867
(2) "Rowboat" means any vessel, except a canoe, that is	33868
designed to be rowed and that is propelled by human muscular	33869
effort by oars or paddles and upon which no mechanical propulsion	33870
device, electric motor, internal combustion engine, or sail has	33871
been affixed or is used for the operation of the vessel.	33872
(3) "Sailboat" means any vessel, equipped with mast and	33873
sails, dependent upon the wind to propel it in the normal course	33874
of operation.	33875
(a) Any sailboat equipped with an inboard engine is deemed a	33876
powercraft with auxiliary sail.	33877
(b) Any sailboat equipped with a detachable motor is deemed a	33878
sailboat with auxiliary power.	33879

- (c) Any sailboat being propelled by mechanical power, whether 33880
under sail or not, is deemed a powercraft and subject to all laws 33881
and rules governing powercraft operation. 33882
- (4) "Powercraft" means any vessel propelled by machinery, 33883
fuel, rockets, or similar device. 33884
- (5) "Person" includes any legal entity defined as a person in 33885
section 1.59 of the Revised Code and any body politic, except the 33886
United States and this state, and includes any agent, trustee, 33887
executor, receiver, assignee, or other representative thereof. 33888
- (6) "Owner" includes any person who claims lawful possession 33889
of a vessel by virtue of legal title or equitable interest therein 33890
that entitled the person to that possession. 33891
- (7) "Operator" includes any person who navigates or has under 33892
the person's control a vessel, or vessel and detachable motor, on 33893
the waters in this state. 33894
- (8) "Visible" means visible on a dark night with clear 33895
atmosphere. 33896
- (9) "Waters in this state" means all streams, rivers, lakes, 33897
ponds, marshes, watercourses, waterways, and other bodies of 33898
water, natural or humanmade, that are situated wholly or partially 33899
within this state or within its jurisdiction and are used for 33900
recreational boating. 33901
- (10) "Navigable waters" means waters that come under the 33902
jurisdiction of the department of the army of the United States 33903
and any waterways within or adjacent to this state, except inland 33904
lakes having neither a navigable inlet nor outlet. 33905
- (11) "In operation" in reference to a vessel means that the 33906
vessel is being navigated or otherwise used on the waters in this 33907
state. 33908
- (12) "Sewage" means human body wastes and the wastes from 33909

toilets and other receptacles intended to receive or retain body waste. 33910
33911

(13) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls. 33912
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(14) "Coast guard approved" means bearing an approval number assigned by the United States coast guard. 33915
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(15) "Type one personal flotation device" means a device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy. 33917
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(16) "Type two personal flotation device" means a device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy. 33922
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(17) "Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy. 33927
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(18) "Type four personal flotation device" means a device that is designed to be thrown to a person in the water and not worn and that has at least seven and five-tenths kilograms, approximately sixteen and five-tenths pounds, of buoyancy. 33932
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(19) "Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States coast guard, including, without limitation, all of the following: 33936
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(a) The approval label on the type five personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use.

(b) The personal flotation device is used in accordance with any requirements on the approval label.

(c) The personal flotation device is used in accordance with requirements in its owner's manual if the approval label refers to such a manual.

(20) "Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two or more air cells, and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as powercraft and shall be registered by length. Inflatable watercraft propelled by a sail shall be classified as a sailboat and shall be registered by length.

(21) "Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.

(22) "Diver's flag" means a red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.

(23) "Muffler" means an acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

(24) "Law enforcement vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.

(25) "Personal watercraft" means a vessel, less than sixteen

feet in length, that is propelled by machinery and designed to be 33970
operated by an individual sitting, standing, or kneeling on the 33971
vessel rather than by an individual sitting or standing inside the 33972
vessel. 33973

(26) "No wake" has the same meaning as "idle speed." 33974

(27) "Watercraft dealer" means any person who is regularly 33975
engaged in the business of manufacturing, selling, displaying, 33976
offering for sale, or dealing in vessels at an established place 33977
of business. "Watercraft dealer" does not include a person who is 33978
a marine salvage dealer or any other person who dismantles, 33979
salvages, or rebuilds vessels using used parts. 33980

(28) "Electronic" includes electrical, digital, magnetic, 33981
optical, electromagnetic, or any other form of technology that 33982
entails capabilities similar to these technologies. 33983

(29) "Electronic record" means a record generated, 33984
communicated, received, or stored by electronic means for use in 33985
an information system or for transmission from one information 33986
system to another. 33987

(30) "Electronic signature" means a signature in electronic 33988
form attached to or logically associated with an electronic 33989
record. 33990

(31) "Drug of abuse" has the same meaning as in section 33991
4506.01 of the Revised Code. 33992

(32) "Watercourse" means a substantially natural channel with 33993
recognized banks and bottom in which a flow of water occurs, with 33994
an average of at least ten feet mean surface water width and at 33995
least five miles of length. 33996

(33) "Impoundment" means the reservoir created by a dam or 33997
other artificial barrier across a watercourse that causes water to 33998
be stored deeper than and generally beyond the banks of the 33999

natural channel of the watercourse during periods of normal flow, 34000
but does not include water stored behind rock piles, rock riffle 34001
dams, and low channel dams where the depth of water is less than 34002
ten feet above the channel bottom and is essentially confined 34003
within the banks of the natural channel during periods of normal 34004
stream flow. 34005

(34) "Wild river area" means an area declared a wild river 34006
area by the director of natural resources under this chapter and 34007
includes those rivers or sections of rivers that are free of 34008
impoundments and generally inaccessible except by trail, with 34009
watersheds or shorelines essentially primitive and waters 34010
unpolluted, representing vestiges of primitive America. 34011

(35) "Scenic river area" means an area declared a scenic 34012
river area by the director under this chapter and includes those 34013
rivers or sections of rivers that are free of impoundments, with 34014
shorelines or watersheds still largely primitive and shorelines 34015
largely undeveloped, but accessible in places by roads. 34016

(36) "Recreational river area" means an area declared a 34017
recreational river area by the director under this chapter and 34018
includes those rivers or sections of rivers that are readily 34019
accessible by road or railroad, that may have some development 34020
along their shorelines, and that may have undergone some 34021
impoundment or diversion in the past. 34022

Sec. 1547.30. (A) As used in this section and sections 34023
1547.301, 1547.302, and 1547.304 of the Revised Code: 34024

(1) "Vessel or outboard motor" excludes an abandoned junk 34025
vessel or outboard motor, as defined in section 1547.303 of the 34026
Revised Code, or any watercraft or outboard motor under section 34027
4585.31 of the Revised Code. 34028

(2) "Law enforcement agency" means any organization or unit 34029

comprised of law enforcement officers, as defined in section 34030
2901.01 of the Revised Code. 34031

(B)(1) The sheriff of a county, chief of police of a 34032
municipal corporation, township, ~~or~~ township police district, or 34033
joint police district, or other chief of a law enforcement agency, 34034
within the sheriff's or chief's respective territorial 34035
jurisdiction, upon complaint of any person adversely affected, may 34036
order into storage any vessel or outboard motor that has been left 34037
on private property, other than a private dock or mooring facility 34038
or structure, for at least seventy-two hours without the 34039
permission of the person having the right to the possession of the 34040
property. The sheriff or chief, upon complaint of the owner of a 34041
marine repair facility or place of storage, may order into storage 34042
any vessel or outboard motor that has been left at the facility or 34043
place of storage for a longer period than that agreed upon. The 34044
place of storage shall be designated by the sheriff or chief. When 34045
ordering a vessel or motor into storage under division (B)(1) of 34046
this section, a sheriff or chief, whenever possible, shall arrange 34047
for the removal of the vessel or motor by a private tow truck 34048
operator or towing company. 34049

(2)(a) Except as provided in division (B)(2)(d) of this 34050
section, no person, without the consent of the owner or other 34051
person authorized to give consent, shall moor, anchor, or tie a 34052
vessel or outboard motor at a private dock or mooring facility or 34053
structure owned by another person if the owner has posted, in a 34054
conspicuous manner, a prohibition against the mooring, anchoring, 34055
or tying of vessels or outboard motors at the dock, facility, or 34056
structure by any person not having the consent of the owner or 34057
other person authorized to give consent. 34058

(b) If the owner of a private dock or mooring facility or 34059
structure has posted at the dock, facility, or structure, in a 34060
conspicuous manner, conditions and regulations under which the 34061

mooring, anchoring, or tying of vessels or outboard motors is 34062
permitted at the dock, facility, or structure, no person, except 34063
as provided in division (B)(2)(d) of this section, shall moor, 34064
anchor, or tie a vessel or outboard motor at the dock, facility, 34065
or structure in violation of the posted conditions and 34066
regulations. 34067

(c) The owner of a private dock or mooring facility or 34068
structure may order towed into storage any vessel or outboard 34069
motor found moored, anchored, or tied in violation of division 34070
(B)(2)(a) or (b) of this section, provided that the owner of the 34071
dock, facility, or structure posts on it a sign that states that 34072
the dock, facility, or structure is private, is visible from all 34073
entrances to the dock, facility, or structure, and contains all of 34074
the following information: 34075

(i) The information specified in division (B)(2)(a) or (b) of 34076
this section, as applicable; 34077

(ii) A notice that violators will be towed and that violators 34078
are responsible for paying the cost of the towing; 34079

(iii) The telephone number of the person from whom a towed 34080
vessel or outboard motor may be recovered, and the address of the 34081
place to which the vessel or outboard motor will be taken and the 34082
place from which it may be recovered. 34083

(d) Divisions (B)(2)(a) and (b) of this section do not 34084
prohibit a person from mooring, anchoring, or tying a vessel or 34085
outboard motor at a private dock or mooring facility or structure 34086
if either of the following applies: 34087

(i) The vessel or outboard motor is disabled due to a 34088
mechanical or structural malfunction, provided that the person 34089
immediately removes the vessel or outboard motor from the dock, 34090
facility, or structure when the malfunction is corrected or when a 34091
reasonable attempt has been made to correct it; 34092

(ii) Weather conditions are creating an imminent threat to 34093
safe operation of the vessel or outboard motor, provided that the 34094
person immediately removes the vessel or outboard motor from the 34095
dock, facility, or structure when the weather conditions permit 34096
safe operation of the vessel or outboard motor. 34097

(e) A person whose vessel or outboard motor is towed into 34098
storage under division (B)(2)(c) of this section either shall pay 34099
the costs of the towing of the vessel or outboard motor or shall 34100
reimburse the owner of the dock or mooring facility or structure 34101
for the costs that the owner incurs in towing the vessel or 34102
outboard motor. 34103

(3) Subject to division (C) of this section, the owner of a 34104
vessel or motor that has been removed under division (B) of this 34105
section may recover the vessel or motor only in accordance with 34106
division (F) of this section. 34107

(C) If the owner or operator of a vessel or outboard motor 34108
that has been ordered into storage under division (B) of this 34109
section arrives after the vessel or motor has been prepared for 34110
removal, but prior to its actual removal from the property, the 34111
owner or operator shall be given the opportunity to pay a fee of 34112
not more than one-half of the charge for the removal of vessels or 34113
motors under division (B) of this section that normally is 34114
assessed by the person who has prepared the vessel or motor for 34115
removal, in order to obtain release of the vessel or motor. Upon 34116
payment of that fee, the vessel or motor shall be released to the 34117
owner or operator, and upon its release, the owner or operator 34118
immediately shall move it so that it is not on the private 34119
property without the permission of the person having the right to 34120
possession of the property, or is not at the facility or place of 34121
storage without the permission of the owner, whichever is 34122
applicable. 34123

(D) Each county sheriff, each chief of police of a municipal 34124

corporation, township, ~~or~~ township police district, or joint 34125
police district, and each other chief of a law enforcement agency 34126
shall maintain a record of vessels or outboard motors that are 34127
ordered into storage under division (B)(1) of this section. The 34128
record shall include an entry for each such vessel or motor that 34129
identifies the vessel's hull identification number or serial 34130
number, if any, the vessel's or motor's make, model, and color, 34131
the location from which it was removed, the date and time of its 34132
removal, the telephone number of the person from whom it may be 34133
recovered, and the address of the place to which it has been taken 34134
and from which it may be recovered. Any information in the record 34135
that pertains to a particular vessel or motor shall be provided to 34136
any person who, pursuant to a statement the person makes either in 34137
person or by telephone, is identified as the owner or operator of 34138
the vessel or motor and requests information pertaining to its 34139
location. 34140

(E) Any person who registers a complaint that is the basis of 34141
a sheriff's or chief's order for the removal and storage of a 34142
vessel or outboard motor under division (B)(1) of this section 34143
shall provide the identity of the law enforcement agency with 34144
which the complaint was registered to any person who, pursuant to 34145
a statement the person makes, is identified as the owner or 34146
operator of the vessel or motor and requests information 34147
pertaining to its location. 34148

(F)(1) The owner of a vessel or outboard motor that is 34149
ordered into storage under division (B) of this section may 34150
reclaim it upon payment of any expenses or charges incurred in its 34151
removal, in an amount not to exceed two hundred dollars, and 34152
storage, in an amount not to exceed five dollars per 34153
twenty-four-hour period, and upon presentation of proof of 34154
ownership, which may be evidenced by a certificate of title to the 34155
vessel or motor, certificate of United States coast guard 34156

documentation, or certificate of registration if the vessel or 34157
motor is not subject to titling under section 1548.01 of the 34158
Revised Code. 34159

(2) If a vessel or outboard motor that is ordered into 34160
storage under division (B)(1) of this section remains unclaimed by 34161
the owner for thirty days, the procedures established by sections 34162
1547.301 and 1547.302 of the Revised Code shall apply. 34163

(3) If a vessel or outboard motor ordered into storage under 34164
division (B)(2) of this section remains unclaimed for seventy-two 34165
hours after being stored, the tow truck operator or towing company 34166
that removed the vessel or outboard motor shall provide notice of 34167
the removal and storage to the sheriff of a county, chief of 34168
police of a municipal corporation, township, ~~or~~ township police 34169
district, or joint police district, or other chief of a law 34170
enforcement agency within whose territorial jurisdiction the 34171
vessel or outboard motor had been moored, anchored, or tied in 34172
violation of division (B)(2) of this section. The notice shall be 34173
in writing and include the vessel's hull identification number or 34174
serial number, if any, the vessel's or outboard motor's make, 34175
model, and color, the location from which it was removed, the date 34176
and time of its removal, the telephone number of the person from 34177
whom it may be recovered, and the address of the place to which it 34178
has been taken and from which it may be recovered. 34179

Upon receipt of the notice, the sheriff or chief immediately 34180
shall cause a search to be made of the records of the division of 34181
watercraft to ascertain the owner and any lienholder of the vessel 34182
or outboard motor, and, if known, shall send notice to the owner 34183
and lienholder, if any, at the owner's and lienholder's last known 34184
address by certified mail, return receipt requested, that the 34185
vessel or outboard motor will be declared a nuisance and disposed 34186
of if not claimed not later than thirty days after the date of the 34187
mailing of the notice. 34188

If the owner or lienholder makes no claim to the vessel or
outboard motor within thirty days of the date of the mailing of
the notice, the sheriff or chief shall file with the clerk of
courts of the county in which the place of storage is located an
affidavit showing compliance with the requirements of division
(F)(3) of this section, and the vessel or outboard motor shall be
disposed of in accordance with section 1547.302 of the Revised
Code.

(G) No person shall remove, or cause the removal of, any
vessel or outboard motor from private property other than in
accordance with division (B) of this section or section 1547.301
of the Revised Code.

Sec. 1547.301. The sheriff of a county, chief of police of a
municipal corporation, township, ~~or~~ township police district, or
joint police district, or other chief of a law enforcement agency,
within ~~his~~ the sheriff's or chief's respective territorial
jurisdiction, or a state highway patrol trooper, upon notification
to the sheriff or chief of such action and of the location of the
place of storage, may order into storage any vessel or outboard
motor that has been left in a sunken, beached, or drifting
condition for any period of time, or in a docked condition, on a
public street or other property open to the public, or upon or
within the right-of-way of any waterway, road, or highway, for
forty-eight hours or longer without notification to the sheriff or
chief of the reasons for leaving the vessel or motor in any such
place or condition. The sheriff or chief shall designate the place
of storage of any vessel or motor ordered removed by ~~him~~ the
sheriff or chief.

The sheriff or chief shall immediately cause a search to be
made of the records of the division of watercraft to ascertain the
owner and any lienholder of a vessel or outboard motor ordered

into storage by the sheriff or chief, and, if known, shall send 34220
notice to the owner and lienholder, if any, at ~~his~~ the owner's or 34221
lienholder's last known address by certified mail, return receipt 34222
requested, that the vessel or motor will be declared a nuisance 34223
and disposed of if not claimed within ten days of the date of 34224
mailing of the notice. The owner or lienholder of the vessel or 34225
motor may reclaim it upon payment of any expenses or charges 34226
incurred in its removal and storage, and presentation of proof of 34227
ownership, which may be evidenced by a certificate of title to the 34228
vessel or motor, certificate of United States coast guard 34229
documentation, or certificate of registration if the vessel or 34230
motor is not subject to titling under section 1548.01 of the 34231
Revised Code. 34232

If the owner or lienholder makes no claim to the vessel or 34233
outboard motor within ten days of the date of mailing of the 34234
notice, and if the vessel or motor is to be disposed of at public 34235
auction as provided in section 1547.302 of the Revised Code, the 34236
sheriff or chief shall file with the clerk of courts of the county 34237
in which the place of storage is located an affidavit showing 34238
compliance with the requirements of this section. Upon 34239
presentation of the affidavit, the clerk of courts shall without 34240
charge issue a salvage certificate of title, free and clear of all 34241
liens and encumbrances, to the sheriff or chief and shall send a 34242
copy of the affidavit to the chief of the division of watercraft. 34243
If the vessel or motor is to be disposed of to a marine salvage 34244
dealer or other facility as provided in section 1547.302 of the 34245
Revised Code, the sheriff or chief shall execute in triplicate an 34246
affidavit, as prescribed by the chief of the division of 34247
watercraft, describing the vessel or motor and the manner in which 34248
it was disposed of, and that all requirements of this section have 34249
been complied with. The sheriff or chief shall retain the original 34250
of the affidavit for ~~his~~ the sheriff's or chief's records and 34251
shall furnish two copies to the marine salvage dealer or other 34252

facility. Upon presentation of a copy of the affidavit by the 34253
marine salvage dealer or other facility, the clerk of courts shall 34254
issue to such owner a salvage certificate of title, free and clear 34255
of all liens and encumbrances. 34256

Whenever the marine salvage dealer or other facility receives 34257
an affidavit for the disposal of a vessel or outboard motor as 34258
provided in this section, such owner shall not be required to 34259
obtain an Ohio certificate of title to the vessel or motor in ~~his~~ 34260
the owner's own name if the vessel or motor is dismantled or 34261
destroyed and both copies of the affidavit are delivered to the 34262
clerk of courts. Upon receipt of such an affidavit, the clerk of 34263
courts shall send one copy of it to the chief of the division of 34264
watercraft. 34265

Sec. 1547.302. (A) Unclaimed vessels or outboard motors 34266
ordered into storage under division (B) of section 1547.30 or 34267
section 1547.301 of the Revised Code shall be disposed of at the 34268
order of the sheriff of the county, the chief of police of the 34269
municipal corporation, township, or township police district, or 34270
another chief of a law enforcement agency in any of the following 34271
ways: 34272

(1) To a marine salvage dealer; 34273

(2) To any other facility owned, operated, or under contract 34274
with the state or the county, municipal corporation, township, or 34275
other political subdivision; 34276

(3) To a charitable organization, religious organization, or 34277
similar organization not used and operated for profit; 34278

(4) By sale at public auction by the sheriff, the chief, or 34279
an auctioneer licensed under Chapter 4707. of the Revised Code, 34280
after giving notice of the auction by advertisement, published 34281
once a week for two consecutive weeks in a newspaper of general 34282

circulation in the county or as provided in section 7.16 of the 34283
Revised Code. 34284

(B) Any moneys accruing from the disposition of an unclaimed 34285
vessel or motor that are in excess of the expenses resulting from 34286
the removal and storage of the vessel or motor shall be credited 34287
to the general revenue fund or to the general fund of the county, 34288
municipal corporation, township, or other political subdivision, 34289
as appropriate. 34290

(C) As used in this section, "charitable organization" has 34291
the same meaning as in section 1716.01 of the Revised Code. 34292

Sec. 1547.303. (A) As used in this section and section 34293
1547.304 of the Revised Code: 34294

(1) "Abandoned junk vessel or outboard motor" means any 34295
vessel or outboard motor meeting all of the following 34296
requirements: 34297

(a) It has been left on private property for at least 34298
seventy-two hours without the permission of the person having the 34299
right to the possession of the property; left in a sunken, 34300
beached, or drifting condition for any period of time; or left in 34301
a docked condition, on a public street or other property open to 34302
the public, or upon or within the right-of-way of any waterway, 34303
road, or highway, for forty-eight hours or longer without 34304
notification to the sheriff of the county, the chief of police of 34305
the municipal corporation, township, ~~or~~ township police district, 34306
or joint police district, or other chief of a law enforcement 34307
agency, having territorial jurisdiction with respect to the 34308
location of the vessel or motor, of the reasons for leaving the 34309
vessel or motor in any such place or condition; 34310

(b) It is three years old, or older; 34311

(c) It is extensively damaged, such damage including but not 34312

limited to any of the following: missing deck, hull, transom, 34313
gunwales, motor, or outdrive; 34314

(d) It is apparently inoperable; 34315

(e) It has a fair market value of two hundred dollars or 34316
less. 34317

(2) "Law enforcement agency" means any organization or unit 34318
comprised of law enforcement officers, as defined in section 34319
2901.01 of the Revised Code. 34320

(B) The sheriff of a county, chief of police of a municipal 34321
corporation, township, ~~or~~ township police district, or joint 34322
police district, or other chief of a law enforcement agency, 34323
within the sheriff's or chief's respective territorial 34324
jurisdiction, or a state highway patrol trooper, upon notification 34325
to the sheriff or chief of such action, shall order any abandoned 34326
junk vessel or outboard motor to be photographed by a law 34327
enforcement officer. The officer shall record the make of vessel 34328
or motor, the hull identification number or serial number when 34329
available, and shall also detail the damage or missing equipment 34330
to substantiate the value of two hundred dollars or less. The 34331
sheriff or chief shall thereupon immediately dispose of the 34332
abandoned junk vessel or outboard motor to a marine salvage dealer 34333
or other facility owned, operated, or under contract to the state, 34334
the county, township, or municipal corporation for the destruction 34335
of such vessels or motors. The records and photographs relating to 34336
the abandoned junk vessel or outboard motor shall be retained by 34337
the law enforcement agency ordering the disposition of the vessel 34338
or motor for a period of at least two years. The law enforcement 34339
agency shall execute in quadruplicate an affidavit, as prescribed 34340
by the chief of the division of watercraft, describing the vessel 34341
or motor and the manner in which it was disposed of, and that all 34342
requirements of this section have been complied with, and shall 34343
sign and file the same with the clerk of courts of the county in 34344

which the vessel or motor was abandoned. The clerk of courts shall 34345
retain the original of the affidavit for the clerk's files, shall 34346
furnish one copy thereof to the chief of the division of 34347
watercraft, one copy to the marine salvage dealer or other 34348
facility handling the disposal of the vessel or motor, and one 34349
copy to the law enforcement agency ordering the disposal, who 34350
shall file such copy with the records and photographs relating to 34351
the disposal. Any moneys arising from the disposal of an abandoned 34352
junk vessel or outboard motor shall be credited to the general 34353
revenue fund, or to the general fund of the county, township, 34354
municipal corporation, or other political subdivision, as 34355
appropriate. 34356

Notwithstanding section 1547.301 of the Revised Code, any 34357
vessel or outboard motor meeting the requirements of divisions 34358
(A)(1)(c) to (e) of this section which has remained unclaimed by 34359
the owner or lienholder for a period of ten days or longer 34360
following notification as provided in section 1547.301 of the 34361
Revised Code may be disposed of as provided in this section. 34362

Sec. 1547.304. No person shall purposely leave an abandoned 34363
junk vessel or outboard motor on private property for more than 34364
seventy-two hours without the permission of the person having the 34365
right to the possession of the property; in a sunken, beached, or 34366
drifting condition for any period of time; or in a docked 34367
condition, on a public street or other property open to the 34368
public, or upon or within the right-of-way of any waterway, road, 34369
or highway, for forty-eight hours or longer without notification 34370
to the sheriff of the county, chief of police of the municipal 34371
corporation, township, ~~or~~ township police district, or joint 34372
police district, or other chief of a law enforcement agency, 34373
having territorial jurisdiction with respect to the location of 34374
the vessel or motor, of the reasons for leaving the vessel or 34375
motor in any such place or condition. 34376

For purposes of this section, the fact that an abandoned junk vessel or outboard motor has been so left without permission or notification is prima-facie evidence of abandonment.

Nothing in sections 1547.30, 1547.301, and 1547.303 of the Revised Code invalidates the provisions of any ordinance of a municipal corporation regulating or prohibiting the abandonment of vessels or outboard motors on waterways, beaches, docks, streets, highways, public property, or private property within the boundaries of the municipal corporation.

Sec. 1551.311. The general assembly hereby finds and declares that the future of the Ohio coal industry lies in the development of clean coal technology and that the disproportionate economic impact on the state under Title IV of the "Clean Air Act Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, warrants maximum federal assistance to this state for such development. It is therefore imperative that the ~~Ohio air quality department of development authority created under Chapter 3706. of the Revised Code,~~ its Ohio coal development office, the Ohio coal industry, the Ohio Washington office in the office of the governor, and the state's congressional delegation make every effort to acquire any federal assistance available for the development of clean coal technology, including assisting entities eligible for grants in their acquisition. The Ohio coal development agenda required by section 1551.34 of the Revised Code shall include, in addition to the other information required by that section, a description of such efforts and a description of the current status of the development of clean coal technology in this state and elsewhere.

Sec. 1551.32. (A) There is hereby established within the ~~Ohio air quality department of development authority~~ the Ohio coal development office whose purposes are to do all of the following:

(1) Encourage, promote, and support siting, financing, 34407
construction, and operation of commercially available or scaled 34408
facilities and technologies, including, without limitation, 34409
commercial-scale demonstration facilities and, when necessary or 34410
appropriate to demonstrate the commercial acceptability of a 34411
specific technology, up to three installations within this state 34412
utilizing the specific technology, to more efficiently produce, 34413
beneficiate, market, or use Ohio coal; 34414

(2) Encourage, promote, and support the market acceptance and 34415
increased market use of Ohio coal through technology and market 34416
development; 34417

(3) Assist in the financing of coal development facilities; 34418

(4) Encourage, promote, and support, in state-owned 34419
buildings, facilities, and operations, use of Ohio coal and 34420
electricity sold by utilities and others in this state that use 34421
Ohio coal for generation; 34422

(5) Improve environmental quality, particularly through 34423
cleaner use of Ohio coal; 34424

(6) Assist and cooperate with governmental agencies, 34425
universities and colleges, coal producers, coal miners, electric 34426
utilities and other coal users, public and private sector coal 34427
development interests, and others in achieving these purposes. 34428

(B) The office shall give priority to improvement or 34429
reconstruction of existing facilities and equipment when 34430
economically feasible, to construction and operation of 34431
commercial-scale facilities, and to technologies, equipment, and 34432
other techniques that enable maximum use of Ohio coal in an 34433
environmentally acceptable, cost-effective manner. 34434

Sec. 1551.33. (A) The ~~Ohio air quality director of~~ 34435
~~development authority, by the affirmative vote of a majority of~~ 34436

~~its members,~~ shall appoint and fix the compensation of the 34437
director of the Ohio coal development office. The director shall 34438
serve at the pleasure of the ~~authority~~ director of development. 34439

(B) The director of the office shall do all of the following: 34440

(1) Biennially prepare and maintain the Ohio coal development 34441
agenda required under section 1551.34 of the Revised Code; 34442

(2) Propose and support policies for the office consistent 34443
with the Ohio coal development agenda and develop means to 34444
implement the agenda; 34445

(3) Initiate, undertake, and support projects to carry out 34446
the office's purposes and ensure that the projects are consistent 34447
with and meet the selection criteria established by the Ohio coal 34448
development agenda; 34449

(4) Actively encourage joint participation in and, when 34450
feasible, joint funding of the office's projects with governmental 34451
agencies, electric utilities, universities and colleges, other 34452
public or private interests, or any other person; 34453

(5) Establish a table of organization for and employ such 34454
employees and agents as are necessary for the administration and 34455
operation of the office. Any such employees shall be in the 34456
unclassified service and shall serve at the pleasure of the 34457
~~authority~~ director of development. 34458

(6) Appoint specified members of and convene the technical 34459
advisory committee established under section 1551.35 of the 34460
Revised Code; 34461

(7) Review, with the assistance of the technical advisory 34462
committee, proposed coal research and development projects as 34463
defined in section 1555.01 of the Revised Code, and coal 34464
development projects, submitted to the office by public utilities 34465
for the purpose of section 4905.304 of the Revised Code. If the 34466

director and the advisory committee determine that any such 34467
facility or project has as its purpose the enhanced use of Ohio 34468
coal in an environmentally acceptable, cost effective manner, 34469
promotes energy conservation, is cost effective, and is 34470
environmentally sound, the director shall submit to the public 34471
utilities commission a report recommending that the commission 34472
allow the recovery of costs associated with the facility or 34473
project under section 4905.304 of the Revised Code and including 34474
the reasons for the recommendation. 34475

(8) Establish such policies, procedures, and guidelines as 34476
are necessary to achieve the office's purposes. 34477

(C) ~~By the affirmative vote of a majority of the members of~~ 34478
~~the Ohio air quality development authority, the~~ The director of 34479
the office may exercise any of the powers and duties ~~of the~~ 34480
~~director of development as the authority and that~~ the director of 34481
the office ~~consider~~ considers appropriate or desirable to achieve 34482
the office's purposes, including, but not limited to, the powers 34483
and duties enumerated in sections 1551.11, 1551.12, ~~1551.13,~~ and 34484
1551.15 of the Revised Code. 34485

Additionally, the director of the office may make loans to 34486
governmental agencies or persons for projects to carry out the 34487
office's purposes. Fees, charges, rates of interest, times of 34488
payment of interest and principal, and other terms, conditions, 34489
and provisions of the loans shall be such as the director of the 34490
office determines to be appropriate and in furtherance of the 34491
purposes for which the loans are made. The mortgage lien securing 34492
any moneys lent by the director of the office may be subordinate 34493
to the mortgage lien securing any moneys lent or invested by a 34494
financial institution, but shall be superior to that securing any 34495
moneys lent or expended by any other person. The moneys used in 34496
making the loans shall be disbursed upon order of the director of 34497
the office. 34498

Sec. 1551.35. (A) There is hereby established a technical 34499
advisory committee to assist the director of the Ohio coal 34500
development office in achieving the office's purposes. The 34501
director shall appoint to the committee one member of the public 34502
utilities commission and one representative each of coal 34503
production companies, the united mine workers of America, electric 34504
utilities, manufacturers that use Ohio coal, and environmental 34505
organizations, as well as two people with a background in coal 34506
research and development technology, one of whom is employed at 34507
the time of the member's appointment by a state university, as 34508
defined in section 3345.011 of the Revised Code. In addition, the 34509
committee shall include four legislative members. The speaker and 34510
minority leader of the house of representatives each shall appoint 34511
one member of the house of representatives, and the president and 34512
minority leader of the senate each shall appoint one member of the 34513
senate, to the committee. The director of environmental protection 34514
~~and the director of development~~ shall serve on the committee as an 34515
ex officio ~~members~~ member. Any member of the committee may 34516
designate in writing a substitute to serve in the member's absence 34517
on the committee. The director of environmental protection may 34518
designate in writing the chief of the air pollution control 34519
division of the agency to represent the agency. Members shall 34520
serve on the committee at the pleasure of their appointing 34521
authority. Members of the committee appointed by the director of 34522
the office and, notwithstanding section 101.26 of the Revised 34523
Code, legislative members of the committee, when engaged in their 34524
official duties as members of the committee, shall be compensated 34525
on a per diem basis in accordance with division (J) of section 34526
124.15 of the Revised Code, except that the member of the public 34527
utilities commission and, while employed by a state university, 34528
the member with a background in coal research, shall not be so 34529
compensated. Members shall receive their actual and necessary 34530

expenses incurred in the performance of their duties. 34531

(B) The technical advisory committee shall review and make 34532
recommendations concerning the Ohio coal development agenda 34533
required under section 1551.34 of the Revised Code, project 34534
proposals, research and development projects submitted to the 34535
office by public utilities for the purpose of section 4905.304 of 34536
the Revised Code, proposals for grants, loans, and loan guarantees 34537
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 34538
and such other topics as the director of the office considers 34539
appropriate. 34540

(C) The technical advisory committee may hold an executive 34541
session at any regular or special meeting for the purpose of 34542
considering research and development project proposals or 34543
applications for assistance submitted to the Ohio coal development 34544
office under section 1551.33, or sections 1555.01 to 1555.06, of 34545
the Revised Code, to the extent that the proposals or applications 34546
consist of trade secrets or other proprietary information. 34547

Any materials or data submitted to, made available to, or 34548
received by the ~~Ohio air quality~~ department of development 34549
~~authority~~ or the director of the Ohio coal development office in 34550
connection with agreements for assistance entered into under this 34551
chapter or Chapter 1555. of the Revised Code, or any information 34552
taken from those materials or data for any purpose, to the extent 34553
that the materials or data consist of trade secrets or other 34554
proprietary information, are not public records for the purposes 34555
of section 149.43 of the Revised Code. 34556

As used in this division, "trade secrets" has the same 34557
meaning as in section 1333.61 of the Revised Code. 34558

Sec. 1555.02. It is hereby declared to be the public policy 34559
of this state through the operations of the Ohio coal development 34560
office under this chapter to contribute toward one or more of the 34561

following: to provide for the comfort, health, safety, and general 34562
welfare of all employees and other inhabitants of this state 34563
through research and development directed toward the discovery of 34564
new technologies or the demonstration or application of existing 34565
technologies to enable the conversion or use of Ohio coal as a 34566
fuel or chemical feedstock in an environmentally acceptable manner 34567
thereby enhancing the marketability and fostering the use of this 34568
state's vast reserves of coal, to assist in the financing of coal 34569
research and development and coal research and development 34570
projects or facilities for persons doing business in this state 34571
and educational and scientific institutions located in this state, 34572
to create or preserve jobs and employment opportunities or improve 34573
the economic welfare of the people of this state, or to assist and 34574
cooperate with such persons and educational and scientific 34575
institutions in conducting coal research and development. In 34576
furtherance of this public policy, the Ohio coal development 34577
office, with the advice of the technical advisory committee 34578
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 34579
~~vote of a majority of the members of the Ohio air quality~~ 34580
~~development authority~~, may make loans, guarantee loans, and make 34581
grants to persons doing business in this state or to educational 34582
or scientific institutions located in this state for coal research 34583
and development projects by such persons or educational or 34584
scientific institutions; may, with the advice of the technical 34585
advisory committee ~~and the affirmative vote of a majority of the~~ 34586
~~members of the Ohio air quality development authority~~, request the 34587
issuance of coal research and development general obligations 34588
under section 151.07 of the Revised Code to provide funds for 34589
making such loans, loan guarantees, and grants; and may, with the 34590
advice of the technical advisory committee ~~and the affirmative~~ 34591
~~vote of a majority of the members of the Ohio air quality~~ 34592
~~development authority~~, expend moneys credited to the coal research 34593
and development fund created in section 1555.15 of the Revised 34594

Code for the purpose of making such loans, loan guarantees, and grants. Determinations by the director of the Ohio coal development office that coal research and development or a coal research and development facility is a coal research and development project under this chapter and is consistent with the purposes of Section 15 of Article VIII, Ohio Constitution, and this chapter shall be conclusive as to the validity and enforceability of the coal research and development general obligations issued to finance such project and of the authorizations, trust agreements or indentures, loan agreements, loan guarantee agreements, or grant agreements, and other agreements made in connection therewith, all in accordance with their terms.

Sec. 1555.03. For the purposes of this chapter, the director of the Ohio coal development office may:

(A) With the advice of the technical advisory committee created in section 1551.35 of the Revised Code ~~and the affirmative vote of a majority of the members of the Ohio air quality development authority,~~ make loans, guarantee loans, and make grants to persons doing business in this state or to educational or scientific institutions located in this state for coal research and development projects by any such person or educational or scientific institution and adopt rules under Chapter 119. of the Revised Code for making such loans, guarantees, and grants.

(B) In making loans, loan guarantees, and grants under division (A) of this section and section 1555.04 of the Revised Code, the director of the office shall ensure that an adequate portion of the total amount of those loans, loan guarantees, and grants, as determined by the director with the advice of the technical advisory committee, is used for conducting research on fundamental scientific problems related to the utilization of Ohio

coal and shall ensure, to the maximum feasible extent, joint 34626
financial participation by the federal government or other 34627
investors or interested parties in conjunction with any such loan, 34628
loan guarantee, or grant. The director, in each grant agreement or 34629
contract under division (A) of this section, loan contract or 34630
agreement under this division or section 1555.04 of the Revised 34631
Code, and contract of guarantee under section 1555.05 of the 34632
Revised Code, shall require that the facility or project be 34633
maintained and kept in good condition and repair by the person or 34634
educational or scientific institution to whom the grant or loan 34635
was made or for whom the guarantee was made. 34636

(C) From time to time, with the advice of the technical 34637
advisory committee ~~and the affirmative vote of a majority of the~~ 34638
~~members of the Ohio air quality development authority,~~ request the 34639
issuance of coal research and development general obligations 34640
under section 151.07 of the Revised Code, for any of the purposes 34641
set forth in Section 15 of Article VIII, Ohio Constitution, and 34642
subject to the limitations therein upon the aggregate total amount 34643
of obligations that may be outstanding at any time. 34644

(D) Include as a condition of any loan, loan guarantee, or 34645
grant contract or agreement with any such person or educational or 34646
scientific institution that the director of the office receive, in 34647
addition to payments of principal and interest on any such loan or 34648
service charges for any such guarantee, as appropriate, as 34649
authorized by Section 15, Article VIII, Ohio Constitution, a 34650
reasonable royalty or portion of the income or profits arising out 34651
of the developments, discoveries, or inventions, including patents 34652
or copyrights, that result in whole or in part from coal research 34653
and development projects conducted under any such contract or 34654
agreement, in such amounts and for such period of years as may be 34655
negotiated and provided by the contract or agreement in advance of 34656
the making of the grant, loan, or loan guarantee. Moneys received 34657

by the director of the office under this section may be credited 34658
to the coal research and development bond service fund or used to 34659
make additional loans, loan guarantees, grants, or agreements 34660
under this section. 34661

(E) Employ managers, superintendents, and other employees and 34662
retain or contract with consulting engineers, financial 34663
consultants, accounting experts, architects, and such other 34664
consultants and independent contractors as are necessary in the 34665
judgment of the director of the office to carry out this chapter, 34666
and fix the compensation thereof. 34667

(F) Receive and accept from any federal agency, subject to 34668
the approval of the governor, grants for or in aid of the 34669
construction or operation of any coal research and development 34670
project or for coal research and development, and receive and 34671
accept aid or contributions from any source of money, property, 34672
labor, or other things of value, to be held, used, and applied 34673
only for the purposes for which such grants and contributions are 34674
made. 34675

(G) Purchase fire and extended coverage and liability 34676
insurance for any coal research and development project, insurance 34677
protecting the office and its officers and employees against 34678
liability for damage to property or injury to or death of persons 34679
arising from its operations, and any other insurance the director 34680
of the office determines necessary or proper under this chapter. 34681
Any moneys received by the director from the proceeds of any such 34682
insurance with respect to a coal research and development project 34683
and any moneys received by the director from the proceeds of any 34684
settlement, judgment, foreclosure, or other insurance with respect 34685
to a coal research and development project or facility shall be 34686
credited to the coal research and development bond service fund. 34687

(H) In the exercise of the powers of the director of the 34688
office under this chapter, call to the director's assistance, 34689

temporarily, from time to time, any engineers, technical experts, 34690
financial experts, and other employees in any state department, 34691
agency, or commission, or in the Ohio state university, or other 34692
educational institutions financed wholly or partially by this 34693
state for purposes of assisting the director of the office with 34694
reviewing and evaluating applications for financial assistance 34695
under this chapter, monitoring performance of coal research and 34696
development projects receiving financial assistance under this 34697
chapter, and reviewing and evaluating the progress and findings of 34698
those projects. Such engineers, experts, and employees shall not 34699
receive any additional compensation over that which they receive 34700
from the department, agency, commission, or educational 34701
institution by which they are employed, but they shall be 34702
reimbursed for their actual and necessary expenses incurred while 34703
working under the direction of the director. 34704

(I) Do all acts necessary or proper to carry out the powers 34705
expressly granted in this chapter. 34706

Sec. 1555.04. (A) With respect to coal research and 34707
development projects financed wholly or partially from a loan or 34708
loan guarantee under this chapter, the director of the Ohio coal 34709
development office, in addition to other powers under this 34710
chapter, with the advice of the technical advisory committee 34711
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 34712
~~vote of a majority of the members of the Ohio air quality~~ 34713
~~development authority~~, may enter into loan agreements, accept 34714
notes and other forms of obligation to evidence such indebtedness 34715
and mortgages, liens, pledges, assignments, or other security 34716
interests to secure such indebtedness, which may be prior or 34717
subordinate to or on a parity with other indebtedness, 34718
obligations, mortgages, pledges, assignments, other security 34719
interests, or liens or encumbrances, and take such actions as the 34720
director of the office considers appropriate to protect such 34721

security and safeguard against losses, including, without 34722
limitation, foreclosure and the bidding upon and purchase of 34723
property upon foreclosure or other sale. 34724

(B) The authority granted by this section is cumulative and 34725
supplementary to all other authority granted in this chapter. The 34726
authority granted by this section does not alter or impair any 34727
similar authority granted elsewhere in this chapter with respect 34728
to other projects. 34729

Sec. 1555.05. (A) Subject to any limitations as to aggregate 34730
amounts thereof that may from time to time be prescribed by the 34731
general assembly and to other applicable provisions of this 34732
chapter, and subject to the one-hundred-million-dollar limitation 34733
provided in Section 15 of Article VIII, Ohio Constitution, the 34734
director of the Ohio coal development office, on behalf of this 34735
state, with the advice of the technical advisory committee created 34736
in section 1551.35 of the Revised Code ~~and the affirmative vote of~~ 34737
~~a majority of the members of the Ohio air quality development~~ 34738
~~authority,~~ may enter into contracts to guarantee the repayment or 34739
payment of the unpaid principal amount of loans made to pay the 34740
costs of coal research and development projects. 34741

(B) The contract of guarantee may make provision for the 34742
conditions of, time for, and manner of fulfillment of the 34743
guarantee commitment, subrogation of this state to the rights of 34744
the parties guaranteed and exercise of such parties' rights by the 34745
state, giving the state the option of making payment of the 34746
principal amount guaranteed in one or more installments and, if 34747
deferred, to pay interest thereon from the source specified in 34748
division (A) of this section, and any other terms or conditions 34749
customary to such guarantees and as the director of the office may 34750
approve, and may contain provisions for securing the guarantee in 34751
the manner consistent with this section, covenants on behalf of 34752

this state to issue obligations under section 1555.08 of the Revised Code to provide moneys to fulfill such guarantees and covenants, and covenants restricting the aggregate amount of guarantees that may be contracted under this section and obligations that may be issued under section 151.07 of the Revised Code, and terms pertinent to either, to better secure the parties guaranteed.

(C) The director of the office may fix service charges for making a guarantee. Such charges shall be payable at such times and place and in such amounts and manner as may be prescribed by the director. Moneys received from such charges shall be credited to the coal research and development bond service fund.

(D) Any guaranteed parties under this section, by any suitable form of legal proceedings and except to the extent that their rights are restricted by the guarantee documents, may protect and enforce any rights under the laws of this state or granted by such guarantee or guarantee documents. Such rights include the right to compel the performance of all duties of the office required by this section or the guarantee or guarantee documents; and in the event of default with respect to the payment of any guarantees, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the moneys pledged to such guarantee with full power to pay, and to provide for payment of, such guarantee, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge or apply additional revenues or receipts or other income or moneys of this state. Each duty of the office and its director and employees required or undertaken under this section or a guarantee made under this section is hereby established as a duty of the office and of its director and each such employee having authority to perform such duty, specifically enjoined by the law resulting from an office,

trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the director of the office, or its employees, are not liable in their personal capacities on any guarantees or contracts to make guarantees by the director.

Sec. 1555.06. Upon application by the director of the Ohio coal development office ~~with the affirmative vote of a majority of the members of the Ohio air quality development authority,~~ the controlling board, from appropriations available to the board, may provide funds for surveys or studies by the office of any proposed coal research and development project subject to repayment by the office from funds available to it, within the time fixed by the board. Funds to be repaid shall be charged by the office to the appropriate coal research and development project and the amount thereof shall be a cost of the project. This section does not abrogate the authority of the controlling board to otherwise provide funds for use by the office in the exercise of the powers granted to it by this chapter.

Sec. 1555.08. (A) Subject to the limitations provided in Section 15 of Article VIII, Ohio Constitution, the commissioners of the sinking fund, upon certification by the director of the Ohio coal development office of the amount of moneys or additional moneys needed in the coal research and development fund for the purpose of making grants or loans for allowable costs, or needed for capitalized interest, for funding reserves, and for paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements,

interest swap or hedging agreements, and any other credit 34816
enhancement, liquidity, remarketing, renewal, or refunding 34817
arrangements, all of which are authorized by this section, or 34818
providing moneys for loan guarantees, shall issue obligations of 34819
the state under this section in amounts authorized by the general 34820
assembly; provided that such obligations may be issued to the 34821
extent necessary to satisfy the covenants in contracts of 34822
guarantee made under section 1555.05 of the Revised Code to issue 34823
obligations to meet such guarantees, notwithstanding limitations 34824
otherwise applicable to the issuance of obligations under this 34825
section except the one-hundred-million-dollar limitation provided 34826
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 34827
such obligations, except for the portion to be deposited in the 34828
coal research and development bond service fund as may be provided 34829
in the bond proceedings, shall as provided in the bond proceedings 34830
be deposited in the coal research and development fund. The 34831
commissioners of the sinking fund may appoint trustees, paying 34832
agents, and transfer agents and may retain the services of 34833
financial advisors, accounting experts, and attorneys, and retain 34834
or contract for the services of marketing, remarketing, indexing, 34835
and administrative agents, other consultants, and independent 34836
contractors, including printing services, as are necessary in 34837
their judgment to carry out this section. 34838

(B) The full faith and credit of the state of Ohio is hereby 34839
pledged to obligations issued under this section. The right of the 34840
holders and owners to payment of bond service charges is limited 34841
to all or that portion of the moneys pledged thereto pursuant to 34842
the bond proceedings in accordance with this section, and each 34843
such obligation shall bear on its face a statement to that effect. 34844

(C) Obligations shall be authorized by resolution of the 34845
commissioners of the sinking fund on request of the director of 34846
the Ohio coal development office as provided in section 1555.02 of 34847

the Revised Code and the bond proceedings shall provide for the 34848
purpose thereof and the principal amount or amounts, and shall 34849
provide for or authorize the manner or agency for determining the 34850
principal maturity or maturities, not exceeding forty years from 34851
the date of issuance, the interest rate or rates or the maximum 34852
interest rate, the date of the obligations and the dates of 34853
payment of interest thereon, their denomination, and the 34854
establishment within or without the state of a place or places of 34855
payment of bond service charges. Sections 9.98 to 9.983 of the 34856
Revised Code apply to obligations issued under this section. The 34857
purpose of such obligations may be stated in the bond proceedings 34858
in terms describing the general purpose or purposes to be served. 34859
The bond proceedings shall also provide, subject to the provisions 34860
of any other applicable bond proceedings, for the pledge of all, 34861
or such part as the commissioners of the sinking fund may 34862
determine, of the moneys credited to the coal research and 34863
development bond service fund to the payment of bond service 34864
charges, which pledges may be made either prior or subordinate to 34865
other expenses, claims, or payments and may be made to secure the 34866
obligations on a parity with obligations theretofore or thereafter 34867
issued, if and to the extent provided in the bond proceedings. The 34868
moneys so pledged and thereafter received by the state are 34869
immediately subject to the lien of such pledge without any 34870
physical delivery thereof or further act, and the lien of any such 34871
pledges is valid and binding against all parties having claims of 34872
any kind against the state or any governmental agency of the 34873
state, irrespective of whether such parties have notice thereof, 34874
and shall create a perfected security interest for all purposes of 34875
Chapter 1309. of the Revised Code, without the necessity for 34876
separation or delivery of funds or for the filing or recording of 34877
the bond proceedings by which such pledge is created or any 34878
certificate, statement, or other document with respect thereto; 34879
and the pledge of such moneys is effective and the money therefrom 34880

and thereof may be applied to the purposes for which pledged 34881
without necessity for any act of appropriation. Every pledge, and 34882
every covenant and agreement made with respect thereto, made in 34883
the bond proceedings may therein be extended to the benefit of the 34884
owners and holders of obligations authorized by this section, and 34885
to any trustee therefor, for the further security of the payment 34886
of the bond service charges. 34887

(D) The bond proceedings may contain additional provisions as 34888
to: 34889

(1) The redemption of obligations prior to maturity at the 34890
option of the commissioners of the sinking fund at such price or 34891
prices and under such terms and conditions as are provided in the 34892
bond proceedings; 34893

(2) Other terms of the obligations; 34894

(3) Limitations on the issuance of additional obligations; 34895

(4) The terms of any trust agreement or indenture securing 34896
the obligations or under which the obligations may be issued; 34897

(5) The deposit, investment, and application of the coal 34898
research and development bond service fund, and the safeguarding 34899
of moneys on hand or on deposit, without regard to Chapter 131. or 34900
135. of the Revised Code, but subject to any special provisions of 34901
this chapter, with respect to particular moneys; provided, that 34902
any bank or trust company which acts as depository of any moneys 34903
in the fund may furnish such indemnifying bonds or may pledge such 34904
securities as required by the commissioners of the sinking fund; 34905

(6) Any other provision of the bond proceedings being binding 34906
upon the commissioners of the sinking fund, or such other body or 34907
person as may from time to time have the authority under law to 34908
take such actions as may be necessary to perform all or any part 34909
of the duty required by such provision; 34910

(7) Any provision which may be made in a trust agreement or indenture; 34911
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(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security obtained or to be obtained for loans under this chapter. 34913
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(E) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations shall be signed by such members of the commissioners of the sinking fund as are designated in the resolution authorizing the obligations or bear the facsimile signatures of such members. Any coupons attached to the obligations shall bear the facsimile signature of the treasurer of state. Any obligations may be executed by the persons who, on the date of execution, are the commissioners although on the date of such bonds the persons were not the commissioners. Any coupons may be executed by the person who, on the date of execution, is the treasurer of state although on the date of such coupons the person was not the treasurer of state. In case any officer or commissioner whose signature or a facsimile of whose signature appears on any such obligations or any coupons ceases to be such officer or commissioner before delivery thereof, such signature or facsimile is nevertheless valid and sufficient for all purposes as if the individual had remained such officer or commissioner until such delivery; and in case the seal to be affixed to obligations has been changed after a facsimile of the seal has been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor. 34918
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(F) All obligations except loan guarantees are negotiable instruments and securities under Chapter 1308. of the Revised 34941
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Code, subject to the provisions of the bond proceedings as to 34943
registration. The obligations may be issued in coupon or in 34944
registered form, or both, as the commissioners of the sinking fund 34945
determine. Provision may be made for the registration of any 34946
obligations with coupons attached thereto as to principal alone or 34947
as to both principal and interest, their exchange for obligations 34948
so registered, and for the conversion or reconversion into 34949
obligations with coupons attached thereto of any obligations 34950
registered as to both principal and interest, and for reasonable 34951
charges for such registration, exchange, conversion, and 34952
reconversion. 34953

(G) Obligations may be sold at public sale or at private 34954
sale, as determined in the bond proceedings. 34955

(H) Pending preparation of definitive obligations, the 34956
commissioners of the sinking fund may issue interim receipts or 34957
certificates which shall be exchanged for such definitive 34958
obligations. 34959

(I) In the discretion of the commissioners of the sinking 34960
fund, obligations may be secured additionally by a trust agreement 34961
or indenture between the commissioners and a corporate trustee, 34962
which may be any trust company or bank having a place of business 34963
within the state. Any such agreement or indenture may contain the 34964
resolution authorizing the issuance of the obligations, any 34965
provisions that may be contained in any bond proceedings, and 34966
other provisions that are customary or appropriate in an agreement 34967
or indenture of such type, including, but not limited to: 34968

(1) Maintenance of each pledge, trust agreement, indenture, 34969
or other instrument comprising part of the bond proceedings until 34970
the state has fully paid the bond service charges on the 34971
obligations secured thereby, or provision therefor has been made; 34972

(2) In the event of default in any payments required to be 34973

made by the bond proceedings, or any other agreement of the 34974
commissioners of the sinking fund made as a part of the contract 34975
under which the obligations were issued, enforcement of such 34976
payments or agreement by mandamus, the appointment of a receiver, 34977
suit in equity, action at law, or any combination of the 34978
foregoing; 34979

(3) The rights and remedies of the holders of obligations and 34980
of the trustee, and provisions for protecting and enforcing them, 34981
including limitations on rights of individual holders of 34982
obligations; 34983

(4) The replacement of any obligations that become mutilated 34984
or are destroyed, lost, or stolen; 34985

(5) Such other provisions as the trustee and the 34986
commissioners of the sinking fund agree upon, including 34987
limitations, conditions, or qualifications relating to any of the 34988
foregoing. 34989

(J) Any holder of obligations or a trustee under the bond 34990
proceedings, except to the extent that the holder's rights are 34991
restricted by the bond proceedings, may by any suitable form of 34992
legal proceedings protect and enforce any rights under the laws of 34993
this state or granted by such bond proceedings. Such rights 34994
include the right to compel the performance of all duties of the 34995
commissioners of the sinking fund, the Ohio air quality department 34996
of development authority, or the Ohio coal development office 34997
required by this chapter and Chapter 1551. of the Revised Code or 34998
the bond proceedings; to enjoin unlawful activities; and in the 34999
event of default with respect to the payment of any bond service 35000
charges on any obligations or in the performance of any covenant 35001
or agreement on the part of the commissioners, the authority 35002
department, or the office in the bond proceedings, to apply to a 35003
court having jurisdiction of the cause to appoint a receiver to 35004
receive and administer the moneys pledged, other than those in the 35005

custody of the treasurer of state, that are pledged to the payment 35006
of the bond service charges on such obligations or that are the 35007
subject of the covenant or agreement, with full power to pay, and 35008
to provide for payment of bond service charges on, such 35009
obligations, and with such powers, subject to the direction of the 35010
court, as are accorded receivers in general equity cases, 35011
excluding any power to pledge additional revenues or receipts or 35012
other income or moneys of the commissioners of the sinking fund or 35013
the state or governmental agencies of the state to the payment of 35014
such principal and interest and excluding the power to take 35015
possession of, mortgage, or cause the sale or otherwise dispose of 35016
any project. 35017

Each duty of the commissioners of the sinking fund and their 35018
employees, and of each governmental agency and its officers, 35019
members, or employees, undertaken pursuant to the bond proceedings 35020
or any grant, loan, or loan guarantee agreement made under 35021
authority of this chapter, and in every agreement by or with the 35022
commissioners, is hereby established as a duty of the 35023
commissioners, and of each such officer, member, or employee 35024
having authority to perform such duty, specifically enjoined by 35025
the law resulting from an office, trust, or station within the 35026
meaning of section 2731.01 of the Revised Code. 35027

The persons who are at the time the commissioners of the 35028
sinking fund, or their employees, are not liable in their personal 35029
capacities on any obligations issued by the commissioners or any 35030
agreements of or with the commissioners. 35031

(K) Obligations issued under this section are lawful 35032
investments for banks, societies for savings, savings and loan 35033
associations, deposit guarantee associations, trust companies, 35034
trustees, fiduciaries, insurance companies, including domestic for 35035
life and domestic not for life, trustees or other officers having 35036
charge of sinking and bond retirement or other special funds of 35037

political subdivisions and taxing districts of this state, the 35038
commissioners of the sinking fund of the state, the administrator 35039
of workers' compensation, the state teachers retirement system, 35040
the public employees retirement system, the school employees 35041
retirement system, and the Ohio police and fire pension fund, 35042
notwithstanding any other provisions of the Revised Code or rules 35043
adopted pursuant thereto by any governmental agency of the state 35044
with respect to investments by them, and are also acceptable as 35045
security for the deposit of public moneys. 35046

(L) If the law or the instrument creating a trust pursuant to 35047
division (I) of this section expressly permits investment in 35048
direct obligations of the United States or an agency of the United 35049
States, unless expressly prohibited by the instrument, such moneys 35050
also may be invested in no-front-end-load money market mutual 35051
funds consisting exclusively of obligations of the United States 35052
or an agency of the United States and in repurchase agreements, 35053
including those issued by the fiduciary itself, secured by 35054
obligations of the United States or an agency of the United 35055
States; and in collective investment funds established in 35056
accordance with section 1111.14 of the Revised Code and consisting 35057
exclusively of any such securities, notwithstanding division 35058
(A)(1)(c) of that section. The income from such investments shall 35059
be credited to such funds as the commissioners of the sinking fund 35060
determine, and such investments may be sold at such times as the 35061
commissioners determine or authorize. 35062

(M) Provision may be made in the applicable bond proceedings 35063
for the establishment of separate accounts in the bond service 35064
fund and for the application of such accounts only to the 35065
specified bond service charges on obligations pertinent to such 35066
accounts and bond service fund and for other accounts therein 35067
within the general purposes of such fund. Moneys to the credit of 35068
the bond service fund shall be disbursed on the order of the 35069

treasurer of state; provided, that no such order is required for 35070
the payment from the bond service fund when due of bond service 35071
charges on obligations. 35072

(N) The commissioners of the sinking fund may pledge all, or 35073
such portion as they determine, of the receipts of the bond 35074
service fund to the payment of bond service charges on obligations 35075
issued under this section, and for the establishment and 35076
maintenance of any reserves, as provided in the bond proceedings, 35077
and make other provisions therein with respect to pledged receipts 35078
as authorized by this chapter, which provisions control 35079
notwithstanding any other provisions of law pertaining thereto. 35080

(O) The commissioners of the sinking fund may covenant in the 35081
bond proceedings, and any such covenants control notwithstanding 35082
any other provision of law, that the state and applicable officers 35083
and governmental agencies of the state, including the general 35084
assembly, so long as any obligations are outstanding, shall: 35085

(1) Maintain statutory authority for and cause to be levied 35086
and collected taxes so that the pledged receipts are sufficient in 35087
amount to meet bond service charges, and the establishment and 35088
maintenance of any reserves and other requirements provided for in 35089
the bond proceedings, and, as necessary, to meet covenants 35090
contained in any loan guarantees made under this chapter; 35091

(2) Take or permit no action, by statute or otherwise, that 35092
would impair the exemption from federal income taxation of the 35093
interest on the obligations. 35094

(P) All moneys received by or on account of the state and 35095
required by the applicable bond proceedings, consistent with this 35096
section, to be deposited, transferred, or credited to the coal 35097
research and development bond service fund, and all other moneys 35098
transferred or allocated to or received for the purposes of the 35099
fund, shall be credited to such fund and to any separate accounts 35100

therein, subject to applicable provisions of the bond proceedings, 35101
but without necessity for any act of appropriation. During the 35102
period beginning with the date of the first issuance of 35103
obligations and continuing during such time as any such 35104
obligations are outstanding, and so long as moneys in the bond 35105
service fund are insufficient to pay all bond service charges on 35106
such obligations becoming due in each year, a sufficient amount of 35107
moneys of the state are committed and shall be paid to the bond 35108
service fund in each year for the purpose of paying the bond 35109
service charges becoming due in that year without necessity for 35110
further act of appropriation for such purpose. The bond service 35111
fund is a trust fund and is hereby pledged to the payment of bond 35112
service charges to the extent provided in the applicable bond 35113
proceedings, and payment thereof from such fund shall be made or 35114
provided for by the treasurer of state in accordance with such 35115
bond proceedings without necessity for any act of appropriation. 35116
All investment earnings of the fund shall be credited to the fund. 35117

(Q) For purposes of establishing the limitations contained in 35118
Section 15 of Article VIII, Ohio Constitution, the "principal 35119
amount" refers to the aggregate of the offering price of the bonds 35120
or notes. "Principal amount" does not refer to the aggregate value 35121
at maturity or redemption of the bonds or notes. 35122

(R) This section applies only with respect to obligations 35123
issued and delivered prior to September 30, 2000. 35124

Sec. 1555.17. All final actions of the director of the Ohio 35125
coal development office shall be journalized and such journal 35126
shall be open to inspection of the public at all reasonable times. 35127
Any materials or data, to the extent that they consist of trade 35128
secrets, as defined in section 1333.61 of the Revised Code, or 35129
other proprietary information, that are submitted or made 35130
available to, or received by, the ~~Ohio air quality~~ department of 35131

development ~~authority~~ or the director of the Ohio coal development 35132
office, in connection with agreements for assistance entered into 35133
under this chapter or Chapter 1551. of the Revised Code, or any 35134
information taken from those materials or data, are not public 35135
records for the purposes of section 149.43 of the Revised Code. 35136

Sec. 1561.06. The chief of the division of mineral resources 35137
management shall designate the townships in which mineable or 35138
quarryable coal or other mineral is or may be mined or quarried, 35139
which townships shall be considered coal or mineral bearing 35140
townships. The chief shall divide the coal or other mineral 35141
bearing townships into such districts as the chief deems best for 35142
inspection purposes, and the chief may change such districts 35143
whenever, in the chief's judgment, the best interests of the 35144
service require. 35145

The chief shall designate as provided in this section as coal 35146
or mineral bearing townships those townships in which coal is 35147
being mined or in which coal is found in such thickness as to make 35148
the mining of ~~such the~~ coal or mineral probable at some future 35149
time, and shall designate ~~such the~~ township as a unit. As used in 35150
this chapter and Chapters 1563., 1565., and 1567. of the Revised 35151
Code, "coal or mineral bearing township" means a township that has 35152
been so designated by the chief under this section. 35153

The chief shall also designate the townships in which coal is 35154
being mined or in which coal is found in such thickness as to make 35155
the mining of ~~such the~~ coal probable at some future time as "coal 35156
bearing townships" as ~~such that~~ term is used in Chapter 1509. of 35157
the Revised Code. The chief shall certify to the chief of the 35158
division of oil and gas resources management the townships that 35159
are designated as coal bearing townships. 35160

Sec. 1561.12. An applicant for any examination or certificate 35161

under this section shall, before being examined, register the 35162
applicant's name with the chief of the division of mineral 35163
resources management and file with the chief an affidavit as to 35164
all matters of fact establishing the applicant's right to receive 35165
the examination, a certificate of good character and temperate 35166
habits signed by at least three reputable citizens of the 35167
community in which the applicant resides, and a certificate from a 35168
reputable and disinterested physician as to the physical condition 35169
of ~~such~~ the applicant showing that the applicant is physically 35170
capable of performing the duties of the office or position. 35171

Each applicant for examination for any of the following 35172
positions shall present evidence satisfactory to the chief that 35173
the applicant has been a resident and citizen of this state for 35174
two years next preceding the date of application: 35175
35176

(A) An applicant for the position of deputy mine inspector of 35177
underground mines shall have had actual practical experience of 35178
not less than six years, at least two of which shall have been in 35179
the underground workings of mines in this state. In the case of an 35180
applicant who would inspect underground coal mines, the two years 35181
shall consist of actual practical experience in underground coal 35182
mines. In the case of an applicant who would inspect noncoal 35183
mines, the two years shall consist of actual practical experience 35184
in noncoal mines. In lieu of two years of the actual practical 35185
experience required, the chief may accept as the equivalent 35186
thereof a certificate evidencing graduation from an accredited 35187
school of mines or mining, after a four-year course of study, but 35188
such credit shall not apply as to the two years' actual practical 35189
experience required in the mines in this state. 35190

The applicant shall pass an examination as to the applicant's 35191
practical and technological knowledge of mine surveying, mining 35192
machinery, and appliances; the proper development and operation of 35193

mines; the best methods of working and ventilating mines; the 35194
nature, properties, and powers of noxious, poisonous, and 35195
explosive gases, particularly methane; the best means and methods 35196
of detecting, preventing, and removing the accumulation of such 35197
gases; the use and operation of gas detecting devices and 35198
appliances; first aid to the injured; and the uses and dangers of 35199
electricity as applied and used in, at, and around mines. ~~Such~~ The 35200
applicant shall also hold a certificate for foreperson of gaseous 35201
mines issued by the chief. 35202

(B) An applicant for the position of deputy mine inspector of 35203
surface mines shall have had actual practical mining experience of 35204
not less than six years, at least two of which shall have been in 35205
surface mines in this state. In lieu of two years of the actual 35206
practical experience required, the chief may accept as the 35207
equivalent thereof a certificate evidencing graduation from an 35208
accredited school of mines or mining, after a four-year course of 35209
study, but that credit shall not apply as to the two years' actual 35210
practical experience required in the mines in this state. The 35211
applicant shall pass an examination as to the applicant's 35212
practical and technological knowledge of surface mine surveying, 35213
machinery, and appliances; the proper development and operations 35214
of surface mines; first aid to the injured; and the use and 35215
dangers of explosives and electricity as applied and used in, at, 35216
and around surface mines. The applicant shall also hold a surface 35217
mine foreperson certificate issued by the chief. 35218

(C) An applicant for the position of electrical inspector 35219
shall have had at least five years' practical experience in the 35220
installation and maintenance of electrical circuits and equipment 35221
in mines, and the applicant shall be thoroughly familiar with the 35222
principles underlying the safety features of permissible and 35223
approved equipment as authorized and used in mines. 35224

The applicant shall be required to pass the examination 35225

required for deputy mine inspectors and an examination testing and 35226
determining the applicant's qualification and ability to 35227
competently inspect and administer the mining law that relates to 35228
electricity used in and around mines and mining in this state. 35229

(D) An applicant for the position of superintendent or 35230
assistant superintendent of rescue stations shall possess the same 35231
qualifications as those required for a deputy mine inspector. In 35232
addition, the applicant shall present evidence satisfactory to the 35233
chief that the applicant is sufficiently qualified and trained to 35234
organize, supervise, and conduct group training classes in first 35235
aid, safety, and rescue work. 35236

The applicant shall pass the examination required for deputy 35237
mine inspectors and shall be tested as to the applicant's 35238
practical and technological experience and training in first aid, 35239
safety, and mine rescue work. 35240

(E) An applicant for the position of mine chemist shall have 35241
such educational training as is represented by the degree MS in 35242
chemistry from a university of recognized standing, and at least 35243
five years of actual practical experience in research work in 35244
chemistry or as an assistant chemist. The chief may provide that 35245
an equivalent combination of education and experience together 35246
with a wide knowledge of the methods of and skill in chemical 35247
analysis and research may be accepted in lieu of the above 35248
qualifications. It is preferred that ~~such~~ the chemist shall have 35249
had actual experience in mineralogy and metallurgy. 35250

~~(F) An applicant for the position of gas storage well 35251
inspector shall possess the same qualifications as an applicant 35252
for the position of deputy mine inspector and shall have a 35253
practical knowledge and experience of and in the operation, 35254
location, drilling, maintenance, and abandonment of oil and gas 35255
wells, especially in coal or mineral bearing townships, and shall 35256
have a thorough knowledge of the latest and best method of 35257~~

plugging and sealing abandoned oil and gas wells.	35258
Such applicant for gas storage well inspector shall pass an	35259
examination conducted by the chief to determine the applicant's	35260
fitness to act as a gas storage well inspector before being	35261
eligible for appointment.	35262
Sec. 1561.13. The chief of the division of mineral resources	35263
management shall conduct examinations for offices and positions in	35264
the division of mineral resources management, and for mine	35265
forepersons, mine electricians, shot firers, surface mine	35266
blasters, and fire bosses, as follows:	35267
(A) Division of mineral resources management:	35268
(1) Deputy mine inspectors of underground mines;	35269
(2) Deputy mine inspectors of surface mines;	35270
(3) Electrical inspectors;	35271
(4) Superintendent of rescue stations;	35272
(5) Assistant superintendents of rescue stations;	35273
(6) Mine chemists at a division laboratory if the chief	35274
chooses to operate a laboratory;	35275
(7) Gas storage well inspector.	35276
(B) Mine forepersons:	35277
(1) Mine foreperson of gaseous mines;	35278
(2) Mine foreperson of nongaseous mines;	35279
(3) Mine foreperson of surface mines.	35280
(C) Forepersons:	35281
(1) Foreperson of gaseous mines;	35282
(2) Foreperson of nongaseous mines;	35283
(3) Foreperson of surface maintenance facilities at	35284

underground or surface mines;	35285
(4) Foreperson of surface mines.	35286
(D) Fire bosses.	35287
(E) Mine electricians.	35288
(F) Surface mine blasters.	35289
(G) Shot firers.	35290
The chief annually shall provide for the examination of	35291
candidates for appointment or promotion as deputy mine inspectors	35292
and such other positions and offices set forth in division (A) of	35293
this section as are necessary. Special examinations may be held	35294
whenever it becomes necessary to make appointments to any of those	35295
positions.	35296
The chief shall provide for the examination of persons	35297
seeking certificates of competency as mine forepersons,	35298
forepersons, mine electricians, shot firers, surface mine	35299
blasters, and fire bosses quarterly or more often as required, at	35300
such times and places within the state as shall, in the judgment	35301
of the chief, afford the best facilities to the greatest number of	35302
applicants. Public notice shall be given through the press or	35303
otherwise, not less than ten days in advance, announcing the time	35304
and place at which examinations under this section are to be held.	35305
The examinations provided for in this section shall be	35306
conducted under rules adopted under section 1561.05 of the Revised	35307
Code and conditions prescribed by the chief. Any rules that relate	35308
to particular candidates shall, upon application of any candidate,	35309
be furnished to the candidate by the chief; they shall also be of	35310
uniform application to all candidates in the several groups.	35311
Sec. 1561.35. If the deputy mine inspector finds that any	35312
matter, thing, or practice connected with any mine and not	35313
prohibited specifically by law is dangerous or hazardous, or that	35314

from a rigid enforcement of this chapter and Chapters ~~1509.~~, 35315
1563., 1565., and 1567. and applicable provisions of Chapter 1509. 35316
of the Revised Code, the matter, thing, or practice would become 35317
dangerous and hazardous so as to tend to the bodily injury of any 35318
person, the deputy mine inspector forthwith shall give notice in 35319
writing to the owner, lessee, or agent of the mine of the 35320
particulars in which the deputy mine inspector considers the mine 35321
or any matter, thing, or practice connected therewith is dangerous 35322
or hazardous and recommend changes that the conditions require, 35323
and forthwith shall mail a copy of the report and the deputy mine 35324
inspector's recommendations to the chief of the division of 35325
mineral resources management. Upon receipt of the report and 35326
recommendations, the chief forthwith shall make a finding thereon 35327
and mail a copy to the owner, operator, lessee, or agent of the 35328
mine, and to the deputy mine inspector; a copy of the finding of 35329
the chief shall be posted upon the bulletin board of the mine. 35330
Where the miners have a mine safety committee, one additional copy 35331
shall be posted on the bulletin board for the use and possession 35332
of the committee. 35333

The owner, operator, lessee, or agent of the mine, or the 35334
authorized representative of the workers of the mine, within ten 35335
days may appeal to the reclamation commission for a review and 35336
redetermination of the finding of the chief in the matter in 35337
accordance with section 1513.13 of the Revised Code, 35338
notwithstanding division (A)(1) of that section, which provides 35339
for appeals within thirty days. A copy of the decision of the 35340
commission shall be mailed as required by this section for the 35341
mailing of the finding by the chief on the deputy mine inspector's 35342
report. 35343

Sec. 1561.49. The chief of the division of mineral resources 35344
management may designate not more than thirty deputy mine 35345
inspectors, at least one of whom shall be classified and appointed 35346

as electrical inspector provided for in division (B) of section 35347
1561.12 of the Revised Code; ~~one gas storage well inspector;~~ one 35348
superintendent of rescue stations; three assistant superintendents 35349
of rescue stations; three chemists; and such clerks, 35350
stenographers, and other employees as are necessary for the 35351
administration of this chapter and Chapters 1563., 1565., and 35352
1567. and applicable provisions of Chapter 1509. of the Revised 35353
Code. 35354

Such officers, employees, and personnel shall be appointed 35355
and employed under such conditions and qualifications as set forth 35356
in ~~such~~ those chapters. 35357

Sec. 1563.06. For the purpose of making the examinations 35358
provided for in this chapter and Chapters ~~1509.~~ 1561., 1565., and 35359
1567. and applicable provisions of Chapter 1509. of the Revised 35360
Code, the chief of the division of mineral resources management, 35361
and each deputy mine inspector, may enter any mine at a reasonable 35362
time, by day or by night, but in such manner as will not 35363
necessarily impede the working of the mine, and the owner, lessee, 35364
or agent thereof shall furnish the means necessary for such entry 35365
and examination. 35366

Sec. 1563.24. In all mines generating methane in such 35367
quantities as to be considered a gaseous mine under section 35368
1563.02 of the Revised Code, the mine foreperson of such a mine 35369
shall: 35370

(A) Employ a sufficient number of competent persons holding 35371
foreperson of gaseous mines or fire boss certificates, except as 35372
provided in section 1565.02 of the Revised Code, to examine the 35373
working places whether they are in actual course of working or 35374
not, and the traveling ways and entrances to old workings with 35375
approved flame safety lamps, all of which shall be done not more 35376

than three hours prior to the time fixed for the employees to enter ~~such~~ the mine; 35377
35378

(B) Have all old parts of the mine not in the actual course of working, but that are open and safe to travel, examined not less than once each three days by a competent person who holds a foreperson of gaseous mines or a fire boss certificate; 35379
35380
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35382

(C) See that all parts of the mine not sealed off as provided in section 1563.41 of the Revised Code are kept free from standing gas, and upon the discovery of any standing gas, see that the entrance to the place where the gas is so discovered is fenced off and marked with a sign upon which is written the word "danger," and ~~such~~ the sign shall so remain until ~~such~~ the gas has been removed; 35383
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(D) Have the mine examined on all idle days, holidays, and Sundays on which employees are required to work therein; 35390
35391

(E) If more than three hours elapse between shifts, have the places in which the succeeding shift works examined by a competent person who holds a foreperson of gaseous mines or fire boss certificate; 35392
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35395

(F) See that this chapter and Chapters ~~1509.~~, 1561., 1565., and 1567. and applicable provisions of Chapter 1509. of the Revised Code, with regard to examination of working places, removal of standing gas, and fencing off of dangerous places, are complied with before the employees employed by the mine foreperson for this particular work are permitted to do any other work; 35396
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35401

(G) Have a report made on the blackboard provided for in section 1567.06 of the Revised Code, which report shall show the condition of the mine as to the presence of gas and the place where such gas is present, if there is any, before the mine foreperson permits the employees to enter the mine; 35402
35403
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35406

(H) Have reports of the duties and activities enumerated in 35407

this section signed by the person who makes ~~such~~ the examination. 35408
The reports so signed shall be sent once each week to the deputy 35409
mine inspector of the district in which the mine is located on 35410
blanks furnished by the division of mineral resources management 35411
for that purpose, and a copy of ~~such~~ the report shall be kept on 35412
file at the mine. 35413

(I) Have the fire boss record a report after each 35414
examination, in ink, in the fire boss' record book, which book 35415
shall show the time taken in making the examination and also 35416
clearly state the nature and location of any danger that was 35417
discovered in any room, entry, or other place in the mine, and, if 35418
any danger was discovered, the fire boss shall immediately report 35419
the location thereof to the mine foreperson. 35420

No person shall enter the mine until the fire bosses return 35421
to the mine office on the surface, or to a station located in the 35422
mine, where a record book as provided for in this section shall be 35423
kept and signed by the person making the examination, and report 35424
to the oncoming mine foreperson that the mine is in safe condition 35425
for the employees to enter. When a station is located in any mine, 35426
the fire bosses shall sign also the report entered in the record 35427
book in the mine office on the surface. The record books of the 35428
fire bosses shall at all times during working hours be accessible 35429
to the deputy mine inspector and the employees of the mine. 35430

In every mine generating explosive gas in quantities 35431
sufficient to be detected by an approved flame safety lamp, when 35432
the working portions are one mile or more from the entrance to the 35433
mine or from the bottom of the shaft or slope, a permanent station 35434
of suitable dimensions may be erected by the mine foreperson, 35435
provided that the location is approved by the deputy mine 35436
inspector, for the use of the fire bosses, and a fireproof vault 35437
of ample strength shall be erected in ~~such~~ the station of brick, 35438
stone, or concrete, in which the temporary record book of the fire 35439

bosses, as described in this section, shall be kept. No person, 35440
except a mine foreperson of gaseous mines, and in case of 35441
necessity such other persons as are designated by the mine 35442
foreperson, shall pass beyond the permanent station and danger 35443
signal until the mine has been examined by a fire boss, and the 35444
mine or certain portions thereof reported by the fire boss to be 35445
safe. 35446

This section does not prevent a mine foreperson or foreperson 35447
of gaseous mines from being qualified to act and acting in the 35448
capacity of fire boss. The record book shall be supplied by the 35449
division and purchased by the operator. 35450

No mine foreperson or person delegated by the mine 35451
foreperson, or any operator of a mine, or other person, shall 35452
refuse or neglect to comply with this section. 35453

Sec. 1563.28. The ~~man~~ worker performing the duties of fire 35454
boss shall, in an approved manner, use a flame safety lamp when 35455
making examinations under this chapter and Chapters ~~1509.7~~, 1561., 35456
1565., and 1567. and applicable provisions of Chapter 1509. of the 35457
Revised Code. As evidence of such examinations ~~he~~ the fire boss 35458
shall mark with chalk, upon the face of the coal or in some other 35459
conspicuous place, ~~his~~ the fire boss's initials and the date of 35460
the month that ~~such~~ the examination is made, and shall fully 35461
comply with all the law relating to gas and ~~his~~ the fire boss's 35462
duties as to making such examinations. After making ~~his~~ such an 35463
examination and report, prior to employees entering the mine for 35464
the oncoming shift, ~~he~~ the fire boss who made the examination or 35465
another fire boss shall return to the working places with the 35466
employees at the starting time of the oncoming shift. 35467

No person shall refuse or neglect to comply with this 35468
section. 35469

Sec. 1571.01. As used in this chapter, unless other meaning 35470
is clearly indicated in the context: 35471

(A) "Gas storage reservoir" or "storage reservoir" or 35472
"reservoir" means a continuous area of a subterranean porous sand 35473
or rock stratum or strata, any part of which or of the protective 35474
area of which, is within a coal bearing township, into which gas 35475
is or may be injected for the purpose of storing it therein and 35476
removing it therefrom, or for the purpose of testing whether such 35477
stratum is suitable for such storage purposes. 35478

(B) "Gas" means any natural, manufactured, or by-product gas 35479
or any mixture thereof. 35480

(C) "Reservoir operator" or "operator," when used in 35481
referring to the operator of a gas storage reservoir, means a 35482
person who is engaged in the work of preparing to inject, or who 35483
injects gas into, or who stores gas in, or who removes gas from, a 35484
gas storage reservoir, and who owns the right to do so. 35485

(D)(1) "Boundary," when used in referring to the boundary of 35486
a gas storage reservoir, means the boundary of such reservoir as 35487
shown on the map or maps thereof on file in the division of 35488
~~mineral~~ oil and gas resources management as required by this 35489
chapter. 35490

(2) "Boundary," when used in referring to the boundary of a 35491
reservoir protective area, means the boundary of such reservoir 35492
protective area as shown on the map or maps thereof on file in the 35493
division as required by this chapter. 35494

(E) "Reservoir protective area" or "reservoir's protective 35495
area" means the area of land outside the boundary of a gas storage 35496
reservoir shown as such on the map or maps thereof on file in the 35497
division as required by this chapter. The area of land shown on 35498
such map or maps as such reservoir protective area shall be 35499

outside the boundary of such reservoir, and shall encircle such 35500
reservoir and touch all parts of the boundary of such reservoir, 35501
and no part of the outside boundary of such protective area shall 35502
be less than two thousand nor more than five thousand linear feet 35503
distant from the boundary of such reservoir. 35504

(F) "Coal bearing township" means a township designated as a 35505
coal bearing township by the chief of the division of mineral 35506
resources management as required by section 1561.06 of the Revised 35507
Code. 35508

(G) "Coal mine" means the underground excavations of a mine 35509
that are being used or are usable or are being developed for use 35510
in connection with the extraction of coal from its natural deposit 35511
in the earth. "Underground excavations," when used in referring to 35512
the underground excavations of a coal mine, includes the abandoned 35513
underground excavations of such mine. It also includes the 35514
underground excavations of an abandoned coal mine if such 35515
abandoned mine is connected with underground excavations of a coal 35516
mine. "Coal mine" does not mean or include: 35517

(1) A mine in which coal is extracted from its natural 35518
deposit in the earth by strip or open pit mining methods or by 35519
other methods by which individuals are not required to go 35520
underground in connection with the extraction of coal from its 35521
natural deposit in the earth; 35522

(2) A mine in which not more than fourteen individuals are 35523
regularly employed underground. 35524

(H) "Operator," when used in referring to the operator of a 35525
coal mine, means a person who engages in the work of developing 35526
such mine for use in extracting coal from its natural deposit in 35527
the earth, or who so uses such mine, and who owns the right to do 35528
so. 35529

(I) "Boundary," when used in referring to the boundary of a 35530

coal mine, means the boundary of the underground excavations of 35531
such mine as shown on the maps of such mine on file in the 35532
division of mineral resources management as required by sections 35533
1563.03 to 1563.05 and 1571.03 of the Revised Code. 35534

(J) "Mine protective area" or "mine's protective area" means 35535
the area of land that the operator of a coal mine designates and 35536
shows as such on the map or maps of such coal mine filed with the 35537
division as required by sections 1563.03 to 1563.05 and 1571.03 of 35538
the Revised Code. Such area of land shall be outside of the 35539
boundary of such coal mine, but some part of the boundary of such 35540
area of land shall abut upon a part of the boundary of such coal 35541
mine. Such area of land shall be comprised of such tracts of land 35542
in which such coal mine operator owns the right to extract coal 35543
therefrom by underground mining methods and in which underground 35544
excavations of such coal mine are likely to be made within the 35545
ensuing year for use in connection with the extraction of coal 35546
therefrom. 35547

(K) "Pillar" means a solid block of coal or other material 35548
left unmined to support the overlying strata in a coal mine, or to 35549
protect a well. 35550

(L) "Retreat mining" means the removal of pillars and ribs 35551
and stumps and other coal remaining in a section of a coal mine 35552
after the development mining has been completed in such section. 35553

(M) "Linear feet," when used to indicate distance between two 35554
points that are not in the same plane, means the length in feet of 35555
the shortest horizontal line that connects two lines projected 35556
vertically upward or downward from the two points. 35557

(N) "Map" means a graphic representation of the location and 35558
size of the existing or proposed items it is made to represent, 35559
accurately drawn according to a given scale. 35560

(O) "Well" means any hole, drilled or bored, or being drilled 35561

or bored, into the earth, whether for the purpose of, or whether
used for: 35562
35563

(1) Producing or extracting any gas or liquid mineral, or 35564
natural or artificial brines, or oil field waters; 35565

(2) Injecting gas into or removing gas from an underground 35566
gas storage reservoir; 35567

(3) Introducing water or other liquid pressure into an oil 35568
bearing sand to recover oil contained in such sand, provided that 35569
"well" does not mean a hole drilled or bored, or being drilled or 35570
bored, into the earth, whether for the purpose of, or whether used 35571
for, producing or extracting potable water to be used as such. 35572

(P) "Testing" means injecting gas into, or storing gas in or 35573
removing gas from, a gas storage reservoir for the sole purpose of 35574
determining whether such reservoir is suitable for use as a gas 35575
storage reservoir. 35576

(Q) "Casing" means a string or strings of pipe commonly 35577
placed in a well. 35578

(R) "Inactivate" means to shut off temporarily all flow of 35579
gas from a well at a point below the horizon of the coal mine that 35580
might be affected by such flow of gas, by means of a plug or other 35581
suitable device or by injecting water, bentonite, or some other 35582
equally nonporous material into the well, or any other method 35583
approved by ~~the mineral~~ an oil and gas resources inspector. 35584

(S) "Gas storage well inspector" means the gas storage well 35585
inspector in the division. 35586

(T) The verb "open" or the noun "opening," when used in 35587
clauses relating to the time when a coal mine operator intends to 35588
open a new coal mine, or the time when a new coal mine is opened, 35589
or the time of the opening of a new coal mine, or when used in 35590
other similar clauses to convey like meanings, means that time and 35591

condition in the initial development of a new coal mine when the 35592
second opening required by section 1563.14 of the Revised Code is 35593
completed in such mine. 35594

Sec. 1571.012. An applicant for the position of gas storage 35595
well inspector shall register the applicant's name with the chief 35596
of the division of oil and gas resources management and file with 35597
the chief an affidavit as to all matters of fact establishing the 35598
applicant's right to take the examination for that position, a 35599
certificate of good character and temperate habits signed by at 35600
least three reputable citizens of the community in which the 35601
applicant resides, and a certificate from a reputable and 35602
disinterested physician as to the physical condition of the 35603
applicant showing that the applicant is physically capable of 35604
performing the duties of the position. The applicant also shall 35605
present evidence satisfactory to the chief that the applicant has 35606
been a resident and citizen of this state for at least two years 35607
next preceding the date of application. 35608

An applicant shall possess the same qualifications as an 35609
applicant for the position of deputy mine inspector established in 35610
section 1561.12 of the Revised Code. In addition, the applicant 35611
shall have practical knowledge and experience of and in the 35612
operation, location, drilling, maintenance, and abandonment of oil 35613
and gas wells, especially in coal or mineral bearing townships, 35614
and shall have a thorough knowledge of the latest and best method 35615
of plugging and sealing abandoned oil and gas wells. 35616

An applicant for gas storage well inspector shall pass an 35617
examination conducted by the chief to determine the applicant's 35618
fitness to act as gas storage well inspector before being eligible 35619
for appointment. 35620

Sec. 1571.013. (A) The chief of the division of oil and gas 35621

resources management shall conduct examinations for the position 35622
of gas storage well inspector. The chief annually shall provide 35623
for the examination of candidates for appointment as gas storage 35624
well inspector. Special examinations may be held whenever it 35625
becomes necessary to make an appointment of gas storage well 35626
inspector. 35627

(B) Public notice shall be given through the press or 35628
otherwise, not less than ten days in advance, announcing the time 35629
and place at which examinations under this section are to be held. 35630

(C) The examinations provided for in this section shall be 35631
conducted in accordance with rules adopted under section 1571.014 35632
of the Revised Code and conditions prescribed by the chief. 35633

Sec. 1571.014. The chief of the division of oil and gas 35634
resources management shall appoint a gas storage well inspector 35635
from the eligible list of candidates for that position that is 35636
prepared under section 124.24 of the Revised Code. If a vacancy 35637
occurs in the position of gas storage well inspector, the chief 35638
shall fill the position by selecting a person from that list. 35639

The chief shall adopt rules in accordance with Chapter 119. 35640
of the Revised Code that are necessary for conducting examinations 35641
for the position of gas storage well inspector. 35642

Sec. 1571.02. (A) Any reservoir operator who, on September 9, 35643
1957, is injecting gas into, storing gas in, or removing gas from 35644
a reservoir shall within sixty days after such date file with the 35645
division of ~~mineral~~ oil and gas resources management a map thereof 35646
as described in division (C) of this section, provided that if a 35647
reservoir operator is, on September 9, 1957, injecting gas into or 35648
storing gas in a reservoir solely for testing, the reservoir 35649
operator shall at once file such map with the division. 35650

(B) If the injection of gas into or storage of gas in a gas storage reservoir is begun after September 9, 1957, the operator of such reservoir shall file with the division a map thereof as described in division (C) of this section, on the same day and not less than three months prior to beginning such injection or storage.

(C) Each map filed with the division pursuant to this section shall be prepared by a registered surveyor, registered engineer, or competent geologist. It shall show both of the following:

(1) The location of the boundary of such reservoir and the boundary of such reservoir's protective area, and the known fixed monuments, corner stones, or other permanent markers in such boundary lines;

(2) The boundary lines of the counties, townships, and sections or lots that are within the limits of such map, and the name of each such county and township and the number of each such section or lot clearly indicated thereon. The legend of the map shall indicate the stratum or strata in which the gas storage reservoir is located.

The location of the boundary of the gas storage reservoir as shown on the map shall be defined by the location of those wells around the periphery of such reservoir that had no gas production when drilled into the storage stratum of such reservoir, provided that if the operator of such reservoir, upon taking into consideration the number and nature of such wells, the geological and production knowledge of the storage stratum, its character, permeability, and distribution, and operating experience, determines that the location of the boundary of such reservoir should be differently defined, the reservoir operator may, on such map, show the boundary of such reservoir to be located at a location different than the location defined by the location of those wells around the periphery of such reservoir that had no gas

production when drilled into the storage stratum. 35683

Whenever the operator of a gas storage reservoir determines 35684
that the location of the boundary of such reservoir as shown on 35685
the most recent map thereof on file in the division pursuant to 35686
this section is incorrect, the reservoir operator shall file with 35687
the division an amended map showing the boundary of such reservoir 35688
to be located at the location that the reservoir operator then 35689
considers to be correct. 35690

(D) Each operator of a gas storage reservoir who files with 35691
the division a map as required by this section shall, at the end 35692
of each six-month period following the date of such filing, file 35693
with the division an amended map showing changes, if any, in the 35694
boundary line of such reservoir or of such reservoir's protective 35695
area that have occurred in the six-month period. Nothing in this 35696
division shall be construed to require such a reservoir operator 35697
to file an amended map at the end of any such six-month period if 35698
no such boundary changes have occurred in such period. 35699

An operator of a gas storage reservoir who is required by 35700
this section to file an amended map with the division shall not be 35701
required to so file such an amended map after such time when the 35702
reservoir operator files with the division a map pertaining to 35703
such reservoir, as provided in section 1571.04 of the Revised 35704
Code. 35705

Sec. 1571.03. (A) Every operator of a coal mine who is 35706
required by sections 1563.03 to 1563.05 of the Revised Code, to 35707
file maps of such mine, shall cause to be shown on each of such 35708
maps, in addition to the boundary lines of each tract under which 35709
excavations are likely to be made during the ensuing year, as 35710
referred to in section 1563.03 of the Revised Code: 35711

(1) The boundary of such coal mine in accordance with the 35712
meaning of the term "boundary" ~~when used in referring to the~~ 35713

~~boundary of a coal mine, and the term "coal mine" as those terms~~ 35714
~~are defined in section 1571.01 of the Revised Code;~~ 35715

(2) The boundary of the mine protective area of such mine. 35716

This division shall not be construed to amend or repeal any 35717
provisions of sections 1563.03 to 1563.05 of the Revised Code, 35718
either by implication or otherwise. 35719

This division is intended only to add to existing statutory 35720
requirements pertaining to the filing of coal mine maps with the 35721
division of mineral resources management, the requirements 35722
established in this division. 35723

(B) Every operator of a coal mine who believes that any part 35724
of the boundary of such mine is within two thousand linear feet of 35725
a well that is drilled through the horizon of such coal mine and 35726
into or through the storage stratum or strata of a gas storage 35727
reservoir within the boundary of such reservoir or within its 35728
protective area, shall at once send notice to that effect by 35729
registered mail to the operator of such reservoir, the division of 35730
mineral resources management, and ~~to~~ the division of oil and gas 35731
resources management. 35732

(C) Every operator of a coal mine who expects that any part 35733
of the boundary of such mine will, on a date after September 9, 35734
1957, be extended beyond its location on such date to a point 35735
within two thousand linear feet of a well that is drilled through 35736
the horizon of such mine and into or through the stratum or strata 35737
of a gas storage reservoir within the boundary of such reservoir 35738
or within its protective area, shall send at least nine months' 35739
notice of such date and of the location of such well by registered 35740
mail to the operator of such reservoir, the division of mineral 35741
resources management, and ~~to~~ the division of oil and gas resources 35742
management. If at the end of three years after the date stated in 35743
the notice by an operator of a coal mine to an operator of a 35744

storage reservoir as the date upon which part of the boundary of 35745
such coal mine is expected to be extended to a point within two 35746
thousand linear feet of such well, no part of such coal mine is so 35747
extended, the operator of such coal mine shall be liable to the 35748
operator of such storage reservoir for all expenses incurred by 35749
such reservoir operator in doing the plugging or reconditioning of 35750
such well as the reservoir operator is required to do in such 35751
cases as provided in section 1571.05 of the Revised Code. Such 35752
mine operator shall in no event be liable to such reservoir 35753
operator: 35754

(1) For expenses of plugging or reconditioning such well 35755
incurred prior to receipt by such reservoir operator from such 35756
mine operator of a notice as provided for in this division; 35757

(2) For any expenses of plugging or reconditioning such well 35758
if any part of the work of plugging or reconditioning was 35759
commenced prior to receipt by such reservoir operator from such 35760
mine operator of a notice as provided for in this division. 35761

(D) If a person intends to open a new coal mine after 35762
September 9, 1957, and if at the time of its opening any part of 35763
the boundary of such mine will be within two thousand linear feet 35764
of a well that is drilled through the horizon of such mine and 35765
into or through the storage stratum or strata of a gas storage 35766
reservoir within the boundary of such reservoir or within its 35767
protective area, such person shall send by registered mail to the 35768
operator of such storage reservoir, the division of mineral 35769
resources management, and ~~to~~ the division of oil and gas resources 35770
management at least nine months' notice of the date upon which the 35771
person intends to open such mine, and of the location of such 35772
well. If at the end of nine months after the date stated in the 35773
notice by an operator of a coal mine to an operator of a storage 35774
reservoir, the division of mineral resources management, and ~~to~~ 35775
the division of oil and gas resources management, as the date upon 35776

which such coal mine operator intends to open such new mine, such 35777
new mine is not opened, the operator of such coal mine shall be 35778
liable to the operator of such storage reservoir for all expenses 35779
incurred by such reservoir operator in doing the plugging or 35780
reconditioning of such well as the reservoir operator is required 35781
to do in such cases as provided in section 1571.05 of the Revised 35782
Code, provided: 35783

(1) That such mine operator may, prior to the end of nine 35784
months after the date stated in such mine operator's notice to 35785
such reservoir operator, the division of mineral resources 35786
management, and the division of oil and gas resources management 35787
as the date upon which the mine operator intended to open such new 35788
mine, notify such reservoir operator, the division of mineral 35789
resources management, and the division of oil and gas resources 35790
management in writing by registered mail, that the opening of such 35791
new mine will be delayed beyond the end of such nine-month period 35792
of time, and that the mine operator requests that a conference be 35793
held as provided in section 1571.10 of the Revised Code for the 35794
purpose of endeavoring to reach an agreement establishing a date 35795
subsequent to the end of such nine-month period of time, on or 35796
before which such mine operator may open such new mine without 35797
being liable to pay such reservoir operator expenses incurred by 35798
such reservoir operator in plugging or reconditioning such well as 35799
in this division provided; 35800

(2) That if such mine operator sends to such reservoir 35801
operator, the division of mineral resources management, and ~~to~~ the 35802
division of oil and gas resources management a notice and request 35803
for a conference as provided in division (D)(1) of this section, 35804
such mine operator shall not be liable to pay such reservoir 35805
operator for expenses incurred by such reservoir operator in 35806
plugging and reconditioning such well, unless such mine operator 35807
fails to open such new mine within the period of time fixed by an 35808

approved agreement reached in such conference, or fixed by an 35809
order by the chief of the division of ~~mineral~~ oil and gas 35810
resources management upon a hearing held in the matter in the 35811
event of failure to reach an approved agreement in the 35812
conference~~r~~. After issuing an order under this division, the chief 35813
shall notify the chief of the division of mineral resources 35814
management and send a copy of the order to the chief. 35815

(3) That such mine operator shall in no event be liable to 35816
such reservoir operator: 35817

(a) For expense of plugging or reconditioning such well 35818
incurred prior to the receipt by such reservoir operator from such 35819
mine operator of the notice of the date upon which such mine 35820
operator intends to open such new mine; 35821

(b) For any expense of plugging or reconditioning such well 35822
if any part of the work of plugging or reconditioning was 35823
commenced prior to receipt by such reservoir operator from such 35824
mine operator of such notice. 35825

Sec. 1571.04. (A) Upon the filing of each map or amended map 35826
with the division of ~~mineral~~ oil and gas resources management by 35827
operators of gas storage reservoirs as required by this chapter, 35828
and each coal mine map with the division of mineral resources 35829
management as required by sections 1563.03 to 1563.05 and division 35830
(A) of section 1571.03 of the Revised Code, the gas storage well 35831
inspector shall cause an examination to be made of all maps on 35832
file in ~~the division~~ those divisions as the gas storage well 35833
inspector may deem necessary to ascertain whether any part of a 35834
reservoir protective area as shown on any such map is within ten 35835
thousand linear feet of any part of the boundary of a coal mine as 35836
shown on any such map. If, upon making that examination, the gas 35837
storage well inspector finds that any part of such a reservoir 35838
protective area is within ten thousand linear feet of any part of 35839

the boundary of such a coal mine, the gas storage well inspector 35840
shall promptly send by registered mail notice to that effect to 35841
the operator of the reservoir and to the operator of the coal 35842
mine. 35843

(B) Within sixty days after receipt by an operator of a gas 35844
storage reservoir of a notice from the gas storage well inspector 35845
under division (A) of this section, such operator shall file on 35846
the same day with both the division ~~a map~~ of mineral resources 35847
management and the division of oil and gas resources management 35848
identical maps prepared by a registered surveyor, registered 35849
engineer, or competent geologist, which shall do all of the 35850
following: 35851

(1) Indicate the stratum or strata in which such gas storage 35852
reservoir is located; 35853

(2) Show the location of the boundary of the reservoir and 35854
the boundary of its protective area, and the known fixed 35855
monuments, corner stones, or other permanent markers in such 35856
boundary lines; 35857

(3) Show the boundary lines of the counties, townships, and 35858
sections or lots that are within the limits of such maps, and the 35859
name of each such county and township and the number of each such 35860
section or lot clearly indicated thereon; 35861

(4) Show the location of all oil or gas wells known to the 35862
operator of such reservoir that have been drilled within the 35863
boundary of the reservoir or within its protective area, and 35864
indicate which of such wells, if any, have been or are to be 35865
plugged or reconditioned for use in the operation of such 35866
reservoir. 35867

The location of the boundary of the gas storage reservoir as 35868
shown on the maps shall be defined by the location of those wells 35869
around the periphery of the reservoir that had no gas production 35870

when drilled into the storage stratum of the reservoir, provided 35871
that, if the operator of the reservoir, upon taking into 35872
consideration the number and nature of such wells, the geological 35873
and production knowledge of the storage stratum, its character, 35874
permeability, and distribution, and operating experience, 35875
determines that the location of the boundary of the reservoir 35876
should be differently defined, the reservoir operator may, on the 35877
maps, show the boundary of the reservoir to be located at a 35878
location different from the location defined by the location of 35879
those wells around the periphery of the reservoir that had no gas 35880
production when drilled into the storage stratum. 35881

(C) Any coal mine operator who receives from the gas storage 35882
well inspector a copy of a map as provided by division (E) of this 35883
section may request the gas storage well inspector to furnish the 35884
coal mine operator with: 35885

(1) The name of the original operator of any well shown on 35886
such map; 35887

(2) The date drilling of such well was completed; 35888

(3) The total depth of such well; 35889

(4) The depth at which oil or gas was encountered in such 35890
well if it was productive of oil or gas; 35891

(5) The initial rock pressure of such well; 35892

(6) A copy of the log of the driller of such well or other 35893
similar data; 35894

(7) The location of such well in respect to the property 35895
lines of the tract of land on which it is located; 35896

(8) A statement as to whether the well is inactive or active: 35897

(a) If inactive, the date of plugging and other pertinent 35898
data; 35899

(b) If active, whether it is being used for test purposes or 35900

storage purposes~~+~~. 35901

(9) A statement of the maximum injection pressure 35902
contemplated by the operator of the reservoir shown on such map. 35903

Upon receipt of such a request, the gas storage well 35904
inspector shall promptly furnish the coal mine operator the 35905
information requested. If the information is not ascertainable 35906
from the files in the division of oil and gas resources 35907
management, the gas storage well inspector shall request the 35908
reservoir operator to furnish the division with such information 35909
to the extent that the reservoir operator has knowledge thereof. 35910
Upon receipt of such a request, the reservoir operator shall 35911
promptly furnish such information to the division. Thereupon the 35912
gas storage well inspector shall promptly transmit such 35913
information to the mine operator who requested it. 35914

Whenever the operator of a gas storage reservoir determines 35915
that the location of the boundary of the reservoir as shown on the 35916
most recent map thereof on file in the division pursuant to this 35917
section is incorrect, the reservoir operator shall file with the 35918
division an amended map showing the boundary of the reservoir to 35919
be located at the location that the reservoir operator then 35920
considers to be correct. 35921

(D) Each operator of a gas storage reservoir who files a ~~map~~ 35922
with the division of mineral resources management and the division 35923
of oil and gas resources management maps as required by this 35924
section shall, at the end of each six-month period following the 35925
date of such filing, file with ~~the~~ each division ~~an~~ identical 35926
amended ~~map~~ maps showing changes in the boundary line of the 35927
reservoir or of the reservoir's protective area that have occurred 35928
in the six-month period, and further showing or describing any 35929
other occurrences within that six-month period that cause the most 35930
recent ~~map~~ maps on file and pertaining to the reservoir to no 35931
longer be correct. Nothing in this division shall be construed to 35932

require such a reservoir operator to file an amended map at the 35933
end of any such six-month period if no boundary changes or other 35934
occurrences have occurred in that period. The operator of the 35935
reservoir shall also file with the division of mineral resources 35936
management and the division of oil and gas resources management, 35937
subsequent to the filing of ~~a map~~ maps as provided for in division 35938
(B) of this section, a statement whenever changing the maximum 35939
injection pressure is contemplated, stating for each affected well 35940
within the boundary of the reservoir or its protective area, the 35941
amount of change of injection pressure contemplated. The location 35942
or drilling of new wells or the abandonment or reconditioning of 35943
wells shall not be considered to be occurrences requiring the 35944
filing of an amended map or statement. 35945

(E) Promptly upon the filing with the division of oil and gas 35946
resources management of a map or an amended map pertaining to a 35947
gas storage reservoir under this section, the gas storage well 35948
inspector shall send by registered mail to the operator of the 35949
coal mine a part of the boundary of which is within ten thousand 35950
linear feet of any part of the boundary of the reservoir or of the 35951
outside boundary of the reservoir's protective area, notice of the 35952
filing together with a copy of the map. 35953

(F) When the operator of a gas storage reservoir files with 35954
the division ~~a map~~ of mineral resources management and the 35955
division of oil and gas resources management maps or ~~an~~ amended 35956
~~map~~ maps under this section, the reservoir operator shall file as 35957
many copies of the ~~map~~ maps as ~~the~~ each division may require for 35958
its files and as are needed for sending a copy to each coal mine 35959
operator under division (E) of this section. 35960

Sec. 1571.05. (A) Whenever any part of a gas storage 35961
reservoir or any part of its protective area underlies any part of 35962
a coal mine, or is, or within nine months is expected or intended 35963

to be, within two thousand linear feet of the boundary of a coal mine that is operating in a coal seam any part of which extends over any part of the storage reservoir or its protective area, the operator of the reservoir, if the reservoir operator or some other reservoir operator has not theretofore done so, shall:

(1) Use every known method that is reasonable under the circumstance for discovering and locating all wells drilled within the area of the reservoir or its protective area that underlie any part of the coal mine or its protective area;

(2) Plug or recondition all known wells drilled within the area of the reservoir or its protective area that underlie any part of the coal mine.

(B) Whenever an operator of a gas storage reservoir is notified by the operator of a coal mine, as provided in division (B) of section 1571.03 of the Revised Code, that the coal mine operator believes that part of the boundary of the mine is within two thousand linear feet of a well that is drilled through the horizon of the coal mine and into or through the storage stratum or strata of the reservoir within the boundary of the reservoir or within its protective area, the reservoir operator shall plug or recondition the well as in this section prescribed, unless it is agreed in a conference or is ordered by the chief of the division of ~~mineral~~ oil and gas resources management after a hearing, as provided in section 1571.10 of the Revised Code, that the well referred to in the notice is not such a well as is described in division (B) of section 1571.03 of the Revised Code.

Whenever an operator of a gas storage reservoir is notified by the operator of a coal mine as provided in division (C) or (D) of section 1571.03 of the Revised Code, that part of the boundary of the mine is, or within nine months is intended or expected to be, within two thousand linear feet of a well that is drilled through the horizon of the mine and into or through the storage

stratum or strata of the reservoir within the boundary of the 35996
reservoir or within its protective area, the reservoir operator 35997
shall plug or recondition the well as in this section prescribed. 35998

Whenever the operator of a coal mine considers that the use 35999
of a well such as in this section described, if used for injecting 36000
gas into, or storing gas in, or removing gas from, a gas storage 36001
reservoir, would be hazardous to the safety of persons or property 36002
on or in the vicinity of the premises of the coal mine or the 36003
reservoir or well, the coal mine operator may file with the 36004
division objections to the use of the well for such purposes, and 36005
a request that a conference be held as provided in section 1571.10 36006
of the Revised Code, to discuss and endeavor to resolve by mutual 36007
agreement whether or not the well shall or shall not be used for 36008
such purposes, and whether or not the well shall be reconditioned, 36009
inactivated, or plugged. The request shall set forth the mine 36010
operator's reasons for such objections. If no approved agreement 36011
is reached in the conference, the gas storage well inspector shall 36012
within ten days after the termination of the conference, file with 36013
the chief a request that the chief hear and determine the matters 36014
considered at the conference as provided in section 1571.10 of the 36015
Revised Code. Upon conclusion of the hearing, the chief shall find 36016
and determine whether or not the safety of persons or of the 36017
property on or in the vicinity of the premises of the coal mine, 36018
or the reservoir, or the well requires that the well be 36019
reconditioned, inactivated, or plugged, and shall make an order 36020
consistent with that determination, provided that the chief shall 36021
not order a well plugged unless the chief first finds that there 36022
is underground leakage of gas therefrom. 36023

The plugging or reconditioning of each well described in a 36024
notice from a coal mine operator to a reservoir operator as 36025
provided in division (B) of section 1571.03 of the Revised Code, 36026
which must be plugged or reconditioned, shall be completed within 36027

such time as the gas storage well inspector may fix in the case of 36028
each such well. The plugging or reconditioning of each well 36029
described in a notice from a coal mine operator to a reservoir 36030
operator as provided in division (C) of section 1571.03 of the 36031
Revised Code, which must be plugged or reconditioned, shall be 36032
completed by the time the well, by reason of the extension of the 36033
boundary of the coal mine, is within two thousand linear feet of 36034
any part of the boundary of the mine. The plugging or 36035
reconditioning of each well described in a notice from a coal mine 36036
operator to a reservoir operator, as provided in division (D) of 36037
section 1571.03 of the Revised Code, which must be plugged or 36038
reconditioned, shall be completed by the time the well, by reason 36039
of the opening of the new mine, is within two thousand linear feet 36040
of any part of the boundary of the new mine. A reservoir operator 36041
who is required to complete the plugging or reconditioning of a 36042
well within a period of time fixed as in this division prescribed, 36043
may prior to the end of that period of time, notify the division 36044
and the mine operator from whom the reservoir operator received a 36045
notice as provided in division (B), (C), or (D) of section 1571.03 36046
of the Revised Code, in writing by registered mail, that the 36047
completion of the plugging or reconditioning of the well referred 36048
to in the notice will be delayed beyond the end of the period of 36049
time fixed therefor as in this section provided, and that the 36050
reservoir operator requests that a conference be held for the 36051
purpose of endeavoring to reach an agreement establishing a date 36052
subsequent to the end of that period of time, on or before which 36053
the reservoir operator may complete the plugging or reconditioning 36054
without incurring any penalties for failure to do so as provided 36055
in this chapter. If such a reservoir operator sends to such a mine 36056
operator and to the division a notice and request for a conference 36057
as in this division provided, the reservoir operator shall not 36058
incur any penalties for failure to complete the plugging or 36059
reconditioning of the well within the period of time fixed as in 36060

this division prescribed, unless the reservoir operator fails to 36061
complete the plugging or reconditioning of the well within the 36062
period of time fixed by an approved agreement reached in the 36063
conference, or fixed by an order by the chief upon a hearing held 36064
in the matter in the event of failure to reach an approved 36065
agreement in the conference. 36066

Whenever, in compliance with this division, a well is to be 36067
plugged by a reservoir operator, the operator shall give to the 36068
division notice thereof, as many days in advance as will be 36069
necessary for the gas storage well inspector or a deputy mine 36070
inspector to be present at the plugging. The notification shall be 36071
made on blanks furnished by the division and shall show the 36072
following information: 36073

(1) Name and address of the applicant; 36074

(2) The location of the well identified by section or lot 36075
number, city or village, and township and county; 36076

(3) The well name and number of each well to be plugged. 36077

(C) The operator shall give written notice at the same time 36078
to the owner of the land upon which the well is located, the 36079
owners or agents of the adjoining land, and adjoining well owners 36080
or agents of the operator's intention to abandon the well, and of 36081
the time when the operator will be prepared to commence plugging 36082
and filling the same. In addition to giving such notices, the 36083
reservoir operator shall also at the same time send a copy of the 36084
notice by registered mail to the coal mine operator, if any, who 36085
sent to the reservoir operator the notice as provided in division 36086
(B), (C), or (D) of section 1571.03 of the Revised Code, in order 36087
that the coal mine operator or the coal mine operator's designated 36088
representative may attend and observe the manner in which the 36089
plugging of the well is done. 36090

If the reservoir operator plugs the well without ~~an~~ the gas 36091

storage well inspector ~~from the division~~ or a deputy mine 36092
inspector being present to supervise the plugging, the reservoir 36093
operator shall send to the division and to the coal mine operator 36094
a copy of the report of the plugging of the well, including in the 36095
report: 36096

- (1) The date of abandonment; 36097
- (2) The name of the owner or operator of the well at the time 36098
of abandonment and the well owner's or operator's post office 36099
address; 36100
- (3) The location of the well as to township and county and 36101
the name of the owner of the surface upon which the well is 36102
drilled, with the address thereof; 36103
- (4) The date of the permit to drill; 36104
- (5) The date when drilled; 36105
- (6) Whether the well has been mapped; 36106
- (7) The depth of the well; 36107
- (8) The depth of the top of the sand to which the well was 36108
drilled; 36109
- (9) The depth of each seam of coal drilled through; 36110
- (10) A detailed report as to how the well was plugged, giving 36111
in particular the manner in which the coal and various sands were 36112
plugged, and the date of the plugging of the well, including 36113
therein the names of those who witnessed the plugging of the well. 36114

The report shall be signed by the operator or the operator's 36115
agent who plugged the well and verified by the oath of the party 36116
so signing. For the purposes of this section, a deputy mine 36117
inspector may take acknowledgements and administer oaths to the 36118
parties signing the report. 36119

Whenever, in compliance with this division, a well is to be 36120

reconditioned by a reservoir operator, the operator shall give to 36121
the division notice thereof as many days before the reconditioning 36122
is begun as will be necessary for the gas storage well inspector, 36123
or a deputy mine inspector, to be present at the reconditioning. 36124
No well shall be reconditioned if an inspector of the division is 36125
not present unless permission to do so has been granted by the 36126
chief. The reservoir operator, at the time of giving notice to the 36127
division as in this section required, also shall send a copy of 36128
the notice by registered mail to the coal mine operator, if any, 36129
who sent to the reservoir operator the notice as provided in 36130
division (B), (C), or (D) of section 1571.03 of the Revised Code, 36131
in order that the coal mine operator or the coal mine operator's 36132
designated representative may attend and observe the manner in 36133
which the reconditioning of the well is done. 36134

If the reservoir operator reconditions the well when ~~no~~ the 36135
gas storage well inspector ~~of the division~~ or a deputy mine 36136
inspector is not present to supervise the reconditioning, the 36137
reservoir operator shall make written report to the division 36138
describing the manner in which the reconditioning was done, and 36139
shall send to the coal mine operator a copy of the report by 36140
registered mail. 36141

(D) Wells that are required by this section to be plugged 36142
shall be plugged in the manner specified in sections 1509.13 to 36143
1509.17 of the Revised Code, and the operator shall give the 36144
notifications and reports required by divisions (B) and (C) of 36145
this section. No such well shall be plugged or abandoned without 36146
the written approval of the division, and no such well shall be 36147
mudded, plugged, or abandoned without the gas storage well 36148
inspector or a deputy mine inspector present unless written 36149
permission has been granted by the chief or the gas storage well 36150
inspector. For purposes of this section, the chief of the division 36151
of mineral resources management has the authority given the chief 36152

of the division of oil and gas resources management in sections 1509.15 and 1509.17 of the Revised Code. If such a well has been plugged prior to the time plugging thereof is required by this section, and, on the basis of the data, information, and other evidence available it is determined that the plugging was done in the manner required by this section, or was done in accordance with statutes prescribing the manner of plugging wells in effect at the time the plugging was done, and that there is no evidence of leakage of gas from the well either at or below the surface, and that the plugging is sufficiently effective to prevent the leakage of gas from the well, the obligations imposed upon the reservoir operator by this section as to plugging the well shall be considered fully satisfied. The operator of a coal mine any part of the boundary of which is, or within nine months is expected or intended to be, within two thousand linear feet of the well may at any time raise a question as to whether the plugging of the well is sufficiently effective to prevent the leakage of gas therefrom, and the issue so made shall be determined by a conference or hearing as provided in section 1571.10 of the Revised Code.

(E) Wells that are to be reconditioned as required by this section shall be, or shall be made to be:

(1) Cased in accordance with the statutes of this state in effect at the time the wells were drilled, with the casing being, or made to be, sufficiently effective in that there is no evidence of any leakage of gas therefrom;

(2) Equipped with a producing string and well head composed of new pipe, or pipe as good as new, and fittings designed to operate with safety and to contain the stored gas at maximum pressures contemplated.

When a well that is to be reconditioned as required by this section has been reconditioned for use in the operation of the

reservoir prior to the time prescribed in this section, and on the 36185
basis of the data, information, and other evidence available it is 36186
determined that at the time the well was so reconditioned the 36187
requirements prescribed in this division were met, and that there 36188
is no evidence of underground leakage of gas from the well, and 36189
that the reconditioning is sufficiently effective to prevent 36190
underground leakage from the well, the obligations imposed upon 36191
the reservoir operator by this section as to reconditioning the 36192
well shall be considered fully satisfied. Any operator of a coal 36193
mine any part of the boundary of which is, or within nine months 36194
is expected or intended to be, within two thousand linear feet of 36195
the well may at any time raise a question as to whether the 36196
reconditioning of the well is sufficiently effective to prevent 36197
underground leakage of gas therefrom, and the issue so made shall 36198
be determined by a conference or hearing as provided in section 36199
1571.10 of the Revised Code. 36200

If the gas storage well inspector at any time finds that a 36201
well that is drilled through the horizon of a coal mine and into 36202
or through the storage stratum or strata of a reservoir within the 36203
boundary of the reservoir or within its protective area is located 36204
within the boundary of the coal mine or within two thousand linear 36205
feet of the mine boundary, and was drilled prior to the time the 36206
statutes of this state required that wells be cased, and that the 36207
well fails to meet the casing and equipping requirements 36208
prescribed in this division, the gas storage well inspector shall 36209
promptly notify the operator of the reservoir thereof in writing, 36210
and the reservoir operator upon receipt of the notice shall 36211
promptly recondition the well in the manner prescribed in this 36212
division for reconditioning wells, unless, in a conference or 36213
hearing as provided in section 1571.10 of the Revised Code, a 36214
different course of action is agreed upon or ordered. 36215

(F)(1) When a well within the boundary of a gas storage 36216

reservoir or within the reservoir's protective area penetrates the 36217
storage stratum or strata of the reservoir, but does not penetrate 36218
the coal seam within the boundary of a coal mine, the gas storage 36219
well inspector may, upon application of the operator of the 36220
storage reservoir, exempt the well from the requirements of this 36221
section. Either party affected by the action of the gas storage 36222
well inspector may request a conference and hearing with respect 36223
to the exemption. 36224

(2) When a well located within the boundary of a storage 36225
reservoir or a reservoir's protective area is a producing well in 36226
a stratum above or below the storage stratum, the obligations 36227
imposed by this section shall not begin until the well ceases to 36228
be a producing well. 36229

(G) When retreat mining reaches a point in a coal mine when 36230
the operator of the mine expects that within ninety days retreat 36231
work will be at the location of a pillar surrounding an active 36232
storage reservoir well, the operator of the mine shall promptly 36233
send by registered mail notice to that effect to the operator of 36234
the reservoir. Thereupon the operators may by agreement determine 36235
whether it is necessary or advisable to temporarily inactivate the 36236
well. If inactivated, the well shall not be reactivated until a 36237
reasonable period of time has elapsed, such period of time to be 36238
determined by agreement by the operators. In the event that the 36239
parties cannot agree upon either of the foregoing matters, the 36240
question shall be submitted to the gas storage well inspector for 36241
a conference in accordance with section 1571.10 of the Revised 36242
Code. 36243

(H)(1) The provisions of this section that require the 36244
plugging or reconditioning of wells shall not apply to such wells 36245
as are used to inject gas into, store gas in, or remove gas from a 36246
gas storage reservoir when the sole purpose of the injection, 36247
storage, or removal is testing. The operator of a gas storage 36248

reservoir who injects gas into, stores gas in, or removes gas from 36249
a reservoir for the sole purpose of testing shall be subject to 36250
all other provisions of this chapter that are applicable to 36251
operators of reservoirs. 36252

(2) If the injection of gas into, or storage of gas in, a gas 36253
storage reservoir any part of which, or of the protective area of 36254
which, is within the boundary of a coal mine is begun after 36255
September 9, 1957, and if the injection or storage of gas is for 36256
the sole purpose of testing, the operator of the reservoir shall 36257
send by registered mail to the operator of the coal mine, the 36258
division of oil and gas resources management, and ~~to~~ the division 36259
of mineral resources management at least sixty days' notice of the 36260
date upon which the testing will be begun. 36261

If at any time within the period of time during which testing 36262
of a reservoir is in progress, any part of the reservoir or of its 36263
protective area comes within any part of the boundary of a coal 36264
mine, the operator of the reservoir shall promptly send notice to 36265
that effect by registered mail to the operator of the mine, the 36266
division of oil and gas resources management, and ~~to~~ the division 36267
of mineral resources management. 36268

(3) Any coal mine operator who receives a notice as provided 36269
for in division (H)(2) of this section may within thirty days of 36270
the receipt thereof file with the division objections to the 36271
testing. The gas storage well inspector also may, within the time 36272
within which a coal mine operator may file an objection, place in 36273
the files of the division objections to the testing. The reservoir 36274
operator shall comply throughout the period of the testing 36275
operations with all conditions and requirements agreed upon and 36276
approved in the conference on such objections conducted as 36277
provided in section 1571.10 of the Revised Code, or in an order 36278
made by the chief following a hearing in the matter as provided in 36279
section 1571.10 of the Revised Code. If in complying with the 36280

agreement or order either the reservoir operator or the coal mine 36281
operator encounters or discovers conditions that were not known to 36282
exist at the time of the conference or hearing and that materially 36283
affect the agreement or order, or the ability of the reservoir 36284
operator to comply therewith, either operator may apply for a 36285
rehearing or modification of the order. 36286

(I) In addition to complying with all other provisions of 36287
this chapter and any lawful orders issued thereunder, the operator 36288
of each gas storage reservoir shall keep all wells drilled into or 36289
through the storage stratum or strata within the boundary of the 36290
operator's reservoir or within the reservoir's protective area in 36291
such condition, and operate the same in such manner, as to prevent 36292
the escape of gas therefrom into any coal mine, and shall operate 36293
and maintain the storage reservoir and its facilities in such 36294
manner and at such pressures as will prevent gas from escaping 36295
from the reservoir or its facilities into any coal mine. 36296

Sec. 1571.06. (A) Distances between boundaries of gas storage 36297
reservoirs, reservoir protective areas, coal mines, coal mine 36298
protective areas, and wells, as shown on the most recent maps of 36299
storage reservoirs and of coal mines filed with the division of 36300
oil and gas resources management or the division of mineral 36301
resources management as required by this chapter and sections 36302
1563.03 to 1563.05 of the Revised Code, may be accepted and relied 36303
upon as being accurate and correct, by operators of coal mines and 36304
operators of reservoirs. Data, statements, and reports filed with 36305
~~the~~ either division as required by this chapter and sections 36306
1563.03 to 1563.05 of the Revised Code may be likewise accepted 36307
and relied upon. However, the gas storage well inspector or any 36308
reservoir operator or coal mine operator, or any other person 36309
having a direct interest in the matter, may at any time question 36310
the accuracy or correctness of any map, data, statement, or report 36311
so filed, with ~~the~~ either division by notifying ~~the division~~ both 36312

divisions thereof in writing. Such notice shall state the reasons 36313
why the question is raised. When any such notice is so filed, the 36314
gas storage well inspector shall proceed promptly to hold a 36315
conference on the question thus raised, as provided in section 36316
1571.10 of the Revised Code. 36317

(B) If, in any proceeding under this chapter, the accuracy or 36318
correctness of any map, data, statement, or report, filed by any 36319
person pursuant to the requirements of this chapter is in 36320
question, the person so filing the same shall have the burden of 36321
proving the accuracy or correctness thereof. 36322

(C) The operator of a gas storage reservoir shall, at all 36323
reasonable times, be permitted to inspect the premises and 36324
facilities of any coal mine any part of the boundary of which is 36325
within any part of the boundary of such gas storage reservoir or 36326
within its protective area, and the operator of a coal mine shall, 36327
at all reasonable times, be permitted to inspect the premises and 36328
facilities of any gas storage reservoir any part of the boundary 36329
of which or any part of the protective area of which is within the 36330
boundary of such coal mine. In the event that either such 36331
reservoir operator or such coal mine operator denies permission to 36332
make any such inspection, the chief of the division of ~~mineral oil~~ 36333
and gas resources management on the chief's own motion, or on an 36334
application by the operator desiring to make such inspection, upon 36335
a hearing thereon if requested by either operator, after 36336
reasonable notice of such hearing, may make an order providing for 36337
such inspection. 36338

Sec. 1571.08. (A) Whenever in this chapter, the method or 36339
material to be used in discharging any obligations imposed by this 36340
chapter is specified, an alternative method or material may be 36341
used if approved by the gas storage well inspector or the chief of 36342
the division of ~~mineral oil~~ and gas resources management. A person 36343

desiring to use such alternative method or material shall file 36344
with the division of ~~mineral~~ oil and gas resources management an 36345
application for permission to do so. Such application shall 36346
describe such alternative method or material in reasonable detail. 36347
The gas storage well inspector shall promptly send by registered 36348
mail notice of the filing of such application to any coal mine 36349
operator or reservoir operator whose mine or reservoir may be 36350
directly affected thereby. Any such coal mine operator or 36351
reservoir operator may within ten days following receipt of such 36352
notice, file with the division objections to such application. The 36353
gas storage well inspector may also file with the division an 36354
objection to such application at any time during which coal mine 36355
operators or reservoir operators are permitted to file objections. 36356
If no objections are filed within the ten-day period of time, the 36357
gas storage well inspector shall thereupon issue a permit 36358
approving the use of such alternative method or material. If any 36359
such objections are filed by any coal mine operator or reservoir 36360
operator, or by the gas storage well inspector, the question as to 36361
whether or not the use of such alternative method or material, or 36362
a modification thereof is approved, shall be determined by a 36363
conference or hearing as provided in section 1571.10 of the 36364
Revised Code. 36365

(B) Whenever in this chapter, provision is made for the 36366
filing of objections with the division, such objections shall be 36367
in writing and shall state as definitely as is reasonably possible 36368
the reasons for such objections. Upon the filing of any such 36369
objection the gas storage well inspector shall promptly fix the 36370
time and place for holding a conference for the purpose of 36371
discussing and endeavoring to resolve by mutual agreement the 36372
issue raised by such objection. The gas storage well inspector 36373
shall send written notice thereof by registered mail to each 36374
person having a direct interest therein. Thereupon the issue made 36375
by such objection shall be determined by a conference or hearing 36376

in accordance with the procedures for conferences and hearings as 36377
provided in section 1571.10 of the Revised Code. 36378

Sec. 1571.09. (A) The chief of the division of ~~mineral oil~~ oil 36379
and gas resources management or any officer or employee of the 36380
division thereunto duly authorized by the chief may investigate, 36381
inspect, or examine records and facilities of any coal mine 36382
operator or reservoir operator, for the purpose of determining the 36383
accuracy or correctness of any map, data, statement, report, or 36384
other item or article, filed with or otherwise received by the 36385
division pursuant to this chapter. When a material question is 36386
raised by any reservoir operator or coal mine operator as to the 36387
accuracy or correctness of any such map, data, statement, report, 36388
or other item or article, which may directly affect the reservoir 36389
operator or coal mine operator, the matter shall be determined by 36390
a conference or hearing as provided in section 1571.10 of the 36391
Revised Code. 36392

(B) The division of ~~mineral oil and gas~~ oil and gas resources management 36393
shall keep all maps, data, statements, reports, well logs, 36394
notices, or other items or articles filed with or otherwise 36395
received by it pursuant to this chapter in a safe place and 36396
conveniently accessible to persons entitled to examine them. It 36397
shall maintain indexes of all such items and articles so that any 36398
of them may be promptly located. None of such items or articles 36399
shall be open to public inspection, but: (1) any of such items or 36400
articles pertaining to a mine may be examined by: the operator, 36401
owner, lessee, or agent of such mine; persons financially 36402
interested in such mine; owners of land adjoining such mine; the 36403
operator, owner, lessee, or agent of a mine adjoining such mine; 36404
authorized representatives of the persons employed to work in such 36405
mine; the operator of a gas storage reservoir any part of the 36406
boundary of which or of the boundary of its protective area is 36407
within ten thousand linear feet of the boundary of such mine, or 36408

the agent of such reservoir operator thereunto authorized by such 36409
reservoir operator; or any employee of the division of geological 36410
survey in the department of natural resources thereunto duly 36411
authorized by the chief of that division; and (2) any of such 36412
items or articles pertaining to a gas storage reservoir may be 36413
examined by: the operator of such reservoir; the operator of a 36414
coal mine any part of the boundary of which is within ten thousand 36415
linear feet of the boundary of a gas storage reservoir or of the 36416
boundary of its protective area, or the agent of such mine 36417
operator thereunto authorized by such mine operator, or the 36418
authorized representatives of the persons employed to work in such 36419
mine; or any employee of the division of geological survey 36420
thereunto duly authorized by the chief of that division. The 36421
division of ~~mineral~~ oil and gas resources management shall not 36422
permit any of such items or articles to be removed from its 36423
office, and it shall not furnish copies of any such items or 36424
articles to any person other than as provided in this chapter. 36425

The division shall keep a docket of all proceedings arising 36426
under this chapter, in which shall be entered the dates of any 36427
notice received or issued, the names of all persons to whom it 36428
sends a notice, and the address of each, the dates of conferences 36429
and hearings, and all findings, determinations, decisions, 36430
rulings, and orders, or other actions by the division. 36431

(C) Whenever any provision of this chapter requires the 36432
division to give notice to the operator of a coal mine of any 36433
proceeding to be held pursuant to this chapter, the division shall 36434
simultaneously give a copy of such notice to the authorized 36435
representatives of the persons employed to work in such mine. 36436

Sec. 1571.10. (A) The gas storage well inspector or any 36437
person having a direct interest in the administration of this 36438
chapter may at any time file with the division of ~~mineral~~ oil and 36439

gas resources management a written request that a conference be 36440
held for the purpose of discussing and endeavoring to resolve by 36441
mutual agreement any question or issue relating to the 36442
administration of this chapter, or to compliance with its 36443
provisions, or to any violation thereof. Such request shall 36444
describe the matter concerning which the conference is requested. 36445
Thereupon the gas storage well inspector shall promptly fix the 36446
time and place for the holding of such conference and shall send 36447
written notice thereof to each person having a direct interest 36448
therein. At such conference the gas storage well inspector or a 36449
representative of the division designated by the gas storage well 36450
inspector shall be in attendance, and shall preside at the 36451
conference, and the gas storage well inspector or designated 36452
representative may make such recommendations as the gas storage 36453
well inspector or designated representative deems proper. Any 36454
agreement reached at such conference shall be consistent with the 36455
requirements of this chapter and, if approved by the gas storage 36456
well inspector, it shall be reduced to writing and shall be 36457
effective. Any such agreement approved by the gas storage well 36458
inspector shall be kept on file in the division and a copy thereof 36459
shall be furnished to each of the persons having a direct interest 36460
therein. The conference shall be deemed terminated as of the date 36461
an approved agreement is reached or when any person having a 36462
direct interest therein refuses to confer thereafter. Such a 36463
conference shall be held in all cases prior to the holding of a 36464
hearing as provided in this section. 36465

(B) Within ten days after the termination of a conference at 36466
which no approved agreement is reached, any person who 36467
participated in such conference and who has a direct interest in 36468
the subject matter thereof, or the gas storage well inspector, may 36469
file with the chief of the division of ~~mineral~~ oil and gas 36470
resources management a request that the chief hear and determine 36471
the matter or matters, or any part thereof considered at the 36472

conference. Thereupon the chief shall promptly fix the time and 36473
place for the holding of such hearing and shall send written 36474
notice thereof to each person having a direct interest therein. 36475
The form of the request for such hearing and the conduct of the 36476
hearing shall be in accordance with rules that the chief adopts 36477
under section 1571.11 of the Revised Code. Consistent with the 36478
requirement for reasonable notice each such hearing shall be held 36479
promptly after the filing of the request therefor. Any person 36480
having a direct interest in the matter to be heard shall be 36481
entitled to appear and be heard in person or by attorney. The 36482
division may present at such hearing any evidence that is material 36483
to the matter being heard and that has come to the division's 36484
attention in any investigation or inspection made pursuant to this 36485
chapter. 36486

(C) For the purpose of conducting such a hearing the chief 36487
may require the attendance of witnesses and the production of 36488
books, records, and papers, and the chief may, and at the request 36489
of any person having a direct interest in the matter being heard, 36490
the chief shall, issue subpoenas for witnesses or subpoenas duces 36491
tecum to compel the production of any books, records, or papers, 36492
directed to the sheriffs of the counties where such witnesses are 36493
found, which subpoenas shall be served and returned in the same 36494
manner as subpoenas in criminal cases are served and returned. The 36495
fees of sheriffs shall be the same as those allowed by the court 36496
of common pleas in criminal cases. Witnesses shall be paid the 36497
fees and mileage provided for under section 119.094 of the Revised 36498
Code. Such fee and mileage expenses shall be paid in advance by 36499
the persons at whose request they are incurred, and the remainder 36500
of such expenses shall be paid out of funds appropriated for the 36501
expenses of the division. 36502

In case of disobedience or neglect of any subpoena served on 36503
any person, or the refusal of any witness to testify to any matter 36504

regarding which the witness may be lawfully interrogated, the 36505
court of common pleas of the county in which such disobedience, 36506
neglect, or refusal occurs, or any judge thereof, on application 36507
of the chief, shall compel obedience by attachment proceedings for 36508
contempt as in the case of disobedience of the requirements of a 36509
subpoena issued from such court or a refusal to testify therein. 36510
Witnesses at such hearings shall testify under oath, and the chief 36511
may administer oaths or affirmations to persons who so testify. 36512

(D) With the consent of the chief, the testimony of any 36513
witness may be taken by deposition at the instance of a party to 36514
any hearing before the chief at any time after hearing has been 36515
formally commenced. The chief may, of the chief's own motion, 36516
order testimony to be taken by deposition at any stage in any 36517
hearing, proceeding, or investigation pending before the chief. 36518
Such deposition shall be taken in the manner prescribed by the 36519
laws of this state for taking depositions in civil cases in courts 36520
of record. 36521

(E) After the conclusion of a hearing the chief shall make a 36522
determination and finding of facts. Every adjudication, 36523
determination, or finding by the chief shall be made by written 36524
order and shall contain a written finding by the chief of the 36525
facts upon which the adjudication, determination, or finding is 36526
based. Notice of the making of such order shall be given to the 36527
persons whose rights, duties, or privileges are affected thereby, 36528
by sending a certified copy thereof by registered mail to each of 36529
such persons. 36530

Adjudications, determinations, findings, and orders made by 36531
the chief shall not be governed by, or be subject to, Chapter 119. 36532
of the Revised Code. 36533

Sec. 1571.11. The chief of the division of ~~mineral~~ oil and 36534
gas resources management shall adopt rules governing 36535

administrative procedures to be followed in the administration of 36536
this chapter, which shall be of general application in all matters 36537
and to all persons affected by this chapter. 36538

No rule adopted by the chief pursuant to this section shall 36539
be effective until the tenth day after a certified copy thereof 36540
has been filed in the office of the secretary of state. 36541

All rules filed in the office of the secretary of state 36542
pursuant to this section shall be recorded by the secretary of 36543
state under a heading entitled "Regulations relating to the 36544
storage of gas in underground gas storage reservoirs" and shall be 36545
numbered consecutively under such heading and shall bear the date 36546
of filing. Such rules shall be public records open to public 36547
inspection. 36548

No rule filed in the office of the secretary of state 36549
pursuant to this section shall be amended except by a rule that 36550
contains the entire rule as amended and that repeals the rule 36551
amended. Each rule that amends a rule shall bear the same 36552
consecutive rule number as the number of the rule that it amends, 36553
and it shall bear the date of filing. 36554

No rule filed in the office of the secretary of state 36555
pursuant to this section shall be repealed except by a rule. Each 36556
rule that repeals a rule shall bear the same consecutive rule 36557
number as the number of the rule that it repeals, and it shall 36558
bear the date of filing. 36559

The authority and the duty of the chief to adopt rules as 36560
provided in this section shall not be governed by, or be subject 36561
to Chapter 119. of the Revised Code. 36562

The chief shall have available at all times copies of all 36563
rules adopted pursuant to this section, and shall furnish same 36564
free of charge to any person requesting same. 36565

Sec. 1571.14. Any person claiming to be aggrieved or 36566
adversely affected by an order of the chief of the division of 36567
~~mineral oil and gas~~ resources management made as provided in 36568
section 1571.10 or 1571.16 of the Revised Code may appeal to the 36569
director of natural resources for an order vacating or modifying 36570
such order. Upon receipt of the appeal, the director shall appoint 36571
an individual who has knowledge of the laws and rules regarding 36572
the underground storage of gas and who shall act as a hearing 36573
officer in accordance with Chapter 119. of the Revised Code in 36574
hearing the appeal. 36575

The person appealing to the director shall be known as 36576
appellant and the chief shall be known as appellee. The appellant 36577
and the appellee shall be deemed parties to the appeal. 36578

The appeal shall be in writing and shall set forth the order 36579
complained of and the grounds upon which the appeal is based. The 36580
appeal shall be filed with the director within thirty days after 36581
the date upon which appellant received notice by registered mail 36582
of the making of the order complained of, as required by section 36583
1571.10 of the Revised Code. Notice of the filing of such appeal 36584
shall be delivered by appellant to the chief within three days 36585
after the appeal is filed with the director. 36586

Within seven days after receipt of the notice of appeal the 36587
chief shall prepare and certify to the director at the expense of 36588
appellant a complete transcript of the proceedings out of which 36589
the appeal arises, including a transcript of the testimony 36590
submitted to the chief. 36591

Upon the filing of the appeal the director shall fix the time 36592
and place at which the hearing on the appeal will be held, and 36593
shall give appellant and the chief at least ten days' written 36594
notice thereof by mail. The director may postpone or continue any 36595
hearing upon the director's own motion or upon application of 36596

appellant or of the chief. 36597

The filing of an appeal provided for in this section does not 36598
automatically suspend or stay execution of the order appealed 36599
from, but upon application by the appellant the director may 36600
suspend or stay such execution pending determination of the appeal 36601
upon such terms as the director deems proper. 36602

The hearing officer appointed by the director shall hear the 36603
appeal de novo, and either party to the appeal may submit such 36604
evidence as the hearing officer deems admissible. 36605

For the purpose of conducting a hearing on an appeal, the 36606
hearing officer may require the attendance of witnesses and the 36607
production of books, records, and papers, and may, and at the 36608
request of any party shall, issue subpoenas for witnesses or 36609
subpoenas duces tecum to compel the production of any books, 36610
records, or papers, directed to the sheriffs of the counties where 36611
such witnesses are found, which subpoenas shall be served and 36612
returned in the same manner as subpoenas in criminal cases are 36613
served and returned. The fees of sheriffs shall be the same as 36614
those allowed by the court of common pleas in criminal cases. 36615
Witnesses shall be paid the fees and mileage provided for under 36616
section 119.094 of the Revised Code. Such fee and mileage expenses 36617
incurred at the request of appellant shall be paid in advance by 36618
appellant, and the remainder of such expenses shall be paid out of 36619
funds appropriated for the expenses of the division of ~~mineral oil~~ oil
and gas resources management. 36620
36621

In case of disobedience or neglect of any subpoena served on 36622
any person, or the refusal of any witness to testify to any matter 36623
regarding which the witness may be lawfully interrogated, the 36624
court of common pleas of the county in which such disobedience, 36625
neglect, or refusal occurs, or any judge thereof, on application 36626
of the director, shall compel obedience by attachment proceedings 36627
for contempt as in the case of disobedience of the requirements of 36628

a subpoena issued from such court or a refusal to testify therein. 36629
Witnesses at such hearings shall testify under oath, and the 36630
hearing officer may administer oaths or affirmations to persons 36631
who so testify. 36632

At the request of any party to the appeal, a stenographic 36633
record of the testimony and other evidence submitted shall be 36634
taken by an official court shorthand reporter at the expense of 36635
the party making the request therefor. The record shall include 36636
all of the testimony and other evidence and the rulings on the 36637
admissibility thereof presented at the hearing. The hearing 36638
officer shall pass upon the admissibility of evidence, but any 36639
party may at the time object to the admission of any evidence and 36640
except to the ruling of the hearing officer thereon, and if the 36641
hearing officer refuses to admit evidence, the party offering same 36642
may make a proffer thereof, and such proffer shall be made a part 36643
of the record of such hearing. 36644

If upon completion of the hearing the hearing officer finds 36645
that the order appealed from was lawful and reasonable, the 36646
hearing officer shall make a written order affirming the order 36647
appealed from. If the hearing officer finds that such order was 36648
unreasonable or unlawful, the hearing officer shall make a written 36649
order vacating the order appealed from and making the order that 36650
it finds the chief should have made. Every order made by the 36651
hearing officer shall contain a written finding by the hearing 36652
officer of the facts upon which the order is based. Notice of the 36653
making of such order shall be given forthwith to each party to the 36654
appeal by mailing a certified copy thereof to each such party by 36655
registered mail. 36656

Sec. 1571.16. (A) The gas storage well inspector or any 36657
person having a direct interest in the subject matter of this 36658
chapter may file with the division of ~~mineral~~ oil and gas 36659

resources management a complaint in writing stating that a person 36660
is violating, or is about to violate, a provision or provisions of 36661
this chapter, or has done, or is about to do, an act, matter, or 36662
thing therein prohibited or declared to be unlawful, or has 36663
failed, omitted, neglected, or refused, or is about to fail, omit, 36664
neglect, or refuse, to perform a duty enjoined upon the person by 36665
this chapter. Upon the filing of such a complaint, the chief of 36666
the division of ~~mineral~~ oil and gas resources management shall 36667
promptly fix the time for the holding of a hearing on such 36668
complaint and shall send by registered mail to the person so 36669
complained of, a copy of such complaint together with at least 36670
five days' notice of the time and place at which such hearing will 36671
be held. Such notice of such hearing shall also be given to all 36672
persons having a direct interest in the matters complained of in 36673
such complaint. Such hearing shall be conducted in the same 36674
manner, and the chief and persons having a direct interest in the 36675
matter being heard, shall have the same powers, rights, and duties 36676
as provided in divisions (B), (C), (D), and (E) of section 1571.10 36677
of the Revised Code, in connection with hearings by the chief, 36678
provided that if after conclusion of the hearing the chief finds 36679
that the charges against the person complained of, as stated in 36680
such complaint, have not been sustained by a preponderance of 36681
evidence, the chief shall make an order dismissing the complaint, 36682
and if the chief finds that the charges have been so sustained, 36683
the chief shall by appropriate order require compliance with those 36684
provisions. 36685

(B) Whenever the chief is of the opinion that any person is 36686
violating, or is about to violate, any provision of this chapter, 36687
or has done, or is about to do, any act, matter, or thing therein 36688
prohibited or declared to be unlawful, or has failed, omitted, 36689
neglected, or refused, or is about to fail, omit, neglect, or 36690
refuse, to perform any duty enjoined upon the person by this 36691
chapter, or has failed, omitted, neglected, or refused, or is 36692

about to fail, omit, neglect, or refuse, to obey any lawful 36693
requirement or order made by the chief, or any final judgment, 36694
order, or decree made by any court pursuant to this chapter, then 36695
and in every such case, the chief may institute in a court of 36696
competent jurisdiction of the county or counties wherein the 36697
operation is situated, an action to enjoin or restrain such 36698
violations or to enforce obedience with law or the orders of the 36699
chief. No injunction bond shall be required to be filed in any 36700
such proceeding. Such persons or corporations as the court may 36701
deem necessary or proper to be joined as parties in order to make 36702
its judgment, order, or writ effective may be joined as parties. 36703
An appeal may be taken as in other civil actions. 36704

(C) In addition to the other remedies as provided in 36705
divisions (A) and (B) of this section, any reservoir operator or 36706
coal mine operator affected by this chapter may proceed by 36707
injunction or other appropriate remedy to restrain violations or 36708
threatened violations of this chapter or of orders of the chief, 36709
or of the hearing officer appointed under section 1571.14 of the 36710
Revised Code, or the judgments, orders, or decrees of any court or 36711
to enforce obedience therewith. 36712

(D) Each remedy prescribed in divisions (A), (B), and (C) of 36713
this section is deemed concurrent or contemporaneous with each 36714
other remedy prescribed therein, and the existence or exercise of 36715
any one such remedy shall not prevent the exercise of any other 36716
such remedy. 36717

(E) The provisions of this chapter providing for conferences, 36718
hearings by the chief, appeals to the hearing officer from orders 36719
of the chief, and appeals to the court of common pleas from orders 36720
of the hearing officer, and the remedies prescribed in divisions 36721
(A), (B), (C), and (D) of this section, do not constitute the 36722
exclusive procedure that a person, who deems the person's rights 36723
to be unlawfully affected by any official action taken thereunder, 36724

must pursue in order to protect and preserve such rights, nor does 36725
this chapter constitute a procedure that such a person must pursue 36726
before the person may lawfully proceed by other actions, legal or 36727
equitable, to protect and preserve such rights. 36728

Sec. 1571.18. After ~~the effective date of this section~~ June 36729
30, 2010, and not later than the thirty-first day of March each 36730
year, the owner of a well that is used for gas storage or of a 36731
well that is used to monitor a gas storage reservoir and that is 36732
located in a reservoir protective area shall pay to the chief of 36733
the division of ~~mineral oil and gas~~ resources management a gas 36734
storage well regulatory fee of one hundred twenty-five dollars for 36735
each well that the owner owned as of the thirty-first day of 36736
December of the previous year for the purposes of administering 36737
this chapter and Chapter 1509. of the Revised Code. The chief may 36738
prescribe and provide a form for the collection of the fee imposed 36739
by this section and may adopt rules in accordance with Chapter 36740
119. of the Revised Code that are necessary for the administration 36741
of this section. 36742

All money collected under this section shall be deposited in 36743
the state treasury to the credit of the oil and gas well fund 36744
created in section 1509.02 of the Revised Code. 36745

Sec. 1571.99. Any person who purposely violates any order of 36746
the chief of the division of ~~mineral oil and gas~~ resources 36747
management, of a hearing officer appointed by the director of 36748
natural resources under section 1571.14 of the Revised Code, or of 36749
the director, made pursuant to this chapter shall be punished by a 36750
fine not exceeding two thousand dollars, or imprisoned in jail for 36751
a period not exceeding twelve months, or both, in the discretion 36752
of the court. 36753

Sec. 1701.07. (A) Every corporation shall have and maintain 36754

an agent, sometimes referred to as the "statutory agent," upon 36755
whom any process, notice, or demand required or permitted by 36756
statute to be served upon a corporation may be served. The agent 36757
may be a natural person who is a resident of this state or may be 36758
a domestic corporation or a foreign corporation holding a license 36759
as such under the laws of this state, that is authorized by its 36760
articles of incorporation to act as such agent and that has a 36761
business address in this state. 36762

(B) The secretary of state shall not accept original articles 36763
for filing unless there is filed with the articles a written 36764
appointment of an agent that is signed by the incorporators of the 36765
corporation or a majority of them and a written acceptance of the 36766
appointment that is signed by the agent. In all other cases, the 36767
corporation shall appoint the agent and shall file in the office 36768
of the secretary of state a written appointment of the agent that 36769
is signed by any authorized officer of the corporation and a 36770
written acceptance of the appointment that is either the original 36771
acceptance signed by the agent or a photocopy, facsimile, or 36772
similar reproduction of the original acceptance signed by the 36773
agent. 36774

(C) The written appointment of an agent shall set forth the 36775
name and address in this state of the agent, including the street 36776
and number or other particular description, and shall otherwise be 36777
in such form as the secretary of state prescribes. The secretary 36778
of state shall keep a record of the names of corporations, and the 36779
names and addresses of their respective agents. 36780

(D) If any agent dies, removes from the state, or resigns, 36781
the corporation shall forthwith appoint another agent and file 36782
with the secretary of state, on a form prescribed by the secretary 36783
of state, a written appointment of the agent. 36784

(E) If the agent changes the agent's address from that 36785
appearing upon the record in the office of the secretary of state, 36786

the corporation or the agent shall forthwith file with the 36787
secretary of state, on a form prescribed by the secretary of 36788
state, a written statement setting forth the new address. 36789

(F) An agent may resign by filing with the secretary of 36790
state, on a form prescribed by the secretary of state, a written 36791
notice to that effect that is signed by the agent and by sending a 36792
copy of the notice to the corporation at the current or last known 36793
address of its principal office on or prior to the date the notice 36794
is filed with the secretary of state. The notice shall set forth 36795
the name of the corporation, the name and current address of the 36796
agent, the current or last known address, including the street and 36797
number or other particular description, of the corporation's 36798
principal office, the resignation of the agent, and a statement 36799
that a copy of the notice has been sent to the corporation within 36800
the time and in the manner prescribed by this division. Upon the 36801
expiration of thirty days after the filing, the authority of the 36802
agent shall terminate. 36803

(G) A corporation may revoke the appointment of an agent by 36804
filing with the secretary of state, on a form prescribed by the 36805
secretary of state, a written appointment of another agent and a 36806
statement that the appointment of the former agent is revoked. 36807

(H) Any process, notice, or demand required or permitted by 36808
statute to be served upon a corporation may be served upon the 36809
corporation by delivering a copy of it to its agent, if a natural 36810
person, or by delivering a copy of it at the address of its agent 36811
in this state, as the address appears upon the record in the 36812
office of the secretary of state. If (1) the agent cannot be 36813
found, or (2) the agent no longer has that address, or (3) the 36814
corporation has failed to maintain an agent as required by this 36815
section, and if in any such case the party desiring that the 36816
process, notice, or demand be served, or the agent or 36817
representative of the party, shall have filed with the secretary 36818

of state an affidavit stating that one of the foregoing conditions 36819
exists and stating the most recent address of the corporation that 36820
the party after diligent search has been able to ascertain, then 36821
service of process, notice, or demand upon the secretary of state, 36822
as the agent of the corporation, may be initiated by delivering to 36823
the secretary of state or at the secretary of state's office 36824
quadruplicate copies of such process, notice, or demand and by 36825
paying to the secretary of state a fee of five dollars. The 36826
secretary of state shall forthwith give notice of the delivery to 36827
the corporation at its principal office as shown upon the record 36828
in the secretary of state's office and at any different address 36829
shown on its last franchise tax report filed in this state, or to 36830
the corporation at any different address set forth in the above 36831
mentioned affidavit, and shall forward to the corporation at said 36832
addresses, by certified mail, with request for return receipt, a 36833
copy of the process, notice, or demand; and thereupon service upon 36834
the corporation shall be deemed to have been made. 36835

(I) The secretary of state shall keep a record of each 36836
process, notice, and demand delivered to the secretary of state or 36837
at the secretary of state's office under this section or any other 36838
law of this state that authorizes service upon the secretary of 36839
state, and shall record the time of the delivery and the action 36840
thereafter with respect thereto. 36841

(J) This section does not limit or affect the right to serve 36842
any process, notice, or demand upon a corporation in any other 36843
manner permitted by law. 36844

(K) Every corporation shall state in each annual report filed 36845
by it with the department of taxation the name and address of its 36846
statutory agent. 36847

(L) Except when an original appointment of an agent is filed 36848
with the original articles, a written appointment of an agent or a 36849
written statement filed by a corporation with the secretary of 36850

state shall be signed by any authorized officer of the corporation 36851
or by the incorporators of the corporation or a majority of them 36852
if no directors have been elected. 36853

(M) For filing a written appointment of an agent other than 36854
one filed with original articles, and for filing a statement of 36855
change of address of an agent, the secretary of state shall charge 36856
and collect the fee specified in division (R) of section 111.16 of 36857
the Revised Code. 36858

(N) Upon the failure of a corporation to appoint another 36859
agent or to file a statement of change of address of an agent, the 36860
secretary of state shall give notice thereof by ~~certified~~ ordinary 36861
or electronic mail to the corporation at the electronic mail 36862
address provided to the secretary of state, or at the address set 36863
forth in the notice of resignation or on the last franchise tax 36864
return filed in this state by the corporation. Unless the default 36865
is cured within thirty days after the mailing by the secretary of 36866
state of the notice or within any further period of time that the 36867
secretary of state grants, upon the expiration of that period of 36868
time from the date of the mailing, the articles of the corporation 36869
shall be canceled without further notice or action by the 36870
secretary of state. The secretary of state shall make a notation 36871
of the cancellation on the secretary of state's records. 36872

A corporation whose articles have been canceled may be 36873
reinstated by filing, on a form prescribed by the secretary of 36874
state, an application for reinstatement and the required 36875
appointment of agent or required statement, and by paying the 36876
filing fee specified in division (Q) of section 111.16 of the 36877
Revised Code. The rights, privileges, and franchises of a 36878
corporation whose articles have been reinstated are subject to 36879
section 1701.922 of the Revised Code. The secretary of state shall 36880
furnish the tax commissioner a monthly list of all corporations 36881
canceled and reinstated under this division. 36882

(O) This section does not apply to banks, trust companies, insurance companies, or any corporation defined under the laws of this state as a public utility for taxation purposes.

Sec. 1702.01. As used in this chapter, unless the context otherwise requires:

(A) "Corporation" or "domestic corporation" means a nonprofit corporation formed under the laws of this state, or a business corporation formed under the laws of this state that, by amendment to its articles as provided by law, becomes a nonprofit corporation.

(B) "Foreign corporation" means a nonprofit corporation formed under the laws of another state.

(C) "Nonprofit corporation" means a domestic or foreign corporation that is formed otherwise than for the pecuniary gain or profit of, and whose net earnings or any part of them is not distributable to, its members, directors, officers, or other private persons, except that the payment of reasonable compensation for services rendered and the distribution of assets on dissolution as permitted by section 1702.49 of the Revised Code is not pecuniary gain or profit or distribution of net earnings. In a corporation all of whose members are nonprofit corporations, distribution to members does not deprive it of the status of a nonprofit corporation.

(D) "State" means the United States; any state, territory, insular possession, or other political subdivision of the United States, including the District of Columbia; any foreign country or nation; and any province, territory, or other political subdivision of a foreign country or nation.

(E) "Articles" includes original articles of incorporation, agreements of merger or consolidation if and only to the extent

that articles of incorporation are adopted or amended in the 36913
agreements, amended articles, and amendments to any of these, and, 36914
in the case of a corporation created before September 1, 1851, the 36915
special charter and any amendments to it made by special act of 36916
the general assembly or pursuant to general law. 36917

(F) "Incorporator" means a person who signed the original 36918
articles of incorporation. 36919

(G) "Member" means one having membership rights and 36920
privileges in a corporation in accordance with its articles or 36921
regulations. 36922

(H) "Voting member" means a member possessing voting rights, 36923
either generally or in respect of the particular question 36924
involved, as the case may be. 36925

(I) "Person" includes, but is not limited to, a nonprofit 36926
corporation, a business corporation, a partnership, an 36927
unincorporated society or association, and two or more persons 36928
having a joint or common interest. 36929

(J) The location of the "principal office" of a corporation 36930
is the place named as such in its articles. 36931

(K) "Directors" means the persons vested with the authority 36932
to conduct the affairs of the corporation irrespective of the 36933
name, such as trustees, by which they are designated. 36934

(L) "Insolvent" means that the corporation is unable to pay 36935
its obligations as they become due in the usual course of its 36936
affairs. 36937

(M)(1) Subject to division (M)(2) of this section, 36938
"volunteer" means a director, officer, or agent of a corporation, 36939
or another person associated with a corporation, who satisfies 36940
both of the following: 36941

(a) Performs services for or on behalf of, and under the 36942

authority or auspices of, that corporation; 36943

(b) Does not receive compensation, either directly or 36944
indirectly, for performing those services. 36945

(2) For purposes of division (M)(1) of this section, 36946
"compensation" does not include any of the following: 36947

(a) Actual and necessary expenses that are incurred by a 36948
volunteer in connection with the services performed for a 36949
corporation, and that are reimbursed to the volunteer or otherwise 36950
paid; 36951

(b) Insurance premiums paid on behalf of a volunteer, and 36952
amounts paid or reimbursed, pursuant to division (E) of section 36953
1702.12 of the Revised Code; 36954

(c) Modest perquisites. 36955

(N) "Business corporation" means any entity, as defined in 36956
section 1701.01 of the Revised Code, other than a public benefit 36957
corporation or a mutual benefit corporation, that is organized 36958
pursuant to Chapter 1701. of the Revised Code. 36959

(O) "Mutual benefit corporation" means any corporation 36960
organized under this chapter other than a public benefit 36961
corporation. 36962

(P) "Public benefit corporation" means a corporation that is 36963
recognized as exempt from federal income taxation under section 36964
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 36965
26 U.S.C. 1, as amended, or is organized for a public or 36966
charitable purpose and that upon dissolution must distribute its 36967
assets to a public benefit corporation, the United States, a state 36968
or any political subdivision of a state, or a person that is 36969
recognized as exempt from federal income taxation under section 36970
501(c)(3) of the "Internal Revenue Code of 1986," as amended. 36971
"Public benefit corporation" does not include a nonprofit 36972

corporation that is organized by one or more municipal 36973
corporations to further a public purpose that is not a charitable 36974
purpose. 36975

(Q) "Authorized communications equipment" means any 36976
communications equipment that provides a transmission, including, 36977
but not limited to, by telephone, telecopy, or any electronic 36978
means, from which it can be determined that the transmission was 36979
authorized by, and accurately reflects the intention of, the 36980
member or director involved and, with respect to meetings, allows 36981
all persons participating in the meeting to contemporaneously 36982
communicate with each other. 36983

(R) "Entity" means any of the following: 36984

(1) A nonprofit corporation existing under the laws of this 36985
state or any other state; 36986

(2) Any of the following organizations existing under the 36987
laws of this state, the United States, or any other state: 36988

(a) A common law trust; 36989

(b) An unincorporated nonprofit organization, including a 36990
general or limited partnership; 36991

(c) A limited liability company; 36992

(d) A for profit corporation. 36993

Sec. 1702.461. (A) Subject to division (B)(2) of this section 36994
and pursuant to a written declaration of conversion as provided in 36995
this section, a domestic corporation may be converted into a 36996
domestic or foreign entity other than a for profit corporation or 36997
a domestic corporation. The conversion also must be permitted by 36998
the laws under which the converted entity will exist. 36999

(B)(1) The written declaration of conversion shall set forth 37000
all of the following: 37001

<u>(a) The name and form of entity that is being converted, the</u>	37002
<u>name and form of entity into which the entity will be converted,</u>	37003
<u>and the jurisdiction of formation of the converted entity;</u>	37004
<u>(b) If the converted entity is a domestic entity, the</u>	37005
<u>complete terms of all documents required under the applicable</u>	37006
<u>chapter of the Revised Code to form the converted entity;</u>	37007
<u>(c) If the converted entity is a foreign entity, all of the</u>	37008
<u>following:</u>	37009
<u>(i) The complete terms of all documents required under the</u>	37010
<u>law of its formation to form the converted entity;</u>	37011
<u>(ii) The consent of the converted entity to be sued and</u>	37012
<u>served with process in this state, and the irrevocable appointment</u>	37013
<u>of the secretary of state as the agent of the converted entity to</u>	37014
<u>accept service of process in this state to enforce against the</u>	37015
<u>converted entity any obligation of the converting corporation or</u>	37016
<u>to enforce the rights of a dissenting shareholder of the</u>	37017
<u>converting corporation;</u>	37018
<u>(iii) If the converted entity desires to transact business in</u>	37019
<u>this state, the information required to qualify or to be licensed</u>	37020
<u>under the applicable chapter of the Revised Code.</u>	37021
<u>(d) All other statements and matters required to be set forth</u>	37022
<u>in the declaration of conversion by the applicable chapter of the</u>	37023
<u>Revised Code, if the converted entity is a domestic entity, or by</u>	37024
<u>the laws under which the converted entity will be formed, if the</u>	37025
<u>converted entity is a foreign entity;</u>	37026
<u>(e) The terms of the conversion, the mode of carrying them</u>	37027
<u>into effect, and the manner and basis of converting the interests</u>	37028
<u>of the converting corporation into, or substituting the interests</u>	37029
<u>in the converting corporation for, interests in the converted</u>	37030
<u>entity.</u>	37031

(2) No conversion or substitution described in this section shall be effected if there are reasonable grounds to believe that the conversion or substitution would render the converted entity unable to pay its obligations as they become due in the usual course of its affairs. 37032
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(C) The written declaration of conversion may set forth any of the following: 37037
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(1) The effective date of the conversion, which date may be on or after the date of the filing of the certificate of conversion; 37039
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(2) A provision authorizing, prior to the filing of the certificate of conversion pursuant to section 1702.462 of the Revised Code, the converting corporation to abandon the proposed conversion by action of the trustees of the converting corporation or by the same vote as was required to adopt the declaration of conversion; 37042
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(3) A statement of, or a statement of the method to be used to determine, the fair value of the assets owned by the converting corporation at the time of the conversion; 37048
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(4) The parties to the declaration of conversion in addition to the converting entity; 37051
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(5) Any additional provision necessary or desirable with respect to the proposed conversion or the converted entity. 37053
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(D) The trustees of the domestic converting corporation must approve the declaration of conversion to effect the conversion, and the declaration of conversion must be adopted by the members of the domestic converting corporation, at a meeting held for the purpose. 37055
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(E) Notice of each meeting of members of a domestic converting corporation at which a declaration of conversion is to 37060
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be submitted shall be given to all members of that corporation, 37062
whether or not they are entitled to vote, and shall be accompanied 37063
by a copy or a summary of the material provisions of the 37064
declaration of conversion. 37065

(F) The vote required to adopt a declaration of conversion at 37066
a meeting of the members of a domestic converting corporation is 37067
the affirmative vote of the members of that corporation entitling 37068
them to exercise at least two-thirds of the voting power of the 37069
corporation on the proposal or a different proportion as provided 37070
in the articles, but not less than a majority, or, if the 37071
conversion is to a foreign corporation, a different proportion as 37072
the articles provide for a merger or consolidation, and the 37073
affirmative vote of the members of any particular class as 37074
required by the articles of the converting corporation. 37075

If the declaration of conversion would authorize any 37076
particular corporate action that under any applicable provision of 37077
law or the articles could be authorized only by or pursuant to a 37078
specified vote of members, the declaration of conversion also must 37079
be adopted by the same affirmative vote as required for such 37080
action. 37081

(G)(1) At any time before the filing of the certificate of 37082
conversion pursuant to section 1702.462 of the Revised Code, the 37083
conversion may be abandoned by the trustees of the converting 37084
corporation, if the trustees are authorized to do so by the 37085
declaration of conversion, or by the same vote of the members as 37086
was required to adopt the declaration of conversion. 37087

(2) The declaration of conversion may contain a provision 37088
authorizing the trustees of the converting corporation to amend 37089
the declaration of conversion at any time before the filing of the 37090
certificate of conversion pursuant to section 1702.462 of the 37091
Revised Code, except that, after the adoption of the declaration 37092
of conversion by the members of the converting corporation, the 37093

trustees may not amend the declaration of conversion to do any of 37094
the following: 37095

(a) Alter or change any term of the organizational documents 37096
of the converted entity except for alterations or changes that are 37097
adopted with the vote or action of the persons, the vote or action 37098
of which would be required for the alteration or change after the 37099
conversion; 37100

(b) Alter or change any other terms and conditions of the 37101
declaration of conversion if any of the alterations or changes, 37102
alone or in the aggregate, materially and adversely would affect 37103
the members of the converting corporation. 37104

Sec. 1702.462. (A) Upon the adoption of a declaration of 37105
conversion pursuant to section 1702.461 of the Revised Code, or at 37106
a later time as authorized by the declaration of conversion, a 37107
certificate of conversion that is signed by an authorized 37108
representative of the converting entity shall be filed with the 37109
secretary of state. The certificate shall be on a form prescribed 37110
by the secretary of state and shall set forth only the information 37111
required under division (B) of this section. 37112

(B)(1) The certificate of conversion shall set forth all of 37113
the following: 37114

(a) The name and form of entity of the converting entity and 37115
the state under the laws of which the converting entity exists; 37116

(b) A statement that the converting entity has complied with 37117
all of the laws under which it exists and that the laws permit the 37118
conversion; 37119

(c) The name and mailing address of the person or entity that 37120
is to provide a copy of the declaration of conversion in response 37121
to any written request made by a member of the converting entity; 37122

(d) The effective date of the conversion, which date may be 37123

on or after the date of the filing of the certificate pursuant to 37124
this section; 37125

(e) The signature of the representative or representatives 37126
authorized to sign the certificate on behalf of the converting 37127
entity and the office held or the capacity in which the 37128
representative is acting; 37129

(f) A statement that the declaration of conversion is 37130
authorized on behalf of the converting entity and that each person 37131
signing the certificate on behalf of the converting entity is 37132
authorized to do so; 37133

(g) The name and the form of the converted entity and the 37134
state under the laws of which the converted entity will exist; 37135

(h) If the converted entity is a foreign entity that will not 37136
be licensed in this state, the name and address of the statutory 37137
agent upon whom any process, notice, or demand may be served. 37138

(2) In the case of a conversion into a limited liability 37139
company, limited partnership, or other partnership, any 37140
organizational document, including a designation of agent, that 37141
would be filed upon the creation of the new entity shall be filed 37142
with the certificate of conversion. 37143

(3) If the converted entity is a foreign entity that desires 37144
to transact business in this state, the certificate of conversion 37145
shall be accompanied by the information required by divisions 37146
(B)(1)(c)(ii) and (iii) of section 1702.461 of the Revised Code. 37147

(4) If a foreign or domestic corporation licensed to transact 37148
business in this state is the converting entity, the certificate 37149
of conversion shall be accompanied by the affidavits, receipts, 37150
certificates, or other evidence required by division (G) of 37151
section 1702.47 of the Revised Code, with respect to a converting 37152
domestic corporation, and by the affidavits, receipts, 37153
certificates, or other evidence required by division (C) or (D) of 37154

section 1703.17 of the Revised Code with respect to a foreign corporation. 37155
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(C) If the converting entity or the converted entity is organized or formed under the laws of a state other than this state or under any chapter of the Revised Code other than this chapter, all documents required to be filed in connection with the conversion by the laws of that state or that chapter shall be filed in the proper office. 37157
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(D) Upon the filing of a certificate of conversion and other filings required by division (C) of this section or at any later date that the certificate of conversion specifies, the conversion is effective, subject to the limitation that no conversion shall be effective if there are reasonable grounds to believe that the conversion would render the converted entity unable to pay its obligations as they become due in the usual course of its affairs. 37163
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(E) The secretary of state shall furnish, upon request and payment of the fee specified in division (K)(2) of section 111.16 of the Revised Code, the secretary of state's certificate setting forth all of the following: 37170
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(1) The name and form of entity of the converting entity and the state under the laws of which it existed prior to the conversion; 37174
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(2) The name and form of entity of the converted entity and the state under the laws of which it will exist; 37177
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(3) The date of filing of the certificate of conversion with the secretary of state and the effective date of the conversion. 37179
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(F) The certificate of the secretary of state, or a copy of the certificate of conversion certified by the secretary of state, may be filed for record in the office of the recorder of any county in this state and, if filed, shall be recorded in the records of deeds for that county. For the recording, the county 37181
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recorder shall charge and collect the same fee as in the case of 37186
deeds. 37187

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 37188
under the general corporation laws of this state, or previous 37189
laws, or under special provisions of the Revised Code, or created 37190
before September 1, 1851, which corporation has expressly or 37191
impliedly elected to be governed by the laws passed since that 37192
date, and whose articles or other documents are filed with the 37193
secretary of state, shall file with the secretary of state a 37194
verified statement of continued existence, signed by a director, 37195
officer, or three members in good standing, setting forth the 37196
corporate name, the place where the principal office of the 37197
corporation is located, the date of incorporation, the fact that 37198
the corporation is still actively engaged in exercising its 37199
corporate privileges, and the name and address of its agent 37200
appointed pursuant to section 1702.06 of the Revised Code. 37201

(B) Each corporation required to file a statement of 37202
continued existence shall file it with the secretary of state 37203
within each five years after the date of incorporation or of the 37204
last corporate filing. 37205

(C) Corporations specifically exempted by division (N) of 37206
section 1702.06 of the Revised Code, or whose activities are 37207
regulated or supervised by another state official, agency, bureau, 37208
department, or commission are exempted from this section. 37209

(D) The secretary of state shall give notice ~~in writing~~ by 37210
ordinary or electronic mail and provide a form for compliance with 37211
this section to each corporation required by this section to file 37212
the statement of continued existence, such notice and form to be 37213
mailed to the last known physical or electronic mail address of 37214
the corporation as it appears on the records of the secretary of 37215
state or which the secretary of state may ascertain upon a 37216

reasonable search. 37217

(E) If any nonprofit corporation required by this section to 37218
file a statement of continued existence fails to file the 37219
statement required every fifth year, then the secretary of state 37220
shall cancel the articles of such corporation, make a notation of 37221
the cancellation on the records, and mail to the corporation a 37222
certificate of the action so taken. 37223

(F) A corporation whose articles have been canceled may be 37224
reinstated by filing an application for reinstatement and paying 37225
to the secretary of state the fee specified in division (Q) of 37226
section 111.16 of the Revised Code. The name of a corporation 37227
whose articles have been canceled shall be reserved for a period 37228
of one year after the date of cancellation. If the reinstatement 37229
is not made within one year from the date of the cancellation of 37230
its articles of incorporation and it appears that a corporate 37231
name, limited liability company name, limited liability 37232
partnership name, limited partnership name, or trade name has been 37233
filed, the name of which is not distinguishable upon the record as 37234
provided in section 1702.06 of the Revised Code, the applicant for 37235
reinstatement shall be required by the secretary of state, as a 37236
condition prerequisite to such reinstatement, to amend its 37237
articles by changing its name. A certificate of reinstatement may 37238
be filed in the recorder's office of any county in the state, for 37239
which the recorder shall charge and collect a base fee of one 37240
dollar for services and a housing trust fund fee of one dollar 37241
pursuant to section 317.36 of the Revised Code. The rights, 37242
privileges, and franchises of a corporation whose articles have 37243
been reinstated are subject to section 1702.60 of the Revised 37244
Code. 37245

(G) The secretary of state shall furnish the tax commissioner 37246
a list of all corporations failing to file the required statement 37247
of continued existence. 37248

Sec. 1703.031. (A) If the laws of the United States prohibit, 37249
preempt, or otherwise eliminate the licensing requirement of 37250
sections 1703.01 to 1703.31 of the Revised Code with respect to a 37251
corporation that is a bank, savings bank, or savings and loan 37252
association chartered under the laws of the United States, the 37253
main office of which is located in another state, the bank, 37254
savings bank, or savings and loan association shall notify the 37255
secretary of state that it is transacting business in this state 37256
by submitting a notice in such form as the secretary of state 37257
prescribes. The notice shall be verified by the oath of the 37258
president, vice-president, secretary, or treasurer of the bank, 37259
savings bank, or savings and loan association, and shall set forth 37260
all of the following: 37261

(1) The name of the corporation and any trade name under 37262
which it will do business in this state; 37263

(2) The location and complete address, including the county, 37264
of its main office in another state and its principal office, if 37265
any, in this state; 37266

(3) The appointment of a designated agent and the complete 37267
address of such agent in this state, which agent may be a natural 37268
person who is a resident of this state, or may be a domestic 37269
corporation for profit or a foreign corporation for profit holding 37270
a license as such under the laws of this state, provided that the 37271
domestic or foreign corporation has a business address in this 37272
state and is authorized by its articles of incorporation to act as 37273
such agent; 37274

(4) The irrevocable consent of the corporation to service of 37275
process on such agent so long as the authority of the agent 37276
continues and to service of process upon the secretary of state in 37277
the events provided for in section 1703.19 of the Revised Code; 37278

(5) A brief summary of the business to be transacted within 37279

this state. 37280

(B) The notice required by this section shall be accompanied 37281
by a certificate of good standing or subsistence, dated not 37282
earlier than sixty days prior to the submission of the notice, 37283
under the seal of the proper official of the agency of the United 37284
States that incorporated the bank, savings bank, or savings and 37285
loan association, setting forth the exact corporate title, the 37286
date of incorporation, and the fact that the bank, savings bank, 37287
or savings and loan association is in good standing or is a 37288
subsisting bank, savings bank, or savings and loan association. 37289

(C) Upon submission of the notice, a bank, savings bank, or 37290
savings and loan association shall pay a filing fee ~~of one hundred~~ 37291
~~dollars~~ to the secretary of state as required by section 111.16 of 37292
the Revised Code. 37293

(D)(1) No such notice shall be accepted for filing if it 37294
appears that the name of the bank, savings bank, or savings and 37295
loan association is any of the following: 37296

(a) Prohibited by law; 37297

(b) Not distinguishable upon the records in the office of the 37298
secretary of state from the name of a limited liability company, 37299
whether domestic or foreign, or any other corporation, whether 37300
nonprofit or for profit and whether that of a domestic corporation 37301
or of a foreign corporation authorized to transact business in 37302
this state, unless there is also filed with the secretary of state 37303
the consent of the other limited liability company or corporation 37304
to the use of the name, evidenced in a writing signed by any 37305
authorized representative or authorized officer of the other 37306
limited liability company or corporation; 37307

(c) Not distinguishable upon the records in the office of the 37308
secretary of state from a trade name, the exclusive right to which 37309
is at the time in question registered in the manner provided in 37310

Chapter 1329. of the Revised Code, unless there also is filed with 37311
the secretary of state the consent of the other corporation or 37312
person to the use of the name, evidenced in a writing signed by 37313
any authorized officer of the other corporation or authorized 37314
party of the other person owning the exclusive right to the 37315
registered trade name. 37316

(2) Notwithstanding division (D)(1)(b) of this section, if a 37317
notice is not acceptable for filing solely because the name of the 37318
bank, savings bank, or savings and loan association is not 37319
distinguishable from the name of another corporation or registered 37320
trade name, the bank, savings bank, or savings and loan 37321
association may be authorized to transact business in this state 37322
by filing with the secretary of state, in addition to those items 37323
otherwise prescribed by this section, a statement signed by an 37324
authorized officer directing the bank, savings bank, or savings 37325
and loan association to transact business in this state under an 37326
assumed business name or names that comply with the requirements 37327
of division (D) of this section and stating that the bank, savings 37328
bank, or savings and loan association will transact business in 37329
this state only under the assumed name or names. 37330

(E) The secretary of state shall provide evidence of receipt 37331
of notice to each bank, savings bank, or savings and loan 37332
association that submits a notice required by this section. 37333

Sec. 1703.07. If a foreign corporation has merged or 37334
consolidated with one or more foreign corporations, it shall file 37335
with the secretary of state a certificate setting forth the fact 37336
of merger or consolidation, certified by the secretary of state, 37337
or other proper official, of the state under the laws of which the 37338
foreign corporation was incorporated. 37339

The secretary of state, before filing a certificate 37340
evidencing a foreign corporation's merger or consolidation, shall 37341

charge and collect from the foreign corporation a filing fee of 37342
~~ten dollars~~ as required by section 111.16 of the Revised Code. 37343

Sec. 1705.01. As used in this chapter: 37344

(A) "Business" means every trade, occupation, or profession. 37345

(B) "Contribution" means any cash, property, services 37346
rendered, promissory note, or other binding obligation to 37347
contribute cash or property or to perform services that a member 37348
contributes to a limited liability company in the capacity as a 37349
member. 37350

(C) "Conveyance" means every assignment, lease, mortgage, or 37351
encumbrance. 37352

(D) "Entity" means any of the following: 37353

(1) A ~~for-profit~~ corporation existing under the laws of this 37354
state or any other state; 37355

(2) Any of the following organizations existing under the 37356
laws of this state, the United States, or any other state: 37357

(a) A business trust or association; 37358

(b) A real estate investment trust; 37359

(c) A common law trust; 37360

(d) An unincorporated business or for profit organization, 37361
including a general or limited partnership; 37362

(e) A limited liability company. 37363

(E) "Incompetent" has the same meaning as in section 2111.01 37364
of the Revised Code. 37365

(F) "Knowledge," of a fact, means actual knowledge of that 37366
fact and knowledge of other facts that under the circumstances 37367
shows bad faith. 37368

(G) "Member" means a person whose name appears on the records 37369

of the limited liability company as the owner of a membership 37370
interest in that company. 37371

(H) "Membership interest" means a member's share of the 37372
profits and losses of a limited liability company and the right to 37373
receive distributions from that company. 37374

(I) "Notice" means that the person who claims the benefit of 37375
the notice has done one of the following: 37376

(1) Stated the fact to the person entitled to notice; 37377

(2) Delivered through the mail or by other means of 37378
communication a written statement of the fact to the person 37379
entitled to notice or to a proper person at the place of business 37380
or residence of the person entitled to receive a notice. 37381

(J) "Operating agreement" means all of the valid written or 37382
oral agreements of the members or, in the case of a limited 37383
liability company consisting of one member, a written declaration 37384
of that member, as to the affairs of a limited liability company 37385
and the conduct of its business. 37386

(K) "Person" means any natural person; partnership, limited 37387
partnership, trust, estate, association, limited liability 37388
company, or corporation; any custodian, nominee, trustee, 37389
executor, administrator, or other fiduciary; or any other 37390
individual or entity in its own or any representative capacity. 37391

(L) "Professional association" and "professional service" 37392
have the same meanings as in section 1785.01 of the Revised Code. 37393

(M) "State" has the same meaning as in section 1.59 of the 37394
Revised Code and additionally includes a foreign country and any 37395
province, territory, or other political subdivision of a foreign 37396
country. 37397

Sec. 1707.11. (A) Each person that is not organized under the 37398
laws of this state, that is not licensed under section 1703.03 of 37399

the Revised Code, or that does not have its principal place of 37400
business in this state, shall submit to the division of securities 37401
an irrevocable consent to service of process, as described in 37402
division (B) of this section, in connection with any of the 37403
following: 37404

(1) Filings to claim any of the exemptions enumerated in 37405
division (Q), (W), ~~(X)~~, or (Y) of section 1707.03 of the Revised 37406
Code; 37407

(2) Applications for registration by description, 37408
qualification, or coordination; 37409

(3) Notice filings pursuant to section 1707.092 of the 37410
Revised Code. 37411

(B) The irrevocable written consent shall be executed and 37412
acknowledged by an individual duly authorized to give the consent 37413
and shall do all of the following: 37414

(1) Designate the secretary of state as agent for service of 37415
process or pleadings; 37416

(2) State that actions growing out of the sale of such 37417
securities, the giving of investment advice, or fraud committed by 37418
a person on whose behalf the consent is submitted may be commenced 37419
against the person, in the proper court of any county in this 37420
state in which a cause of action may arise or in which the 37421
plaintiff in the action may reside, by serving on the secretary of 37422
state any proper process or pleading authorized by the laws of 37423
this state; 37424

(3) Stipulate that service of process or pleading on the 37425
secretary of state shall be taken in all courts to be as valid and 37426
binding as if service had been made upon the person on whose 37427
behalf the consent is submitted. 37428

(C) Notwithstanding any application, form, or other material 37429

filed with or submitted to the division that purports to appoint 37430
as agent for service of process a person other than the secretary 37431
of state, the application, form, or other material shall be 37432
considered to appoint the secretary of state as agent for service 37433
of process. 37434

(D) Service of any process or pleadings may be made on the 37435
secretary of state by duplicate copies, of which one shall be 37436
filed in the office of the secretary of state, and the other 37437
immediately forwarded by the secretary of state by certified mail 37438
to the principal place of business of the person on whose behalf 37439
the consent is submitted or to the last known address as shown on 37440
the filing made with the division. However, failure to mail such 37441
copy does not invalidate the service. 37442

(E) Notwithstanding any provision of this chapter, or of any 37443
rule adopted by the division of securities under this chapter, 37444
that requires the submission of a consent to service of process, 37445
the division may provide by rule for the electronic filing or 37446
submission of a consent to service of process. 37447

Sec. 1707.17. (A)(1) The license of every dealer in and 37448
salesperson of securities shall expire on the thirty-first day of 37449
December of each year, and may be renewed upon the filing with the 37450
division of securities of an application for renewal, and the 37451
payment of the fee prescribed in this section. The division shall 37452
give notice, without unreasonable delay, of its action on any 37453
application for renewal of a dealer's or salesperson's license. 37454

(2) The license of every investment adviser and investment 37455
adviser representative licensed under section 1707.141 or 1707.161 37456
of the Revised Code shall expire on the thirty-first day of 37457
December of each year. The licenses may be renewed upon the filing 37458
with the division of an application for renewal, and the payment 37459
of the fee prescribed in division (B) of this section. The 37460

division shall give notice, without unreasonable delay, of its 37461
action on any application for renewal. 37462

(3) An investment adviser required to make a notice filing 37463
under division (B) of section 1707.141 of the Revised Code 37464
annually shall file with the division the notice filing and the 37465
fee prescribed in division (B) of this section, no later than the 37466
thirty-first day of December of each year. 37467

(4) The license of every state retirement system investment 37468
officer licensed under section 1707.163 of the Revised Code and 37469
the license of a bureau of workers' compensation chief investment 37470
officer issued under section 1707.165 of the Revised Code shall 37471
expire on the thirtieth day of June of each year. The licenses may 37472
be renewed on the filing with the division of an application for 37473
renewal, and the payment of the fee prescribed in division (B) of 37474
this section. The division shall give notice, without unreasonable 37475
delay, of its action on any application for renewal. 37476

(B)(1) The fee for each dealer's license, and for each annual 37477
renewal thereof, shall be two hundred dollars. 37478

(2) The fee for each salesperson's license, and for each 37479
annual renewal thereof, shall be sixty dollars. 37480

(3) The fee for each investment adviser's license, and for 37481
each annual renewal thereof, shall be one hundred dollars. 37482

(4) The fee for each investment adviser notice filing 37483
required by division (B) of section 1707.141 of the Revised Code 37484
shall be one hundred dollars. 37485

(5) The fee for each investment adviser representative's 37486
license, and for each annual renewal thereof, shall be thirty-five 37487
dollars. 37488

(6) The fee for each state retirement system investment 37489
officer's license, and for each annual renewal thereof, shall be 37490

fifty dollars. 37491

(7) The fee for a bureau of workers' compensation chief 37492
investment officer's license, and for each annual renewal thereof, 37493
shall be fifty dollars. 37494

(C) A dealer's, salesperson's, investment adviser's, 37495
investment adviser representative's, bureau of workers' 37496
compensation chief investment officer's, or state retirement 37497
system investment officer's license may be issued at any time for 37498
the remainder of the calendar year. In that event, the annual fee 37499
shall not be reduced. 37500

(D) The division may, by rule or order, waive, in whole or in 37501
part, any of the fee requirements of this section for any person 37502
or class of persons if, in the same calendar year, the person or 37503
class of persons is required to pay an additional fee as a result 37504
of changes in federal law and regulations implemented under Title 37505
IV of the "Dodd-Frank Wall Street Reform and Consumer Protection 37506
Act of 2010," 124 Stat. 1576 (2010), 15 U.S.C. 80b-3a(a), under 37507
which a person or class of persons formerly subject to regulation 37508
under the United States securities and exchange commission is 37509
subject to state regulation under Chapter 1707. of the Revised 37510
Code. 37511

Sec. 1711.05. Every county agricultural society annually 37512
shall publish an abstract of its treasurer's account in a 37513
newspaper of general circulation in the county and make a report 37514
of its proceedings during the year. It shall also make, in 37515
accordance with the rules of the department of agriculture, a 37516
synopsis of its awards for improvement in agriculture and in 37517
household manufactures and forward such synopsis to the director 37518
of agriculture at or before the annual meeting of the directors of 37519
the society with the director of agriculture, as provided for in 37520
section 901.06 of the Revised Code. No payment after such date 37521

shall be made from the county treasury to such society unless a 37522
certificate from the director is presented to the county auditor 37523
showing that such reports have been made. 37524

Sec. 1711.07. The board of directors of a county or 37525
independent agricultural society shall consist of at least eight 37526
members. An employee of the Ohio state university extension 37527
service and the county school superintendent shall be members ex 37528
officio. Their terms of office shall be determined by the rules of 37529
the department of agriculture. Any vacancy in the board caused by 37530
death, resignation, refusal to qualify, removal from county, or 37531
other cause may be filled by the board until the society's next 37532
annual election, when a director shall be elected for the 37533
unexpired term. There shall be an annual election of directors by 37534
ballot at a time and a place fixed by the board, but this election 37535
shall not be held later than the first Saturday in December 1994, 37536
and not later than the fifteenth day of November each year 37537
thereafter, beginning in 1995. The secretary of the society shall 37538
give notice of such election, for three weeks prior to the holding 37539
thereof, in ~~at least two newspapers~~ a newspaper of ~~opposite~~ 37540
~~politics and of~~ general circulation in the county or as provided 37541
in section 7.16 of the Revised Code, or by letter mailed to each 37542
member of the society. Only persons holding membership 37543
certificates at the close of the annual county fair, or at least 37544
fifteen calendar days before the date of election, as may be fixed 37545
by the board, may vote, unless such election is held on the 37546
fairground during the fair, in which case all persons holding 37547
membership certificates on the date and hour of the election may 37548
vote. When the election is to be held during the fair, notice of 37549
such election must be prominently mentioned in the premium list, 37550
in addition to the notice required in ~~newspapers~~ a newspaper. The 37551
terms of office of the retiring directors shall expire, and those 37552
of the directors-elect shall begin, not later than the first 37553

Saturday in January 1995, and not later than the thirtieth day of 37554
November each year thereafter, beginning in 1995. 37555

The secretary of such society shall send the name and address 37556
of each member of its board to the director of agriculture within 37557
ten days after the election. 37558

Sec. 1711.18. In a county in which there is a county 37559
agricultural society indebted fifteen thousand dollars or more, 37560
and such society has purchased a fairground or title to such 37561
fairground is vested in fee in the county, the board of county 37562
commissioners, upon the presentation of a petition signed by not 37563
less than five hundred resident electors of the county praying for 37564
the submission to the electors of the county of the question 37565
whether or not county bonds shall be issued and sold to liquidate 37566
such indebtedness, shall, by resolution within ten days 37567
thereafter, fix a date, which shall be within thirty days, upon 37568
which the question of issuing and selling such bonds, in the 37569
necessary amount and denomination, shall be submitted to the 37570
electors of the county. The board also shall cause a copy of such 37571
resolution to be certified to the county board of elections and 37572
such board of elections, within ten days after such certification, 37573
shall proceed to make the necessary arrangements for the 37574
submission of such question to such electors at the time fixed by 37575
such resolution. 37576

Such election shall be held at the regular places of voting 37577
in the county and shall be conducted, canvassed, and certified, 37578
except as otherwise provided by law, as are elections of county 37579
officers. The county board of elections must give fifteen days' 37580
notice of such submission by publication in ~~one or more newspapers~~ 37581
published a newspaper of general circulation in the county once a 37582
week for two consecutive weeks or as provided in section 7.16 of 37583
the Revised Code, stating the amount of bonds to be issued, the 37584

purpose for which they are to be issued, and the time and places 37585
of holding such election. Those who vote in favor of the 37586
proposition shall have written or printed on their ballots "for 37587
the issue of bonds" and those who vote against it shall have 37588
written or printed on their ballots "against the issue of bonds." 37589
If a majority of those voting upon the question of issuing the 37590
bonds vote in favor thereof, then and only then shall they be 37591
issued and the tax provided for in section 1711.20 of the Revised 37592
Code be levied. 37593

Sec. 1711.30. Before issuing bonds under section 1711.28 of 37594
the Revised Code, the board of county commissioners, by 37595
resolution, shall submit to the qualified electors of the county 37596
at the next general election for county officers, held not less 37597
than ninety days after receiving from the county agricultural 37598
society the notice provided for in section 1711.25 of the Revised 37599
Code, the question of issuing and selling such bonds in such 37600
amount and denomination as are necessary for the purpose in view, 37601
and shall certify a copy of such resolution to the county board of 37602
elections. 37603

The county board of elections shall place the question of 37604
issuing and selling such bonds upon the ballot and make all other 37605
necessary arrangements for the submission, at the time fixed by 37606
such resolution, of such question to such electors. The votes cast 37607
at such election upon such question must be counted, canvassed, 37608
and certified in the same manner, except as provided by law, as 37609
votes cast for county officers. Fifteen days' notice of such 37610
submission shall be given by the county board of elections, by 37611
publication once a week for two consecutive weeks in ~~two or more~~ 37612
~~newspapers published~~ a newspaper of general circulation in the 37613
county or as provided in section 7.16 of the Revised Code, stating 37614
the amount of bonds to be issued, the purpose for which they are 37615
to be issued, and the time and places of holding such election. 37616

Such question must be stated on the ballot as follows: "For the
issue of county fair bonds, yes"; "For the issue of county fair
bonds, no." If the majority of those voting upon the question of
issuing the bonds vote in favor thereof, then and only then shall
they be issued and the tax provided for in section 1711.29 of the
Revised Code be levied.

Sec. 1728.06. Every community urban redevelopment corporation
qualifying under this chapter, before proceeding with any project
authorized in this chapter, shall make written application to the
municipal corporation for approval thereof. The application shall
be in such form and shall certify to such facts and data as shall
be required by the municipal corporation, and may include but not
be limited to:

(A) A general statement of the nature of the proposed
project, that the undertaking conforms to all applicable municipal
ordinances, that its completion will meet an existing need, and
that the project accords with the master plan or official map, if
any, of the municipal corporation;

(B) A description of the proposed project outlining the area
included and a description of each unit thereof if the project is
to be undertaken in units and setting out such architectural and
site plans as may be required;

(C) A statement of the estimated cost of the proposed project
in such detail as may be required, including the estimated cost of
each unit if it is to be so undertaken;

(D) The source, method, and amount of money to be subscribed
through the investment of private capital, setting forth the
amount of stock or other securities to be issued therefor;

(E) A fiscal plan for the project outlining a schedule of
rents, the estimated expenditures for operation and maintenance,

payments for interest, amortization of debt and reserves, and 37647
payments to the municipal corporation to be made pursuant to a 37648
financial agreement to be entered into with the municipal 37649
corporation; 37650

(F) A relocation plan providing for the relocation of 37651
persons, including families, business concerns, and others, 37652
displaced by the project, which relocation plan shall include, but 37653
not be limited to, the proposed method for the relocation of 37654
residents who will be displaced from their dwelling accommodations 37655
in decent, safe, and sanitary dwelling accommodations within their 37656
means, or with provision for adjustment payments to bring such 37657
accommodations within their means, and without undue hardship, and 37658
reasonable moving costs; 37659

(G) The names and tax mailing addresses, as determined from 37660
the records of the county auditor not more than five days prior to 37661
the submission of the application to the mayor of the municipal 37662
corporation, of the owners of all property which the corporation 37663
proposes in its application to acquire. 37664

Such application shall be addressed and submitted to the 37665
mayor of the municipal corporation, who shall, within sixty days 37666
after receipt thereof, submit it with ~~his~~ the mayor's 37667
recommendations to the governing body. The application shall be a 37668
matter of public record upon receipt by the mayor. 37669

The governing body shall by notice published once a week for 37670
two consecutive weeks in a newspaper of general circulation in the 37671
municipal corporation or as provided in section 7.16 of the 37672
Revised Code, by written notice, by certified mail or personal 37673
service, to the owners of property which the corporation proposes 37674
in its application to purchase at the tax mailing address as set 37675
forth in the corporation's application, by the putting up of signs 37676
in at least five places within the area covered by the 37677
application, and by giving written notice, by certified mail or 37678

personal service, to community organizations known by the clerk of 37679
the governing body to represent a substantial number of the 37680
residents of the area covered by the application, advise that the 37681
application is on file in the office of the clerk of the governing 37682
body of the municipal corporation and is available for inspection 37683
by the general public during business hours and advise that a 37684
public hearing shall be held thereon, stating the place and time 37685
of the public hearing, which time shall be not less than fourteen 37686
days after the first publication, or after sending the mailed 37687
notice, or after the putting up of the signs, whichever is later. 37688

Following the public hearing and after complying with section 37689
5709.83 of the Revised Code, the governing body, taking into 37690
consideration the financial impact on the community, shall by 37691
resolution approve or disapprove the application, approval to be 37692
by an affirmative vote of not less than three-fifths of the 37693
governing body, but in the event of disapproval, changes may be 37694
suggested to secure its approval. 37695

An application may be revised or resubmitted in the same 37696
manner and subject to the same procedures as an original 37697
application. The clerk of the governing body shall diligently 37698
discharge the duties imposed on the clerk by this division, 37699
provided failure of the clerk to send written notices to all 37700
community organizations, in a good faith effort by the clerk to 37701
give the required notice, shall not invalidate any proceedings 37702
under this chapter. The failure of delivery of notice given by 37703
certified mail under this division shall not invalidate any 37704
proceedings under this chapter. 37705

Sec. 1728.07. Every approved project shall be evidenced by a 37706
financial agreement between the municipal corporation and the 37707
community urban redevelopment corporation. Such agreement shall be 37708
prepared by the community urban redevelopment corporation and 37709

submitted as a separate part of its application for project 37710
approval. 37711

The financial agreement shall be in the form of a contract 37712
requiring full performance within twenty years from the date of 37713
completion of the project and shall, as a minimum, include the 37714
following: 37715

(A) That all improvements in the project to be constructed or 37716
acquired by the corporation shall be exempt from taxation, subject 37717
to section 1728.10 of the Revised Code; 37718

(B) That the corporation shall make payments in lieu of real 37719
estate taxes not less than the amount as provided by section 37720
1728.11 of the Revised Code; or if the municipal corporation is an 37721
impacted city, not less than the amount as provided by section 37722
1728.111 of the Revised Code; 37723

(C) That the corporation, its successors and assigns, shall 37724
use, develop, and redevelop the real property of the project in 37725
accordance with, and for the period of, the community development 37726
plan approved by the governing body of the municipal corporation 37727
for the blighted area in which the project is situated and shall 37728
so bind its successors and assigns by appropriate agreements and 37729
covenants running with the land enforceable by the municipal 37730
corporation. 37731

(D) If the municipal corporation is an impacted city, the 37732
extent of the undertakings and activities of the corporation for 37733
the elimination and for the prevention of the development or 37734
spread of blight. 37735

(E) That the corporation or the municipal corporation, or 37736
both, shall provide for carrying out relocation of persons, 37737
families, business concerns, and others displaced by the project, 37738
pursuant to a relocation plan, including the method for the 37739
relocation of residents in decent, safe, and sanitary dwelling 37740

accommodations, and reasonable moving costs, determined to be 37741
feasible by the governing body of the municipal corporation. Where 37742
the relocation plan is carried out by the corporation, its 37743
officers, employees, agents, or lessees, the municipal corporation 37744
shall enforce and supervise the corporation's compliance with the 37745
relocation plan. If the corporation refuses or fails to comply 37746
with the relocation plan and the municipal corporation fails or 37747
refuses to enforce compliance with such plan, the director of 37748
development may request the attorney general to commence a civil 37749
action against the municipality and the corporation to require 37750
compliance with such relocation plan. Prior to requesting action 37751
by the attorney general the director shall give notice of the 37752
proposed action to the municipality and the corporation, provide 37753
an opportunity to such municipality and corporation for 37754
discussions on the matter, and allow a reasonable time in which 37755
the corporation may begin compliance with the relocation plan, or 37756
the municipality may commence enforcement of the relocation plan. 37757

(F) That the corporation shall submit annually, within ninety 37758
days after the close of its fiscal year, its auditor's reports to 37759
the mayor and governing body of the municipal corporation; 37760

(G) That the corporation shall, upon request, permit 37761
inspection of property, equipment, buildings, and other facilities 37762
of the corporation, and also permit examination and audit of its 37763
books, contracts, records, documents, and papers by authorized 37764
representatives of the municipal corporation; 37765

(H) That in the event of any dispute between the parties the 37766
matters in controversy shall be resolved by arbitration in the 37767
manner provided therein; 37768

(I) That operation under the financial agreement is 37769
terminable by the corporation in the manner provided by Chapter 37770
1728. of the Revised Code; 37771

(J) That the corporation shall, at all times prior to the 37772
expiration or other termination of the financial agreement, remain 37773
bound by Chapter 1728. of the Revised Code; 37774

~~(K) That all wages paid to laborers and mechanics employed 37775
for work on such projects, other than for residential structures 37776
containing seven or less family units, shall be paid at the 37777
prevailing rates of wages of laborers and mechanics for the class 37778
of work called for by the project, which wages shall be determined 37779
in accordance with the requirements of Chapter 4115. of the 37780
Revised Code for determination of prevailing wage rates, provided 37781
that the requirements of this division do not apply where the 37782
federal government or any of its agencies furnishes by law or 37783
grant all or any part of the funds used in connection with such 37784
project and prescribes predetermined minimum wages to be paid to 37785
such laborers and mechanics. 37786~~

Modifications of the financial agreement may from time to 37787
time be made by agreement between the governing body of the 37788
municipal corporation and the community urban redevelopment 37789
corporation. 37790

Sec. 1751.01. As used in this chapter: 37791

(A)(1) "Basic health care services" means the following 37792
services when medically necessary: 37793

(a) Physician's services, except when such services are 37794
supplemental under division (B) of this section; 37795

(b) Inpatient hospital services; 37796

(c) Outpatient medical services; 37797

(d) Emergency health services; 37798

(e) Urgent care services; 37799

(f) Diagnostic laboratory services and diagnostic and 37800

therapeutic radiologic services; 37801

(g) Diagnostic and treatment services, other than 37802
prescription drug services, for biologically based mental 37803
illnesses; 37804

(h) Preventive health care services, including, but not 37805
limited to, voluntary family planning services, infertility 37806
services, periodic physical examinations, prenatal obstetrical 37807
care, and well-child care; 37808

(i) Routine patient care for patients enrolled in an eligible 37809
cancer clinical trial pursuant to section 3923.80 of the Revised 37810
Code. 37811

"Basic health care services" does not include experimental 37812
procedures. 37813

Except as provided by divisions (A)(2) and (3) of this 37814
section in connection with the offering of coverage for diagnostic 37815
and treatment services for biologically based mental illnesses, a 37816
health insuring corporation shall not offer coverage for a health 37817
care service, defined as a basic health care service by this 37818
division, unless it offers coverage for all listed basic health 37819
care services. However, this requirement does not apply to the 37820
coverage of beneficiaries enrolled in medicare pursuant to a 37821
medicare contract, or to the coverage of beneficiaries enrolled in 37822
the federal employee health benefits program pursuant to 5 37823
U.S.C.A. 8905, or to the coverage of medicaid recipients, ~~or to~~ 37824
~~the coverage of participants of the children's buy-in program,~~ or 37825
to the coverage of beneficiaries under any federal health care 37826
program regulated by a federal regulatory body, or to the coverage 37827
of beneficiaries under any contract covering officers or employees 37828
of the state that has been entered into by the department of 37829
administrative services. 37830

(2) A health insuring corporation may offer coverage for 37831

diagnostic and treatment services for biologically based mental 37832
illnesses without offering coverage for all other basic health 37833
care services. A health insuring corporation may offer coverage 37834
for diagnostic and treatment services for biologically based 37835
mental illnesses alone or in combination with one or more 37836
supplemental health care services. However, a health insuring 37837
corporation that offers coverage for any other basic health care 37838
service shall offer coverage for diagnostic and treatment services 37839
for biologically based mental illnesses in combination with the 37840
offer of coverage for all other listed basic health care services. 37841

(3) A health insuring corporation that offers coverage for 37842
basic health care services is not required to offer coverage for 37843
diagnostic and treatment services for biologically based mental 37844
illnesses in combination with the offer of coverage for all other 37845
listed basic health care services if all of the following apply: 37846

(a) The health insuring corporation submits documentation 37847
certified by an independent member of the American academy of 37848
actuaries to the superintendent of insurance showing that incurred 37849
claims for diagnostic and treatment services for biologically 37850
based mental illnesses for a period of at least six months 37851
independently caused the health insuring corporation's costs for 37852
claims and administrative expenses for the coverage of basic 37853
health care services to increase by more than one per cent per 37854
year. 37855

(b) The health insuring corporation submits a signed letter 37856
from an independent member of the American academy of actuaries to 37857
the superintendent of insurance opining that the increase in costs 37858
described in division (A)(3)(a) of this section could reasonably 37859
justify an increase of more than one per cent in the annual 37860
premiums or rates charged by the health insuring corporation for 37861
the coverage of basic health care services. 37862

(c) The superintendent of insurance makes the following 37863

determinations from the documentation and opinion submitted	37864
pursuant to divisions (A)(3)(a) and (b) of this section:	37865
(i) Incurred claims for diagnostic and treatment services for	37866
biologically based mental illnesses for a period of at least six	37867
months independently caused the health insuring corporation's	37868
costs for claims and administrative expenses for the coverage of	37869
basic health care services to increase by more than one per cent	37870
per year.	37871
(ii) The increase in costs reasonably justifies an increase	37872
of more than one per cent in the annual premiums or rates charged	37873
by the health insuring corporation for the coverage of basic	37874
health care services.	37875
Any determination made by the superintendent under this	37876
division is subject to Chapter 119. of the Revised Code.	37877
(B)(1) "Supplemental health care services" means any health	37878
care services other than basic health care services that a health	37879
insuring corporation may offer, alone or in combination with	37880
either basic health care services or other supplemental health	37881
care services, and includes:	37882
(a) Services of facilities for intermediate or long-term	37883
care, or both;	37884
(b) Dental care services;	37885
(c) Vision care and optometric services including lenses and	37886
frames;	37887
(d) Podiatric care or foot care services;	37888
(e) Mental health services, excluding diagnostic and	37889
treatment services for biologically based mental illnesses;	37890
(f) Short-term outpatient evaluative and crisis-intervention	37891
mental health services;	37892
(g) Medical or psychological treatment and referral services	37893

for alcohol and drug abuse or addiction;	37894
(h) Home health services;	37895
(i) Prescription drug services;	37896
(j) Nursing services;	37897
(k) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	37898 37899
(l) Physical therapy services;	37900
(m) Chiropractic services;	37901
(n) Any other category of services approved by the superintendent of insurance.	37902 37903
(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.	37904 37905 37906 37907 37908
(C) "Specialty health care services" means one of the supplemental health care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.	37909 37910 37911 37912 37913
(D) "Biologically based mental illnesses" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.	37914 37915 37916 37917 37918 37919 37920
(E) "Children's buy in program" has the same meaning as in section 5101.5211 of the Revised Code.	37921 37922

(F) "Closed panel plan" means a health care plan that	37923
requires enrollees to use participating providers.	37924
(G) <u>(F)</u> "Compensation" means remuneration for the provision of	37925
health care services, determined on other than a fee-for-service	37926
or discounted-fee-for-service basis.	37927
(H) <u>(G)</u> "Contractual periodic prepayment" means the formula	37928
for determining the premium rate for all subscribers of a health	37929
insuring corporation.	37930
(I) <u>(H)</u> "Corporation" means a corporation formed under Chapter	37931
1701. or 1702. of the Revised Code or the similar laws of another	37932
state.	37933
(J) <u>(I)</u> "Emergency health services" means those health care	37934
services that must be available on a seven-days-per-week,	37935
twenty-four-hours-per-day basis in order to prevent jeopardy to an	37936
enrollee's health status that would occur if such services were	37937
not received as soon as possible, and includes, where appropriate,	37938
provisions for transportation and indemnity payments or service	37939
agreements for out-of-area coverage.	37940
(K) <u>(J)</u> "Enrollee" means any natural person who is entitled to	37941
receive health care benefits provided by a health insuring	37942
corporation.	37943
(L) <u>(K)</u> "Evidence of coverage" means any certificate,	37944
agreement, policy, or contract issued to a subscriber that sets	37945
out the coverage and other rights to which such person is entitled	37946
under a health care plan.	37947
(M) <u>(L)</u> "Health care facility" means any facility, except a	37948
health care practitioner's office, that provides preventive,	37949
diagnostic, therapeutic, acute convalescent, rehabilitation,	37950
mental health, mental retardation, intermediate care, or skilled	37951
nursing services.	37952

~~(N)~~(M) "Health care services" means basic, supplemental, and 37953
specialty health care services. 37954

~~(O)~~(N) "Health delivery network" means any group of providers 37955
or health care facilities, or both, or any representative thereof, 37956
that have entered into an agreement to offer health care services 37957
in a panel rather than on an individual basis. 37958

~~(P)~~(O) "Health insuring corporation" means a corporation, as 37959
defined in division ~~(I)~~(H) of this section, that, pursuant to a 37960
policy, contract, certificate, or agreement, pays for, reimburses, 37961
or provides, delivers, arranges for, or otherwise makes available, 37962
basic health care services, supplemental health care services, or 37963
specialty health care services, or a combination of basic health 37964
care services and either supplemental health care services or 37965
specialty health care services, through either an open panel plan 37966
or a closed panel plan. 37967

"Health insuring corporation" does not include a limited 37968
liability company formed pursuant to Chapter 1705. of the Revised 37969
Code, an insurer licensed under Title XXXIX of the Revised Code if 37970
that insurer offers only open panel plans under which all 37971
providers and health care facilities participating receive their 37972
compensation directly from the insurer, a corporation formed by or 37973
on behalf of a political subdivision or a department, office, or 37974
institution of the state, or a public entity formed by or on 37975
behalf of a board of county commissioners, a county board of 37976
developmental disabilities, an alcohol and drug addiction services 37977
board, a board of alcohol, drug addiction, and mental health 37978
services, or a community mental health board, as those terms are 37979
used in Chapters 340. and 5126. of the Revised Code. Except as 37980
provided by division (D) of section 1751.02 of the Revised Code, 37981
or as otherwise provided by law, no board, commission, agency, or 37982
other entity under the control of a political subdivision may 37983
accept insurance risk in providing for health care services. 37984

However, nothing in this division shall be construed as 37985
prohibiting such entities from purchasing the services of a health 37986
insuring corporation or a third-party administrator licensed under 37987
Chapter 3959. of the Revised Code. 37988

~~(Q)~~(P) "Intermediary organization" means a health delivery 37989
network or other entity that contracts with licensed health 37990
insuring corporations or self-insured employers, or both, to 37991
provide health care services, and that enters into contractual 37992
arrangements with other entities for the provision of health care 37993
services for the purpose of fulfilling the terms of its contracts 37994
with the health insuring corporations and self-insured employers. 37995

~~(R)~~(Q) "Intermediate care" means residential care above the 37996
level of room and board for patients who require personal 37997
assistance and health-related services, but who do not require 37998
skilled nursing care. 37999

~~(S)~~(R) "Medicaid" has the same meaning as in section 5111.01 38000
of the Revised Code. 38001

~~(T)~~(S) "Medical record" means the personal information that 38002
relates to an individual's physical or mental condition, medical 38003
history, or medical treatment. 38004

~~(U)~~(T) "Medicare" means the program established under Title 38005
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 38006
1395, as amended. 38007

~~(V)~~(U)(1) "Open panel plan" means a health care plan that 38008
provides incentives for enrollees to use participating providers 38009
and that also allows enrollees to use providers that are not 38010
participating providers. 38011

(2) No health insuring corporation may offer an open panel 38012
plan, unless the health insuring corporation is also licensed as 38013
an insurer under Title XXXIX of the Revised Code, the health 38014
insuring corporation, on June 4, 1997, holds a certificate of 38015

authority or license to operate under Chapter 1736. or 1740. of 38016
the Revised Code, or an insurer licensed under Title XXXIX of the 38017
Revised Code is responsible for the out-of-network risk as 38018
evidenced by both an evidence of coverage filing under section 38019
1751.11 of the Revised Code and a policy and certificate filing 38020
under section 3923.02 of the Revised Code. 38021

~~(W)~~(V) "Panel" means a group of providers or health care 38022
facilities that have joined together to deliver health care 38023
services through a contractual arrangement with a health insuring 38024
corporation, employer group, or other payor. 38025

~~(X)~~(W) "Person" has the same meaning as in section 1.59 of 38026
the Revised Code, and, unless the context otherwise requires, 38027
includes any insurance company holding a certificate of authority 38028
under Title XXXIX of the Revised Code, any subsidiary and 38029
affiliate of an insurance company, and any government agency. 38030

~~(Y)~~(X) "Premium rate" means any set fee regularly paid by a 38031
subscriber to a health insuring corporation. A "premium rate" does 38032
not include a one-time membership fee, an annual administrative 38033
fee, or a nominal access fee, paid to a managed health care system 38034
under which the recipient of health care services remains solely 38035
responsible for any charges assessed for those services by the 38036
provider or health care facility. 38037

~~(Z)~~(Y) "Primary care provider" means a provider that is 38038
designated by a health insuring corporation to supervise, 38039
coordinate, or provide initial care or continuing care to an 38040
enrollee, and that may be required by the health insuring 38041
corporation to initiate a referral for specialty care and to 38042
maintain supervision of the health care services rendered to the 38043
enrollee. 38044

~~(AA)~~(Z) "Provider" means any natural person or partnership of 38045
natural persons who are licensed, certified, accredited, or 38046

otherwise authorized in this state to furnish health care 38047
services, or any professional association organized under Chapter 38048
1785. of the Revised Code, provided that nothing in this chapter 38049
or other provisions of law shall be construed to preclude a health 38050
insuring corporation, health care practitioner, or organized 38051
health care group associated with a health insuring corporation 38052
from employing certified nurse practitioners, certified nurse 38053
anesthetists, clinical nurse specialists, certified nurse 38054
midwives, dietitians, physician assistants, dental assistants, 38055
dental hygienists, optometric technicians, or other allied health 38056
personnel who are licensed, certified, accredited, or otherwise 38057
authorized in this state to furnish health care services. 38058

~~(BB)~~(AA) "Provider sponsored organization" means a 38059
corporation, as defined in division ~~(I)~~(H) of this section, that 38060
is at least eighty per cent owned or controlled by one or more 38061
hospitals, as defined in section 3727.01 of the Revised Code, or 38062
one or more physicians licensed to practice medicine or surgery or 38063
osteopathic medicine and surgery under Chapter 4731. of the 38064
Revised Code, or any combination of such physicians and hospitals. 38065
Such control is presumed to exist if at least eighty per cent of 38066
the voting rights or governance rights of a provider sponsored 38067
organization are directly or indirectly owned, controlled, or 38068
otherwise held by any combination of the physicians and hospitals 38069
described in this division. 38070

~~(CC)~~(BB) "Solicitation document" means the written materials 38071
provided to prospective subscribers or enrollees, or both, and 38072
used for advertising and marketing to induce enrollment in the 38073
health care plans of a health insuring corporation. 38074

~~(DD)~~(CC) "Subscriber" means a person who is responsible for 38075
making payments to a health insuring corporation for participation 38076
in a health care plan, or an enrollee whose employment or other 38077
status is the basis of eligibility for enrollment in a health 38078

insuring corporation. 38079

~~(EE)~~(DD) "Urgent care services" means those health care 38080
services that are appropriately provided for an unforeseen 38081
condition of a kind that usually requires medical attention 38082
without delay but that does not pose a threat to the life, limb, 38083
or permanent health of the injured or ill person, and may include 38084
such health care services provided out of the health insuring 38085
corporation's approved service area pursuant to indemnity payments 38086
or service agreements. 38087

Sec. 1751.04. (A) Except as provided by division (D) of this 38088
section, upon the receipt by the superintendent of insurance of a 38089
complete application for a certificate of authority to establish 38090
or operate a health insuring corporation, which application sets 38091
forth or is accompanied by the information and documents required 38092
by division (A) of section 1751.03 of the Revised Code, the 38093
superintendent shall review the application and accompanying 38094
documents and make findings as to whether the applicant for a 38095
certificate of authority has done all of the following with 38096
respect to any basic health care services and supplemental health 38097
care services to be furnished: 38098

(1) Demonstrated the willingness and potential ability to 38099
ensure that all basic health care services and supplemental health 38100
care services described in the evidence of coverage will be 38101
provided to all its enrollees as promptly as is appropriate and in 38102
a manner that assures continuity; 38103

(2) Made effective arrangements to ensure that its enrollees 38104
have reliable access to qualified providers in those specialties 38105
that are generally available in the geographic area or areas to be 38106
served by the applicant and that are necessary to provide all 38107
basic health care services and supplemental health care services 38108
described in the evidence of coverage; 38109

(3) Made appropriate arrangements for the availability of 38110
short-term health care services in emergencies within the 38111
geographic area or areas to be served by the applicant, 38112
twenty-four hours per day, seven days per week, and for the 38113
provision of adequate coverage whenever an out-of-area emergency 38114
arises; 38115

(4) Made appropriate arrangements for an ongoing evaluation 38116
and assurance of the quality of health care services provided to 38117
enrollees, including, if applicable, the development of a quality 38118
assurance program complying with the requirements of sections 38119
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 38120
personnel, facilities, and equipment by or through which the 38121
services are rendered; 38122

(5) Developed a procedure to gather and report statistics 38123
relating to the cost and effectiveness of its operations, the 38124
pattern of utilization of its services, and the quality, 38125
availability, and accessibility of its services. 38126

(B) Based upon the information provided in the application 38127
for issuance of a certificate of authority, the superintendent 38128
shall determine whether or not the applicant meets the 38129
requirements of division (A) of this section. If the 38130
superintendent determines that the applicant does not meet these 38131
requirements, the superintendent shall specify in what respects it 38132
is deficient. However, the superintendent shall not deny an 38133
application because the requirements of this section are not met 38134
unless the applicant has been given an opportunity for a hearing 38135
on that issue. 38136

(C) If the applicant requests a hearing, the superintendent 38137
shall hold a hearing before denying an application because the 38138
applicant does not meet the requirements of this section. The 38139
hearing shall be held in accordance with Chapter 119. of the 38140
Revised Code. 38141

(D) Nothing in this section requires the superintendent to review or make findings with regard to an application and accompanying documents to establish or operate any of the following:

(1) A health insuring corporation to cover solely medicaid recipients;

(2) A health insuring corporation to cover solely medicare beneficiaries;

(3) A health insuring corporation to cover solely medicaid recipients and medicare beneficiaries;

~~(4) A health insuring corporation to cover solely participants of the children's buy-in program;~~

~~(5) A health insuring corporation to cover solely medicaid recipients and participants of the children's buy-in program;~~

~~(6) A health insuring corporation to cover solely medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program.~~

Sec. 1751.11. (A) Every subscriber of a health insuring corporation is entitled to an evidence of coverage for the health care plan under which health care benefits are provided.

(B) Every subscriber of a health insuring corporation that offers basic health care services is entitled to an identification card or similar document that specifies the health insuring corporation's name as stated in its articles of incorporation, and any trade or fictitious names used by the health insuring corporation. The identification card or document shall list at least one toll-free telephone number that provides the subscriber with access, to information on a twenty-four-hours-per-day, seven-days-per-week basis, as to how health care services may be obtained. The identification card or document shall also list at

least one toll-free number that, during normal business hours, 38172
provides the subscriber with access to information on the coverage 38173
available under the subscriber's health care plan and information 38174
on the health care plan's internal and external review processes. 38175

(C) No evidence of coverage, or amendment to the evidence of 38176
coverage, shall be delivered, issued for delivery, renewed, or 38177
used, until the form of the evidence of coverage or amendment has 38178
been filed by the health insuring corporation with the 38179
superintendent of insurance. If the superintendent does not 38180
disapprove the evidence of coverage or amendment within sixty days 38181
after it is filed it shall be deemed approved, unless the 38182
superintendent sooner gives approval for the evidence of coverage 38183
or amendment. With respect to an amendment to an approved evidence 38184
of coverage, the superintendent only may disapprove provisions 38185
amended or added to the evidence of coverage. If the 38186
superintendent determines within the sixty-day period that any 38187
evidence of coverage or amendment fails to meet the requirements 38188
of this section, the superintendent shall so notify the health 38189
insuring corporation and it shall be unlawful for the health 38190
insuring corporation to use such evidence of coverage or 38191
amendment. At any time, the superintendent, upon at least thirty 38192
days' written notice to a health insuring corporation, may 38193
withdraw an approval, deemed or actual, of any evidence of 38194
coverage or amendment on any of the grounds stated in this 38195
section. Such disapproval shall be effected by a written order, 38196
which shall state the grounds for disapproval and shall be issued 38197
in accordance with Chapter 119. of the Revised Code. 38198

(D) No evidence of coverage or amendment shall be delivered, 38199
issued for delivery, renewed, or used: 38200

(1) If it contains provisions or statements that are 38201
inequitable, untrue, misleading, or deceptive; 38202

(2) Unless it contains a clear, concise, and complete 38203

statement of the following:	38204
(a) The health care services and insurance or other benefits, if any, to which an enrollee is entitled under the health care plan;	38205 38206 38207
(b) Any exclusions or limitations on the health care services, type of health care services, benefits, or type of benefits to be provided, including copayments and deductibles;	38208 38209 38210
(c) An enrollee's personal financial obligation for noncovered services;	38211 38212
(d) Where and in what manner general information and information as to how health care services may be obtained is available, including a toll-free telephone number;	38213 38214 38215
(e) The premium rate with respect to individual and conversion contracts, and relevant copayment and deductible provisions with respect to all contracts. The statement of the premium rate, however, may be contained in a separate insert.	38216 38217 38218 38219
(f) The method utilized by the health insuring corporation for resolving enrollee complaints;	38220 38221
(g) The utilization review, internal review, and external review procedures established under sections 1751.77 to 1751.85 of the Revised Code.	38222 38223 38224
(3) Unless it provides for the continuation of an enrollee's coverage, in the event that the enrollee's coverage under the group policy, contract, certificate, or agreement terminates while the enrollee is receiving inpatient care in a hospital. This continuation of coverage shall terminate at the earliest occurrence of any of the following:	38225 38226 38227 38228 38229 38230
(a) The enrollee's discharge from the hospital;	38231
(b) The determination by the enrollee's attending physician that inpatient care is no longer medically indicated for the	38232 38233

enrollee; however, nothing in division (D)(3)(b) of this section 38234
precludes a health insuring corporation from engaging in 38235
utilization review as described in the evidence of coverage. 38236

(c) The enrollee's reaching the limit for contractual 38237
benefits; 38238

(d) The effective date of any new coverage. 38239

(4) Unless it contains a provision that states, in substance, 38240
that the health insuring corporation is not a member of any 38241
guaranty fund, and that in the event of the health insuring 38242
corporation's insolvency, an enrollee is protected only to the 38243
extent that the hold harmless provision required by section 38244
1751.13 of the Revised Code applies to the health care services 38245
rendered; 38246

(5) Unless it contains a provision that states, in substance, 38247
that in the event of the insolvency of the health insuring 38248
corporation, an enrollee may be financially responsible for health 38249
care services rendered by a provider or health care facility that 38250
is not under contract to the health insuring corporation, whether 38251
or not the health insuring corporation authorized the use of the 38252
provider or health care facility. 38253

(E) Notwithstanding divisions (C) and (D) of this section, a 38254
health insuring corporation may use an evidence of coverage that 38255
provides for the coverage of beneficiaries enrolled in medicare 38256
pursuant to a medicare contract, or an evidence of coverage that 38257
provides for the coverage of beneficiaries enrolled in the federal 38258
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 38259
an evidence of coverage that provides for the coverage of medicaid 38260
recipients, ~~or an evidence of coverage that provides for coverage~~ 38261
~~of participants of the children's buy in program,~~ or an evidence 38262
of coverage that provides for the coverage of beneficiaries under 38263
any other federal health care program regulated by a federal 38264

regulatory body, or an evidence of coverage that provides for the 38265
coverage of beneficiaries under any contract covering officers or 38266
employees of the state that has been entered into by the 38267
department of administrative services, if both of the following 38268
apply: 38269

(1) The evidence of coverage has been approved by the United 38270
States department of health and human services, the United States 38271
office of personnel management, the Ohio department of job and 38272
family services, or the department of administrative services. 38273

(2) The evidence of coverage is filed with the superintendent 38274
of insurance prior to use and is accompanied by documentation of 38275
approval from the United States department of health and human 38276
services, the United States office of personnel management, the 38277
Ohio department of job and family services, or the department of 38278
administrative services. 38279

Sec. 1751.111. (A)(1) This section applies to both of the 38280
following: 38281

(a) A health insuring corporation that issues or requires the 38282
use of a standardized identification card or an electronic 38283
technology for submission and routing of prescription drug claims 38284
pursuant to a policy, contract, or agreement for health care 38285
services; 38286

(b) A person or entity that a health insuring corporation 38287
contracts with to issue a standardized identification card or an 38288
electronic technology described in division (A)(1)(a) of this 38289
section. 38290

(2) Notwithstanding division (A)(1) of this section, this 38291
section does not apply to the issuance or required use of a 38292
standardized identification card or an electronic technology for 38293
submission and routing of prescription drug claims in connection 38294

with any of the following:	38295
(a) Coverage provided under the medicare advantage program operated pursuant to Part C of Title XVIII of the "Social Security Act," 49 Stat. 62 (1935), 42 U.S.C. 301, as amended.	38296 38297 38298
(b) Coverage provided under medicaid.	38299
(c) Coverage provided under the children's buy-in program.	38300
(d) Coverage provided under an employer's self-insurance plan or by any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of this section to the plan and its administrators.	38301 38302 38303 38304 38305
(B) A standardized identification card or an electronic technology issued or required to be used as provided in division (A)(1) of this section shall contain uniform prescription drug information in accordance with either division (B)(1) or (2) of this section.	38306 38307 38308 38309 38310
(1) The standardized identification card or the electronic technology shall be in a format and contain information fields approved by the national council for prescription drug programs or a successor organization, as specified in the council's or successor organization's pharmacy identification card implementation guide in effect on the first day of October most immediately preceding the issuance or required use of the standardized identification card or the electronic technology.	38311 38312 38313 38314 38315 38316 38317 38318
(2) If the health insuring corporation or the person under contract with the corporation to issue a standardized identification card or an electronic technology requires the information for the submission and routing of a claim, the standardized identification card or the electronic technology shall contain any of the following information:	38319 38320 38321 38322 38323 38324

(a) The health insuring corporation's name;	38325
(b) The subscriber's name, group number, and identification number;	38326 38327
(c) A telephone number to inquire about pharmacy-related issues;	38328 38329
(d) The issuer's international identification number, labeled as "ANSI BIN" or "RxBIN";	38330 38331
(e) The processor's control number, labeled as "RxPCN";	38332
(f) The subscriber's pharmacy benefits group number if different from the subscriber's medical group number, labeled as "RxGrp. "	38333 38334 38335
(C) If the standardized identification card or the electronic technology issued or required to be used as provided in division (A)(1) of this section is also used for submission and routing of nonpharmacy claims, the designation "Rx" is required to be included as part of the labels identified in divisions (B)(2)(d) and (e) of this section if the issuer's international identification number or the processor's control number is different for medical and pharmacy claims.	38336 38337 38338 38339 38340 38341 38342 38343
(D) Each health insuring corporation described in division (A) of this section shall annually file a certificate with the superintendent of insurance certifying that it or any person it contracts with to issue a standardized identification card or electronic technology for submission and routing of prescription drug claims complies with this section.	38344 38345 38346 38347 38348 38349
(E)(1) Except as provided in division (E)(2) of this section, if there is a change in the information contained in the standardized identification card or the electronic technology issued to a subscriber, the health insuring corporation or person under contract with the corporation to issue a standardized	38350 38351 38352 38353 38354

identification card or an electronic technology shall issue a new 38355
card or electronic technology to the subscriber. 38356

(2) A health insuring corporation or person under contract 38357
with the corporation is not required under division (E)(1) of this 38358
section to issue a new card or electronic technology to a 38359
subscriber more than once during a twelve-month period. 38360

(F) Nothing in this section shall be construed as requiring a 38361
health insuring corporation to produce more than one standardized 38362
identification card or one electronic technology for use by 38363
subscribers accessing health care benefits provided under a 38364
policy, contract, or agreement for health care services. 38365

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 38366
no premium rate for nongroup and conversion policies for health 38367
care services, or any amendment to them, may be used by any health 38368
insuring corporation at any time until the contractual periodic 38369
prepayment and premium rate, or amendment, have been filed with 38370
the superintendent of insurance, and shall not be effective until 38371
the expiration of sixty days after their filing unless the 38372
superintendent sooner gives approval. The filing shall be 38373
accompanied by an actuarial certification in the form prescribed 38374
by the superintendent. The superintendent shall disapprove the 38375
filing, if the superintendent determines within the sixty-day 38376
period that the contractual periodic prepayment or premium rate, 38377
or amendment, is not in accordance with sound actuarial principles 38378
or is not reasonably related to the applicable coverage and 38379
characteristics of the applicable class of enrollees. The 38380
superintendent shall notify the health insuring corporation of the 38381
disapproval, and it shall thereafter be unlawful for the health 38382
insuring corporation to use the contractual periodic prepayment or 38383
premium rate, or amendment. 38384

(2) No contractual periodic prepayment for group policies for 38385

health care services shall be used until the contractual periodic 38386
prepayment has been filed with the superintendent. The filing 38387
shall be accompanied by an actuarial certification in the form 38388
prescribed by the superintendent. The superintendent may reject a 38389
filing made under division (A)(2) of this section at any time, 38390
with at least thirty days' written notice to a health insuring 38391
corporation, if the contractual periodic prepayment is not in 38392
accordance with sound actuarial principles or is not reasonably 38393
related to the applicable coverage and characteristics of the 38394
applicable class of enrollees. 38395

(3) At any time, the superintendent, upon at least thirty 38396
days' written notice to a health insuring corporation, may 38397
withdraw the approval given under division (A)(1) of this section, 38398
deemed or actual, of any contractual periodic prepayment or 38399
premium rate, or amendment, based on information that either of 38400
the following applies: 38401

(a) The contractual periodic prepayment or premium rate, or 38402
amendment, is not in accordance with sound actuarial principles. 38403

(b) The contractual periodic prepayment or premium rate, or 38404
amendment, is not reasonably related to the applicable coverage 38405
and characteristics of the applicable class of enrollees. 38406

(4) Any disapproval under division (A)(1) of this section, 38407
any rejection of a filing made under division (A)(2) of this 38408
section, or any withdrawal of approval under division (A)(3) of 38409
this section, shall be effected by a written notice, which shall 38410
state the specific basis for the disapproval, rejection, or 38411
withdrawal and shall be issued in accordance with Chapter 119. of 38412
the Revised Code. 38413

(B) Notwithstanding division (A) of this section, a health 38414
insuring corporation may use a contractual periodic prepayment or 38415
premium rate for policies used for the coverage of beneficiaries 38416

enrolled in medicare pursuant to a medicare risk contract or 38417
medicare cost contract, or for policies used for the coverage of 38418
beneficiaries enrolled in the federal employees health benefits 38419
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 38420
coverage of medicaid recipients, ~~or for policies used for coverage~~ 38421
~~of participants of the children's buy in program,~~ or for policies 38422
used for the coverage of beneficiaries under any other federal 38423
health care program regulated by a federal regulatory body, or for 38424
policies used for the coverage of beneficiaries under any contract 38425
covering officers or employees of the state that has been entered 38426
into by the department of administrative services, if both of the 38427
following apply: 38428

(1) The contractual periodic prepayment or premium rate has 38429
been approved by the United States department of health and human 38430
services, the United States office of personnel management, the 38431
department of job and family services, or the department of 38432
administrative services. 38433

(2) The contractual periodic prepayment or premium rate is 38434
filed with the superintendent prior to use and is accompanied by 38435
documentation of approval from the United States department of 38436
health and human services, the United States office of personnel 38437
management, the department of job and family services, or the 38438
department of administrative services. 38439

(C) The administrative expense portion of all contractual 38440
periodic prepayment or premium rate filings submitted to the 38441
superintendent for review must reflect the actual cost of 38442
administering the product. The superintendent may require that the 38443
administrative expense portion of the filings be itemized and 38444
supported. 38445

(D)(1) Copayments must be reasonable and must not be a 38446
barrier to the necessary utilization of services by enrollees. 38447

(2) A health insuring corporation, in order to ensure that 38448
copayments are reasonable and not a barrier to the necessary 38449
utilization of basic health care services by enrollees, may do one 38450
of the following: 38451

(a) Impose copayment charges on any single covered basic 38452
health care service that does not exceed forty per cent of the 38453
average cost to the health insuring corporation of providing the 38454
service; 38455

(b) Impose copayment charges that annually do not exceed 38456
twenty per cent of the total annual cost to the health insuring 38457
corporation of providing all covered basic health care services, 38458
including physician office visits, urgent care services, and 38459
emergency health services, when aggregated as to all persons 38460
covered under the filed product in question. In addition, annual 38461
copayment charges as to each enrollee shall not exceed twenty per 38462
cent of the total annual cost to the health insuring corporation 38463
of providing all covered basic health care services, including 38464
physician office visits, urgent care services, and emergency 38465
health services, as to such enrollee. The total annual cost of 38466
providing a health care service is the cost to the health insuring 38467
corporation of providing the health care service to its enrollees 38468
as reduced by any applicable provider discount. 38469

(3) To ensure that copayments are reasonable and not a 38470
barrier to the utilization of basic health care services, a health 38471
insuring corporation may not impose, in any contract year, on any 38472
subscriber or enrollee, copayments that exceed two hundred per 38473
cent of the average annual premium rate to subscribers or 38474
enrollees. 38475

(4) For purposes of division (D) of this section, both of the 38476
following apply: 38477

(a) Copayments imposed by health insuring corporations in 38478

connection with a high deductible health plan that is linked to a health savings account are reasonable and are not a barrier to the necessary utilization of services by enrollees.

(b) Divisions (D)(2) and (3) of this section do not apply to a high deductible health plan that is linked to a health savings account.

(E) A health insuring corporation shall not impose lifetime maximums on basic health care services. However, a health insuring corporation may establish a benefit limit for inpatient hospital services that are provided pursuant to a policy, contract, certificate, or agreement for supplemental health care services.

(F) A health insuring corporation may require that an enrollee pay an annual deductible that does not exceed one thousand dollars per enrollee or two thousand dollars per family, except that:

(1) A health insuring corporation may impose higher deductibles for high deductible health plans that are linked to health savings accounts;

(2) The superintendent may adopt rules allowing different annual deductible amounts for plans with a medical savings account, health reimbursement arrangement, flexible spending account, or similar account;

(3) A health insuring corporation may impose higher deductibles under health plans if requested by the group contract, policy, certificate, or agreement holder, or an individual seeking coverage under an individual health plan. This shall not be construed as requiring the health insuring corporation to create customized health plans for group contract holders or individuals.

(G) As used in this section, "health savings account" and "high deductible health plan" have the same meanings as in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as

amended. 38510

Sec. 1751.13. (A)(1)(a) A health insuring corporation shall, 38511
either directly or indirectly, enter into contracts for the 38512
provision of health care services with a sufficient number and 38513
types of providers and health care facilities to ensure that all 38514
covered health care services will be accessible to enrollees from 38515
a contracted provider or health care facility. 38516

(b) A health insuring corporation shall not refuse to 38517
contract with a physician for the provision of health care 38518
services or refuse to recognize a physician as a specialist on the 38519
basis that the physician attended an educational program or a 38520
residency program approved or certified by the American 38521
osteopathic association. A health insuring corporation shall not 38522
refuse to contract with a health care facility for the provision 38523
of health care services on the basis that the health care facility 38524
is certified or accredited by the American osteopathic association 38525
or that the health care facility is an osteopathic hospital as 38526
defined in section 3702.51 of the Revised Code. 38527

(c) Nothing in division (A)(1)(b) of this section shall be 38528
construed to require a health insuring corporation to make a 38529
benefit payment under a closed panel plan to a physician or health 38530
care facility with which the health insuring corporation does not 38531
have a contract, provided that none of the bases set forth in that 38532
division are used as a reason for failing to make a benefit 38533
payment. 38534

(2) When a health insuring corporation is unable to provide a 38535
covered health care service from a contracted provider or health 38536
care facility, the health insuring corporation must provide that 38537
health care service from a noncontracted provider or health care 38538
facility consistent with the terms of the enrollee's policy, 38539
contract, certificate, or agreement. The health insuring 38540

corporation shall either ensure that the health care service be 38541
provided at no greater cost to the enrollee than if the enrollee 38542
had obtained the health care service from a contracted provider or 38543
health care facility, or make other arrangements acceptable to the 38544
superintendent of insurance. 38545

(3) Nothing in this section shall prohibit a health insuring 38546
corporation from entering into contracts with out-of-state 38547
providers or health care facilities that are licensed, certified, 38548
accredited, or otherwise authorized in that state. 38549

(B)(1) A health insuring corporation shall, either directly 38550
or indirectly, enter into contracts with all providers and health 38551
care facilities through which health care services are provided to 38552
its enrollees. 38553

(2) A health insuring corporation, upon written request, 38554
shall assist its contracted providers in finding stop-loss or 38555
reinsurance carriers. 38556

(C) A health insuring corporation shall file an annual 38557
certificate with the superintendent certifying that all provider 38558
contracts and contracts with health care facilities through which 38559
health care services are being provided contain the following: 38560

(1) A description of the method by which the provider or 38561
health care facility will be notified of the specific health care 38562
services for which the provider or health care facility will be 38563
responsible, including any limitations or conditions on such 38564
services; 38565

(2) The specific hold harmless provision specifying 38566
protection of enrollees set forth as follows: 38567

"[Provider/Health Care Facility] agrees that in no event, 38568
including but not limited to nonpayment by the health insuring 38569
corporation, insolvency of the health insuring corporation, or 38570
breach of this agreement, shall [Provider/Health Care Facility] 38571

bill, charge, collect a deposit from, seek remuneration or 38572
reimbursement from, or have any recourse against, a subscriber, 38573
enrollee, person to whom health care services have been provided, 38574
or person acting on behalf of the covered enrollee, for health 38575
care services provided pursuant to this agreement. This does not 38576
prohibit [Provider/Health Care Facility] from collecting 38577
co-insurance, deductibles, or copayments as specifically provided 38578
in the evidence of coverage, or fees for uncovered health care 38579
services delivered on a fee-for-service basis to persons 38580
referenced above, nor from any recourse against the health 38581
insuring corporation or its successor." 38582

(3) Provisions requiring the provider or health care facility 38583
to continue to provide covered health care services to enrollees 38584
in the event of the health insuring corporation's insolvency or 38585
discontinuance of operations. The provisions shall require the 38586
provider or health care facility to continue to provide covered 38587
health care services to enrollees as needed to complete any 38588
medically necessary procedures commenced but unfinished at the 38589
time of the health insuring corporation's insolvency or 38590
discontinuance of operations. The completion of a medically 38591
necessary procedure shall include the rendering of all covered 38592
health care services that constitute medically necessary follow-up 38593
care for that procedure. If an enrollee is receiving necessary 38594
inpatient care at a hospital, the provisions may limit the 38595
required provision of covered health care services relating to 38596
that inpatient care in accordance with division (D)(3) of section 38597
1751.11 of the Revised Code, and may also limit such required 38598
provision of covered health care services to the period ending 38599
thirty days after the health insuring corporation's insolvency or 38600
discontinuance of operations. 38601

The provisions required by division (C)(3) of this section 38602
shall not require any provider or health care facility to continue 38603

to provide any covered health care service after the occurrence of 38604
any of the following: 38605

(a) The end of the thirty-day period following the entry of a 38606
liquidation order under Chapter 3903. of the Revised Code; 38607

(b) The end of the enrollee's period of coverage for a 38608
contractual prepayment or premium; 38609

(c) The enrollee obtains equivalent coverage with another 38610
health insuring corporation or insurer, or the enrollee's employer 38611
obtains such coverage for the enrollee; 38612

(d) The enrollee or the enrollee's employer terminates 38613
coverage under the contract; 38614

(e) A liquidator effects a transfer of the health insuring 38615
corporation's obligations under the contract under division (A)(8) 38616
of section 3903.21 of the Revised Code. 38617

(4) A provision clearly stating the rights and 38618
responsibilities of the health insuring corporation, and of the 38619
contracted providers and health care facilities, with respect to 38620
administrative policies and programs, including, but not limited 38621
to, payments systems, utilization review, quality assurance, 38622
assessment, and improvement programs, credentialing, 38623
confidentiality requirements, and any applicable federal or state 38624
programs; 38625

(5) A provision regarding the availability and 38626
confidentiality of those health records maintained by providers 38627
and health care facilities to monitor and evaluate the quality of 38628
care, to conduct evaluations and audits, and to determine on a 38629
concurrent or retrospective basis the necessity of and 38630
appropriateness of health care services provided to enrollees. The 38631
provision shall include terms requiring the provider or health 38632
care facility to make these health records available to 38633
appropriate state and federal authorities involved in assessing 38634

the quality of care or in investigating the grievances or 38635
complaints of enrollees, and requiring the provider or health care 38636
facility to comply with applicable state and federal laws related 38637
to the confidentiality of medical or health records. 38638

(6) A provision that states that contractual rights and 38639
responsibilities may not be assigned or delegated by the provider 38640
or health care facility without the prior written consent of the 38641
health insuring corporation; 38642

(7) A provision requiring the provider or health care 38643
facility to maintain adequate professional liability and 38644
malpractice insurance. The provision shall also require the 38645
provider or health care facility to notify the health insuring 38646
corporation not more than ten days after the provider's or health 38647
care facility's receipt of notice of any reduction or cancellation 38648
of such coverage. 38649

(8) A provision requiring the provider or health care 38650
facility to observe, protect, and promote the rights of enrollees 38651
as patients; 38652

(9) A provision requiring the provider or health care 38653
facility to provide health care services without discrimination on 38654
the basis of a patient's participation in the health care plan, 38655
age, sex, ethnicity, religion, sexual preference, health status, 38656
or disability, and without regard to the source of payments made 38657
for health care services rendered to a patient. This requirement 38658
shall not apply to circumstances when the provider or health care 38659
facility appropriately does not render services due to limitations 38660
arising from the provider's or health care facility's lack of 38661
training, experience, or skill, or due to licensing restrictions. 38662

(10) A provision containing the specifics of any obligation 38663
on the primary care provider to provide, or to arrange for the 38664
provision of, covered health care services twenty-four hours per 38665

day, seven days per week; 38666

(11) A provision setting forth procedures for the resolution 38667
of disputes arising out of the contract; 38668

(12) A provision stating that the hold harmless provision 38669
required by division (C)(2) of this section shall survive the 38670
termination of the contract with respect to services covered and 38671
provided under the contract during the time the contract was in 38672
effect, regardless of the reason for the termination, including 38673
the insolvency of the health insuring corporation; 38674

(13) A provision requiring those terms that are used in the 38675
contract and that are defined by this chapter, be used in the 38676
contract in a manner consistent with those definitions. 38677

This division does not apply to the coverage of beneficiaries 38678
enrolled in medicare pursuant to a medicare risk contract or 38679
medicare cost contract, or to the coverage of beneficiaries 38680
enrolled in the federal employee health benefits program pursuant 38681
to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or 38682
to the coverage of beneficiaries under any federal health care 38683
program regulated by a federal regulatory body, ~~or to the coverage~~ 38684
~~of participants of the children's buy in program,~~ or to the 38685
coverage of beneficiaries under any contract covering officers or 38686
employees of the state that has been entered into by the 38687
department of administrative services. 38688

(D)(1) No health insuring corporation contract with a 38689
provider or health care facility shall contain any of the 38690
following: 38691

(a) A provision that directly or indirectly offers an 38692
inducement to the provider or health care facility to reduce or 38693
limit medically necessary health care services to a covered 38694
enrollee; 38695

(b) A provision that penalizes a provider or health care 38696

facility that assists an enrollee to seek a reconsideration of the 38697
health insuring corporation's decision to deny or limit benefits 38698
to the enrollee; 38699

(c) A provision that limits or otherwise restricts the 38700
provider's or health care facility's ethical and legal 38701
responsibility to fully advise enrollees about their medical 38702
condition and about medically appropriate treatment options; 38703

(d) A provision that penalizes a provider or health care 38704
facility for principally advocating for medically necessary health 38705
care services; 38706

(e) A provision that penalizes a provider or health care 38707
facility for providing information or testimony to a legislative 38708
or regulatory body or agency. This shall not be construed to 38709
prohibit a health insuring corporation from penalizing a provider 38710
or health care facility that provides information or testimony 38711
that is libelous or slanderous or that discloses trade secrets 38712
which the provider or health care facility has no privilege or 38713
permission to disclose. 38714

(f) A provision that violates Chapter 3963. of the Revised 38715
Code. 38716

(2) Nothing in this division shall be construed to prohibit a 38717
health insuring corporation from doing either of the following: 38718

(a) Making a determination not to reimburse or pay for a 38719
particular medical treatment or other health care service; 38720

(b) Enforcing reasonable peer review or utilization review 38721
protocols, or determining whether a particular provider or health 38722
care facility has complied with these protocols. 38723

(E) Any contract between a health insuring corporation and an 38724
intermediary organization shall clearly specify that the health 38725
insuring corporation must approve or disapprove the participation 38726

of any provider or health care facility with which the 38727
intermediary organization contracts. 38728

(F) If an intermediary organization that is not a health 38729
delivery network contracting solely with self-insured employers 38730
subcontracts with a provider or health care facility, the 38731
subcontract with the provider or health care facility shall do all 38732
of the following: 38733

(1) Contain the provisions required by divisions (C) and (G) 38734
of this section, as made applicable to an intermediary 38735
organization, without the inclusion of inducements or penalties 38736
described in division (D) of this section; 38737

(2) Acknowledge that the health insuring corporation is a 38738
third-party beneficiary to the agreement; 38739

(3) Acknowledge the health insuring corporation's role in 38740
approving the participation of the provider or health care 38741
facility, pursuant to division (E) of this section. 38742

(G) Any provider contract or contract with a health care 38743
facility shall clearly specify the health insuring corporation's 38744
statutory responsibility to monitor and oversee the offering of 38745
covered health care services to its enrollees. 38746

(H)(1) A health insuring corporation shall maintain its 38747
provider contracts and its contracts with health care facilities 38748
at one or more of its places of business in this state, and shall 38749
provide copies of these contracts to facilitate regulatory review 38750
upon written notice by the superintendent of insurance. 38751

(2) Any contract with an intermediary organization that 38752
accepts compensation shall include provisions requiring the 38753
intermediary organization to provide the superintendent with 38754
regulatory access to all books, records, financial information, 38755
and documents related to the provision of health care services to 38756
subscribers and enrollees under the contract. The contract shall 38757

require the intermediary organization to maintain such books, 38758
records, financial information, and documents at its principal 38759
place of business in this state and to preserve them for at least 38760
three years in a manner that facilitates regulatory review. 38761

(I)(1) A health insuring corporation shall notify its 38762
affected enrollees of the termination of a contract for the 38763
provision of health care services between the health insuring 38764
corporation and a primary care physician or hospital, by mail, 38765
within thirty days after the termination of the contract. 38766

(a) Notice shall be given to subscribers of the termination 38767
of a contract with a primary care physician if the subscriber, or 38768
a dependent covered under the subscriber's health care coverage, 38769
has received health care services from the primary care physician 38770
within the previous twelve months or if the subscriber or 38771
dependent has selected the physician as the subscriber's or 38772
dependent's primary care physician within the previous twelve 38773
months. 38774

(b) Notice shall be given to subscribers of the termination 38775
of a contract with a hospital if the subscriber, or a dependent 38776
covered under the subscriber's health care coverage, has received 38777
health care services from that hospital within the previous twelve 38778
months. 38779

(2) The health insuring corporation shall pay, in accordance 38780
with the terms of the contract, for all covered health care 38781
services rendered to an enrollee by a primary care physician or 38782
hospital between the date of the termination of the contract and 38783
five days after the notification of the contract termination is 38784
mailed to a subscriber at the subscriber's last known address. 38785

(J) Divisions (A) and (B) of this section do not apply to any 38786
health insuring corporation that, on June 4, 1997, holds a 38787
certificate of authority or license to operate under Chapter 1740. 38788

of the Revised Code. 38789

(K) Nothing in this section shall restrict the governing body 38790
of a hospital from exercising the authority granted it pursuant to 38791
section 3701.351 of the Revised Code. 38792

Sec. 1751.15. (A) Each health insuring corporation shall 38793
accept individuals for open enrollment coverage as provided in 38794
sections 3923.58 and 3923.581 of the Revised Code. A health 38795
insuring corporation may reinsure coverage of any individual 38796
acquired under those sections with the open enrollment reinsurance 38797
program in accordance with division (G) of section 3924.11 of the 38798
Revised Code. Fixed periodic prepayment rates charged for coverage 38799
reinsured by the program shall be established in accordance with 38800
section 3924.12 of the Revised Code. 38801

(B) This section does not apply to any of the following: 38802

(1) Any health insuring corporation that offers only 38803
supplemental health care services or specialty health care 38804
services; 38805

(2) Any health insuring corporation that offers plans only 38806
through medicare, or medicaid, ~~or the children's buy in program~~ 38807
and that has no other commercial enrollment; 38808

(3) Any health insuring corporation that offers plans only 38809
through other federal health care programs regulated by federal 38810
regulatory bodies and that has no other commercial enrollment; 38811

(4) Any health insuring corporation that offers plans only 38812
through contracts covering officers or employees of the state that 38813
have been entered into by the department of administrative 38814
services and that has no other commercial enrollment. 38815

Sec. 1751.17. (A) As used in this section, "nongroup 38816
contract" means a contract issued by a health insuring corporation 38817

to an individual who makes direct application for coverage under 38818
the contract and who, if required by the health insuring 38819
corporation, submits to medical underwriting. "Nongroup contract" 38820
does not include group conversion coverage, coverage obtained 38821
through open enrollment, or coverage issued on the basis of 38822
membership in a group. 38823

(B) Except as provided in division (C) of this section, every 38824
nongroup contract that is issued by a health insuring corporation 38825
and that makes available basic health care services shall provide 38826
an option for conversion to a contract issued on a direct-payment 38827
basis to an enrollee covered by the nongroup contract. The option 38828
for conversion shall be available: 38829

(1) Upon the death of the subscriber, to the surviving spouse 38830
with respect to the spouse or dependents who were then covered by 38831
the nongroup contract; 38832

(2) Upon the divorce, dissolution, or annulment of the 38833
marriage of the subscriber, to the divorced spouse, or, in the 38834
event of annulment, to the former spouse of the subscriber; 38835

(3) To a child solely with respect to the child, upon the 38836
child's attaining the limiting age of coverage under the nongroup 38837
contract while covered as a dependent under the contract. 38838

(C) The direct payment contract offered pursuant to division 38839
(B) of this section shall not be made available to an enrollee if 38840
any of the following applies: 38841

(1) The enrollee is, or is eligible to be, covered for 38842
benefits at least comparable to the nongroup contract under any of 38843
the following: 38844

(a) Medicaid; 38845

(b) ~~The children's buy-in program;~~ 38846

~~(c) Medicare;~~ 38847

~~(d)~~(c) Any act of congress or law under this or any other 38848
state of the United States providing coverage at least comparable 38849
to the benefits offered under division (C)(1)(a) ~~or~~ or (b) ~~or~~ ~~(e)~~ 38850
of this section. 38851

(2) The nongroup contract under which the enrollee was 38852
covered was terminated due to nonpayment of a premium rate. 38853

(3) The enrollee is eligible for group coverage provided by, 38854
or available through, an employer or association and the group 38855
coverage provides benefits comparable to the benefits provided 38856
under a direct payment contract. 38857

(D) The direct payment contract offered pursuant to division 38858
(B) of this section shall provide benefits that are at least 38859
comparable to the benefits provided by the nongroup contract under 38860
which the enrollee was covered at the time of the occurrence of 38861
any of the events set forth in division (B) of this section. The 38862
coverage provided under the direct payment contract shall be 38863
continuous, provided that the enrollee makes the required premium 38864
rate payment within the thirty-day period immediately following 38865
the occurrence of the event, and may be terminated for nonpayment 38866
of any required premium rate payment. 38867

(E) The evidence of coverage of every nongroup contract shall 38868
contain notice that an option for conversion to a contract issued 38869
on a direct-payment basis is available, in accordance with this 38870
section, to any enrollee covered by the contract. 38871

(F) Benefits otherwise payable to an enrollee under a direct 38872
payment contract shall be reduced by the amount of any benefits 38873
available to the enrollee under any applicable group health 38874
insuring corporation contract or group sickness and accident 38875
insurance policy. 38876

(G) Nothing in this section shall be construed as requiring a 38877
health insuring corporation to offer nongroup contracts. 38878

(H) This section does not apply to any nongroup contract 38879
offering only supplemental health care services or specialty 38880
health care services. 38881

Sec. 1751.20. (A) No health insuring corporation, or agent, 38882
employee, or representative of a health insuring corporation, 38883
shall use any advertisement or solicitation document, or shall 38884
engage in any activity, that is unfair, untrue, misleading, or 38885
deceptive. 38886

(B) No health insuring corporation shall use a name that is 38887
deceptively similar to the name or description of any insurance or 38888
surety corporation doing business in this state. 38889

(C) All solicitation documents, advertisements, evidences of 38890
coverage, and enrollee identification cards used by a health 38891
insuring corporation shall contain the health insuring 38892
corporation's name. The use of a trade name, an insurance group 38893
designation, the name of a parent company, the name of a division 38894
of an affiliated insurance company, a service mark, a slogan, a 38895
symbol, or other device, without the name of the health insuring 38896
corporation as stated in its articles of incorporation, shall not 38897
satisfy this requirement if the usage would have the capacity and 38898
tendency to mislead or deceive persons as to the true identity of 38899
the health insuring corporation. 38900

(D) No solicitation document or advertisement used by a 38901
health insuring corporation shall contain any words, symbols, or 38902
physical materials that are so similar in content, phraseology, 38903
shape, color, or other characteristic to those used by an agency 38904
of the federal government or this state, that prospective 38905
enrollees may be led to believe that the solicitation document or 38906
advertisement is connected with an agency of the federal 38907
government or this state. 38908

(E) A health insuring corporation that provides basic health 38909

care services may use the phrase "health maintenance organization" 38910
or the abbreviation "HMO" in its marketing name, advertising, 38911
solicitation documents, or marketing literature, or in reference 38912
to the phrase "doing business as" or the abbreviation "DBA." 38913

(F) This section does not apply to the coverage of 38914
beneficiaries enrolled in medicare pursuant to a medicare risk 38915
contract or medicare cost contract, or to the coverage of 38916
beneficiaries enrolled in the federal employee health benefits 38917
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 38918
medicaid recipients, ~~or to the coverage of participants of the~~ 38919
~~children's buy-in program,~~ or to the coverage of beneficiaries 38920
under any federal health care program regulated by a federal 38921
regulatory body, or to the coverage of beneficiaries under any 38922
contract covering officers or employees of the state that has been 38923
entered into by the department of administrative services. 38924

Sec. 1751.31. (A) Any changes in a health insuring 38925
corporation's solicitation document shall be filed with the 38926
superintendent of insurance. The superintendent, within sixty days 38927
of filing, may disapprove any solicitation document or amendment 38928
to it on any of the grounds stated in this section. Such 38929
disapproval shall be effected by written notice to the health 38930
insuring corporation. The notice shall state the grounds for 38931
disapproval and shall be issued in accordance with Chapter 119. of 38932
the Revised Code. 38933

(B) The solicitation document shall contain all information 38934
necessary to enable a consumer to make an informed choice as to 38935
whether or not to enroll in the health insuring corporation. The 38936
information shall include a specific description of the health 38937
care services to be available and the approximate number and type 38938
of full-time equivalent medical practitioners. The information 38939
shall be presented in the solicitation document in a manner that 38940

is clear, concise, and intelligible to prospective applicants in 38941
the proposed service area. 38942

(C) Every potential applicant whose subscription to a health 38943
care plan is solicited shall receive, at or before the time of 38944
solicitation, a solicitation document approved by the 38945
superintendent. 38946

(D) Notwithstanding division (A) of this section, a health 38947
insuring corporation may use a solicitation document that the 38948
corporation uses in connection with policies for medicare 38949
beneficiaries pursuant to a medicare risk contract or medicare 38950
cost contract, or for policies for beneficiaries of the federal 38951
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 38952
for policies for medicaid recipients, or for policies for 38953
beneficiaries of any other federal health care program regulated 38954
by a federal regulatory body, ~~or for policies for participants of~~ 38955
~~the children's buy in program,~~ or for policies for beneficiaries 38956
of contracts covering officers or employees of the state entered 38957
into by the department of administrative services, if both of the 38958
following apply: 38959

(1) The solicitation document has been approved by the United 38960
States department of health and human services, the United States 38961
office of personnel management, the department of job and family 38962
services, or the department of administrative services. 38963

(2) The solicitation document is filed with the 38964
superintendent of insurance prior to use and is accompanied by 38965
documentation of approval from the United States department of 38966
health and human services, the United States office of personnel 38967
management, the department of job and family services, or the 38968
department of administrative services. 38969

(E) No health insuring corporation, or its agents or 38970
representatives, shall use monetary or other valuable 38971

consideration, engage in misleading or deceptive practices, or 38972
make untrue, misleading, or deceptive representations to induce 38973
enrollment. Nothing in this division shall prohibit incentive 38974
forms of remuneration such as commission sales programs for the 38975
health insuring corporation's employees and agents. 38976

(F) Any person obligated for any part of a premium rate in 38977
connection with an enrollment agreement, in addition to any right 38978
otherwise available to revoke an offer, may cancel such agreement 38979
within seventy-two hours after having signed the agreement or 38980
offer to enroll. Cancellation occurs when written notice of the 38981
cancellation is given to the health insuring corporation or its 38982
agents or other representatives. A notice of cancellation mailed 38983
to the health insuring corporation shall be considered to have 38984
been filed on its postmark date. 38985

(G) Nothing in this section shall prohibit healthy lifestyle 38986
programs. 38987

Sec. 1751.34. (A) Each health insuring corporation and each 38988
applicant for a certificate of authority under this chapter shall 38989
be subject to examination by the superintendent of insurance in 38990
accordance with section 3901.07 of the Revised Code. Section 38991
3901.07 of the Revised Code shall govern every aspect of the 38992
examination, including the circumstances under and frequency with 38993
which it is conducted, the authority of the superintendent and any 38994
examiner or other person appointed by the superintendent, the 38995
liability for the assessment of expenses incurred in conducting 38996
the examination, and the remittance of the assessment to the 38997
superintendent's examination fund. 38998

(B) The superintendent shall make an examination concerning 38999
the matters subject to the superintendent's consideration in 39000
section 1751.04 of the Revised Code as often as the superintendent 39001
considers it necessary for the protection of the interests of the 39002

people of this state. The expenses of such examinations shall be 39003
assessed against the health insuring corporation being examined in 39004
the manner in which expenses of examinations are assessed against 39005
an insurance company under section 3901.07 of the Revised Code. 39006
Nothing in this division requires the superintendent to make an 39007
examination of any of the following: 39008

(1) A health insuring corporation that covers solely medicaid 39009
recipients; 39010

(2) A health insuring corporation that covers solely medicare 39011
beneficiaries; 39012

(3) A health insuring corporation that covers solely medicaid 39013
recipients and medicare beneficiaries; 39014

~~(4) A health insuring corporation that covers solely 39015
participants of the children's buy-in program; 39016~~

~~(5) A health insuring corporation that covers solely medicaid 39017
recipients and participants of the children's buy-in program; 39018~~

~~(6) A health insuring corporation that covers solely medicaid 39019
recipients, medicare beneficiaries, and participants of the 39020
children's buy-in program. 39021~~

(C) An examination, pursuant to section 3901.07 of the 39022
Revised Code, of an insurance company holding a certificate of 39023
authority under this chapter to organize and operate a health 39024
insuring corporation shall include an examination of the health 39025
insuring corporation pursuant to this section and the examination 39026
shall satisfy the requirements of divisions (A) and (B) of this 39027
section. 39028

(D) The superintendent may conduct market conduct 39029
examinations pursuant to section 3901.011 of the Revised Code of 39030
any health insuring corporation as often as the superintendent 39031
considers it necessary for the protection of the interests of 39032

subscribers and enrollees. The expenses of such market conduct 39033
examinations shall be assessed against the health insuring 39034
corporation being examined. All costs, assessments, or fines 39035
collected under this division shall be paid into the state 39036
treasury to the credit of the department of insurance operating 39037
fund. 39038

Sec. 1751.60. (A) Except as provided for in divisions (E) and 39039
(F) of this section, every provider or health care facility that 39040
contracts with a health insuring corporation to provide health 39041
care services to the health insuring corporation's enrollees or 39042
subscribers shall seek compensation for covered services solely 39043
from the health insuring corporation and not, under any 39044
circumstances, from the enrollees or subscribers, except for 39045
approved copayments and deductibles. 39046

(B) No subscriber or enrollee of a health insuring 39047
corporation is liable to any contracting provider or health care 39048
facility for the cost of any covered health care services, if the 39049
subscriber or enrollee has acted in accordance with the evidence 39050
of coverage. 39051

(C) Except as provided for in divisions (E) and (F) of this 39052
section, every contract between a health insuring corporation and 39053
provider or health care facility shall contain a provision 39054
approved by the superintendent of insurance requiring the provider 39055
or health care facility to seek compensation solely from the 39056
health insuring corporation and not, under any circumstances, from 39057
the subscriber or enrollee, except for approved copayments and 39058
deductibles. 39059

(D) Nothing in this section shall be construed as preventing 39060
a provider or health care facility from billing the enrollee or 39061
subscriber of a health insuring corporation for noncovered 39062
services. 39063

(E) Upon application by a health insuring corporation and a provider or health care facility, the superintendent may waive the requirements of divisions (A) and (C) of this section when, in addition to the reserve requirements contained in section 1751.28 of the Revised Code, the health insuring corporation provides sufficient assurances to the superintendent that the provider or health care facility has been provided with financial guarantees. No waiver of the requirements of divisions (A) and (C) of this section is effective as to enrollees or subscribers for whom the health insuring corporation is compensated under a provider agreement or risk contract entered into pursuant to Chapter 5111. or 5115. of the Revised Code ~~or under the children's buy in program.~~

(F) The requirements of divisions (A) to (C) of this section apply only to health care services provided to an enrollee or subscriber prior to the effective date of a termination of a contract between the health insuring corporation and the provider or health care facility.

Sec. 1761.04. (A) The licensing and operation of a credit union share guaranty corporation is subject to the regulation of the superintendent of insurance pursuant to Chapters 3901., 3903., 3905., 3925., 3927., 3929., 3937., 3941., and 3999. of the Revised Code to the extent such laws are otherwise applicable and are not in conflict with this chapter.

(B) A credit union share guaranty corporation shall pay, by the fifteenth day of April of each year, to the superintendent of credit unions, an annual fee of one-half of one per cent of its guarantee fund as shown by the corporation's last annual financial report, but in no event shall such payment exceed ~~five~~ twenty-five thousand dollars in any calendar year.

(C) In addition to the specific powers and duties given the

superintendent of insurance and the superintendent of credit 39095
unions under this chapter, the superintendents may independently, 39096
pursuant to Chapter 119. of the Revised Code, adopt, amend, and 39097
rescind such rules as are necessary to implement the requirements 39098
of this chapter. 39099

Sec. 1776.83. (A) A limited liability partnership and a 39100
foreign limited liability partnership authorized to transact 39101
business in this state shall file a biennial report in the office 39102
of the secretary of state. The report shall contain all of the 39103
following: 39104

(1) The name of the limited liability partnership and the 39105
state or other jurisdiction under whose laws the foreign limited 39106
liability partnership is formed; 39107

(2) The street address of the partnership's chief executive 39108
office and, if the partnership's chief executive office is not in 39109
this state, the street address of any office of the partnership in 39110
this state; 39111

(3) If the partnership does not have an office in this state, 39112
the name and street address of the partnership's current agent for 39113
service of process. 39114

(B) A partnership shall file a biennial report between the 39115
first day of April and the first day of July of each odd-numbered 39116
year that follows the calendar year in which the partnership files 39117
a statement of qualification or a foreign partnership becomes 39118
authorized to transact business in this state. 39119

(C) The secretary of state may revoke the statement of 39120
qualification of any partnership that fails to file a biennial 39121
report when due or pay the required filing fee. To revoke a 39122
statement, the secretary of state shall provide the partnership at 39123
least sixty days' written notice of the intent to revoke, mailed 39124

to the partnership at its chief executive office set forth in the 39125
last filed statement of qualification or biennial report or sent 39126
by electronic mail to the last electronic mail address provided to 39127
the secretary of state. The notice shall specify the report that 39128
the partnership failed to file, the unpaid fee, and the effective 39129
date of the revocation. The revocation is not effective if the 39130
partnership files the report and pays the fee before the effective 39131
date of the revocation. 39132

(D) A revocation under division (C) of this section affects 39133
only a partnership's status as a limited liability partnership and 39134
is not an event of dissolution of the partnership. 39135

(E) A partnership whose statement of qualification is revoked 39136
may apply to the secretary of state for reinstatement within two 39137
years after the effective date of the revocation. The application 39138
for reinstatement shall state the name of the partnership, the 39139
effective date of the revocation, and that the ground for 39140
revocation either did not exist or has been corrected. 39141

(F) A reinstatement under division (E) of this section 39142
relates back to and takes effect as of the effective date of the 39143
revocation, and the partnership's status as a limited liability 39144
partnership continues as if the revocation had never occurred. 39145

Sec. 1785.06. A professional association, within thirty days 39146
after the thirtieth day of June in each even-numbered year, shall 39147
furnish a statement to the secretary of state showing the names 39148
and post-office addresses of all of the shareholders in the 39149
association and certifying that all of the shareholders are duly 39150
licensed, certificated, or otherwise legally authorized to render 39151
within this state the same professional service for which the 39152
association was organized or, in the case of a combination of 39153
professional services described in division (B) of section 1785.01 39154
of the Revised Code, to render within this state any of the 39155

applicable types of professional services for which the 39156
association was organized. This statement shall be made on a form 39157
that the secretary of state shall prescribe, shall be signed by an 39158
officer of the association, and shall be filed in the office of 39159
the secretary of state. 39160

If any professional association fails to file the biennial 39161
statement within the time required by this section, the secretary 39162
of state shall give notice of the failure by ~~certified~~ ordinary or 39163
electronic mail, ~~return receipt requested,~~ to the last known 39164
physical or electronic address of the association or its agent. If 39165
the biennial statement is not filed within thirty days after the 39166
mailing of the notice, the secretary of state, upon the expiration 39167
of that period, shall cancel the association's articles of 39168
incorporation, give notice of the cancellation to the association 39169
by ordinary or electronic mail sent to the last known physical or 39170
electronic address of the association or its agent, and make a 39171
notation of the cancellation on the records of the secretary of 39172
state. 39173

A professional association whose articles have been canceled 39174
pursuant to this section may be reinstated by filing an 39175
application for reinstatement and the required biennial statement 39176
or statements and by paying the reinstatement fee specified in 39177
division (Q) of section 111.16 of the Revised Code. The rights, 39178
privileges, and franchises of a professional association whose 39179
articles have been reinstated are subject to section 1701.922 of 39180
the Revised Code. The secretary of state shall inform the tax 39181
commissioner of all cancellations and reinstatements under this 39182
section. 39183

Sec. 1901.02. (A) The municipal courts established by section 39184
1901.01 of the Revised Code have jurisdiction within the corporate 39185
limits of their respective municipal corporations, or, for the 39186

Clermont county municipal court, the Columbiana county municipal 39187
court, and, effective January 1, 2008, the Erie county municipal 39188
court, within the municipal corporation or unincorporated 39189
territory in which they are established, and are courts of record. 39190
Each of the courts shall be styled 39191
"..... municipal court," inserting 39192
the name of the municipal corporation, except the following 39193
courts, which shall be styled as set forth below: 39194

(1) The municipal court established in Chesapeake that shall 39195
be styled and known as the "Lawrence county municipal court"; 39196

(2) The municipal court established in Cincinnati that shall 39197
be styled and known as the "Hamilton county municipal court"; 39198

(3) The municipal court established in Ravenna that shall be 39199
styled and known as the "Portage county municipal court"; 39200

(4) The municipal court established in Athens that shall be 39201
styled and known as the "Athens county municipal court"; 39202

(5) The municipal court established in Columbus that shall be 39203
styled and known as the "Franklin county municipal court"; 39204

(6) The municipal court established in London that shall be 39205
styled and known as the "Madison county municipal court"; 39206

(7) The municipal court established in Newark that shall be 39207
styled and known as the "Licking county municipal court"; 39208

(8) The municipal court established in Wooster that shall be 39209
styled and known as the "Wayne county municipal court"; 39210

(9) The municipal court established in Wapakoneta that shall 39211
be styled and known as the "Auglaize county municipal court"; 39212

(10) The municipal court established in Troy that shall be 39213
styled and known as the "Miami county municipal court"; 39214

(11) The municipal court established in Bucyrus that shall be 39215
styled and known as the "Crawford county municipal court"; 39216

- (12) The municipal court established in Logan that shall be styled and known as the "Hocking county municipal court"; 39217
39218
- (13) The municipal court established in Urbana that shall be styled and known as the "Champaign county municipal court"; 39219
39220
- (14) The municipal court established in Jackson that shall be styled and known as the "Jackson county municipal court"; 39221
39222
- (15) The municipal court established in Springfield that shall be styled and known as the "Clark county municipal court"; 39223
39224
- (16) The municipal court established in Kenton that shall be styled and known as the "Hardin county municipal court"; 39225
39226
- (17) The municipal court established within Clermont county in Batavia or in any other municipal corporation or unincorporated territory within Clermont county that is selected by the legislative authority of that court that shall be styled and known as the "Clermont county municipal court"; 39227
39228
39229
39230
39231
- (18) The municipal court established in Wilmington that, beginning July 1, 1992, shall be styled and known as the "Clinton county municipal court"; 39232
39233
39234
- (19) The municipal court established in Port Clinton that shall be styled and known as "the Ottawa county municipal court"; 39235
39236
- (20) The municipal court established in Lancaster that, beginning January 2, 2000, shall be styled and known as the "Fairfield county municipal court"; 39237
39238
39239
- (21) The municipal court established within Columbiana county in Lisbon or in any other municipal corporation or unincorporated territory selected pursuant to division (I) of section 1901.021 of the Revised Code, that shall be styled and known as the "Columbiana county municipal court"; 39240
39241
39242
39243
39244
- (22) The municipal court established in Georgetown that, beginning February 9, 2003, shall be styled and known as the 39245
39246

"Brown county municipal court"; 39247

(23) The municipal court established in Mount Gilead that, 39248
beginning January 1, 2003, shall be styled and known as the 39249
"Morrow county municipal court"; 39250

(24) The municipal court established in Greenville that, 39251
beginning January 1, 2005, shall be styled and known as the "Darke 39252
county municipal court"; 39253

(25) The municipal court established in Millersburg that, 39254
beginning January 1, 2007, shall be styled and known as the 39255
"Holmes county municipal court"; 39256

(26) The municipal court established in Carrollton that, 39257
beginning January 1, 2007, shall be styled and known as the 39258
"Carroll county municipal court"; 39259

(27) The municipal court established within Erie county in 39260
Milan or established in any other municipal corporation or 39261
unincorporated territory that is within Erie county, is within the 39262
territorial jurisdiction of that court, and is selected by the 39263
legislative authority of that court that, beginning January 1, 39264
2008, shall be styled and known as the "Erie county municipal 39265
court"; 39266

(28) The municipal court established in Ottawa that, 39267
beginning January 1, 2011, shall be styled and known as the 39268
"Putnam county municipal court"; 39269

(29) The municipal court established within Montgomery county 39270
in any municipal corporation or unincorporated territory within 39271
Montgomery county, except the municipal corporations of 39272
Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, 39273
Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton 39274
and Butler, German, Harrison, Miami, and Washington townships, 39275
that is selected by the legislative authority of that court and 39276
that, beginning July 1, 2010, shall be styled and known as the 39277

"Montgomery county municipal court."	39278
(B) In addition to the jurisdiction set forth in division (A)	39279
of this section, the municipal courts established by section	39280
1901.01 of the Revised Code have jurisdiction as follows:	39281
The Akron municipal court has jurisdiction within Bath,	39282
Richfield, and Springfield townships, and within the municipal	39283
corporations of Fairlawn, Lakemore, and Mogadore, in Summit	39284
county.	39285
The Alliance municipal court has jurisdiction within	39286
Lexington, Marlboro, Paris, and Washington townships in Stark	39287
county.	39288
The Ashland municipal court has jurisdiction within Ashland	39289
county.	39290
The Ashtabula municipal court has jurisdiction within	39291
Ashtabula, Plymouth, and Saybrook townships in Ashtabula county.	39292
The Athens county municipal court has jurisdiction within	39293
Athens county.	39294
The Auglaize county municipal court has jurisdiction within	39295
Auglaize county.	39296
The Avon Lake municipal court has jurisdiction within the	39297
municipal corporations of Avon and Sheffield in Lorain county.	39298
The Barberton municipal court has jurisdiction within	39299
Coventry, Franklin, and Green townships, within all of Copley	39300
township except within the municipal corporation of Fairlawn, and	39301
within the municipal corporations of Clinton and Norton, in Summit	39302
county.	39303
The Bedford municipal court has jurisdiction within the	39304
municipal corporations of Bedford Heights, Oakwood, Glenwillow,	39305
Solon, Bentleyville, Chagrin Falls, Moreland Hills, Orange,	39306
Warrensville Heights, North Randall, and Woodmere, and within	39307

Warrensville and Chagrin Falls townships, in Cuyahoga county.	39308
The Bellefontaine municipal court has jurisdiction within Logan county.	39309 39310
The Bellevue municipal court has jurisdiction within Lyme and Sherman townships in Huron county and within York township in Sandusky county.	39311 39312 39313
The Berea municipal court has jurisdiction within the municipal corporations of Strongsville, Middleburgh Heights, Brook Park, Westview, and Olmsted Falls, and within Olmsted township, in Cuyahoga county.	39314 39315 39316 39317
The Bowling Green municipal court has jurisdiction within the municipal corporations of Bairdstown, Bloomdale, Bradner, Custar, Cygnet, Grand Rapids, Haskins, Hoytville, Jerry City, Milton Center, North Baltimore, Pemberville, Portage, Rising Sun, Tontogany, Wayne, <u>West Millgrove</u> , and Weston, and within Bloom Center, Freedom, Grand Rapids, Henry, Jackson, Liberty, Middleton, Milton, Montgomery, Plain, Portage, Washington, Webster, and Weston townships in Wood county.	39318 39319 39320 39321 39322 39323 39324 39325
Beginning February 9, 2003, the Brown county municipal court has jurisdiction within Brown county.	39326 39327
The Bryan municipal court has jurisdiction within Williams county.	39328 39329
The Cambridge municipal court has jurisdiction within Guernsey county.	39330 39331
The Campbell municipal court has jurisdiction within Coitsville township in Mahoning county.	39332 39333
The Canton municipal court has jurisdiction within Canton, Lake, Nimishillen, Osnaburg, Pike, Plain, and Sandy townships in Stark county.	39334 39335 39336
The Carroll county municipal court has jurisdiction within	39337

Carroll county.	39338
The Celina municipal court has jurisdiction within Mercer county.	39339 39340
The Champaign county municipal court has jurisdiction within Champaign county.	39341 39342
The Chardon municipal court has jurisdiction within Geauga county.	39343 39344
The Chillicothe municipal court has jurisdiction within Ross county.	39345 39346
The Circleville municipal court has jurisdiction within Pickaway county.	39347 39348
The Clark county municipal court has jurisdiction within Clark county.	39349 39350
The Clermont county municipal court has jurisdiction within Clermont county.	39351 39352
The Cleveland municipal court has jurisdiction within the municipal corporation of Bratenahl in Cuyahoga county.	39353 39354
Beginning July 1, 1992, the Clinton county municipal court has jurisdiction within Clinton county.	39355 39356
The Columbiana county municipal court has jurisdiction within all of Columbiana county except within the municipal corporation of East Liverpool and except within Liverpool and St. Clair townships.	39357 39358 39359 39360
The Coshocton municipal court has jurisdiction within Coshocton county.	39361 39362
The Crawford county municipal court has jurisdiction within Crawford county.	39363 39364
Until December 31, 2008, the Cuyahoga Falls municipal court has jurisdiction within Boston, Hudson, Northfield Center,	39365 39366

Sagamore Hills, and Twinsburg townships, and within the municipal corporations of Boston Heights, Hudson, Munroe Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg, and Macedonia, in Summit county.	39367 39368 39369 39370
Beginning January 1, 2005, the Darke county municipal court has jurisdiction within Darke county except within the municipal corporation of Bradford.	39371 39372 39373
The Defiance municipal court has jurisdiction within Defiance county.	39374 39375
The Delaware municipal court has jurisdiction within Delaware county.	39376 39377
The East Liverpool municipal court has jurisdiction within Liverpool and St. Clair townships in Columbiana county.	39378 39379
The Eaton municipal court has jurisdiction within Preble county.	39380 39381
The Elyria municipal court has jurisdiction within the municipal corporations of Grafton, LaGrange, and North Ridgeville, and within Elyria, Carlisle, Eaton, Columbia, Grafton, and LaGrange townships, in Lorain county.	39382 39383 39384 39385
Beginning January 1, 2008, the Erie county municipal court has jurisdiction within Erie county except within the townships of Florence, Huron, Perkins, and Vermilion and the municipal corporations of Bay View, Castalia, Huron, Sandusky, and Vermilion.	39386 39387 39388 39389 39390
The Fairborn municipal court has jurisdiction within the municipal corporation of Beavercreek and within Bath and Beavercreek townships in Greene county.	39391 39392 39393
Beginning January 2, 2000, the Fairfield county municipal court has jurisdiction within Fairfield county.	39394 39395
The Findlay municipal court has jurisdiction within all of	39396

Hancock county except within Washington township.	39397
The Fostoria municipal court has jurisdiction within Loudon	39398
and Jackson townships in Seneca county, within Washington township	39399
in Hancock county, and within Perry township, <u>except within the</u>	39400
<u>municipal corporation of West Millgrove,</u> in Wood county.	39401
The Franklin municipal court has jurisdiction within Franklin	39402
township in Warren county.	39403
The Franklin county municipal court has jurisdiction within	39404
Franklin county.	39405
The Fremont municipal court has jurisdiction within Ballville	39406
and Sandusky townships in Sandusky county.	39407
The Gallipolis municipal court has jurisdiction within Gallia	39408
county.	39409
The Garfield Heights municipal court has jurisdiction within	39410
the municipal corporations of Maple Heights, Walton Hills, Valley	39411
View, Cuyahoga Heights, Newburgh Heights, Independence, and	39412
Brecksville in Cuyahoga county.	39413
The Girard municipal court has jurisdiction within Liberty,	39414
Vienna, and Hubbard townships in Trumbull county.	39415
The Hamilton municipal court has jurisdiction within Ross and	39416
St. Clair townships in Butler county.	39417
The Hamilton county municipal court has jurisdiction within	39418
Hamilton county.	39419
The Hardin county municipal court has jurisdiction within	39420
Hardin county.	39421
The Hillsboro municipal court has jurisdiction within all of	39422
Highland county except within Madison township.	39423
The Hocking county municipal court has jurisdiction within	39424
Hocking county.	39425

The Holmes county municipal court has jurisdiction within Holmes county.	39426 39427
The Huron municipal court has jurisdiction within all of Huron township in Erie county except within the municipal corporation of Sandusky.	39428 39429 39430
The Ironton municipal court has jurisdiction within Aid, Decatur, Elizabeth, Hamilton, Lawrence, Upper, and Washington townships in Lawrence county.	39431 39432 39433
The Jackson county municipal court has jurisdiction within Jackson county.	39434 39435
The Kettering municipal court has jurisdiction within the municipal corporations of Centerville and Moraine, and within Washington township, in Montgomery county.	39436 39437 39438
Until January 2, 2000, the Lancaster municipal court has jurisdiction within Fairfield county.	39439 39440
The Lawrence county municipal court has jurisdiction within the townships of Fayette, Mason, Perry, Rome, Symmes, Union, and Windsor in Lawrence county.	39441 39442 39443
The Lebanon municipal court has jurisdiction within Turtlecreek township in Warren county.	39444 39445
The Licking county municipal court has jurisdiction within Licking county.	39446 39447
The Lima municipal court has jurisdiction within Allen county.	39448 39449
The Lorain municipal court has jurisdiction within the municipal corporation of Sheffield Lake, and within Sheffield township, in Lorain county.	39450 39451 39452
The Lyndhurst municipal court has jurisdiction within the municipal corporations of Mayfield Heights, Gates Mills, Mayfield, Highland Heights, and Richmond Heights in Cuyahoga county.	39453 39454 39455

The Madison county municipal court has jurisdiction within Madison county.	39456 39457
The Mansfield municipal court has jurisdiction within Madison, Springfield, Sandusky, Franklin, Weller, Mifflin, Troy, Washington, Monroe, Perry, Jefferson, and Worthington townships, and within sections 35-36-31 and 32 of Butler township, in Richland county.	39458 39459 39460 39461 39462
The Marietta municipal court has jurisdiction within Washington county.	39463 39464
The Marion municipal court has jurisdiction within Marion county.	39465 39466
The Marysville municipal court has jurisdiction within Union county.	39467 39468
The Mason municipal court has jurisdiction within Deerfield township in Warren county.	39469 39470
The Massillon municipal court has jurisdiction within Bethlehem, Perry, Sugar Creek, Tuscarawas, Lawrence, and Jackson townships in Stark county.	39471 39472 39473
The Maumee municipal court has jurisdiction within the municipal corporations of Waterville and Whitehouse, within Waterville and Providence townships, and within those portions of Springfield, Monclova, and Swanton townships lying south of the northerly boundary line of the Ohio turnpike, in Lucas county.	39474 39475 39476 39477 39478
The Medina municipal court has jurisdiction within the municipal corporations of Briarwood Beach, Brunswick, Chippewa-on-the-Lake, and Spencer and within the townships of Brunswick Hills, Chatham, Granger, Hinckley, Lafayette, Litchfield, Liverpool, Medina, Montville, Spencer, and York townships, in Medina county.	39479 39480 39481 39482 39483 39484
The Mentor municipal court has jurisdiction within the	39485

municipal corporation of Mentor-on-the-Lake in Lake county.	39486
The Miami county municipal court has jurisdiction within	39487
Miami county and within the part of the municipal corporation of	39488
Bradford that is located in Darke county.	39489
The Miamisburg municipal court has jurisdiction within the	39490
municipal corporations of Germantown and West Carrollton, and	39491
within German and Miami townships in Montgomery county.	39492
The Middletown municipal court has jurisdiction within	39493
Madison township, and within all of Lemon township, except within	39494
the municipal corporation of Monroe, in Butler county.	39495
Beginning July 1, 2010, the Montgomery county municipal court	39496
has jurisdiction within all of Montgomery county except for the	39497
municipal corporations of Centerville, Clayton, Dayton, Englewood,	39498
Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union,	39499
Vandalia, and West Carrollton and Butler, German, Harrison, Miami,	39500
and Washington townships.	39501
Beginning January 1, 2003, the Morrow county municipal court	39502
has jurisdiction within Morrow county.	39503
The Mount Vernon municipal court has jurisdiction within Knox	39504
county.	39505
The Napoleon municipal court has jurisdiction within Henry	39506
county.	39507
The New Philadelphia municipal court has jurisdiction within	39508
the municipal corporation of Dover, and within Auburn, Bucks,	39509
Fairfield, Goshen, Jefferson, Warren, York, Dover, Franklin,	39510
Lawrence, Sandy, Sugarcreek, and Wayne townships in Tuscarawas	39511
county.	39512
The Newton Falls municipal court has jurisdiction within	39513
Bristol, Bloomfield, Lordstown, Newton, Braceville, Southington,	39514
Farmington, and Mesopotamia townships in Trumbull county.	39515

The Niles municipal court has jurisdiction within the 39516
municipal corporation of McDonald, and within Weathersfield 39517
township in Trumbull county. 39518

The Norwalk municipal court has jurisdiction within all of 39519
Huron county except within the municipal corporation of Bellevue 39520
and except within Lyme and Sherman townships. 39521

The Oberlin municipal court has jurisdiction within the 39522
municipal corporations of Amherst, Kipton, Rochester, South 39523
Amherst, and Wellington, and within Henrietta, Russia, Camden, 39524
Pittsfield, Brighton, Wellington, Penfield, Rochester, and 39525
Huntington townships, and within all of Amherst township except 39526
within the municipal corporation of Lorain, in Lorain county. 39527

The Oregon municipal court has jurisdiction within the 39528
municipal corporation of Harbor View, and within Jerusalem 39529
township, in Lucas county, and north within Maumee Bay and Lake 39530
Erie to the boundary line between Ohio and Michigan between the 39531
easterly boundary of the court and the easterly boundary of the 39532
Toledo municipal court. 39533

The Ottawa county municipal court has jurisdiction within 39534
Ottawa county. 39535

The Painesville municipal court has jurisdiction within 39536
Painesville, Perry, Leroy, Concord, and Madison townships in Lake 39537
county. 39538

The Parma municipal court has jurisdiction within the 39539
municipal corporations of Parma Heights, Brooklyn, Linndale, North 39540
Royalton, Broadview Heights, Seven Hills, and Brooklyn Heights in 39541
Cuyahoga county. 39542

The Perrysburg municipal court has jurisdiction within the 39543
municipal corporations of Luckey, Millbury, Northwood, Rossford, 39544
and Walbridge, and within Perrysburg, Lake, and Troy townships, in 39545
Wood county. 39546

The Portage county municipal court has jurisdiction within Portage county.	39547 39548
The Portsmouth municipal court has jurisdiction within Scioto county.	39549 39550
The Putnam county municipal court has jurisdiction within Putnam county.	39551 39552
The Rocky River municipal court has jurisdiction within the municipal corporations of Bay Village, Westlake, Fairview Park, and North Olmsted, and within Riveredge township, in Cuyahoga county.	39553 39554 39555 39556
The Sandusky municipal court has jurisdiction within the municipal corporations of Castalia and Bay View, and within Perkins township, in Erie county.	39557 39558 39559
The Shaker Heights municipal court has jurisdiction within the municipal corporations of University Heights, Beachwood, Pepper Pike, and Hunting Valley in Cuyahoga county.	39560 39561 39562
The Shelby municipal court has jurisdiction within Sharon, Jackson, Cass, Plymouth, and Blooming Grove townships, and within all of Butler township except sections 35-36-31 and 32, in Richland county.	39563 39564 39565 39566
The Sidney municipal court has jurisdiction within Shelby county.	39567 39568
Beginning January 1, 2009, the Stow municipal court has jurisdiction within Boston, Hudson, Northfield Center, Sagamore Hills, and Twinsburg townships, and within the municipal corporations of Boston Heights, Cuyahoga Falls, Hudson, Munroe Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg, and Macedonia, in Summit county.	39569 39570 39571 39572 39573 39574
The Struthers municipal court has jurisdiction within the municipal corporations of Lowellville, New Middleton, and Poland,	39575 39576

and within Poland and Springfield townships in Mahoning county.	39577
The Sylvania municipal court has jurisdiction within the	39578
municipal corporations of Berkey and Holland, and within Sylvania,	39579
Richfield, Spencer, and Harding townships, and within those	39580
portions of Swanton, Monclova, and Springfield townships lying	39581
north of the northerly boundary line of the Ohio turnpike, in	39582
Lucas county.	39583
The Tiffin municipal court has jurisdiction within Adams, Big	39584
Spring, Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed,	39585
Scipio, Seneca, Thompson, and Venice townships in Seneca county.	39586
The Toledo municipal court has jurisdiction within Washington	39587
township, and within the municipal corporation of Ottawa Hills, in	39588
Lucas county.	39589
The Upper Sandusky municipal court has jurisdiction within	39590
Wyandot county.	39591
The Vandalia municipal court has jurisdiction within the	39592
municipal corporations of Clayton, Englewood, and Union, and	39593
within Butler, Harrison, and Randolph townships, in Montgomery	39594
county.	39595
The Van Wert municipal court has jurisdiction within Van Wert	39596
county.	39597
The Vermilion municipal court has jurisdiction within the	39598
townships of Vermilion and Florence in Erie county and within all	39599
of Brownhelm township except within the municipal corporation of	39600
Lorain, in Lorain county.	39601
The Wadsworth municipal court has jurisdiction within the	39602
municipal corporations of Gloria Glens Park, Lodi, Seville, and	39603
Westfield Center, and within Guilford, Harrisville, Homer, Sharon,	39604
Wadsworth, and Westfield townships in Medina county.	39605
The Warren municipal court has jurisdiction within Warren and	39606

Champion townships, and within all of Howland township except	39607
within the municipal corporation of Niles, in Trumbull county.	39608
The Washington Court House municipal court has jurisdiction	39609
within Fayette county.	39610
The Wayne county municipal court has jurisdiction within	39611
Wayne county.	39612
The Willoughby municipal court has jurisdiction within the	39613
municipal corporations of Eastlake, Wickliffe, Willowick,	39614
Willoughby Hills, Kirtland, Kirtland Hills, Waite Hill,	39615
Timberlake, and Lakeline, and within Kirtland township, in Lake	39616
county.	39617
Through June 30, 1992, the Wilmington municipal court has	39618
jurisdiction within Clinton county.	39619
The Xenia municipal court has jurisdiction within	39620
Caesarcreek, Cedarville, Jefferson, Miami, New Jasper, Ross,	39621
Silvercreek, Spring Valley, Sugarcreek, and Xenia townships in	39622
Greene county.	39623
(C) As used in this section:	39624
(1) "Within a township" includes all land, including, but not	39625
limited to, any part of any municipal corporation, that is	39626
physically located within the territorial boundaries of that	39627
township, whether or not that land or municipal corporation is	39628
governmentally a part of the township.	39629
(2) "Within a municipal corporation" includes all land within	39630
the territorial boundaries of the municipal corporation and any	39631
townships that are coextensive with the municipal corporation.	39632
Sec. 1901.06. A municipal judge during the judge's term of	39633
office shall be a qualified elector and a resident of the	39634
territory of the court to which the judge is elected or appointed.	39635
A municipal judge shall have been admitted to the practice of law	39636

in this state and shall have been, for a total of at least six 39637
years preceding appointment or the commencement of the judge's 39638
term, engaged in the practice of law ~~in this state~~ or served as a 39639
judge of a court of record in any jurisdiction in the United 39640
States, or both. At least two of the years of practice or service 39641
that qualify a judge shall have been in this state. 39642

Except as provided in section 1901.08 of the Revised Code, 39643
the first election of any newly created office of a municipal 39644
judge shall be held at the next regular municipal election 39645
occurring not less than one hundred days after the creation of the 39646
office. Except as otherwise provided in division (G) of section 39647
1901.01 of the Revised Code, the institution of a new municipal 39648
court shall take place on the first day of January next after the 39649
first election for the court. 39650

Sec. 1901.261. (A)(1) A municipal court may determine that 39651
for the efficient operation of the court additional funds are 39652
required to computerize the court, to make available computerized 39653
legal research services, or to do both. Upon making a 39654
determination that additional funds are required for either or 39655
both of those purposes, the court shall include in its schedule of 39656
fees and costs under section 1901.26 of the Revised Code one 39657
additional fee not to exceed three dollars on the filing of each 39658
cause of action or appeal equivalent to one described in division 39659
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 39660
direct the clerk of the court to charge the fee. 39661

(2) All fees collected under this section shall be paid to 39662
the county treasurer if the court is a county-operated municipal 39663
court or to the city treasurer if the court is not a 39664
county-operated municipal court. The treasurer shall place the 39665
funds from the fees in a separate fund to be disbursed upon an 39666
order of the court, subject to an appropriation by the board of 39667

county commissioners if the court is a county-operated municipal 39668
court or by the legislative authority of the municipal corporation 39669
if the court is not a county-operated municipal court, or upon an 39670
order of the court, subject to the court making an annual report 39671
available to the public listing the use of all such funds, in an 39672
amount not greater than the actual cost to the court of 39673
computerizing the court, procuring and maintaining computerized 39674
legal research services, or both. 39675

(3) If the court determines that the funds in the fund 39676
described in division (A)(2) of this section are more than 39677
sufficient to satisfy the purpose for which the additional fee 39678
described in division (A)(1) of this section was imposed, the 39679
court may declare a surplus in the fund and, subject to an 39680
appropriation by the board of county commissioners if the court is 39681
a county-operated municipal court or by the legislative authority 39682
of the municipal corporation if the court is not a county-operated 39683
municipal court, expend those surplus funds, or upon an order of 39684
the court, subject to the court making an annual report available 39685
to the public listing the use of all such funds, expend those 39686
surplus funds, for other appropriate technological expenses of the 39687
court. 39688

(B)(1) A municipal court may determine that, for the 39689
efficient operation of the court, additional funds are required to 39690
computerize the office of the clerk of the court and, upon that 39691
determination, may include in its schedule of fees and costs under 39692
section 1901.26 of the Revised Code an additional fee not to 39693
exceed ten dollars on the filing of each cause of action or 39694
appeal, on the filing, docketing, and endorsing of each 39695
certificate of judgment, or on the docketing and indexing of each 39696
aid in execution or petition to vacate, revive, or modify a 39697
judgment that is equivalent to one described in division (A), (P), 39698
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 39699

to division (B)(2) of this section, all moneys collected under 39700
division (B)(1) of this section shall be paid to the county 39701
treasurer if the court is a county-operated municipal court or to 39702
the city treasurer if the court is not a county-operated municipal 39703
court. The treasurer shall place the funds from the fees in a 39704
separate fund to be disbursed, upon an order of the municipal 39705
court and subject to an appropriation by the board of county 39706
commissioners if the court is a county-operated municipal court or 39707
by the legislative authority of the municipal corporation if the 39708
court is not a county-operated municipal court, in an amount no 39709
greater than the actual cost to the court of procuring and 39710
maintaining computer systems for the office of the clerk of the 39711
municipal court. 39712

(2) If a municipal court makes the determination described in 39713
division (B)(1) of this section, the board of county commissioners 39714
of the county if the court is a county-operated municipal court or 39715
the legislative authority of the municipal corporation if the 39716
court is not a county-operated municipal court, may issue one or 39717
more general obligation bonds for the purpose of procuring and 39718
maintaining the computer systems for the office of the clerk of 39719
the municipal court. In addition to the purposes stated in 39720
division (B)(1) of this section for which the moneys collected 39721
under that division may be expended, the moneys additionally may 39722
be expended to pay debt charges and financing costs related to any 39723
general obligation bonds issued pursuant to division (B)(2) of 39724
this section as they become due. General obligation bonds issued 39725
pursuant to division (B)(2) of this section are Chapter 133. 39726
securities. 39727

Sec. 1901.262. (A) A municipal court may establish by rule 39728
procedures for the resolution of disputes between parties. Any 39729
procedures so adopted shall include, but are not limited to, 39730
mediation. If the court establishes any procedures under this 39731

division, the court may include in the court's schedule of fees 39732
and costs under section 1901.26 of the Revised Code a reasonable 39733
fee, that is to be collected on the filing of each civil or 39734
criminal action or proceeding, and that is to be used to implement 39735
the procedures, and the court shall direct the clerk of the court 39736
to charge the fee. 39737

(B) All fees collected under division (A) of this section 39738
shall be paid to the county treasurer if the court is a 39739
county-operated municipal court or to the city treasurer if the 39740
court is not a county-operated municipal court. The treasurer 39741
shall place the funds from the fees in a separate fund to be 39742
disbursed either upon an order of the court, subject to an 39743
appropriation by the board of county commissioners if the court is 39744
a county-operated municipal court or by the legislative authority 39745
of the municipal corporation if the court is not a county-operated 39746
municipal court, or upon an order of the court, subject to the 39747
court making an annual report available to the public listing the 39748
use of all such funds. 39749

(C) If the court determines that the amount of the moneys in 39750
the fund described in division (B) of this section is more than 39751
the amount sufficient to satisfy the purpose for which the 39752
additional fee described in division (A) of this section was 39753
imposed, the court may declare a surplus in the fund and, subject 39754
to an appropriation by the board of county commissioners if the 39755
court is a county-operated municipal court or by the legislative 39756
authority of the municipal corporation if the court is not a 39757
county-operated municipal court, expend the surplus moneys, or 39758
upon an order of the court, subject to the court making an annual 39759
report available to the public listing the use of all such funds, 39760
expend the surplus moneys for other appropriate expenses of the 39761
court. 39762

Sec. 1901.41. (A) Notwithstanding ~~section~~ sections 149.381 39763
and 149.39 of the Revised Code and subject to division (E) of this 39764
section, each municipal court, by rule, may order the destruction 39765
or other disposition of the files of cases that have been finally 39766
disposed of by the court for at least five years as follows: 39767

(1) If a case has been finally disposed of for at least five 39768
years, but less than fifteen years prior to the adoption of the 39769
rule of court for destruction or other disposition of the files, 39770
the court may order the files destroyed or otherwise disposed of 39771
only if the court first complies with division (B)(1) of this 39772
section; 39773

(2) If a case has been finally disposed of for fifteen years 39774
or more prior to the adoption of the rule of court for destruction 39775
or other disposition of the files, the court may order the files 39776
destroyed or otherwise disposed of without having copied or 39777
reproduced the files prior to their destruction. 39778

(B)(1) Except as otherwise provided in this division, all 39779
files destroyed or otherwise disposed of under division (A)(1) of 39780
this section shall be copied or reproduced prior to their 39781
destruction or disposition in the manner and according to the 39782
procedure prescribed in section 9.01 of the Revised Code. The 39783
copies or reproductions of the files made pursuant to section 9.01 39784
of the Revised Code shall be retained and preserved by the court 39785
for a period of ten years after the destruction of the original 39786
files in accordance with this section, after which the copies or 39787
reproductions themselves may be destroyed or otherwise disposed 39788
of. 39789

Files destroyed or otherwise disposed of under division 39790
(A)(1) of this section that are solely concerned with criminal 39791
prosecutions for minor misdemeanor offenses or that are concerned 39792
solely with minor misdemeanor traffic prosecutions do not have to 39793

be copied or reproduced in any manner or under any procedure prior 39794
to their destruction or disposition as provided in this section. 39795

(2) Files destroyed or otherwise disposed of under division 39796
(A)(2) of this section do not have to be copied or reproduced in 39797
any manner or under any procedure prior to their destruction or 39798
disposition. 39799

(C) Nothing in this section permits or shall be construed as 39800
permitting the destruction or other disposition of the files in 39801
the Cleveland municipal court of cases involving the following 39802
actions and proceedings: 39803

(1) The sale of real property in an action to foreclose and 39804
marshal all liens on the real property; 39805

(2) The sale of real property in an action to foreclose a 39806
mortgage on the real property; 39807

(3) The determination of rights in the title to real property 39808
either in the form of a creditor's bill or in any other action 39809
intended to determine or adjudicate the right, title, and interest 39810
of a person or persons in the ownership of a parcel or parcels of 39811
real property or any interest therein. 39812

(D) All dockets, indexes, journals, and cash books of the 39813
court shall be retained and preserved by the court for at least 39814
twenty-five years unless they are reproduced in the manner and 39815
according to the procedure prescribed in section 9.01 of the 39816
Revised Code, in which case the reproductions shall be retained 39817
and preserved by the court at least until the expiration of the 39818
twenty-five year period for which the originals would have had to 39819
have been retained. Court dockets, indexes, journals, and cash 39820
books, and all other court records also shall be subject to 39821
destruction or other disposition under section ~~149.39~~ 149.381 of 39822
the Revised Code. 39823

(E) Notwithstanding ~~section~~ sections 149.381 and 149.39 of 39824

the Revised Code, each clerk of a municipal court shall retain 39825
documentation regarding each criminal conviction and plea of 39826
guilty involving a case that is or was before the court. The 39827
documentation shall be in a form that is admissible as evidence in 39828
a criminal proceeding as evidence of a prior conviction or that is 39829
readily convertible to or producible in a form that is admissible 39830
as evidence in a criminal proceeding as evidence of a prior 39831
conviction and may be retained in any form authorized by section 39832
9.01 of the Revised Code. The clerk shall retain this 39833
documentation for a period of fifty years after the entry of 39834
judgment in the case, except that documentation regarding cases 39835
solely concerned with minor misdemeanor offenses or minor 39836
misdemeanor traffic offenses shall be retained as provided in 39837
divisions (A) and (B) of this section, and documentation regarding 39838
other misdemeanor traffic offenses shall be retained for a period 39839
of twenty-five years after the entry of judgment in the case. This 39840
section shall apply to records currently retained and to records 39841
created on or after September 23, 2004. 39842

Sec. 1907.13. A county court judge, at the time of filing a 39843
nominating petition for the office or at the time of appointment 39844
to the office and during the judge's term of office, shall be a 39845
qualified elector and a resident of the county court district in 39846
which the judge is elected or appointed. A county court judge does 39847
not have to be a resident of an area of separate jurisdiction in 39848
the county court district to which the judge may be assigned 39849
pursuant to section 1907.15 of the Revised Code. Every county 39850
court judge shall have been admitted to the practice of law in 39851
this state and shall have been engaged, for a total of at least 39852
six years preceding the judge's appointment or the commencement of 39853
the judge's term, in the practice of law in ~~this state~~ any 39854
jurisdiction in the United States, except that the six-year 39855
practice requirement does not apply to a county court judge who is 39856

holding office on ~~the effective date of this amendment~~ July 2, 39857
2010, and who subsequently is a candidate for that office. At 39858
least two of the years of practice that qualify a judge shall have 39859
been in this state. 39860

Judges shall be elected by the electors of the county court 39861
district at the general election in even-numbered years as set 39862
forth in section 1907.11 of the Revised Code for a term of six 39863
years commencing on the first day of January following the 39864
election for the county court or on the dates specified in section 39865
1907.11 of the Revised Code for particular county court judges. 39866
Their successors shall be elected in even-numbered years every six 39867
years. 39868

All candidates for county court judge shall be nominated by 39869
petition. The nominating petition shall be in the general form and 39870
signed and verified as prescribed by section 3513.261 of the 39871
Revised Code and shall be signed by the lesser of fifty qualified 39872
electors of the county court district or a number of qualified 39873
electors of the county court district not less than one per cent 39874
of the number of electors who voted for governor at the most 39875
recent regular state election in the district. A nominating 39876
petition shall not be accepted for filing or filed if it appears 39877
on its face to contain signatures aggregating in number more than 39878
twice the minimum aggregate number of signatures required by this 39879
section. A nominating petition shall be filed with the board of 39880
elections not later than four p.m. of the ninetieth day before the 39881
day of the general election. 39882

Sec. 1907.261. (A)(1) A county court may determine that for 39883
the efficient operation of the court additional funds are required 39884
to computerize the court, to make available computerized legal 39885
research services, or to do both. Upon making a determination that 39886
additional funds are required for either or both of those 39887

purposes, the court shall include in its schedule of fees and 39888
costs under section 1907.24 of the Revised Code one additional fee 39889
not to exceed three dollars on the filing of each cause of action 39890
or appeal equivalent to one described in division (A), (Q), or (U) 39891
of section 2303.20 of the Revised Code and shall direct the clerk 39892
of the court to charge the fee. 39893

(2) All fees collected under this section shall be paid to 39894
the county treasurer. The treasurer shall place the funds from the 39895
fees in a separate fund to be disbursed either upon an order of 39896
the court, subject to an appropriation by the board of county 39897
commissioners, or upon an order of the court, subject to the court 39898
making an annual report available to the public listing the use of 39899
all such funds, in an amount not greater than the actual cost to 39900
the court of computerizing the court, procuring and maintaining 39901
computerized legal research services, or both. 39902

(3) If the court determines that the funds in the fund 39903
described in division (A)(2) of this section are more than 39904
sufficient to satisfy the purpose for which the additional fee 39905
described in division (A)(1) of this section was imposed, the 39906
court may declare a surplus in the fund and, subject to an 39907
appropriation by the board of county commissioners, expend those 39908
surplus funds, or upon an order of the court, subject to the court 39909
making an annual report available to the public listing the use of 39910
all such funds, expend those surplus funds, for other appropriate 39911
technological expenses of the court. 39912

(B)(1) A county court may determine that, for the efficient 39913
operation of the court, additional funds are required to 39914
computerize the office of the clerk of the court and, upon that 39915
determination, may include in its schedule of fees and costs under 39916
section 1907.24 of the Revised Code an additional fee not to 39917
exceed ten dollars on the filing of each cause of action or 39918
appeal, on the filing, docketing, and endorsing of each 39919

certificate of judgment, or on the docketing and indexing of each 39920
aid in execution or petition to vacate, revive, or modify a 39921
judgment that is equivalent to one described in division (A), (P), 39922
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 39923
to division (B)(2) of this section, all moneys collected under 39924
division (B)(1) of this section shall be paid to the county 39925
treasurer. The treasurer shall place the funds from the fees in a 39926
separate fund to be disbursed, upon an order of the county court 39927
and subject to an appropriation by the board of county 39928
commissioners, in an amount no greater than the actual cost to the 39929
court of procuring and maintaining computer systems for the office 39930
of the clerk of the county court. 39931

(2) If a county court makes the determination described in 39932
division (B)(1) of this section, the board of county commissioners 39933
of that county may issue one or more general obligation bonds for 39934
the purpose of procuring and maintaining the computer systems for 39935
the office of the clerk of the county court. In addition to the 39936
purposes stated in division (B)(1) of this section for which the 39937
moneys collected under that division may be expended, the moneys 39938
additionally may be expended to pay debt charges and financing 39939
costs related to any general obligation bonds issued pursuant to 39940
division (B)(2) of this section as they become due. General 39941
obligation bonds issued pursuant to division (B)(2) of this 39942
section are Chapter 133. securities. 39943

Sec. 1907.262. (A) A county court may establish by rule 39944
procedures for the resolution of disputes between parties. Any 39945
procedures so adopted shall include, but are not limited to, 39946
mediation. If the court establishes any procedures under this 39947
division, the court may include in the court's schedule of fees 39948
and costs under section 1907.24 of the Revised Code a reasonable 39949
fee, that is to be collected on the filing of each civil or 39950
criminal action or proceeding, and that is to be used to implement 39951

the procedures, and the court shall direct the clerk of the court 39952
to charge the fee. 39953

(B) All fees collected under division (A) of this section 39954
shall be paid to the county treasurer. The treasurer shall place 39955
the funds from the fees in a separate fund to be disbursed either 39956
upon an order of the court, subject to an appropriation by the 39957
board of county commissioners, or upon an order of the court, 39958
subject to the court making an annual report available to the 39959
public listing the use of all such funds. 39960

(C) If the court determines that the amount of the moneys in 39961
the fund described in division (B) of this section is more than 39962
the amount sufficient to satisfy the purpose for which the 39963
additional fee described in division (A) of this section was 39964
imposed, the court may declare a surplus in the fund and, subject 39965
to an appropriation by the board of county commissioners, expend 39966
the surplus moneys, or upon an order of the court, subject to the 39967
court making an annual report available to the public listing the 39968
use of all such funds, expend the surplus moneys, for other 39969
appropriate expenses of the court. 39970

Sec. 1907.53. (A)(1) Each judge of a county court may appoint 39971
a bailiff on a full-time or part-time basis. The bailiff shall 39972
receive compensation as prescribed by the appointing judge, and 39973
the compensation is payable in semimonthly installments from the 39974
treasury of the county or other authorized fund. Before entering 39975
upon the duties of the office, a bailiff shall take an oath to 39976
faithfully perform those duties and shall give a bond of not less 39977
than three thousand dollars, as the appointing judge prescribes, 39978
conditioned on the faithful performance of the duties as bailiff. 39979

(2) The board of county commissioners may purchase motor 39981
vehicles for the use of the bailiff that the court determines 39982

necessary to perform the duties of the office. The board, upon 39983
approval by the court, shall pay all expenses, maintenance, and 39984
upkeep of the vehicles from the county treasury or other 39985
authorized fund. Any allowances, costs, and expenses for the 39986
operation of private motor vehicles by the bailiffs for official 39987
duties, including the cost of oil, gasoline, and maintenance, 39988
shall be prescribed by the court and subject to the approval of 39989
the board and shall be paid from the county treasury or other 39990
authorized fund. 39991

(B)(1) In a county court district in which no bailiff is 39992
appointed pursuant to division (A)(1) of this section, every 39993
deputy sheriff of the county, every police officer of a municipal 39994
corporation within the jurisdiction of the court, every member of 39995
a township or joint ~~township~~ police district police force, and 39996
every police constable of a township within the county court 39997
district is ex officio a bailiff of the court in and for the 39998
county, municipal corporation, or township within which the deputy 39999
sheriff, police officer, police force member, or police constable 40000
is commissioned and shall perform, in respect to cases within that 40001
jurisdiction and without additional compensation, any duties that 40002
are required by a judge of the court or by the clerk of the court. 40003

(2) At the request of a county court judge, a deputy sheriff 40004
or constable shall attend the county court while a trial is in 40005
progress. 40006

(C)(1) A bailiff and an ex officio bailiff shall perform for 40007
the county court services similar to those performed by the 40008
sheriff for the court of common pleas and shall perform any other 40009
duties that are required by rule of court. 40010

(2) The bailiff may administer oaths to witnesses and jurors 40011
and receive verdicts in the same manner and form and to the same 40012
extent as the clerk or deputy clerks of the county court. The 40013
bailiff may approve all undertakings and bonds given in actions of 40014

replevin and all redelivery bonds in attachments. 40015

(D) Bailiffs and deputy bailiffs are in the unclassified 40016
civil service. 40017

Sec. 2105.09. (A) The county auditor, unless ~~he~~ the auditor 40018
acts pursuant to division (C) of this section, shall take 40019
possession of real property escheated to the state that is located 40020
in ~~his~~ the auditor's county and outside the incorporated area of a 40021
city. The auditor shall take possession in the name of the state 40022
and sell the property at public auction, at the county seat of the 40023
county, to the highest bidder, after having given thirty days' 40024
notice of the intended sale in a newspaper ~~published within of~~ 40025
general circulation in the county or as provided in section 7.16 40026
of the Revised Code. 40027

On the application of the auditor, the court of common pleas 40028
shall appoint three disinterested freeholders of the county to 40029
appraise the real property. The freeholders shall be governed by 40030
the same rule as appraisers in sheriffs' or administrators' sales. 40031
The auditor shall sell the property at not less than two thirds of 40032
its appraised value and may sell it for cash, or for one-third 40033
cash and the balance in equal annual payments, the deferred 40034
payments to be amply secured. Upon payment of the whole 40035
consideration, the auditor shall execute a deed to the purchaser, 40036
in the name and on behalf of the state. The proceeds of the sale 40037
shall be paid by the auditor to the county treasurer. 40038

If there is a regularly organized agricultural society within 40039
the county, the treasurer shall pay the greater of six hundred 40040
dollars or five per cent of the proceeds, in any case, to the 40041
society. The excess of the proceeds, or the whole thereof if there 40042
is no regularly organized agricultural society within the county, 40043
shall be distributed as follows: 40044

(1) Twenty-five per cent shall be paid equally to the 40045

townships of the county; 40046

(2) Seventy per cent shall be paid into the state treasury to 40047
the credit of the agro Ohio fund created under section 901.04 of 40048
the Revised Code; 40049

(3) Five per cent shall be credited to the county general 40050
fund for such lawful purposes as the board of county commissioners 40051
provides. 40052

(B) The legislative authority of a city within which are 40053
lands escheated to the state, unless it acts pursuant to division 40054
(C) of this section, shall take possession of the lands for the 40055
city, and the title to the lands shall vest in the city. The city 40056
shall use the premises primarily for health, welfare, or 40057
recreational purposes, or may lease them at such prices and for 40058
such purposes as it considers proper. With the approval of the tax 40059
commissioner, the city may sell the lands or any undivided 40060
interest in the lands, in the same manner as is provided in the 40061
sale of land not needed for any municipal purposes; provided, that 40062
the net proceeds from the rent or sale of the premises shall be 40063
devoted to health, welfare, or recreational purposes. 40064

(C) As an alternative to the procedure prescribed in 40065
divisions (A) and (B) of this section, the county auditor, or if 40066
the real property is located within the incorporated area of a 40067
city, the legislative authority of that city by an affirmative 40068
vote of at least a majority of its members, may request the 40069
probate court to direct the administrator or executor of the 40070
estate that contains the escheated property to commence an action 40071
in the probate court for authority to sell the real property in 40072
the manner provided in Chapter 2127. of the Revised Code. The 40073
proceeds from the sale of real property that is located outside 40074
the incorporated area of a city shall be distributed by the court 40075
in the same manner as the proceeds are distributed under division 40076
(A) of this section. The proceeds from the sale of real property 40077

that is located within the incorporated area of a city shall be 40078
distributed by the court in the same manner as the proceeds are 40079
distributed under division (B) of this section. 40080

Sec. 2117.25. (A) Every executor or administrator shall 40081
proceed with diligence to pay the debts of the decedent and shall 40082
apply the assets in the following order: 40083

(1) Costs and expenses of administration; 40084

(2) An amount, not exceeding four thousand dollars, for 40085
funeral expenses that are included in the bill of a funeral 40086
director, funeral expenses other than those in the bill of a 40087
funeral director that are approved by the probate court, and an 40088
amount, not exceeding three thousand dollars, for burial and 40089
cemetery expenses, including that portion of the funeral 40090
director's bill allocated to cemetery expenses that have been paid 40091
to the cemetery by the funeral director. 40092

For purposes of ~~this~~ division (A)(2) of this section, burial 40093
and cemetery expenses shall be limited to the following: 40094

(a) The purchase of a right of interment; 40095

(b) Monuments or other markers; 40096

(c) The outer burial container; 40097

(d) The cost of opening and closing the place of interment; 40098

(e) The urn. 40099

(3) The allowance for support made to the surviving spouse, 40100
minor children, or both under section 2106.13 of the Revised Code; 40101

(4) Debts entitled to a preference under the laws of the 40102
United States; 40103

(5) Expenses of the last sickness of the decedent; 40104

(6) If the total bill of a funeral director for funeral 40105

expenses exceeds four thousand dollars, then, in addition to the 40106
amount described in division (A)(2) of this section, an amount, 40107
not exceeding two thousand dollars, for funeral expenses that are 40108
included in the bill and that exceed four thousand dollars; 40109

(7) Expenses of the decedent's last continuous stay in a 40110
nursing home as defined in section 3721.01 of the Revised Code, 40111
residential facility as defined in section 5123.19 of the Revised 40112
Code, or hospital long-term care unit as defined in section 40113
3721.50 of the Revised Code. 40114

For purposes of division (A)(7) of this section, a decedent's 40115
last continuance stay includes up to thirty consecutive days 40116
during which the decedent was temporarily absent from the nursing 40117
home, residential facility, or hospital long-term care unit. 40118

(8) Personal property taxes, claims made under the medicaid 40119
estate recovery program instituted pursuant to section 5111.11 of 40120
the Revised Code, and obligations for which the decedent was 40121
personally liable to the state or any of its subdivisions; 40122

~~(8)~~(9) Debts for manual labor performed for the decedent 40123
within twelve months preceding the decedent's death, not exceeding 40124
three hundred dollars to any one person; 40125

~~(9)~~(10) Other debts for which claims have been presented and 40126
finally allowed. 40127

(B) The part of the bill of a funeral director that exceeds 40128
the total of six thousand dollars as described in divisions (A)(2) 40129
and (6) of this section, and the part of a claim included in 40130
division (A)~~(8)~~(9) of this section that exceeds three hundred 40131
dollars shall be included as a debt under division (A)~~(9)~~(10) of 40132
this section, depending upon the time when the claim for the 40133
additional amount is presented. 40134

(C) Any natural person or fiduciary who pays a claim of any 40135
creditor described in division (A) of this section shall be 40136

subrogated to the rights of that creditor proportionate to the 40137
amount of the payment and shall be entitled to reimbursement for 40138
that amount in accordance with the priority of payments set forth 40139
in that division. 40140

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 40141
to the manner in which and the time within which claims shall be 40142
presented, shall apply to claims set forth in divisions (A)(2), 40143
(6), and ~~(8)~~(9) of this section. Claims for an expense of 40144
administration or for the allowance for support need not be 40145
presented. The executor or administrator shall pay debts included 40146
in divisions (A)(4) and ~~(7)~~(8) of this section, of which the 40147
executor or administrator has knowledge, regardless of 40148
presentation. 40149

(2) The giving of written notice to an executor or 40150
administrator of a motion or application to revive an action 40151
pending against the decedent at the date of death shall be 40152
equivalent to the presentation of a claim to the executor or 40153
administrator for the purpose of determining the order of payment 40154
of any judgment rendered or decree entered in such an action. 40155

(E) No payments shall be made to creditors of one class until 40156
all those of the preceding class are fully paid or provided for. 40157
If the assets are insufficient to pay all the claims of one class, 40158
the creditors of that class shall be paid ratably. 40159

(F) If it appears at any time that the assets have been 40160
exhausted in paying prior or preferred charges, allowances, or 40161
claims, those payments shall be a bar to an action on any claim 40162
not entitled to that priority or preference. 40163

Sec. 2151.011. (A) As used in the Revised Code: 40164

(1) "Juvenile court" means whichever of the following is 40165
applicable that has jurisdiction under this chapter and Chapter 40166

2152. of the Revised Code:	40167
(a) The division of the court of common pleas specified in	40168
section 2101.022 or 2301.03 of the Revised Code as having	40169
jurisdiction under this chapter and Chapter 2152. of the Revised	40170
Code or as being the juvenile division or the juvenile division	40171
combined with one or more other divisions;	40172
(b) The juvenile court of Cuyahoga county or Hamilton county	40173
that is separately and independently created by section 2151.08 or	40174
Chapter 2153. of the Revised Code and that has jurisdiction under	40175
this chapter and Chapter 2152. of the Revised Code;	40176
(c) If division (A)(1)(a) or (b) of this section does not	40177
apply, the probate division of the court of common pleas.	40178
(2) "Juvenile judge" means a judge of a court having	40179
jurisdiction under this chapter.	40180
(3) "Private child placing agency" means any association, as	40181
defined in section 5103.02 of the Revised Code, that is certified	40182
under section 5103.03 of the Revised Code to accept temporary,	40183
permanent, or legal custody of children and place the children for	40184
either foster care or adoption.	40185
(4) "Private noncustodial agency" means any person,	40186
organization, association, or society certified by the department	40187
of job and family services that does not accept temporary or	40188
permanent legal custody of children, that is privately operated in	40189
this state, and that does one or more of the following:	40190
(a) Receives and cares for children for two or more	40191
consecutive weeks;	40192
(b) Participates in the placement of children in certified	40193
foster homes;	40194
(c) Provides adoption services in conjunction with a public	40195
children services agency or private child placing agency.	40196

(B) As used in this chapter:	40197
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	40198 40199 40200 40201 40202 40203
(2) "Adult" means an individual who is eighteen years of age or older.	40204 40205
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	40206 40207 40208 40209
(4) <u>"Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.</u>	40210 40211 40212 40213 40214 40215
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	40216 40217 40218
(5) (6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.	40219 40220 40221 40222 40223 40224 40225 40226
(6) (7) "Child day camp," "child care," "child day-care	40227

center," "part-time child day-care center," "type A family
day-care home," "certified type B family day-care home," "type B
home," "administrator of a child day-care center," "administrator
of a type A family day-care home," "in-home aide," and "authorized
provider" have the same meanings as in section 5104.01 of the
Revised Code.

~~(7)~~(8) "Child care provider" means an individual who is a
child-care staff member or administrator of a child day-care
center, a type A family day-care home, or a type B family day-care
home, or an in-home aide or an individual who is licensed, is
regulated, is approved, operates under the direction of, or
otherwise is certified by the department of job and family
services, department of developmental disabilities, or the early
childhood programs of the department of education.

~~(8)~~(9) "Chronic truant" has the same meaning as in section
2152.02 of the Revised Code.

~~(9)~~(10) "Commit" means to vest custody as ordered by the
court.

~~(10)~~(11) "Counseling" includes both of the following:

(a) General counseling services performed by a public
children services agency or shelter for victims of domestic
violence to assist a child, a child's parents, and a child's
siblings in alleviating identified problems that may cause or have
caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling
services provided to correct or alleviate any mental or emotional
illness or disorder and performed by a licensed psychiatrist,
licensed psychologist, or a person licensed under Chapter 4757. of
the Revised Code to engage in social work or professional
counseling.

~~(11)~~(12) "Custodian" means a person who has legal custody of

a child or a public children services agency or private child 40259
placing agency that has permanent, temporary, or legal custody of 40260
a child. 40261

~~(12)~~(13) "Delinquent child" has the same meaning as in 40262
section 2152.02 of the Revised Code. 40263

~~(13)~~(14) "Detention" means the temporary care of children 40264
pending court adjudication or disposition, or execution of a court 40265
order, in a public or private facility designed to physically 40266
restrict the movement and activities of children. 40267

~~(14)~~(15) "Developmental disability" has the same meaning as 40268
in section 5123.01 of the Revised Code. 40269

~~(15)~~(16) "Differential response approach" means an approach 40270
that a public children services agency may use to respond to 40271
accepted reports of child abuse or neglect with either an 40272
alternative response or a traditional response. 40273

(17) "Foster caregiver" has the same meaning as in section 40274
5103.02 of the Revised Code. 40275

~~(16)~~(18) "Guardian" means a person, association, or 40276
corporation that is granted authority by a probate court pursuant 40277
to Chapter 2111. of the Revised Code to exercise parental rights 40278
over a child to the extent provided in the court's order and 40279
subject to the residual parental rights of the child's parents. 40280

~~(17)~~(19) "Habitual truant" means any child of compulsory 40281
school age who is absent without legitimate excuse for absence 40282
from the public school the child is supposed to attend for five or 40283
more consecutive school days, seven or more school days in one 40284
school month, or twelve or more school days in a school year. 40285

~~(18)~~(20) "Juvenile traffic offender" has the same meaning as 40286
in section 2152.02 of the Revised Code. 40287

~~(19)~~(21) "Legal custody" means a legal status that vests in 40288

the custodian the right to have physical care and control of the 40289
child and to determine where and with whom the child shall live, 40290
and the right and duty to protect, train, and discipline the child 40291
and to provide the child with food, shelter, education, and 40292
medical care, all subject to any residual parental rights, 40293
privileges, and responsibilities. An individual granted legal 40294
custody shall exercise the rights and responsibilities personally 40295
unless otherwise authorized by any section of the Revised Code or 40296
by the court. 40297

~~(20)~~(22) A "legitimate excuse for absence from the public 40298
school the child is supposed to attend" includes, but is not 40299
limited to, any of the following: 40300

(a) The fact that the child in question has enrolled in and 40301
is attending another public or nonpublic school in this or another 40302
state; 40303

(b) The fact that the child in question is excused from 40304
attendance at school for any of the reasons specified in section 40305
3321.04 of the Revised Code; 40306

(c) The fact that the child in question has received an age 40307
and schooling certificate in accordance with section 3331.01 of 40308
the Revised Code. 40309

~~(21)~~(23) "Mental illness" and "mentally ill person subject to 40310
hospitalization by court order" have the same meanings as in 40311
section 5122.01 of the Revised Code. 40312

~~(22)~~(24) "Mental injury" means any behavioral, cognitive, 40313
emotional, or mental disorder in a child caused by an act or 40314
omission that is described in section 2919.22 of the Revised Code 40315
and is committed by the parent or other person responsible for the 40316
child's care. 40317

~~(23)~~(25) "Mentally retarded person" has the same meaning as 40318
in section 5123.01 of the Revised Code. 40319

~~(24)~~(26) "Nonsecure care, supervision, or training" means 40320
care, supervision, or training of a child in a facility that does 40321
not confine or prevent movement of the child within the facility 40322
or from the facility. 40323

~~(25)~~(27) "Of compulsory school age" has the same meaning as 40324
in section 3321.01 of the Revised Code. 40325

~~(26)~~(28) "Organization" means any institution, public, 40326
semipublic, or private, and any private association, society, or 40327
agency located or operating in the state, incorporated or 40328
unincorporated, having among its functions the furnishing of 40329
protective services or care for children, or the placement of 40330
children in certified foster homes or elsewhere. 40331

~~(27)~~(29) "Out-of-home care" means detention facilities, 40332
shelter facilities, certified children's crisis care facilities, 40333
certified foster homes, placement in a prospective adoptive home 40334
prior to the issuance of a final decree of adoption, 40335
organizations, certified organizations, child day-care centers, 40336
type A family day-care homes, child care provided by type B family 40337
day-care home providers and by in-home aides, group home 40338
providers, group homes, institutions, state institutions, 40339
residential facilities, residential care facilities, residential 40340
camps, day camps, public schools, chartered nonpublic schools, 40341
educational service centers, hospitals, and medical clinics that 40342
are responsible for the care, physical custody, or control of 40343
children. 40344

~~(28)~~(30) "Out-of-home care child abuse" means any of the 40345
following when committed by a person responsible for the care of a 40346
child in out-of-home care: 40347

(a) Engaging in sexual activity with a child in the person's 40348
care; 40349

(b) Denial to a child, as a means of punishment, of proper or 40350

necessary subsistence, education, medical care, or other care	40351
necessary for a child's health;	40352
(c) Use of restraint procedures on a child that cause injury	40353
or pain;	40354
(d) Administration of prescription drugs or psychotropic	40355
medication to the child without the written approval and ongoing	40356
supervision of a licensed physician;	40357
(e) Commission of any act, other than by accidental means,	40358
that results in any injury to or death of the child in out-of-home	40359
care or commission of any act by accidental means that results in	40360
an injury to or death of a child in out-of-home care and that is	40361
at variance with the history given of the injury or death.	40362
(29) <u>(31)</u> "Out-of-home care child neglect" means any of the	40363
following when committed by a person responsible for the care of a	40364
child in out-of-home care:	40365
(a) Failure to provide reasonable supervision according to	40366
the standards of care appropriate to the age, mental and physical	40367
condition, or other special needs of the child;	40368
(b) Failure to provide reasonable supervision according to	40369
the standards of care appropriate to the age, mental and physical	40370
condition, or other special needs of the child, that results in	40371
sexual or physical abuse of the child by any person;	40372
(c) Failure to develop a process for all of the following:	40373
(i) Administration of prescription drugs or psychotropic	40374
drugs for the child;	40375
(ii) Assuring that the instructions of the licensed physician	40376
who prescribed a drug for the child are followed;	40377
(iii) Reporting to the licensed physician who prescribed the	40378
drug all unfavorable or dangerous side effects from the use of the	40379
drug.	40380

(d) Failure to provide proper or necessary subsistence,	40381
education, medical care, or other individualized care necessary	40382
for the health or well-being of the child;	40383
(e) Confinement of the child to a locked room without	40384
monitoring by staff;	40385
(f) Failure to provide ongoing security for all prescription	40386
and nonprescription medication;	40387
(g) Isolation of a child for a period of time when there is	40388
substantial risk that the isolation, if continued, will impair or	40389
retard the mental health or physical well-being of the child.	40390
(30) <u>(32)</u> "Permanent custody" means a legal status that vests	40391
in a public children services agency or a private child placing	40392
agency, all parental rights, duties, and obligations, including	40393
the right to consent to adoption, and divests the natural parents	40394
or adoptive parents of all parental rights, privileges, and	40395
obligations, including all residual rights and obligations.	40396
(31) <u>(33)</u> "Permanent surrender" means the act of the parents	40397
or, if a child has only one parent, of the parent of a child, by a	40398
voluntary agreement authorized by section 5103.15 of the Revised	40399
Code, to transfer the permanent custody of the child to a public	40400
children services agency or a private child placing agency.	40401
(32) <u>(34)</u> "Person" means an individual, association,	40402
corporation, or partnership and the state or any of its political	40403
subdivisions, departments, or agencies.	40404
(33) <u>(35)</u> "Person responsible for a child's care in	40405
out-of-home care" means any of the following:	40406
(a) Any foster caregiver, in-home aide, or provider;	40407
(b) Any administrator, employee, or agent of any of the	40408
following: a public or private detention facility; shelter	40409
facility; certified children's crisis care facility; organization;	40410

certified organization; child day-care center; type A family 40411
day-care home; certified type B family day-care home; group home; 40412
institution; state institution; residential facility; residential 40413
care facility; residential camp; day camp; school district; 40414
community school; chartered nonpublic school; educational service 40415
center; hospital; or medical clinic; 40416

(c) Any person who supervises or coaches children as part of 40417
an extracurricular activity sponsored by a school district, public 40418
school, or chartered nonpublic school; 40419

(d) Any other person who performs a similar function with 40420
respect to, or has a similar relationship to, children. 40421

~~(34)~~(36) "Physically impaired" means having one or more of 40422
the following conditions that substantially limit one or more of 40423
an individual's major life activities, including self-care, 40424
receptive and expressive language, learning, mobility, and 40425
self-direction: 40426

(a) A substantial impairment of vision, speech, or hearing; 40427

(b) A congenital orthopedic impairment; 40428

(c) An orthopedic impairment caused by disease, rheumatic 40429
fever or any other similar chronic or acute health problem, or 40430
amputation or another similar cause. 40431

~~(35)~~(37) "Placement for adoption" means the arrangement by a 40432
public children services agency or a private child placing agency 40433
with a person for the care and adoption by that person of a child 40434
of whom the agency has permanent custody. 40435

~~(36)~~(38) "Placement in foster care" means the arrangement by 40436
a public children services agency or a private child placing 40437
agency for the out-of-home care of a child of whom the agency has 40438
temporary custody or permanent custody. 40439

~~(37)~~(39) "Planned permanent living arrangement" means an 40440

order of a juvenile court pursuant to which both of the following 40441
apply: 40442

(a) The court gives legal custody of a child to a public 40443
children services agency or a private child placing agency without 40444
the termination of parental rights. 40445

(b) The order permits the agency to make an appropriate 40446
placement of the child and to enter into a written agreement with 40447
a foster care provider or with another person or agency with whom 40448
the child is placed. 40449

~~(38)~~(40) "Practice of social work" and "practice of 40450
professional counseling" have the same meanings as in section 40451
4757.01 of the Revised Code. 40452

~~(39)~~(41) "Sanction, service, or condition" means a sanction, 40453
service, or condition created by court order following an 40454
adjudication that a child is an unruly child that is described in 40455
division (A)(4) of section 2152.19 of the Revised Code. 40456

~~(40)~~(42) "Protective supervision" means an order of 40457
disposition pursuant to which the court permits an abused, 40458
neglected, dependent, or unruly child to remain in the custody of 40459
the child's parents, guardian, or custodian and stay in the 40460
child's home, subject to any conditions and limitations upon the 40461
child, the child's parents, guardian, or custodian, or any other 40462
person that the court prescribes, including supervision as 40463
directed by the court for the protection of the child. 40464

~~(41)~~(43) "Psychiatrist" has the same meaning as in section 40465
5122.01 of the Revised Code. 40466

~~(42)~~(44) "Psychologist" has the same meaning as in section 40467
4732.01 of the Revised Code. 40468

~~(43)~~(45) "Residential camp" means a program in which the 40469
care, physical custody, or control of children is accepted 40470

overnight for recreational or recreational and educational 40471
purposes. 40472

~~(44)~~(46) "Residential care facility" means an institution, 40473
residence, or facility that is licensed by the department of 40474
mental health under section 5119.22 of the Revised Code and that 40475
provides care for a child. 40476

~~(45)~~(47) "Residential facility" means a home or facility that 40477
is licensed by the department of developmental disabilities under 40478
section 5123.19 of the Revised Code and in which a child with a 40479
developmental disability resides. 40480

~~(46)~~(48) "Residual parental rights, privileges, and 40481
responsibilities" means those rights, privileges, and 40482
responsibilities remaining with the natural parent after the 40483
transfer of legal custody of the child, including, but not 40484
necessarily limited to, the privilege of reasonable visitation, 40485
consent to adoption, the privilege to determine the child's 40486
religious affiliation, and the responsibility for support. 40487

~~(47)~~(49) "School day" means the school day established by the 40488
state board of education pursuant to section 3313.48 of the 40489
Revised Code. 40490

~~(48)~~(50) "School month" and "school year" have the same 40491
meanings as in section 3313.62 of the Revised Code. 40492

~~(49)~~(51) "Secure correctional facility" means a facility 40493
under the direction of the department of youth services that is 40494
designed to physically restrict the movement and activities of 40495
children and used for the placement of children after adjudication 40496
and disposition. 40497

~~(50)~~(52) "Sexual activity" has the same meaning as in section 40498
2907.01 of the Revised Code. 40499

~~(51)~~(53) "Shelter" means the temporary care of children in 40500

physically unrestricted facilities pending court adjudication or disposition. 40501
40502

~~(52)~~(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 40503
40504

~~(53)~~(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement. 40505
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(56) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. 40510
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(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days. 40516
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Sec. 2151.3515. As used in sections 2151.3515 to 2151.3530 of the Revised Code: 40521
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(A) "Deserted child" means a child whose parent has voluntarily delivered the child to an emergency medical service worker, peace officer, or hospital employee without expressing an intent to return for the child. 40523
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(B) "Emergency medical service organization," "emergency medical technician-basic," "emergency medical technician-intermediate," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code. 40527
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(C) "Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic.	40531 40532 40533
(D) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	40534 40535
(E) "Hospital employee" means any of the following persons:	40536
(1) A physician who has been granted privileges to practice at the hospital;	40537 40538
(2) A nurse, physician assistant, or nursing assistant employed by the hospital;	40539 40540
(3) An authorized person employed by the hospital who is acting under the direction of a physician described in division (E)(1) of this section.	40541 40542 40543
(F) "Law enforcement agency" means an organization or entity made up of peace officers.	40544 40545
(G) "Nurse" means a person who is licensed under Chapter 4723. of the Revised Code to practice as a registered nurse or licensed practical nurse.	40546 40547 40548
(H) "Nursing assistant" means a person designated by a hospital as a nurse aide or nursing assistant whose job is to aid nurses, physicians, and physician assistants in the performance of their duties.	40549 40550 40551 40552
(I) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.	40553 40554 40555 40556
(J) "Physician" and "physician assistant" have the same meanings as in section 4730.01 of the Revised Code.	40557 40558
Sec. 2151.412. (A) Each public children services agency and	40559

private child placing agency shall prepare and maintain a case 40560
plan for any child to whom the agency is providing services and to 40561
whom any of the following applies: 40562

(1) The agency filed a complaint pursuant to section 2151.27 40563
of the Revised Code alleging that the child is an abused, 40564
neglected, or dependent child; 40565

(2) The agency has temporary or permanent custody of the 40566
child; 40567

(3) The child is living at home subject to an order for 40568
protective supervision; 40569

(4) The child is in a planned permanent living arrangement. 40570

Except as provided by division (A)(2) of section 5103.153 of 40571
the Revised Code, a private child placing agency providing 40572
services to a child who is the subject of a voluntary permanent 40573
custody surrender agreement entered into under division (B)(2) of 40574
section 5103.15 of the Revised Code is not required to prepare and 40575
maintain a case plan for that child. 40576

(B) Each public children services agency shall prepare and 40577
maintain a case plan or a family service plan for any child for 40578
whom the agency is providing in-home services pursuant to an 40579
alternative response. 40580

(C)(1) The director of job and family services shall adopt 40581
rules pursuant to Chapter 119. of the Revised Code setting forth 40582
the content and format of case plans required by division (A) of 40583
this section and establishing procedures for developing, 40584
implementing, and changing the case plans. The rules shall at a 40585
minimum comply with the requirements of Title IV-E of the "Social 40586
Security Act," 94 Stat. 501, 42 U.S.C. 671 (1980), as amended. 40587

(2) The director of job and family services shall adopt rules 40588
pursuant to Chapter 119. of the Revised Code requiring public 40589

children services agencies and private child placing agencies to 40590
maintain case plans for children and their families who are 40591
receiving services in their homes from the agencies and for whom 40592
case plans are not required by division (A) of this section. The 40593
rules for public children services agencies shall include the 40594
requirements for case plans or family service plans maintained for 40595
children and their families who are receiving services in their 40596
homes from public children services agencies pursuant to an 40597
alternative response. The agencies shall maintain case plans and 40598
family service plans as required by those rules; however, the case 40599
plans and family service plans shall not be subject to any other 40600
provision of this section except as specifically required by the 40601
rules. 40602

~~(C)~~(D) Each public children services agency and private child 40603
placing agency that is required by division (A) of this section to 40604
maintain a case plan shall file the case plan with the court prior 40605
to the child's adjudicatory hearing but no later than thirty days 40606
after the earlier of the date on which the complaint in the case 40607
was filed or the child was first placed into shelter care. If the 40608
agency does not have sufficient information prior to the 40609
adjudicatory hearing to complete any part of the case plan, the 40610
agency shall specify in the case plan the additional information 40611
necessary to complete each part of the case plan and the steps 40612
that will be taken to obtain that information. All parts of the 40613
case plan shall be completed by the earlier of thirty days after 40614
the adjudicatory hearing or the date of the dispositional hearing 40615
for the child. 40616

~~(D)~~(E) Any agency that is required by division (A) of this 40617
section to prepare a case plan shall attempt to obtain an 40618
agreement among all parties, including, but not limited to, the 40619
parents, guardian, or custodian of the child and the guardian ad 40620
litem of the child regarding the content of the case plan. If all 40621

parties agree to the content of the case plan and the court 40622
approves it, the court shall journalize it as part of its 40623
dispositional order. If the agency cannot obtain an agreement upon 40624
the contents of the case plan or the court does not approve it, 40625
the parties shall present evidence on the contents of the case 40626
plan at the dispositional hearing. The court, based upon the 40627
evidence presented at the dispositional hearing and the best 40628
interest of the child, shall determine the contents of the case 40629
plan and journalize it as part of the dispositional order for the 40630
child. 40631

~~(E)~~(F)(1) All parties, including the parents, guardian, or 40632
custodian of the child, are bound by the terms of the journalized 40633
case plan. A party that fails to comply with the terms of the 40634
journalized case plan may be held in contempt of court. 40635

(2) Any party may propose a change to a substantive part of 40636
the case plan, including, but not limited to, the child's 40637
placement and the visitation rights of any party. A party 40638
proposing a change to the case plan shall file the proposed change 40639
with the court and give notice of the proposed change in writing 40640
before the end of the day after the day of filing it to all 40641
parties and the child's guardian ad litem. All parties and the 40642
guardian ad litem shall have seven days from the date the notice 40643
is sent to object to and request a hearing on the proposed change. 40644

(a) If it receives a timely request for a hearing, the court 40645
shall schedule a hearing pursuant to section 2151.417 of the 40646
Revised Code to be held no later than thirty days after the 40647
request is received by the court. The court shall give notice of 40648
the date, time, and location of the hearing to all parties and the 40649
guardian ad litem. The agency may implement the proposed change 40650
after the hearing, if the court approves it. The agency shall not 40651
implement the proposed change unless it is approved by the court. 40652

(b) If it does not receive a timely request for a hearing, 40653

the court may approve the proposed change without a hearing. If 40654
the court approves the proposed change without a hearing, it shall 40655
journalize the case plan with the change not later than fourteen 40656
days after the change is filed with the court. If the court does 40657
not approve the proposed change to the case plan, it shall 40658
schedule a hearing to be held pursuant to section 2151.417 of the 40659
Revised Code no later than thirty days after the expiration of the 40660
fourteen-day time period and give notice of the date, time, and 40661
location of the hearing to all parties and the guardian ad litem 40662
of the child. If, despite the requirements of division ~~(E)~~(F)(2) 40663
of this section, the court neither approves and journalizes the 40664
proposed change nor conducts a hearing, the agency may implement 40665
the proposed change not earlier than fifteen days after it is 40666
submitted to the court. 40667

(3) If an agency has reasonable cause to believe that a child 40668
is suffering from illness or injury and is not receiving proper 40669
care and that an appropriate change in the child's case plan is 40670
necessary to prevent immediate or threatened physical or emotional 40671
harm, to believe that a child is in immediate danger from the 40672
child's surroundings and that an immediate change in the child's 40673
case plan is necessary to prevent immediate or threatened physical 40674
or emotional harm to the child, or to believe that a parent, 40675
guardian, custodian, or other member of the child's household has 40676
abused or neglected the child and that the child is in danger of 40677
immediate or threatened physical or emotional harm from that 40678
person unless the agency makes an appropriate change in the 40679
child's case plan, it may implement the change without prior 40680
agreement or a court hearing and, before the end of the next day 40681
after the change is made, give all parties, the guardian ad litem 40682
of the child, and the court notice of the change. Before the end 40683
of the third day after implementing the change in the case plan, 40684
the agency shall file a statement of the change with the court and 40685
give notice of the filing accompanied by a copy of the statement 40686

to all parties and the guardian ad litem. All parties and the guardian ad litem shall have ten days from the date the notice is sent to object to and request a hearing on the change.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency shall continue to administer the case plan with the change after the hearing, if the court approves the change. If the court does not approve the change, the court shall make appropriate changes to the case plan and shall journalize the case plan.

(b) If it does not receive a timely request for a hearing, the court may approve the change without a hearing. If the court approves the change without a hearing, it shall journalize the case plan with the change within fourteen days after receipt of the change. If the court does not approve the change to the case plan, it shall schedule a hearing under section 2151.417 of the Revised Code to be held no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child.

~~(F)~~(G)(1) All case plans for children in temporary custody shall have the following general goals:

(a) Consistent with the best interest and special needs of the child, to achieve a safe out-of-home placement in the least restrictive, most family-like setting available and in close proximity to the home from which the child was removed or the home in which the child will be permanently placed;

(b) To eliminate with all due speed the need for the

out-of-home placement so that the child can safely return home. 40718

(2) The director of job and family services shall adopt rules 40719
pursuant to Chapter 119. of the Revised Code setting forth the 40720
general goals of case plans for children subject to dispositional 40721
orders for protective supervision, a planned permanent living 40722
arrangement, or permanent custody. 40723

~~(G)~~(H) In the agency's development of a case plan and the 40724
court's review of the case plan, the child's health and safety 40725
shall be the paramount concern. The agency and the court shall be 40726
guided by the following general priorities: 40727

(1) A child who is residing with or can be placed with the 40728
child's parents within a reasonable time should remain in their 40729
legal custody even if an order of protective supervision is 40730
required for a reasonable period of time; 40731

(2) If both parents of the child have abandoned the child, 40732
have relinquished custody of the child, have become incapable of 40733
supporting or caring for the child even with reasonable 40734
assistance, or have a detrimental effect on the health, safety, 40735
and best interest of the child, the child should be placed in the 40736
legal custody of a suitable member of the child's extended family; 40737

(3) If a child described in division ~~(G)~~(H)(2) of this 40738
section has no suitable member of the child's extended family to 40739
accept legal custody, the child should be placed in the legal 40740
custody of a suitable nonrelative who shall be made a party to the 40741
proceedings after being given legal custody of the child; 40742

(4) If the child has no suitable member of the child's 40743
extended family to accept legal custody of the child and no 40744
suitable nonrelative is available to accept legal custody of the 40745
child and, if the child temporarily cannot or should not be placed 40746
with the child's parents, guardian, or custodian, the child should 40747
be placed in the temporary custody of a public children services 40748

agency or a private child placing agency; 40749

(5) If the child cannot be placed with either of the child's 40750
parents within a reasonable period of time or should not be placed 40751
with either, if no suitable member of the child's extended family 40752
or suitable nonrelative is available to accept legal custody of 40753
the child, and if the agency has a reasonable expectation of 40754
placing the child for adoption, the child should be committed to 40755
the permanent custody of the public children services agency or 40756
private child placing agency; 40757

(6) If the child is to be placed for adoption or foster care, 40758
the placement shall not be delayed or denied on the basis of the 40759
child's or adoptive or foster family's race, color, or national 40760
origin. 40761

~~(H)~~(I) The case plan for a child in temporary custody shall 40762
include at a minimum the following requirements if the child is or 40763
has been the victim of abuse or neglect or if the child witnessed 40764
the commission in the child's household of abuse or neglect 40765
against a sibling of the child, a parent of the child, or any 40766
other person in the child's household: 40767

(1) A requirement that the child's parents, guardian, or 40768
custodian participate in mandatory counseling; 40769

(2) A requirement that the child's parents, guardian, or 40770
custodian participate in any supportive services that are required 40771
by or provided pursuant to the child's case plan. 40772

~~(I)~~(J) A case plan may include, as a supplement, a plan for 40773
locating a permanent family placement. The supplement shall not be 40774
considered part of the case plan for purposes of division ~~(D)~~(E) 40775
of this section. 40776

Sec. 2151.421. (A)(1)(a) No person described in division 40777
(A)(1)(b) of this section who is acting in an official or 40778

professional capacity and knows, or has reasonable cause to 40779
suspect based on facts that would cause a reasonable person in a 40780
similar position to suspect, that a child under eighteen years of 40781
age or a mentally retarded, developmentally disabled, or 40782
physically impaired child under twenty-one years of age has 40783
suffered or faces a threat of suffering any physical or mental 40784
wound, injury, disability, or condition of a nature that 40785
reasonably indicates abuse or neglect of the child shall fail to 40786
immediately report that knowledge or reasonable cause to suspect 40787
to the entity or persons specified in this division. Except as 40788
provided in section 5120.173 of the Revised Code, the person 40789
making the report shall make it to the public children services 40790
agency or a municipal or county peace officer in the county in 40791
which the child resides or in which the abuse or neglect is 40792
occurring or has occurred. In the circumstances described in 40793
section 5120.173 of the Revised Code, the person making the report 40794
shall make it to the entity specified in that section. 40795

(b) Division (A)(1)(a) of this section applies to any person 40796
who is an attorney; physician, including a hospital intern or 40797
resident; dentist; podiatrist; practitioner of a limited branch of 40798
medicine as specified in section 4731.15 of the Revised Code; 40799
registered nurse; licensed practical nurse; visiting nurse; other 40800
health care professional; licensed psychologist; licensed school 40801
psychologist; independent marriage and family therapist or 40802
marriage and family therapist; speech pathologist or audiologist; 40803
coroner; administrator or employee of a child day-care center; 40804
administrator or employee of a residential camp or child day camp; 40805
administrator or employee of a certified child care agency or 40806
other public or private children services agency; school teacher; 40807
school employee; school authority; person engaged in social work 40808
or the practice of professional counseling; agent of a county 40809
humane society; person, other than a cleric, rendering spiritual 40810
treatment through prayer in accordance with the tenets of a 40811

well-recognized religion; employee of a county department of job 40812
and family services who is a professional and who works with 40813
children and families; superintendent, board member, or employee 40814
of a county board of developmental disabilities; investigative 40815
agent contracted with by a county board of developmental 40816
disabilities; employee of the department of developmental 40817
disabilities; employee of a facility or home that provides respite 40818
care in accordance with section 5123.171 of the Revised Code; 40819
employee of a home health agency; employee of an entity that 40820
provides homemaker services; a person performing the duties of an 40821
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 40822
or third party employed by a public children services agency to 40823
assist in providing child or family related services. 40824

(2) Except as provided in division (A)(3) of this section, an 40825
attorney or a physician is not required to make a report pursuant 40826
to division (A)(1) of this section concerning any communication 40827
the attorney or physician receives from a client or patient in an 40828
attorney-client or physician-patient relationship, if, in 40829
accordance with division (A) or (B) of section 2317.02 of the 40830
Revised Code, the attorney or physician could not testify with 40831
respect to that communication in a civil or criminal proceeding. 40832

(3) The client or patient in an attorney-client or 40833
physician-patient relationship described in division (A)(2) of 40834
this section is deemed to have waived any testimonial privilege 40835
under division (A) or (B) of section 2317.02 of the Revised Code 40836
with respect to any communication the attorney or physician 40837
receives from the client or patient in that attorney-client or 40838
physician-patient relationship, and the attorney or physician 40839
shall make a report pursuant to division (A)(1) of this section 40840
with respect to that communication, if all of the following apply: 40841

(a) The client or patient, at the time of the communication, 40842
is either a child under eighteen years of age or a mentally 40843

retarded, developmentally disabled, or physically impaired person 40844
under twenty-one years of age. 40845

(b) The attorney or physician knows, or has reasonable cause 40846
to suspect based on facts that would cause a reasonable person in 40847
similar position to suspect, as a result of the communication or 40848
any observations made during that communication, that the client 40849
or patient has suffered or faces a threat of suffering any 40850
physical or mental wound, injury, disability, or condition of a 40851
nature that reasonably indicates abuse or neglect of the client or 40852
patient. 40853

(c) The abuse or neglect does not arise out of the client's 40854
or patient's attempt to have an abortion without the notification 40855
of her parents, guardian, or custodian in accordance with section 40856
2151.85 of the Revised Code. 40857

(4)(a) No cleric and no person, other than a volunteer, 40858
designated by any church, religious society, or faith acting as a 40859
leader, official, or delegate on behalf of the church, religious 40860
society, or faith who is acting in an official or professional 40861
capacity, who knows, or has reasonable cause to believe based on 40862
facts that would cause a reasonable person in a similar position 40863
to believe, that a child under eighteen years of age or a mentally 40864
retarded, developmentally disabled, or physically impaired child 40865
under twenty-one years of age has suffered or faces a threat of 40866
suffering any physical or mental wound, injury, disability, or 40867
condition of a nature that reasonably indicates abuse or neglect 40868
of the child, and who knows, or has reasonable cause to believe 40869
based on facts that would cause a reasonable person in a similar 40870
position to believe, that another cleric or another person, other 40871
than a volunteer, designated by a church, religious society, or 40872
faith acting as a leader, official, or delegate on behalf of the 40873
church, religious society, or faith caused, or poses the threat of 40874
causing, the wound, injury, disability, or condition that 40875

reasonably indicates abuse or neglect shall fail to immediately 40876
report that knowledge or reasonable cause to believe to the entity 40877
or persons specified in this division. Except as provided in 40878
section 5120.173 of the Revised Code, the person making the report 40879
shall make it to the public children services agency or a 40880
municipal or county peace officer in the county in which the child 40881
resides or in which the abuse or neglect is occurring or has 40882
occurred. In the circumstances described in section 5120.173 of 40883
the Revised Code, the person making the report shall make it to 40884
the entity specified in that section. 40885

(b) Except as provided in division (A)(4)(c) of this section, 40886
a cleric is not required to make a report pursuant to division 40887
(A)(4)(a) of this section concerning any communication the cleric 40888
receives from a penitent in a cleric-penitent relationship, if, in 40889
accordance with division (C) of section 2317.02 of the Revised 40890
Code, the cleric could not testify with respect to that 40891
communication in a civil or criminal proceeding. 40892

(c) The penitent in a cleric-penitent relationship described 40893
in division (A)(4)(b) of this section is deemed to have waived any 40894
testimonial privilege under division (C) of section 2317.02 of the 40895
Revised Code with respect to any communication the cleric receives 40896
from the penitent in that cleric-penitent relationship, and the 40897
cleric shall make a report pursuant to division (A)(4)(a) of this 40898
section with respect to that communication, if all of the 40899
following apply: 40900

(i) The penitent, at the time of the communication, is either 40901
a child under eighteen years of age or a mentally retarded, 40902
developmentally disabled, or physically impaired person under 40903
twenty-one years of age. 40904

(ii) The cleric knows, or has reasonable cause to believe 40905
based on facts that would cause a reasonable person in a similar 40906
position to believe, as a result of the communication or any 40907

observations made during that communication, the penitent has 40908
suffered or faces a threat of suffering any physical or mental 40909
wound, injury, disability, or condition of a nature that 40910
reasonably indicates abuse or neglect of the penitent. 40911

(iii) The abuse or neglect does not arise out of the 40912
penitent's attempt to have an abortion performed upon a child 40913
under eighteen years of age or upon a mentally retarded, 40914
developmentally disabled, or physically impaired person under 40915
twenty-one years of age without the notification of her parents, 40916
guardian, or custodian in accordance with section 2151.85 of the 40917
Revised Code. 40918

(d) Divisions (A)(4)(a) and (c) of this section do not apply 40919
in a cleric-penitent relationship when the disclosure of any 40920
communication the cleric receives from the penitent is in 40921
violation of the sacred trust. 40922

(e) As used in divisions (A)(1) and (4) of this section, 40923
"cleric" and "sacred trust" have the same meanings as in section 40924
2317.02 of the Revised Code. 40925

(B) Anyone who knows, or has reasonable cause to suspect 40926
based on facts that would cause a reasonable person in similar 40927
circumstances to suspect, that a child under eighteen years of age 40928
or a mentally retarded, developmentally disabled, or physically 40929
impaired person under twenty-one years of age has suffered or 40930
faces a threat of suffering any physical or mental wound, injury, 40931
disability, or other condition of a nature that reasonably 40932
indicates abuse or neglect of the child may report or cause 40933
reports to be made of that knowledge or reasonable cause to 40934
suspect to the entity or persons specified in this division. 40935
Except as provided in section 5120.173 of the Revised Code, a 40936
person making a report or causing a report to be made under this 40937
division shall make it or cause it to be made to the public 40938
children services agency or to a municipal or county peace 40939

officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section

2151.425 of the Revised Code. 40971

(1) When a municipal or county peace officer receives a 40972
report concerning the possible abuse or neglect of a child or the 40973
possible threat of abuse or neglect of a child, upon receipt of 40974
the report, the municipal or county peace officer who receives the 40975
report shall refer the report to the appropriate public children 40976
services agency. 40977

(2) When a public children services agency receives a report 40978
pursuant to this division or division (A) or (B) of this section, 40979
upon receipt of the report, the public children services agency 40980
shall do both of the following: 40981

(a) Comply with section 2151.422 of the Revised Code; 40982

(b) If the county served by the agency is also served by a 40983
children's advocacy center and the report alleges sexual abuse of 40984
a child or another type of abuse of a child that is specified in 40985
the memorandum of understanding that creates the center as being 40986
within the center's jurisdiction, comply regarding the report with 40987
the protocol and procedures for referrals and investigations, with 40988
the coordinating activities, and with the authority or 40989
responsibility for performing or providing functions, activities, 40990
and services stipulated in the interagency agreement entered into 40991
under section 2151.428 of the Revised Code relative to that 40992
center. 40993

(E) No township, municipal, or county peace officer shall 40994
remove a child about whom a report is made pursuant to this 40995
section from the child's parents, stepparents, or guardian or any 40996
other persons having custody of the child without consultation 40997
with the public children services agency, unless, in the judgment 40998
of the officer, and, if the report was made by physician, the 40999
physician, immediate removal is considered essential to protect 41000
the child from further abuse or neglect. The agency that must be 41001

consulted shall be the agency conducting the investigation of the 41002
report as determined pursuant to section 2151.422 of the Revised 41003
Code. 41004

(F)(1) Except as provided in section 2151.422 of the Revised 41005
Code or in an interagency agreement entered into under section 41006
2151.428 of the Revised Code that applies to the particular 41007
report, the public children services agency shall investigate, 41008
within twenty-four hours, each report of child abuse or child 41009
neglect that is known or reasonably suspected or believed to have 41010
occurred and of a threat of child abuse or child neglect that is 41011
known or reasonably suspected or believed to exist that is 41012
referred to it under this section to determine the circumstances 41013
surrounding the injuries, abuse, or neglect or the threat of 41014
injury, abuse, or neglect, the cause of the injuries, abuse, 41015
neglect, or threat, and the person or persons responsible. The 41016
investigation shall be made in cooperation with the law 41017
enforcement agency and in accordance with the memorandum of 41018
understanding prepared under division (J) of this section. A 41019
representative of the public children services agency shall, at 41020
the time of initial contact with the person subject to the 41021
investigation, inform the person of the specific complaints or 41022
allegations made against the person. The information shall be 41023
given in a manner that is consistent with division (H)(1) of this 41024
section and protects the rights of the person making the report 41025
under this section. 41026

A failure to make the investigation in accordance with the 41027
memorandum is not grounds for, and shall not result in, the 41028
dismissal of any charges or complaint arising from the report or 41029
the suppression of any evidence obtained as a result of the report 41030
and does not give, and shall not be construed as giving, any 41031
rights or any grounds for appeal or post-conviction relief to any 41032
person. The public children services agency shall report each case 41033

to the uniform statewide automated child welfare information 41034
system that the department of job and family services shall 41035
maintain in accordance with section 5101.13 of the Revised Code. 41036
The public children services agency shall submit a report of its 41037
investigation, in writing, to the law enforcement agency. 41038

(2) The public children services agency shall make any 41039
recommendations to the county prosecuting attorney or city 41040
director of law that it considers necessary to protect any 41041
children that are brought to its attention. 41042

(G)(1)(a) Except as provided in division (H)(3) of this 41043
section, anyone or any hospital, institution, school, health 41044
department, or agency participating in the making of reports under 41045
division (A) of this section, anyone or any hospital, institution, 41046
school, health department, or agency participating in good faith 41047
in the making of reports under division (B) of this section, and 41048
anyone participating in good faith in a judicial proceeding 41049
resulting from the reports, shall be immune from any civil or 41050
criminal liability for injury, death, or loss to person or 41051
property that otherwise might be incurred or imposed as a result 41052
of the making of the reports or the participation in the judicial 41053
proceeding. 41054

(b) Notwithstanding section 4731.22 of the Revised Code, the 41055
physician-patient privilege shall not be a ground for excluding 41056
evidence regarding a child's injuries, abuse, or neglect, or the 41057
cause of the injuries, abuse, or neglect in any judicial 41058
proceeding resulting from a report submitted pursuant to this 41059
section. 41060

(2) In any civil or criminal action or proceeding in which it 41061
is alleged and proved that participation in the making of a report 41062
under this section was not in good faith or participation in a 41063
judicial proceeding resulting from a report made under this 41064
section was not in good faith, the court shall award the 41065

prevailing party reasonable attorney's fees and costs and, if a 41066
civil action or proceeding is voluntarily dismissed, may award 41067
reasonable attorney's fees and costs to the party against whom the 41068
civil action or proceeding is brought. 41069

(H)(1) Except as provided in divisions (H)(4) and (N) of this 41070
section, a report made under this section is confidential. The 41071
information provided in a report made pursuant to this section and 41072
the name of the person who made the report shall not be released 41073
for use, and shall not be used, as evidence in any civil action or 41074
proceeding brought against the person who made the report. Nothing 41075
in this division shall preclude the use of reports of other 41076
incidents of known or suspected abuse or neglect in a civil action 41077
or proceeding brought pursuant to division (M) of this section 41078
against a person who is alleged to have violated division (A)(1) 41079
of this section, provided that any information in a report that 41080
would identify the child who is the subject of the report or the 41081
maker of the report, if the maker of the report is not the 41082
defendant or an agent or employee of the defendant, has been 41083
redacted. In a criminal proceeding, the report is admissible in 41084
evidence in accordance with the Rules of Evidence and is subject 41085
to discovery in accordance with the Rules of Criminal Procedure. 41086

(2) No person shall permit or encourage the unauthorized 41087
dissemination of the contents of any report made under this 41088
section. 41089

(3) A person who knowingly makes or causes another person to 41090
make a false report under division (B) of this section that 41091
alleges that any person has committed an act or omission that 41092
resulted in a child being an abused child or a neglected child is 41093
guilty of a violation of section 2921.14 of the Revised Code. 41094

(4) If a report is made pursuant to division (A) or (B) of 41095
this section and the child who is the subject of the report dies 41096
for any reason at any time after the report is made, but before 41097

the child attains eighteen years of age, the public children 41098
services agency or municipal or county peace officer to which the 41099
report was made or referred, on the request of the child fatality 41100
review board, shall submit a summary sheet of information 41101
providing a summary of the report to the review board of the 41102
county in which the deceased child resided at the time of death. 41103
On the request of the review board, the agency or peace officer 41104
may, at its discretion, make the report available to the review 41105
board. If the county served by the public children services agency 41106
is also served by a children's advocacy center and the report of 41107
alleged sexual abuse of a child or another type of abuse of a 41108
child is specified in the memorandum of understanding that creates 41109
the center as being within the center's jurisdiction, the agency 41110
or center shall perform the duties and functions specified in this 41111
division in accordance with the interagency agreement entered into 41112
under section 2151.428 of the Revised Code relative to that 41113
advocacy center. 41114

(5) A public children services agency shall advise a person 41115
alleged to have inflicted abuse or neglect on a child who is the 41116
subject of a report made pursuant to this section, including a 41117
report alleging sexual abuse of a child or another type of abuse 41118
of a child referred to a children's advocacy center pursuant to an 41119
interagency agreement entered into under section 2151.428 of the 41120
Revised Code, in writing of the disposition of the investigation. 41121
The agency shall not provide to the person any information that 41122
identifies the person who made the report, statements of 41123
witnesses, or police or other investigative reports. 41124

(I) Any report that is required by this section, other than a 41125
report that is made to the state highway patrol as described in 41126
section 5120.173 of the Revised Code, shall result in protective 41127
services and emergency supportive services being made available by 41128
the public children services agency on behalf of the children 41129

about whom the report is made, in an effort to prevent further 41130
neglect or abuse, to enhance their welfare, and, whenever 41131
possible, to preserve the family unit intact. The agency required 41132
to provide the services shall be the agency conducting the 41133
investigation of the report pursuant to section 2151.422 of the 41134
Revised Code. 41135

(J)(1) Each public children services agency shall prepare a 41136
memorandum of understanding that is signed by all of the 41137
following: 41138

(a) If there is only one juvenile judge in the county, the 41139
juvenile judge of the county or the juvenile judge's 41140
representative; 41141

(b) If there is more than one juvenile judge in the county, a 41142
juvenile judge or the juvenile judges' representative selected by 41143
the juvenile judges or, if they are unable to do so for any 41144
reason, the juvenile judge who is senior in point of service or 41145
the senior juvenile judge's representative; 41146

(c) The county peace officer; 41147

(d) All chief municipal peace officers within the county; 41148

(e) Other law enforcement officers handling child abuse and 41149
neglect cases in the county; 41150

(f) The prosecuting attorney of the county; 41151

(g) If the public children services agency is not the county 41152
department of job and family services, the county department of 41153
job and family services; 41154

(h) The county humane society; 41155

(i) If the public children services agency participated in 41156
the execution of a memorandum of understanding under section 41157
2151.426 of the Revised Code establishing a children's advocacy 41158
center, each participating member of the children's advocacy 41159

center established by the memorandum. 41160

(2) A memorandum of understanding shall set forth the normal 41161
operating procedure to be employed by all concerned officials in 41162
the execution of their respective responsibilities under this 41163
section and division (C) of section 2919.21, division (B)(1) of 41164
section 2919.22, division (B) of section 2919.23, and section 41165
2919.24 of the Revised Code and shall have as two of its primary 41166
goals the elimination of all unnecessary interviews of children 41167
who are the subject of reports made pursuant to division (A) or 41168
(B) of this section and, when feasible, providing for only one 41169
interview of a child who is the subject of any report made 41170
pursuant to division (A) or (B) of this section. A failure to 41171
follow the procedure set forth in the memorandum by the concerned 41172
officials is not grounds for, and shall not result in, the 41173
dismissal of any charges or complaint arising from any reported 41174
case of abuse or neglect or the suppression of any evidence 41175
obtained as a result of any reported child abuse or child neglect 41176
and does not give, and shall not be construed as giving, any 41177
rights or any grounds for appeal or post-conviction relief to any 41178
person. 41179

(3) A memorandum of understanding shall include all of the 41180
following: 41181

(a) The roles and responsibilities for handling emergency and 41182
nonemergency cases of abuse and neglect; 41183

(b) Standards and procedures to be used in handling and 41184
coordinating investigations of reported cases of child abuse and 41185
reported cases of child neglect, methods to be used in 41186
interviewing the child who is the subject of the report and who 41187
allegedly was abused or neglected, and standards and procedures 41188
addressing the categories of persons who may interview the child 41189
who is the subject of the report and who allegedly was abused or 41190
neglected. 41191

(4) If a public children services agency participated in the 41192
execution of a memorandum of understanding under section 2151.426 41193
of the Revised Code establishing a children's advocacy center, the 41194
agency shall incorporate the contents of that memorandum in the 41195
memorandum prepared pursuant to this section. 41196

(5) The clerk of the court of common pleas in the county may 41197
sign the memorandum of understanding prepared under division 41198
(J)(1) of this section. If the clerk signs the memorandum of 41199
understanding, the clerk shall execute all relevant 41200
responsibilities as required of officials specified in the 41201
memorandum. 41202

(K)(1) Except as provided in division (K)(4) of this section, 41203
a person who is required to make a report pursuant to division (A) 41204
of this section may make a reasonable number of requests of the 41205
public children services agency that receives or is referred the 41206
report, or of the children's advocacy center that is referred the 41207
report if the report is referred to a children's advocacy center 41208
pursuant to an interagency agreement entered into under section 41209
2151.428 of the Revised Code, to be provided with the following 41210
information: 41211

(a) Whether the agency or center has initiated an 41212
investigation of the report; 41213

(b) Whether the agency or center is continuing to investigate 41214
the report; 41215

(c) Whether the agency or center is otherwise involved with 41216
the child who is the subject of the report; 41217

(d) The general status of the health and safety of the child 41218
who is the subject of the report; 41219

(e) Whether the report has resulted in the filing of a 41220
complaint in juvenile court or of criminal charges in another 41221
court. 41222

(2) A person may request the information specified in 41223
division (K)(1) of this section only if, at the time the report is 41224
made, the person's name, address, and telephone number are 41225
provided to the person who receives the report. 41226

When a municipal or county peace officer or employee of a 41227
public children services agency receives a report pursuant to 41228
division (A) or (B) of this section the recipient of the report 41229
shall inform the person of the right to request the information 41230
described in division (K)(1) of this section. The recipient of the 41231
report shall include in the initial child abuse or child neglect 41232
report that the person making the report was so informed and, if 41233
provided at the time of the making of the report, shall include 41234
the person's name, address, and telephone number in the report. 41235

Each request is subject to verification of the identity of 41236
the person making the report. If that person's identity is 41237
verified, the agency shall provide the person with the information 41238
described in division (K)(1) of this section a reasonable number 41239
of times, except that the agency shall not disclose any 41240
confidential information regarding the child who is the subject of 41241
the report other than the information described in those 41242
divisions. 41243

(3) A request made pursuant to division (K)(1) of this 41244
section is not a substitute for any report required to be made 41245
pursuant to division (A) of this section. 41246

(4) If an agency other than the agency that received or was 41247
referred the report is conducting the investigation of the report 41248
pursuant to section 2151.422 of the Revised Code, the agency 41249
conducting the investigation shall comply with the requirements of 41250
division (K) of this section. 41251

(L) The director of job and family services shall adopt rules 41252
in accordance with Chapter 119. of the Revised Code to implement 41253

this section. The department of job and family services may enter 41254
into a plan of cooperation with any other governmental entity to 41255
aid in ensuring that children are protected from abuse and 41256
neglect. The department shall make recommendations to the attorney 41257
general that the department determines are necessary to protect 41258
children from child abuse and child neglect. 41259

(M) Whoever violates division (A) of this section is liable 41260
for compensatory and exemplary damages to the child who would have 41261
been the subject of the report that was not made. A person who 41262
brings a civil action or proceeding pursuant to this division 41263
against a person who is alleged to have violated division (A)(1) 41264
of this section may use in the action or proceeding reports of 41265
other incidents of known or suspected abuse or neglect, provided 41266
that any information in a report that would identify the child who 41267
is the subject of the report or the maker of the report, if the 41268
maker is not the defendant or an agent or employee of the 41269
defendant, has been redacted. 41270

(N)(1) As used in this division: 41271

(a) "Out-of-home care" includes a nonchartered nonpublic 41272
school if the alleged child abuse or child neglect, or alleged 41273
threat of child abuse or child neglect, described in a report 41274
received by a public children services agency allegedly occurred 41275
in or involved the nonchartered nonpublic school and the alleged 41276
perpetrator named in the report holds a certificate, permit, or 41277
license issued by the state board of education under section 41278
3301.071 or Chapter 3319. of the Revised Code. 41279

(b) "Administrator, director, or other chief administrative 41280
officer" means the superintendent of the school district if the 41281
out-of-home care entity subject to a report made pursuant to this 41282
section is a school operated by the district. 41283

(2) No later than the end of the day following the day on 41284

which a public children services agency receives a report of 41285
alleged child abuse or child neglect, or a report of an alleged 41286
threat of child abuse or child neglect, that allegedly occurred in 41287
or involved an out-of-home care entity, the agency shall provide 41288
written notice of the allegations contained in and the person 41289
named as the alleged perpetrator in the report to the 41290
administrator, director, or other chief administrative officer of 41291
the out-of-home care entity that is the subject of the report 41292
unless the administrator, director, or other chief administrative 41293
officer is named as an alleged perpetrator in the report. If the 41294
administrator, director, or other chief administrative officer of 41295
an out-of-home care entity is named as an alleged perpetrator in a 41296
report of alleged child abuse or child neglect, or a report of an 41297
alleged threat of child abuse or child neglect, that allegedly 41298
occurred in or involved the out-of-home care entity, the agency 41299
shall provide the written notice to the owner or governing board 41300
of the out-of-home care entity that is the subject of the report. 41301
The agency shall not provide witness statements or police or other 41302
investigative reports. 41303

(3) No later than three days after the day on which a public 41304
children services agency that conducted the investigation as 41305
determined pursuant to section 2151.422 of the Revised Code makes 41306
a disposition of an investigation involving a report of alleged 41307
child abuse or child neglect, or a report of an alleged threat of 41308
child abuse or child neglect, that allegedly occurred in or 41309
involved an out-of-home care entity, the agency shall send written 41310
notice of the disposition of the investigation to the 41311
administrator, director, or other chief administrative officer and 41312
the owner or governing board of the out-of-home care entity. The 41313
agency shall not provide witness statements or police or other 41314
investigative reports. 41315

(O) As used in this section, "investigation" means the public 41316

children services agency's response to an accepted report of child 41317
abuse or neglect through either an alternative response or a 41318
traditional response. 41319

Sec. 2151.424. (A) If a child has been placed in a certified 41320
foster home or is in the custody of a relative of the child, other 41321
than a parent of the child, a court, prior to conducting any 41322
hearing pursuant to division ~~(E)~~(F)(2) or (3) of section 2151.412 41323
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 41324
2151.416, or 2151.417 of the Revised Code with respect to the 41325
child, shall notify the foster caregiver or relative of the date, 41326
time, and place of the hearing. At the hearing, the foster 41327
caregiver or relative shall have the right to present evidence. 41328

(B) If a public children services agency or private child 41329
placing agency has permanent custody of a child and a petition to 41330
adopt the child has been filed under Chapter 3107. of the Revised 41331
Code, the agency, prior to conducting a review under section 41332
2151.416 of the Revised Code, or a court, prior to conducting a 41333
hearing under division ~~(E)~~(F)(2) or (3) of section 2151.412 or 41334
section 2151.416 or 2151.417 of the Revised Code, shall notify the 41335
prospective adoptive parent of the date, time, and place of the 41336
review or hearing. At the review or hearing, the prospective 41337
adoptive parent shall have the right to present evidence. 41338

(C) The notice and the opportunity to present evidence do not 41339
make the foster caregiver, relative, or prospective adoptive 41340
parent a party in the action or proceeding pursuant to which the 41341
review or hearing is conducted. 41342

Sec. 2151.429. (A) The differential response approach, as 41343
defined in section 2151.011 of the Revised Code, pursued by a 41344
public children services agency shall include two response 41345
pathways, the traditional response pathway and the alternative 41346

response pathway. The director of job and family services shall 41347
adopt rules pursuant to Chapter 119. of the Revised Code setting 41348
forth the procedures and criteria for public children services 41349
agencies to assign and reassign response pathways. 41350

(B) The agency shall use the traditional response for the 41351
following types of accepted reports: 41352

(1) Physical abuse resulting in serious injury or that 41353
creates a serious and immediate risk to a child's health and 41354
safety. 41355

(2) Sexual abuse. 41356

(3) Child fatality. 41357

(4) Reports requiring a specialized assessment as identified 41358
by rule adopted by the department. 41359

(5) Reports requiring a third party investigative procedure 41360
as identified by rule adopted by the department. 41361

(C) For all other child abuse and neglect reports, an 41362
alternative response shall be the preferred response, whenever 41363
appropriate and in accordance with rules adopted by the 41364
department. 41365

Sec. 2151.541. (A)(1) The juvenile judge may determine that, 41366
for the efficient operation of the juvenile court, additional 41367
funds are required to computerize the court, to make available 41368
computerized legal research services, or both. Upon making a 41369
determination that additional funds are required for either or 41370
both of those purposes, the judge shall do one of the following: 41371

(a) If ~~he~~ the judge is clerk of the court, charge one 41372
additional fee not to exceed three dollars on the filing of each 41373
cause of action or appeal under division (A), (Q), or (U) of 41374
section 2303.20 of the Revised Code; 41375

(b) If the clerk of the court of common pleas serves as the clerk of the juvenile court pursuant to section 2151.12 of the Revised Code, authorize and direct the clerk to charge one additional fee not to exceed three dollars on the filing of each cause of action or appeal under division (A), (Q), or (U) of section 2303.20 of the Revised Code.

(2) All moneys collected under division (A)(1) of this section shall be paid to the county treasurer. The treasurer shall place the moneys from the fees in a separate fund to be disbursed, either upon an order of the juvenile judge, subject to an appropriation by the board of county commissioners, or upon an order of the juvenile judge, subject to the court making an annual report available to the public listing the use of all such funds, in an amount no greater than the actual cost to the court of procuring and maintaining computerization of the court, computerized legal research services, or both.

(3) If the court determines that the funds in the fund described in division (A)(2) of this section are more than sufficient to satisfy the purpose for which the additional fee described in division (A)(1) of this section was imposed, the court may declare a surplus in the fund and, subject to an appropriation by the board of county commissioners, expend those surplus funds, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds, for other appropriate technological expenses of the court.

(B)(1) If the juvenile judge is the clerk of the juvenile court, ~~he~~ the judge may determine that, for the efficient operation of ~~his~~ the juvenile court, additional funds are required to computerize the clerk's office and, upon that determination, may charge an additional fee, not to exceed ten dollars, on the filing of each cause of action or appeal, on the filing,

docketing, and endorsing of each certificate of judgment, or on 41408
the docketing and indexing of each aid in execution or petition to 41409
vacate, revive, or modify a judgment under divisions (A), (P), 41410
(Q), (T), and (U) of section 2303.20 of the Revised Code. Subject 41411
to division (B)(2) of this section, all moneys collected under 41412
this division shall be paid to the county treasurer to be 41413
disbursed, upon an order of the juvenile judge and subject to 41414
appropriation by the board of county commissioners, in an amount 41415
no greater than the actual cost to the juvenile court of procuring 41416
and maintaining computer systems for the clerk's office. 41417

(2) If the juvenile judge makes the determination described 41418
in division (B)(1) of this section, the board of county 41419
commissioners may issue one or more general obligation bonds for 41420
the purpose of procuring and maintaining the computer systems for 41421
the office of the clerk of the juvenile court. In addition to the 41422
purposes stated in division (B)(1) of this section for which the 41423
moneys collected under that division may be expended, the moneys 41424
additionally may be expended to pay debt charges on and financing 41425
costs related to any general obligation bonds issued pursuant to 41426
this division as they become due. General obligation bonds issued 41427
pursuant to this division are Chapter 133. securities. 41428

Sec. 2152.72. (A) This section applies only to a child who is 41429
or previously has been adjudicated a delinquent child for an act 41430
to which any of the following applies: 41431

(1) The act is a violation of section 2903.01, 2903.02, 41432
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 41433
2907.05 of the Revised Code. 41434

(2) The act is a violation of section 2923.01 of the Revised 41435
Code and involved an attempt to commit aggravated murder or 41436
murder. 41437

(3) The act would be a felony if committed by an adult, and 41438

the court determined that the child, if an adult, would be guilty 41439
of a specification found in section 2941.141, 2941.144, or 41440
2941.145 of the Revised Code or in another section of the Revised 41441
Code that relates to the possession or use of a firearm during the 41442
commission of the act for which the child was adjudicated a 41443
delinquent child. 41444

(4) The act would be an offense of violence that is a felony 41445
if committed by an adult, and the court determined that the child, 41446
if an adult, would be guilty of a specification found in section 41447
2941.1411 of the Revised Code or in another section of the Revised 41448
Code that relates to the wearing or carrying of body armor during 41449
the commission of the act for which the child was adjudicated a 41450
delinquent child. 41451

(B)(1) Except as provided in division (E) of this section, a 41452
public children services agency, private child placing agency, 41453
private noncustodial agency, or court, the department of youth 41454
services, or another private or government entity shall not place 41455
a child in a certified foster home or for adoption until it 41456
provides the foster caregivers or prospective adoptive parents 41457
with all of the following: 41458

(a) A written report describing the child's social history; 41459

(b) A written report describing all the acts committed by the 41460
child the entity knows of that resulted in the child being 41461
adjudicated a delinquent child and the disposition made by the 41462
court, unless the records pertaining to the acts have been sealed 41463
pursuant to section 2151.356 of the Revised Code; 41464

(c) A written report describing any other violent act 41465
committed by the child of which the entity is aware; 41466

(d) The substantial and material conclusions and 41467
recommendations of any psychiatric or psychological examination 41468
conducted on the child or, if no psychological or psychiatric 41469

examination of the child is available, the substantial and 41470
material conclusions and recommendations of an examination to 41471
detect mental and emotional disorders conducted in compliance with 41472
the requirements of Chapter 4757. of the Revised Code by an 41473
independent social worker, social worker, professional clinical 41474
counselor, or professional counselor licensed under that chapter. 41475
The entity shall not provide any part of a psychological, 41476
psychiatric, or mental and emotional disorder examination to the 41477
foster caregivers or prospective adoptive parents other than the 41478
substantial and material conclusions. 41479

(2) Notwithstanding sections 2151.356 to 2151.358 of the 41480
Revised Code, if records of an adjudication that a child is a 41481
delinquent child have been sealed pursuant to those sections and 41482
an entity knows the records have been sealed, the entity shall 41483
provide the foster caregivers or prospective adoptive parents a 41484
written statement that the records of a prior adjudication have 41485
been sealed. 41486

(C)(1) The entity that places the child in a certified foster 41487
home or for adoption shall conduct a psychological examination of 41488
the child unless either of the following applies: 41489

(a) An entity is not required to conduct the examination if 41490
an examination was conducted no more than one year prior to the 41491
child's placement, and division (C)(1)(b) of this section does not 41492
apply. 41493

(b) An entity is not required to conduct the examination if a 41494
foster caregiver seeks to adopt the foster caregiver's foster 41495
child, and an examination was conducted no more than two years 41496
prior to the date the foster caregiver seeks to adopt the child. 41497

(2) No later than sixty days after placing the child, the 41498
entity shall provide the foster caregiver or prospective adoptive 41499
parents a written report detailing the substantial and material 41500

conclusions and recommendations of the examination conducted 41501
pursuant to this division. 41502

(D)(1) Except as provided in divisions (D)(2) and (3) of this 41503
section, the expenses of conducting the examinations and preparing 41504
the reports and assessment required by division (B) or (C) of this 41505
section shall be paid by the entity that places the child in the 41506
certified foster home or for adoption. 41507

(2) When a juvenile court grants temporary or permanent 41508
custody of a child pursuant to any section of the Revised Code, 41509
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 41510
Revised Code, to a public children services agency or private 41511
child placing agency, the court shall provide the agency the 41512
information described in division (B) of this section, pay the 41513
expenses of preparing that information, and, if a new examination 41514
is required to be conducted, pay the expenses of conducting the 41515
examination described in division (C) of this section. On receipt 41516
of the information described in division (B) of this section, the 41517
agency shall provide to the court written acknowledgment that the 41518
agency received the information. The court shall keep the 41519
acknowledgment and provide a copy to the agency. On the motion of 41520
the agency, the court may terminate the order granting temporary 41521
or permanent custody of the child to that agency, if the court 41522
does not provide the information described in division (B) of this 41523
section. 41524

(3) If one of the following entities is placing a child in a 41525
certified foster home or for adoption with the assistance of or by 41526
contracting with a public children services agency, private child 41527
placing agency, or a private noncustodial agency, the entity shall 41528
provide the agency with the information described in division (B) 41529
of this section, pay the expenses of preparing that information, 41530
and, if a new examination is required to be conducted, pay the 41531
expenses of conducting the examination described in division (C) 41532

of this section: 41533

(a) The department of youth services if the placement is 41534
pursuant to any section of the Revised Code including section 41535
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 41536
Code; 41537

(b) A juvenile court with temporary or permanent custody of a 41538
child pursuant to section 2151.354 or 2152.19 of the Revised Code; 41539

(c) A public children services agency or private child 41540
placing agency with temporary or permanent custody of the child. 41541

The agency receiving the information described in division 41542
(B) of this section shall provide the entity described in division 41543
(D)(3)(a) to (c) of this section that sent the information written 41544
acknowledgment that the agency received the information and 41545
provided it to the foster caregivers or prospective adoptive 41546
parents. The entity shall keep the acknowledgment and provide a 41547
copy to the agency. An entity that places a child in a certified 41548
foster home or for adoption with the assistance of or by 41549
contracting with an agency remains responsible to provide the 41550
information described in division (B) of this section to the 41551
foster caregivers or prospective adoptive parents unless the 41552
entity receives written acknowledgment that the agency provided 41553
the information. 41554

(E) If a child is placed in a certified foster home as a 41555
result of an emergency removal of the child from home pursuant to 41556
division (D) of section 2151.31 of the Revised Code, an emergency 41557
change in the child's case plan pursuant to division ~~(E)~~(F)(3) of 41558
section 2151.412 of the Revised Code, or an emergency placement by 41559
the department of youth services pursuant to this chapter or 41560
Chapter 5139. of the Revised Code, the entity that places the 41561
child in the certified foster home shall provide the information 41562
described in division (B) of this section no later than ninety-six 41563

hours after the child is placed in the certified foster home. 41564

(F) On receipt of the information described in divisions (B) 41565
and (C) of this section, the foster caregiver or prospective 41566
adoptive parents shall provide to the entity that places the child 41567
in the foster caregiver's or prospective adoptive parents' home a 41568
written acknowledgment that the foster caregiver or prospective 41569
adoptive parents received the information. The entity shall keep 41570
the acknowledgment and provide a copy to the foster caregiver or 41571
prospective adoptive parents. 41572

(G) No person employed by an entity subject to this section 41573
and made responsible by that entity for the child's placement in a 41574
certified foster home or for adoption shall fail to provide the 41575
foster caregivers or prospective adoptive parents with the 41576
information required by divisions (B) and (C) of this section. 41577

(H) It is not a violation of any duty of confidentiality 41578
provided for in the Revised Code or a code of professional 41579
responsibility for a person or government entity to provide the 41580
substantial and material conclusions and recommendations of a 41581
psychiatric or psychological examination, or an examination to 41582
detect mental and emotional disorders, in accordance with division 41583
(B)(1)(d) or (C) of this section. 41584

(I) As used in this section: 41585

(1) "Body armor" has the same meaning as in section 2941.1411 41586
of the Revised Code. 41587

(2) "Firearm" has the same meaning as in section 2923.11 of 41588
the Revised Code. 41589

Sec. 2301.01. There shall be a court of common pleas in each 41590
county held by one or more judges, each of whom has been admitted 41591
to practice as an attorney at law in this state and has, for a 41592
total of at least six years preceding the judge's appointment or 41593

commencement of the judge's term, engaged in the practice of law 41594
~~in this state~~ or served as a judge of a court of record in any 41595
jurisdiction in the United States, or both, resides in ~~said the~~ the 41596
county, and is elected by the electors therein. At least two of 41597
the years of practice or service that qualify a judge shall have 41598
been in this state. Each judge shall be elected for six years at 41599
the general election immediately preceding the year in which the 41600
term, as provided in sections 2301.02 and 2301.03 of the Revised 41601
Code, commences, and the judge's successor shall be elected at the 41602
general election immediately preceding the expiration of ~~such that~~ 41603
term. 41604

Sec. 2301.031. (A)(1) The domestic relations judges of a 41605
domestic relations division created by section 2301.03 of the 41606
Revised Code may determine that, for the efficient operation of 41607
their division, additional funds are required to computerize the 41608
division, to make available computerized legal research services, 41609
or both. Upon making a determination that additional funds are 41610
required for either or both of those purposes, the judges shall do 41611
one of the following: 41612

(a) Authorize and direct the clerk or a deputy clerk of the 41613
division to charge one additional fee not to exceed three dollars 41614
on the filing of each cause of action or appeal under division 41615
(A), (Q), or (U) of section 2303.20 of the Revised Code; 41616

(b) If the clerk of the court of common pleas serves as the 41617
clerk of the division, authorize and direct the clerk of the court 41618
of common pleas to charge one additional fee not to exceed three 41619
dollars on the filing of each cause of action or appeal under 41620
division (A), (Q), or (U) of section 2303.20 of the Revised Code. 41621

(2) All moneys collected under division (A)(1) of this 41622
section shall be paid to the county treasurer. The treasurer shall 41623
place the moneys from the fees in a separate fund to be disbursed, 41624

either upon an order of the domestic relations judges, subject to 41625
an appropriation by the board of county commissioners, or upon an 41626
order of the domestic relations judge, subject to the court making 41627
an annual report available to the public listing the use of all 41628
such funds, in an amount no greater than the actual cost to the 41629
division of procuring and maintaining computerization of the 41630
court, computerized legal research services, or both. 41631

(3) If the court determines that the funds in the fund 41632
described in division (A)(2) of this section are more than 41633
sufficient to satisfy the purpose for which the additional fee 41634
described in division (A)(1) of this section was imposed, the 41635
court may declare a surplus in the fund and, subject to an 41636
appropriation by the board of county commissioners, expend those 41637
surplus funds, or upon an order of the court, subject to the court 41638
making an annual report available to the public listing the use of 41639
all such funds, expend those surplus funds, for other appropriate 41640
technological expenses of the court. 41641

(B)(1) If the clerk of the court of common pleas is not 41642
serving as the clerk of a juvenile or domestic relations division 41643
created by section 2301.03 of the Revised Code, the juvenile or 41644
domestic relations judges may determine that, for the efficient 41645
operation of their division, additional funds are required to 41646
computerize the office of the clerk of their division and, upon 41647
that determination, may authorize and direct the clerk or a deputy 41648
clerk of their division to charge an additional fee, not to exceed 41649
ten dollars, on the filing of each cause of action or appeal, on 41650
the filing, docketing, and endorsing of each certificate of 41651
judgment, or on the docketing and indexing of each aid in 41652
execution or petition to vacate, revive, or modify a judgment 41653
under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of 41654
the Revised Code. Subject to division (B)(2) of this section, all 41655
moneys collected under this division shall be paid to the county 41656

treasurer to be disbursed, upon an order of the juvenile or 41657
domestic relations judges and subject to appropriation by the 41658
board of county commissioners, in an amount no greater than the 41659
actual cost to the juvenile or domestic relations division of 41660
procuring and maintaining computer systems for the clerk's office. 41661

(2) If juvenile or domestic relations judges make the 41662
determination described in division (B)(1) of this section, the 41663
board of county commissioners may issue one or more general 41664
obligation bonds for the purpose of procuring and maintaining the 41665
computer systems for the office of the clerk of the juvenile or 41666
domestic relations division. In addition to the purposes stated in 41667
division (B)(1) of this section for which the moneys collected 41668
under that division may be expended, the moneys additionally may 41669
be expended to pay debt charges on and financing costs related to 41670
any general obligation bonds issued pursuant to this division as 41671
they become due. General obligation bonds issued pursuant to this 41672
division are Chapter 133. securities. 41673

Sec. 2303.201. (A)(1) The court of common pleas of any county 41674
may determine that for the efficient operation of the court 41675
additional funds are required to computerize the court, to make 41676
available computerized legal research services, or to do both. 41677
Upon making a determination that additional funds are required for 41678
either or both of those purposes, the court shall authorize and 41679
direct the clerk of the court of common pleas to charge one 41680
additional fee, not to exceed three dollars, on the filing of each 41681
cause of action or appeal under divisions (A), (Q), and (U) of 41682
section 2303.20 of the Revised Code. 41683

(2) All fees collected under division (A)(1) of this section 41684
shall be paid to the county treasurer. The treasurer shall place 41685
the funds from the fees in a separate fund to be disbursed, either 41686
upon an order of the court, subject to an appropriation by the 41687

board of county commissioners, or upon an order of the court, 41688
subject to the court making an annual report available to the 41689
public listing the use of all such funds, in an amount not greater 41690
than the actual cost to the court of procuring and maintaining 41691
computerization of the court, computerized legal research 41692
services, or both. 41693

(3) If the court determines that the funds in the fund 41694
described in division (A)(2) of this section are more than 41695
sufficient to satisfy the purpose for which the additional fee 41696
described in division (A)(1) of this section was imposed, the 41697
court may declare a surplus in the fund and, subject to an 41698
appropriation by the board of county commissioners, expend those 41699
surplus funds, or upon an order of the court, subject to the court 41700
making an annual report available to the public listing the use of 41701
all such funds, expend those surplus funds, for other appropriate 41702
technological expenses of the court. 41703

(B)(1) The court of common pleas of any county may determine 41704
that, for the efficient operation of the court, additional funds 41705
are required to computerize the office of the clerk of the court 41706
of common pleas and, upon that determination, authorize and direct 41707
the clerk of the court of common pleas to charge an additional 41708
fee, not to exceed ten dollars, on the filing of each cause of 41709
action or appeal, on the filing, docketing, and endorsing of each 41710
certificate of judgment, or on the docketing and indexing of each 41711
aid in execution or petition to vacate, revive, or modify a 41712
judgment under divisions (A), (P), (Q), (T), and (U) of section 41713
2303.20 of the Revised Code. Subject to division (B)(2) of this 41714
section, all moneys collected under division (B)(1) of this 41715
section shall be paid to the county treasurer to be disbursed, 41716
upon an order of the court of common pleas and subject to 41717
appropriation by the board of county commissioners, in an amount 41718
no greater than the actual cost to the court of procuring and 41719

maintaining computer systems for the office of the clerk of the 41720
court of common pleas. 41721

(2) If the court of common pleas of a county makes the 41722
determination described in division (B)(1) of this section, the 41723
board of county commissioners of that county may issue one or more 41724
general obligation bonds for the purpose of procuring and 41725
maintaining the computer systems for the office of the clerk of 41726
the court of common pleas. In addition to the purposes stated in 41727
division (B)(1) of this section for which the moneys collected 41728
under that division may be expended, the moneys additionally may 41729
be expended to pay debt charges on and financing costs related to 41730
any general obligation bonds issued pursuant to division (B)(2) of 41731
this section as they become due. General obligation bonds issued 41732
pursuant to division (B)(2) of this section are Chapter 133. 41733
securities. 41734

(C) The court of common pleas shall collect the sum of 41735
twenty-six dollars as additional filing fees in each new civil 41736
action or proceeding for the charitable public purpose of 41737
providing financial assistance to legal aid societies that operate 41738
within the state and to support the office of the state public 41739
defender. This division does not apply to proceedings concerning 41740
annulments, dissolutions of marriage, divorces, legal separation, 41741
spousal support, marital property or separate property 41742
distribution, support, or other domestic relations matters; to a 41743
juvenile division of a court of common pleas; to a probate 41744
division of a court of common pleas, except that the additional 41745
filing fees shall apply to name change, guardianship, adoption, 41746
and decedents' estate proceedings; or to an execution on a 41747
judgment, proceeding in aid of execution, or other post-judgment 41748
proceeding arising out of a civil action. The filing fees required 41749
to be collected under this division shall be in addition to any 41750
other filing fees imposed in the action or proceeding and shall be 41751

collected at the time of the filing of the action or proceeding. 41752
The court shall not waive the payment of the additional filing 41753
fees in a new civil action or proceeding unless the court waives 41754
the advanced payment of all filing fees in the action or 41755
proceeding. All such moneys collected during a month except for an 41756
amount equal to up to one per cent of those moneys retained to 41757
cover administrative costs shall be transmitted on or before the 41758
twentieth day of the following month by the clerk of the court to 41759
the treasurer of state in a manner prescribed by the treasurer of 41760
state or by the Ohio legal assistance foundation. The treasurer of 41761
state shall deposit four per cent of the funds collected under 41762
this division to the credit of the civil case filing fee fund 41763
established under section 120.07 of the Revised Code and 41764
ninety-six per cent of the funds collected under this division to 41765
the credit of the legal aid fund established under section 120.52 41766
of the Revised Code. 41767

The court may retain up to one per cent of the moneys it 41768
collects under this division to cover administrative costs, 41769
including the hiring of any additional personnel necessary to 41770
implement this division. If the court fails to transmit to the 41771
treasurer of state the moneys the court collects under this 41772
division in a manner prescribed by the treasurer of state or by 41773
the Ohio legal assistance foundation, the court shall forfeit the 41774
moneys the court retains under this division to cover 41775
administrative costs, including the hiring of any additional 41776
personnel necessary to implement this division, and shall transmit 41777
to the treasurer of state all moneys collected under this 41778
division, including the forfeited amount retained for 41779
administrative costs, for deposit in the legal aid fund. 41780

(D) On and after the thirtieth day after December 9, 1994, 41781
the court of common pleas shall collect the sum of thirty-two 41782
dollars as additional filing fees in each new action or proceeding 41783

for annulment, divorce, or dissolution of marriage for the purpose 41784
of funding shelters for victims of domestic violence pursuant to 41785
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 41786
required to be collected under this division shall be in addition 41787
to any other filing fees imposed in the action or proceeding and 41788
shall be collected at the time of the filing of the action or 41789
proceeding. The court shall not waive the payment of the 41790
additional filing fees in a new action or proceeding for 41791
annulment, divorce, or dissolution of marriage unless the court 41792
waives the advanced payment of all filing fees in the action or 41793
proceeding. On or before the twentieth day of each month, all 41794
moneys collected during the immediately preceding month pursuant 41795
to this division shall be deposited by the clerk of the court into 41796
the county treasury in the special fund used for deposit of 41797
additional marriage license fees as described in section 3113.34 41798
of the Revised Code. Upon their deposit into the fund, the moneys 41799
shall be retained in the fund and expended only as described in 41800
section 3113.34 of the Revised Code. 41801

(E)(1) The court of common pleas may determine that, for the 41802
efficient operation of the court, additional funds are necessary 41803
to acquire and pay for special projects of the court, including, 41804
but not limited to, the acquisition of additional facilities or 41805
the rehabilitation of existing facilities, the acquisition of 41806
equipment, the hiring and training of staff, community service 41807
programs, mediation or dispute resolution services, the employment 41808
of magistrates, the training and education of judges, acting 41809
judges, and magistrates, and other related services. Upon that 41810
determination, the court by rule may charge a fee, in addition to 41811
all other court costs, on the filing of each criminal cause, civil 41812
action or proceeding, or judgment by confession. 41813

If the court of common pleas offers a special program or 41814
service in cases of a specific type, the court by rule may assess 41815

an additional charge in a case of that type, over and above court 41816
costs, to cover the special program or service. The court shall 41817
adjust the special assessment periodically, but not retroactively, 41818
so that the amount assessed in those cases does not exceed the 41819
actual cost of providing the service or program. 41820

All moneys collected under division (E) of this section shall 41821
be paid to the county treasurer for deposit into either a general 41822
special projects fund or a fund established for a specific special 41823
project. Moneys from a fund of that nature shall be disbursed upon 41824
an order of the court, subject to an appropriation by the board of 41825
county commissioners, in an amount no greater than the actual cost 41826
to the court of a project. If a specific fund is terminated 41827
because of the discontinuance of a program or service established 41828
under division (E) of this section, the court may order, subject 41829
to an appropriation by the board of county commissioners, that 41830
moneys remaining in the fund be transferred to an account 41831
established under this division for a similar purpose. 41832

(2) As used in division (E) of this section: 41833

(a) "Criminal cause" means a charge alleging the violation of 41834
a statute or ordinance, or subsection of a statute or ordinance, 41835
that requires a separate finding of fact or a separate plea before 41836
disposition and of which the defendant may be found guilty, 41837
whether filed as part of a multiple charge on a single summons, 41838
citation, or complaint or as a separate charge on a single 41839
summons, citation, or complaint. "Criminal cause" does not include 41840
separate violations of the same statute or ordinance, or 41841
subsection of the same statute or ordinance, unless each charge is 41842
filed on a separate summons, citation, or complaint. 41843

(b) "Civil action or proceeding" means any civil litigation 41844
that must be determined by judgment entry. 41845

Sec. 2305.232. (A) No person who gives aid or advice in an 41846

emergency situation relating to the prevention of an imminent 41847
release of hazardous material, to the clean-up or disposal of 41848
hazardous material that has been released, or to the related 41849
mitigation of the effects of a release of hazardous material, nor 41850
the public or private employer of such a person, is liable in 41851
civil damages as a result of the aid or advice if all of the 41852
following apply: 41853

(1) The aid or advice was given at the request of: 41854

(a) A sheriff, the chief of police or other chief officer of 41855
the law enforcement agency of a municipal corporation, the chief 41856
of police of a township police district or joint police district, 41857
the chief of a fire department, the state fire marshal, the 41858
director of environmental protection, the chairperson of the 41859
public utilities commission, the superintendent of the state 41860
highway patrol, the executive director of the emergency management 41861
agency, the chief executive of a municipal corporation, ~~or~~ the 41862
authorized representative of any such official, or the legislative 41863
authority of a township or county; or 41864

(b) The owner or manufacturer of the hazardous material, an 41865
association of manufacturers of the hazardous material, or a 41866
hazardous material mutual aid group. 41867

(2) The person giving the aid or advice acted without 41868
anticipating remuneration for self or the person's employer from 41869
the governmental official, authority, or agency that requested the 41870
aid or advice; 41871

(3) The person giving the aid or advice was specially 41872
qualified by training or experience to give the aid or advice; 41873

(4) Neither the person giving the aid or advice nor the 41874
public or private employer of the person giving the aid or advice 41875
was responsible for causing the release or threat of release nor 41876
would otherwise be liable for damages caused by the release; 41877

(5) The person giving the aid or advice did not engage in willful, wanton, or reckless misconduct or grossly negligent conduct in giving the aid or advice; 41878
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(6) The person giving the aid or advice notified the emergency response section of the environmental protection agency prior to giving the aid or advice. 41881
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(B) The immunity conferred by this section does not limit the liability of any person whose action caused or contributed to the release of hazardous material. That person is liable for any enhancement of damages caused by the person giving aid or advice under this section unless the enhancement of damages was caused by the willful, wanton, or reckless misconduct or grossly negligent conduct of the person giving aid or advice. 41884
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(C) This section does not apply to any person rendering care, assistance, or advice in response to a discharge of oil when that person's immunity from liability is subject to determination under section 2305.39 of the Revised Code. 41891
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(D) As used in this section: 41895

(1) "Hazardous material" means any material designated as such under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1803, as amended. 41896
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(2) "Mutual aid group" means any group formed at the federal, state, regional, or local level whose members agree to respond to incidents involving hazardous material whether or not they shipped, transported, manufactured, or were at all connected with the hazardous material involved in a particular incident. 41899
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(3) "Discharge" and "oil" have the same meanings as in section 2305.39 of the Revised Code. 41904
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Sec. 2317.02. The following persons shall not testify in certain respects: 41906
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(A)(1) An attorney, concerning a communication made to the attorney by a client in that relation or the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of the deceased client. However, if the client voluntarily testifies or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply concerning a communication between a client who has since died and the deceased client's attorney if the communication is relevant to a dispute between parties who claim through that deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction, and the dispute addresses the competency of the deceased client when the deceased client executed a document that is the basis of the dispute or whether the deceased client was a victim of fraud, undue influence, or duress when the deceased client executed a document that is the basis of the dispute.

(2) An attorney, concerning a communication made to the attorney by a client in that relationship or the attorney's advice to a client, except that if the client is an insurance company, the attorney may be compelled to testify, subject to an in camera inspection by a court, about communications made by the client to the attorney or by the attorney to the client that are related to the attorney's aiding or furthering an ongoing or future commission of bad faith by the client, if the party seeking disclosure of the communications has made a prima facie showing of bad faith, fraud, or criminal misconduct by the client.

(B)(1) A physician or a dentist concerning a communication

made to the physician or dentist by a patient in that relation or 41940
the physician's or dentist's advice to a patient, except as 41941
otherwise provided in this division, division (B)(2), and division 41942
(B)(3) of this section, and except that, if the patient is deemed 41943
by section 2151.421 of the Revised Code to have waived any 41944
testimonial privilege under this division, the physician may be 41945
compelled to testify on the same subject. 41946

The testimonial privilege established under this division 41947
does not apply, and a physician or dentist may testify or may be 41948
compelled to testify, in any of the following circumstances: 41949

(a) In any civil action, in accordance with the discovery 41950
provisions of the Rules of Civil Procedure in connection with a 41951
civil action, or in connection with a claim under Chapter 4123. of 41952
the Revised Code, under any of the following circumstances: 41953

(i) If the patient or the guardian or other legal 41954
representative of the patient gives express consent; 41955

(ii) If the patient is deceased, the spouse of the patient or 41956
the executor or administrator of the patient's estate gives 41957
express consent; 41958

(iii) If a medical claim, dental claim, chiropractic claim, 41959
or optometric claim, as defined in section 2305.113 of the Revised 41960
Code, an action for wrongful death, any other type of civil 41961
action, or a claim under Chapter 4123. of the Revised Code is 41962
filed by the patient, the personal representative of the estate of 41963
the patient if deceased, or the patient's guardian or other legal 41964
representative. 41965

(b) In any civil action concerning court-ordered treatment or 41966
services received by a patient, if the court-ordered treatment or 41967
services were ordered as part of a case plan journalized under 41968
section 2151.412 of the Revised Code or the court-ordered 41969
treatment or services are necessary or relevant to dependency, 41970

neglect, or abuse or temporary or permanent custody proceedings 41971
under Chapter 2151. of the Revised Code. 41972

(c) In any criminal action concerning any test or the results 41973
of any test that determines the presence or concentration of 41974
alcohol, a drug of abuse, a combination of them, a controlled 41975
substance, or a metabolite of a controlled substance in the 41976
patient's whole blood, blood serum or plasma, breath, urine, or 41977
other bodily substance at any time relevant to the criminal 41978
offense in question. 41979

(d) In any criminal action against a physician or dentist. In 41980
such an action, the testimonial privilege established under this 41981
division does not prohibit the admission into evidence, in 41982
accordance with the Rules of Evidence, of a patient's medical or 41983
dental records or other communications between a patient and the 41984
physician or dentist that are related to the action and obtained 41985
by subpoena, search warrant, or other lawful means. A court that 41986
permits or compels a physician or dentist to testify in such an 41987
action or permits the introduction into evidence of patient 41988
records or other communications in such an action shall require 41989
that appropriate measures be taken to ensure that the 41990
confidentiality of any patient named or otherwise identified in 41991
the records is maintained. Measures to ensure confidentiality that 41992
may be taken by the court include sealing its records or deleting 41993
specific information from its records. 41994

(e)(i) If the communication was between a patient who has 41995
since died and the deceased patient's physician or dentist, the 41996
communication is relevant to a dispute between parties who claim 41997
through that deceased patient, regardless of whether the claims 41998
are by testate or intestate succession or by inter vivos 41999
transaction, and the dispute addresses the competency of the 42000
deceased patient when the deceased patient executed a document 42001
that is the basis of the dispute or whether the deceased patient 42002

was a victim of fraud, undue influence, or duress when the 42003
deceased patient executed a document that is the basis of the 42004
dispute. 42005

(ii) If neither the spouse of a patient nor the executor or 42006
administrator of that patient's estate gives consent under 42007
division (B)(1)(a)(ii) of this section, testimony or the 42008
disclosure of the patient's medical records by a physician, 42009
dentist, or other health care provider under division (B)(1)(e)(i) 42010
of this section is a permitted use or disclosure of protected 42011
health information, as defined in 45 C.F.R. 160.103, and an 42012
authorization or opportunity to be heard shall not be required. 42013

(iii) Division (B)(1)(e)(i) of this section does not require 42014
a mental health professional to disclose psychotherapy notes, as 42015
defined in 45 C.F.R. 164.501. 42016

(iv) An interested person who objects to testimony or 42017
disclosure under division (B)(1)(e)(i) of this section may seek a 42018
protective order pursuant to Civil Rule 26. 42019

(v) A person to whom protected health information is 42020
disclosed under division (B)(1)(e)(i) of this section shall not 42021
use or disclose the protected health information for any purpose 42022
other than the litigation or proceeding for which the information 42023
was requested and shall return the protected health information to 42024
the covered entity or destroy the protected health information, 42025
including all copies made, at the conclusion of the litigation or 42026
proceeding. 42027

(2)(a) If any law enforcement officer submits a written 42028
statement to a health care provider that states that an official 42029
criminal investigation has begun regarding a specified person or 42030
that a criminal action or proceeding has been commenced against a 42031
specified person, that requests the provider to supply to the 42032
officer copies of any records the provider possesses that pertain 42033

to any test or the results of any test administered to the 42034
specified person to determine the presence or concentration of 42035
alcohol, a drug of abuse, a combination of them, a controlled 42036
substance, or a metabolite of a controlled substance in the 42037
person's whole blood, blood serum or plasma, breath, or urine at 42038
any time relevant to the criminal offense in question, and that 42039
conforms to section 2317.022 of the Revised Code, the provider, 42040
except to the extent specifically prohibited by any law of this 42041
state or of the United States, shall supply to the officer a copy 42042
of any of the requested records the provider possesses. If the 42043
health care provider does not possess any of the requested 42044
records, the provider shall give the officer a written statement 42045
that indicates that the provider does not possess any of the 42046
requested records. 42047

(b) If a health care provider possesses any records of the 42048
type described in division (B)(2)(a) of this section regarding the 42049
person in question at any time relevant to the criminal offense in 42050
question, in lieu of personally testifying as to the results of 42051
the test in question, the custodian of the records may submit a 42052
certified copy of the records, and, upon its submission, the 42053
certified copy is qualified as authentic evidence and may be 42054
admitted as evidence in accordance with the Rules of Evidence. 42055
Division (A) of section 2317.422 of the Revised Code does not 42056
apply to any certified copy of records submitted in accordance 42057
with this division. Nothing in this division shall be construed to 42058
limit the right of any party to call as a witness the person who 42059
administered the test to which the records pertain, the person 42060
under whose supervision the test was administered, the custodian 42061
of the records, the person who made the records, or the person 42062
under whose supervision the records were made. 42063

(3)(a) If the testimonial privilege described in division 42064
(B)(1) of this section does not apply as provided in division 42065

(B)(1)(a)(iii) of this section, a physician or dentist may be 42066
compelled to testify or to submit to discovery under the Rules of 42067
Civil Procedure only as to a communication made to the physician 42068
or dentist by the patient in question in that relation, or the 42069
physician's or dentist's advice to the patient in question, that 42070
related causally or historically to physical or mental injuries 42071
that are relevant to issues in the medical claim, dental claim, 42072
chiropractic claim, or optometric claim, action for wrongful 42073
death, other civil action, or claim under Chapter 4123. of the 42074
Revised Code. 42075

(b) If the testimonial privilege described in division (B)(1) 42076
of this section does not apply to a physician or dentist as 42077
provided in division (B)(1)(c) of this section, the physician or 42078
dentist, in lieu of personally testifying as to the results of the 42079
test in question, may submit a certified copy of those results, 42080
and, upon its submission, the certified copy is qualified as 42081
authentic evidence and may be admitted as evidence in accordance 42082
with the Rules of Evidence. Division (A) of section 2317.422 of 42083
the Revised Code does not apply to any certified copy of results 42084
submitted in accordance with this division. Nothing in this 42085
division shall be construed to limit the right of any party to 42086
call as a witness the person who administered the test in 42087
question, the person under whose supervision the test was 42088
administered, the custodian of the results of the test, the person 42089
who compiled the results, or the person under whose supervision 42090
the results were compiled. 42091

(4) The testimonial privilege described in division (B)(1) of 42092
this section is not waived when a communication is made by a 42093
physician to a pharmacist or when there is communication between a 42094
patient and a pharmacist in furtherance of the physician-patient 42095
relation. 42096

(5)(a) As used in divisions (B)(1) to (4) of this section, 42097

"communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a physician or dentist to diagnose, treat, prescribe, or act for a patient. A "communication" may include, but is not limited to, any medical or dental, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

(b) As used in division (B)(2) of this section, "health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.

(c) As used in division (B)(5)(b) of this section:

(i) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory health care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.

(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.

(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.

(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(v) "Long-term care facility" means a nursing home,

residential care facility, or home for the aging, as those terms 42129
are defined in section 3721.01 of the Revised Code; an adult care 42130
facility, as defined in section ~~3722.01~~ 5119.70 of the Revised 42131
Code; a nursing facility or intermediate care facility for the 42132
mentally retarded, as those terms are defined in section 5111.20 42133
of the Revised Code; a facility or portion of a facility certified 42134
as a skilled nursing facility under Title XVIII of the "Social 42135
Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 42136

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 42137
the Revised Code. 42138

(d) As used in divisions (B)(1) and (2) of this section, 42139
"drug of abuse" has the same meaning as in section 4506.01 of the 42140
Revised Code. 42141

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 42142
apply to doctors of medicine, doctors of osteopathic medicine, 42143
doctors of podiatry, and dentists. 42144

(7) Nothing in divisions (B)(1) to (6) of this section 42145
affects, or shall be construed as affecting, the immunity from 42146
civil liability conferred by section 307.628 of the Revised Code 42147
or the immunity from civil liability conferred by section 2305.33 42148
of the Revised Code upon physicians who report an employee's use 42149
of a drug of abuse, or a condition of an employee other than one 42150
involving the use of a drug of abuse, to the employer of the 42151
employee in accordance with division (B) of that section. As used 42152
in division (B)(7) of this section, "employee," "employer," and 42153
"physician" have the same meanings as in section 2305.33 of the 42154
Revised Code. 42155

(C)(1) A cleric, when the cleric remains accountable to the 42156
authority of that cleric's church, denomination, or sect, 42157
concerning a confession made, or any information confidentially 42158
communicated, to the cleric for a religious counseling purpose in 42159

the cleric's professional character. The cleric may testify by 42160
express consent of the person making the communication, except 42161
when the disclosure of the information is in violation of a sacred 42162
trust and except that, if the person voluntarily testifies or is 42163
deemed by division (A)(4)(c) of section 2151.421 of the Revised 42164
Code to have waived any testimonial privilege under this division, 42165
the cleric may be compelled to testify on the same subject except 42166
when disclosure of the information is in violation of a sacred 42167
trust. 42168

(2) As used in division (C) of this section: 42169

(a) "Cleric" means a member of the clergy, rabbi, priest, 42170
Christian Science practitioner, or regularly ordained, accredited, 42171
or licensed minister of an established and legally cognizable 42172
church, denomination, or sect. 42173

(b) "Sacred trust" means a confession or confidential 42174
communication made to a cleric in the cleric's ecclesiastical 42175
capacity in the course of discipline enjoined by the church to 42176
which the cleric belongs, including, but not limited to, the 42177
Catholic Church, if both of the following apply: 42178

(i) The confession or confidential communication was made 42179
directly to the cleric. 42180

(ii) The confession or confidential communication was made in 42181
the manner and context that places the cleric specifically and 42182
strictly under a level of confidentiality that is considered 42183
inviolable by canon law or church doctrine. 42184

(D) Husband or wife, concerning any communication made by one 42185
to the other, or an act done by either in the presence of the 42186
other, during coverture, unless the communication was made, or act 42187
done, in the known presence or hearing of a third person competent 42188
to be a witness; and such rule is the same if the marital relation 42189
has ceased to exist; 42190

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify; 42191
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(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing. 42194
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(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a professional clinical counselor, professional counselor, social worker, independent social worker, marriage and family therapist or independent marriage and family therapist, or registered under Chapter 4757. of the Revised Code as a social work assistant concerning a confidential communication received from a client in that relation or the person's advice to a client unless any of the following applies: 42200
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(a) The communication or advice indicates clear and present danger to the client or other persons. For the purposes of this division, cases in which there are indications of present or past child abuse or neglect of the client constitute a clear and present danger. 42211
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(b) The client gives express consent to the testimony. 42216

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent. 42217
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(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under 42220
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Chapter 4757. of the Revised Code may be compelled to testify on 42222
the same subject. 42223

(e) The court in camera determines that the information 42224
communicated by the client is not germane to the counselor-client, 42225
marriage and family therapist-client, or social worker-client 42226
relationship. 42227

(f) A court, in an action brought against a school, its 42228
administration, or any of its personnel by the client, rules after 42229
an in-camera inspection that the testimony of the school guidance 42230
counselor is relevant to that action. 42231

(g) The testimony is sought in a civil action and concerns 42232
court-ordered treatment or services received by a patient as part 42233
of a case plan journalized under section 2151.412 of the Revised 42234
Code or the court-ordered treatment or services are necessary or 42235
relevant to dependency, neglect, or abuse or temporary or 42236
permanent custody proceedings under Chapter 2151. of the Revised 42237
Code. 42238

(2) Nothing in division (G)(1) of this section shall relieve 42239
a school guidance counselor or a person licensed or registered 42240
under Chapter 4757. of the Revised Code from the requirement to 42241
report information concerning child abuse or neglect under section 42242
2151.421 of the Revised Code. 42243

(H) A mediator acting under a mediation order issued under 42244
division (A) of section 3109.052 of the Revised Code or otherwise 42245
issued in any proceeding for divorce, dissolution, legal 42246
separation, annulment, or the allocation of parental rights and 42247
responsibilities for the care of children, in any action or 42248
proceeding, other than a criminal, delinquency, child abuse, child 42249
neglect, or dependent child action or proceeding, that is brought 42250
by or against either parent who takes part in mediation in 42251
accordance with the order and that pertains to the mediation 42252

process, to any information discussed or presented in the 42253
mediation process, to the allocation of parental rights and 42254
responsibilities for the care of the parents' children, or to the 42255
awarding of parenting time rights in relation to their children; 42256

(I) A communications assistant, acting within the scope of 42257
the communication assistant's authority, when providing 42258
telecommunications relay service pursuant to section 4931.06 of 42259
the Revised Code or Title II of the "Communications Act of 1934," 42260
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 42261
made through a telecommunications relay service. Nothing in this 42262
section shall limit the obligation of a communications assistant 42263
to divulge information or testify when mandated by federal law or 42264
regulation or pursuant to subpoena in a criminal proceeding. 42265

Nothing in this section shall limit any immunity or privilege 42266
granted under federal law or regulation. 42267

(J)(1) A chiropractor in a civil proceeding concerning a 42268
communication made to the chiropractor by a patient in that 42269
relation or the chiropractor's advice to a patient, except as 42270
otherwise provided in this division. The testimonial privilege 42271
established under this division does not apply, and a chiropractor 42272
may testify or may be compelled to testify, in any civil action, 42273
in accordance with the discovery provisions of the Rules of Civil 42274
Procedure in connection with a civil action, or in connection with 42275
a claim under Chapter 4123. of the Revised Code, under any of the 42276
following circumstances: 42277

(a) If the patient or the guardian or other legal 42278
representative of the patient gives express consent. 42279

(b) If the patient is deceased, the spouse of the patient or 42280
the executor or administrator of the patient's estate gives 42281
express consent. 42282

(c) If a medical claim, dental claim, chiropractic claim, or 42283

optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative. 42284
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(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code. 42290
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(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding. 42301
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(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnose, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis. 42304
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(K)(1) Except as provided under division (K)(2) of this section, a critical incident stress management team member concerning a communication received from an individual who receives crisis response services from the team member, or the 42312
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team member's advice to the individual, during a debriefing session. 42316
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(2) The testimonial privilege established under division (K)(1) of this section does not apply if any of the following are true: 42318
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(a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger. 42321
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(b) The individual who received crisis response services gives express consent to the testimony. 42326
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(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent. 42328
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(d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject. 42331
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(e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member. 42334
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(f) The communication or advice pertains or is related to any criminal act. 42338
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(3) As used in division (K) of this section: 42340

(a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster. 42341
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(b) "Critical incident stress management team member" or 42345

"team member" means an individual specially trained to provide 42346
crisis response services as a member of an organized community or 42347
local crisis response team that holds membership in the Ohio 42348
critical incident stress management network. 42349

(c) "Debriefing session" means a session at which crisis 42350
response services are rendered by a critical incident stress 42351
management team member during or after a crisis or disaster. 42352

(L)(1) Subject to division (L)(2) of this section and except 42353
as provided in division (L)(3) of this section, an employee 42354
assistance professional, concerning a communication made to the 42355
employee assistance professional by a client in the employee 42356
assistance professional's official capacity as an employee 42357
assistance professional. 42358

(2) Division (L)(1) of this section applies to an employee 42359
assistance professional who meets either or both of the following 42360
requirements: 42361

(a) Is certified by the employee assistance certification 42362
commission to engage in the employee assistance profession; 42363

(b) Has education, training, and experience in all of the 42364
following: 42365

(i) Providing workplace-based services designed to address 42366
employer and employee productivity issues; 42367

(ii) Providing assistance to employees and employees' 42368
dependents in identifying and finding the means to resolve 42369
personal problems that affect the employees or the employees' 42370
performance; 42371

(iii) Identifying and resolving productivity problems 42372
associated with an employee's concerns about any of the following 42373
matters: health, marriage, family, finances, substance abuse or 42374
other addiction, workplace, law, and emotional issues; 42375

(iv) Selecting and evaluating available community resources;	42376
(v) Making appropriate referrals;	42377
(vi) Local and national employee assistance agreements;	42378
(vii) Client confidentiality.	42379
(3) Division (L)(1) of this section does not apply to any of the following:	42380 42381
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	42382 42383 42384 42385
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	42386 42387 42388
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	42389 42390 42391
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	42392 42393 42394
(e) A civil or criminal malpractice action brought against the employee assistance professional;	42395 42396
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	42397 42398 42399
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	42400 42401
Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 2317.41 of the Revised Code but subject to division (B) of this section, the records, or copies or photographs of the records, of	42402 42403 42404

a hospital, homes required to be licensed pursuant to section 42405
3721.01 of the Revised Code, and adult care facilities required to 42406
be licensed pursuant to Chapter ~~3722.~~ 5119. of the Revised Code, 42407
in lieu of the testimony in open court of their custodian, person 42408
who made them, or person under whose supervision they were made, 42409
may be qualified as authentic evidence if any such person endorses 42410
thereon the person's verified certification identifying such 42411
records, giving the mode and time of their preparation, and 42412
stating that they were prepared in the usual course of the 42413
business of the institution. Such records, copies, or photographs 42414
may not be qualified by certification as provided in this section 42415
unless the party intending to offer them delivers a copy of them, 42416
or of their relevant portions, to the attorney of record for each 42417
adverse party not less than five days before trial. Nothing in 42418
this section shall be construed to limit the right of any party to 42419
call the custodian, person who made such records, or person under 42420
whose supervision they were made, as a witness. 42421

(B) Division (A) of this section does not apply to any 42422
certified copy of the results of any test given to determine the 42423
presence or concentration of alcohol, a drug of abuse, a 42424
combination of them, a controlled substance, or a metabolite of a 42425
controlled substance in a patient's whole blood, blood serum or 42426
plasma, breath, or urine at any time relevant to a criminal 42427
offense that is submitted in a criminal action or proceeding in 42428
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 42429
of the Revised Code. 42430

Sec. 2329.26. (A) Lands and tenements taken in execution 42431
shall not be sold until all of the following occur: 42432

(1)(a) Except as otherwise provided in division (A)(1)(b) of 42433
this section, the judgment creditor who seeks the sale of the 42434
lands and tenements or the judgment creditor's attorney does both 42435

of the following: 42436

(i) Causes a written notice of the date, time, and place of 42437
the sale to be served in accordance with divisions (A) and (B) of 42438
Civil Rule 5 upon the judgment debtor and upon each other party to 42439
the action in which the judgment giving rise to the execution was 42440
rendered; 42441

(ii) At least seven calendar days prior to the date of the 42442
sale, files with the clerk of the court that rendered the judgment 42443
giving rise to the execution a copy of the written notice 42444
described in division (A)(1)(a)(i) of this section with proof of 42445
service endorsed on the copy in the form described in division (D) 42446
of Civil Rule 5. 42447

(b) Service of the written notice described in division 42448
(A)(1)(a)(i) of this section is not required to be made upon any 42449
party who is in default for failure to appear in the action in 42450
which the judgment giving rise to the execution was rendered. 42451

(2) The officer taking the lands and tenements gives public 42452
notice of the date, time, and place of the sale once a week for at 42453
least three consecutive weeks before the day of sale by 42454
advertisement in a newspaper ~~published in and~~ of general 42455
circulation in the county. The newspaper shall meet the 42456
requirements of section 7.12 of the Revised Code. The court 42457
ordering the sale may designate in the order of sale the newspaper 42458
in which this public notice shall be published, ~~and this public~~ 42459
~~notice is subject to division (A) of section 2329.27 of the~~ 42460
~~Revised Code.~~ 42461

(3) The officer taking the lands and tenements shall collect 42462
the purchaser's information required by section 2329.271 of the 42463
Revised Code. 42464

(B) A sale of lands and tenements taken in execution may be 42465
set aside in accordance with division (A) or (B) of section 42466

2329.27 of the Revised Code. 42467

Sec. 2335.05. In all cases or proceedings not specified in 42468
sections 2335.06 and 2335.08 of the Revised Code, except as 42469
otherwise provided in section 2335.061 of the Revised Code, each 42470
person subpoenaed as a witness shall be allowed one dollar for 42471
each day's attendance and the mileage allowed in courts of record. 42472
~~When~~ If not subpoenaed each person called upon to testify in a 42473
case or proceeding shall receive twenty-five cents. Such fee shall 42474
be taxed in the bill of costs, and if incurred in a state or 42475
ordinance case, or in a proceeding before a public officer, board, 42476
or commission, the fee shall be paid out of the proper public 42477
treasury, upon the certificate of the court, officer, board, or 42478
commission conducting the proceeding. 42479

Sec. 2335.06. ~~Each~~ (A) Except as otherwise provided in 42480
section 2335.061 of the Revised Code, each witness in civil cases 42481
shall receive the following fees: 42482

~~(A)(1)~~ Twelve dollars for each full day's attendance and six 42483
dollars for each half day's attendance at a court of record, 42484
mayor's court, or before a person authorized to take depositions, 42485
to be taxed in the bill of costs. Each witness shall also receive 42486
reimbursement for each mile necessarily traveled to and from the 42487
witness's place of residence to the place of giving testimony, to 42488
be taxed in the bill of costs. The board of county commissioners 42489
of each county shall set the reimbursement rate for each mile 42490
necessarily traveled by a witness in a civil case in the common 42491
pleas court, any division of the common pleas court, a county 42492
court, or a county-operated municipal court. The rate shall not 42493
exceed fifty and one-half cents for each mile. 42494

~~(B)(2)~~ For attending a coroner's inquest, the same fees and 42495
mileage provided by division (A)(1) of this section, payable from 42496

the county treasury on the certificate of the coroner. 42497

~~(C)~~(B) As used in this section, "full day's attendance" means 42498
a day on which a witness is required or requested to be present at 42499
proceedings before and after twelve noon regardless of whether the 42500
witness actually testifies; "half day's attendance" means a day on 42501
which a witness is required or requested to be present at 42502
proceedings either before or after twelve noon, but not both, 42503
regardless of whether the witness actually testifies. 42504

Sec. 2335.061. (A) As used in this section: 42505

(1) "Coroner" has the same meaning as in section 313.01 of 42506
the Revised Code, and includes the following: 42507

(a) The coroner of a county other than a county in which the 42508
death occurred or the dead human body was found if the coroner of 42509
that other county performed services for the county in which the 42510
death occurred or the dead human body was found; 42511

(b) A medical examiner appointed by the governing authority 42512
of a county to perform the duties of a coroner set forth in 42513
Chapter 313. of the Revised Code. 42514

(2) "Deposition fee" means the amount derived by multiplying 42515
the hourly rate by the number of hours a coroner or deputy coroner 42516
spent preparing for and giving expert testimony at a deposition in 42517
a civil action pursuant to this section. 42518

(3) "Deputy coroner" means a pathologist serving as a deputy 42519
coroner. 42520

(4) "Expert testimony" means testimony given by a coroner or 42521
deputy coroner as an expert witness pursuant to this section and 42522
the Rules of Evidence. 42523

(5) "Fact testimony" means testimony given by a coroner or 42524
deputy coroner regarding the performance of the duties of the 42525
coroner as set forth in Chapter 313. of the Revised Code. "Fact 42526

testimony" does not include expert testimony. 42527

(6) "Hourly rate" means the compensation established in sections 325.15 and 325.18 of the Revised Code for a coroner without a private practice of medicine at the class 8 level for calendar year 2001 and thereafter, divided by two thousand eighty. 42528
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(7) "Testimonial fee" means the amount derived by multiplying the hourly rate by six and multiplying the product by the number of hours that a coroner or deputy coroner spent preparing for and giving expert testimony at a trial or hearing in a civil action pursuant to this section. 42532
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(B)(1) A party may subpoena a coroner or deputy coroner to give expert testimony at a trial, hearing, or deposition in a civil action only upon filing with the court a notice that includes all of the following: 42537
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(a) The name of the coroner or deputy coroner whose testimony is sought; 42541
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(b) A brief statement of the issues upon which the party seeks expert testimony from the coroner or deputy coroner; 42543
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(c) An acknowledgment by the party that the giving of expert testimony by the coroner or deputy coroner at the trial, hearing, or deposition is governed by this section and that the party will comply with all of the requirements of this section; 42545
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(d) A statement of the obligations of the coroner or deputy coroner under division (C) of this section. 42549
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(2) The notice under division (B)(1) of this section shall be served together with the subpoena. 42551
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(C) A party that obtains the expert testimony of a coroner or deputy coroner at a trial, hearing, or deposition in a civil action pursuant to division (B) or (D) of this section shall pay to the treasury of the county in which the coroner or deputy 42553
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coroner holds office or is appointed or employed a testimonial fee 42557
or deposition fee, whichever is applicable, within thirty days 42558
after receiving the statement described in this division. Upon the 42559
conclusion of the coroner's or deputy coroner's expert testimony, 42560
the coroner or deputy coroner shall file a statement with the 42561
court on behalf of the county in which the coroner or deputy 42562
coroner holds office or is appointed or employed showing the fee 42563
due and how the coroner or deputy coroner calculated the fee. The 42564
coroner or deputy coroner shall serve a copy of the statement on 42565
each of the parties. 42566

(D) For good cause shown, the court may permit a coroner or 42567
deputy coroner who has not been served with a subpoena under 42568
division (B) of this section to give expert testimony at a trial, 42569
hearing, or deposition in a civil action. Unless good cause is 42570
shown, the failure of a party to file with the court the notice 42571
described in division (B)(1) of this section prohibits the party 42572
from having a coroner or deputy coroner subpoenaed to give expert 42573
testimony at a trial, hearing, or deposition in a civil action or 42574
from otherwise calling the coroner or a deputy coroner to give 42575
expert testimony at a trial, hearing, or deposition in a civil 42576
action. 42577

(E) In the event of a dispute as to the contents of the 42578
notice filed by a party under division (B) of this section or as 42579
to the nature of the testimony sought from or given by a coroner 42580
or a deputy coroner at a trial, hearing, or deposition in a civil 42581
action, the court shall determine whether the testimony sought 42582
from or given by the coroner or deputy coroner is expert testimony 42583
or fact testimony. In making this determination, the court shall 42584
consider all of the following: 42585

(1) The definitions of "expert testimony" and "fact 42586
testimony" set forth in this section; 42587

(2) All applicable rules of evidence; 42588

(3) Any other information that the court considers relevant. 42589

(F) Nothing in this section shall be construed to alter, 42590
amend, or supersede the requirements of the Rules of Civil 42591
Procedure or the Rules of Evidence. 42592

Sec. 2501.02. Each judge of a court of appeals shall have 42593
been admitted to practice as an attorney at law in this state and 42594
have, for a total of six years preceding the judge's appointment 42595
or commencement of the judge's term, engaged in the practice of 42596
law ~~in this state~~ or served as a judge of a court of record in any 42597
jurisdiction in the United States, or both. At least two of the 42598
years of practice or service that qualify a judge shall have been 42599
in this state. One judge shall be chosen in each court of appeals 42600
district every two years, and shall hold office for six years, 42601
beginning on the ninth day of February next after the judge's 42602
election. 42603

In addition to the original jurisdiction conferred by Section 42604
3 of Article IV, Ohio Constitution, the court shall have 42605
jurisdiction upon an appeal upon questions of law to review, 42606
affirm, modify, set aside, or reverse judgments or final orders of 42607
courts of record inferior to the court of appeals within the 42608
district, including the finding, order, or judgment of a juvenile 42609
court that a child is delinquent, neglected, abused, or dependent, 42610
for prejudicial error committed by such lower court. 42611

The court, on good cause shown, may issue writs of 42612
supersedeas in any case, and all other writs, not specially 42613
provided for or prohibited by statute, necessary to enforce the 42614
administration of justice. 42615

Sec. 2503.01. The supreme court shall consist of a chief 42616
justice and six justices, each of whom has been admitted to 42617
practice as an attorney at law in this state and has, for a total 42618

of at least six years preceding ~~his~~ appointment or commencement of 42619
~~his~~ the justice's term, engaged in the practice of law ~~in this~~ 42620
~~state~~ or served as a judge of a court of record in any 42621
jurisdiction of the United States, or both. At least two of the 42622
years of practice or service that qualify a justice shall have 42623
been in this state. 42624

Sec. 2744.05. Notwithstanding any other provisions of the 42625
Revised Code or rules of a court to the contrary, in an action 42626
against a political subdivision to recover damages for injury, 42627
death, or loss to person or property caused by an act or omission 42628
in connection with a governmental or proprietary function: 42629

(A) Punitive or exemplary damages shall not be awarded. 42630

(B)(1) If a claimant receives or is entitled to receive 42631
benefits for injuries or loss allegedly incurred from a policy or 42632
policies of insurance or any other source, the benefits shall be 42633
disclosed to the court, and the amount of the benefits shall be 42634
deducted from any award against a political subdivision recovered 42635
by that claimant. No insurer or other person is entitled to bring 42636
an action under a subrogation provision in an insurance or other 42637
contract against a political subdivision with respect to those 42638
benefits. 42639

The amount of the benefits shall be deducted from an award 42640
against a political subdivision under division (B)(1) of this 42641
section regardless of whether the claimant may be under an 42642
obligation to pay back the benefits upon recovery, in whole or in 42643
part, for the claim. A claimant whose benefits have been deducted 42644
from an award under division (B)(1) of this section is not 42645
considered fully compensated and shall not be required to 42646
reimburse a subrogated claim for benefits deducted from an award 42647
pursuant to division (B)(1) of this section. 42648

(2) Nothing in division (B)(1) of this section shall be 42649

construed to do either of the following: 42650

(a) Limit the rights of a beneficiary under a life insurance 42651
policy or the rights of sureties under fidelity or surety bonds; 42652

(b) Prohibit the department of job and family services from 42653
recovering from the political subdivision, pursuant to section 42654
5101.58 of the Revised Code, the cost of medical assistance 42655
benefits provided under ~~sections 5101.5211 to 5101.5216~~ or Chapter 42656
5107.~~7~~ or 5111. of the Revised Code. 42657

(C)(1) There shall not be any limitation on compensatory 42658
damages that represent the actual loss of the person who is 42659
awarded the damages. However, except in wrongful death actions 42660
brought pursuant to Chapter 2125. of the Revised Code, damages 42661
that arise from the same cause of action, transaction or 42662
occurrence, or series of transactions or occurrences and that do 42663
not represent the actual loss of the person who is awarded the 42664
damages shall not exceed two hundred fifty thousand dollars in 42665
favor of any one person. The limitation on damages that do not 42666
represent the actual loss of the person who is awarded the damages 42667
provided in this division does not apply to court costs that are 42668
awarded to a plaintiff, or to interest on a judgment rendered in 42669
favor of a plaintiff, in an action against a political 42670
subdivision. 42671

(2) As used in this division, "the actual loss of the person 42672
who is awarded the damages" includes all of the following: 42673

(a) All wages, salaries, or other compensation lost by the 42674
person injured as a result of the injury, including wages, 42675
salaries, or other compensation lost as of the date of a judgment 42676
and future expected lost earnings of the person injured; 42677

(b) All expenditures of the person injured or another person 42678
on behalf of the person injured for medical care or treatment, for 42679
rehabilitation services, or for other care, treatment, services, 42680

products, or accommodations that were necessary because of the 42681
injury; 42682

(c) All expenditures to be incurred in the future, as 42683
determined by the court, by the person injured or another person 42684
on behalf of the person injured for medical care or treatment, for 42685
rehabilitation services, or for other care, treatment, services, 42686
products, or accommodations that will be necessary because of the 42687
injury; 42688

(d) All expenditures of a person whose property was injured 42689
or destroyed or of another person on behalf of the person whose 42690
property was injured or destroyed in order to repair or replace 42691
the property that was injured or destroyed; 42692

(e) All expenditures of the person injured or of the person 42693
whose property was injured or destroyed or of another person on 42694
behalf of the person injured or of the person whose property was 42695
injured or destroyed in relation to the actual preparation or 42696
presentation of the claim involved; 42697

(f) Any other expenditures of the person injured or of the 42698
person whose property was injured or destroyed or of another 42699
person on behalf of the person injured or of the person whose 42700
property was injured or destroyed that the court determines 42701
represent an actual loss experienced because of the personal or 42702
property injury or property loss. 42703

"The actual loss of the person who is awarded the damages" 42704
does not include any fees paid or owed to an attorney for any 42705
services rendered in relation to a personal or property injury or 42706
property loss, and does not include any damages awarded for pain 42707
and suffering, for the loss of society, consortium, companionship, 42708
care, assistance, attention, protection, advice, guidance, 42709
counsel, instruction, training, or education of the person 42710
injured, for mental anguish, or for any other intangible loss. 42711

Sec. 2901.01. (A) As used in the Revised Code:	42712
(1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.	42713 42714
(2) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.	42715 42716
(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.	42717 42718 42719
(4) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.	42720 42721 42722 42723 42724
(5) "Serious physical harm to persons" means any of the following:	42725 42726
(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	42727 42728 42729
(b) Any physical harm that carries a substantial risk of death;	42730 42731
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	42732 42733 42734
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	42735 42736 42737
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	42738 42739 42740

(6) "Serious physical harm to property" means any physical	42741
harm to property that does either of the following:	42742
(a) Results in substantial loss to the value of the property	42743
or requires a substantial amount of time, effort, or money to	42744
repair or replace;	42745
(b) Temporarily prevents the use or enjoyment of the property	42746
or substantially interferes with its use or enjoyment for an	42747
extended period of time.	42748
(7) "Risk" means a significant possibility, as contrasted	42749
with a remote possibility, that a certain result may occur or that	42750
certain circumstances may exist.	42751
(8) "Substantial risk" means a strong possibility, as	42752
contrasted with a remote or significant possibility, that a	42753
certain result may occur or that certain circumstances may exist.	42754
(9) "Offense of violence" means any of the following:	42755
(a) A violation of section 2903.01, 2903.02, 2903.03,	42756
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,	42757
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03,	42758
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11,	42759
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04,	42760
2921.34, or 2923.161, of division (A)(1), (2), or (3) of section	42761
2911.12, or of division (B)(1), (2), (3), or (4) of section	42762
2919.22 of the Revised Code or felonious sexual penetration in	42763
violation of former section 2907.12 of the Revised Code;	42764
(b) A violation of an existing or former municipal ordinance	42765
or law of this or any other state or the United States,	42766
substantially equivalent to any section, division, or offense	42767
listed in division (A)(9)(a) of this section;	42768
(c) An offense, other than a traffic offense, under an	42769
existing or former municipal ordinance or law of this or any other	42770

state or the United States, committed purposely or knowingly, and 42771
involving physical harm to persons or a risk of serious physical 42772
harm to persons; 42773

(d) A conspiracy or attempt to commit, or complicity in 42774
committing, any offense under division (A)(9)(a), (b), or (c) of 42775
this section. 42776

(10)(a) "Property" means any property, real or personal, 42777
tangible or intangible, and any interest or license in that 42778
property. "Property" includes, but is not limited to, cable 42779
television service, other telecommunications service, 42780
telecommunications devices, information service, computers, data, 42781
computer software, financial instruments associated with 42782
computers, other documents associated with computers, or copies of 42783
the documents, whether in machine or human readable form, trade 42784
secrets, trademarks, copyrights, patents, and property protected 42785
by a trademark, copyright, or patent. "Financial instruments 42786
associated with computers" include, but are not limited to, 42787
checks, drafts, warrants, money orders, notes of indebtedness, 42788
certificates of deposit, letters of credit, bills of credit or 42789
debit cards, financial transaction authorization mechanisms, 42790
marketable securities, or any computer system representations of 42791
any of them. 42792

(b) As used in division (A)(10) of this section, "trade 42793
secret" has the same meaning as in section 1333.61 of the Revised 42794
Code, and "telecommunications service" and "information service" 42795
have the same meanings as in section 2913.01 of the Revised Code. 42796

(c) As used in divisions (A)(10) and (13) of this section, 42797
"cable television service," "computer," "computer software," 42798
"computer system," "computer network," "data," and 42799
"telecommunications device" have the same meanings as in section 42800
2913.01 of the Revised Code. 42801

- (11) "Law enforcement officer" means any of the following: 42802
- (a) A sheriff, deputy sheriff, constable, police officer of a 42803
township or joint ~~township~~ police district, marshal, deputy 42804
marshal, municipal police officer, member of a police force 42805
employed by a metropolitan housing authority under division (D) of 42806
section 3735.31 of the Revised Code, or state highway patrol 42807
trooper; 42808
- (b) An officer, agent, or employee of the state or any of its 42809
agencies, instrumentalities, or political subdivisions, upon whom, 42810
by statute, a duty to conserve the peace or to enforce all or 42811
certain laws is imposed and the authority to arrest violators is 42812
conferred, within the limits of that statutory duty and authority; 42813
- (c) A mayor, in the mayor's capacity as chief conservator of 42814
the peace within the mayor's municipal corporation; 42815
- (d) A member of an auxiliary police force organized by 42816
county, township, or municipal law enforcement authorities, within 42817
the scope of the member's appointment or commission; 42818
- (e) A person lawfully called pursuant to section 311.07 of 42819
the Revised Code to aid a sheriff in keeping the peace, for the 42820
purposes and during the time when the person is called; 42821
- (f) A person appointed by a mayor pursuant to section 737.01 42822
of the Revised Code as a special patrolling officer during riot or 42823
emergency, for the purposes and during the time when the person is 42824
appointed; 42825
- (g) A member of the organized militia of this state or the 42826
armed forces of the United States, lawfully called to duty to aid 42827
civil authorities in keeping the peace or protect against domestic 42828
violence; 42829
- (h) A prosecuting attorney, assistant prosecuting attorney, 42830
secret service officer, or municipal prosecutor; 42831

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	42832 42833
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	42834 42835 42836
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	42837 42838
(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;	42839 42840 42841 42842
(m) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	42843 42844 42845 42846 42847 42848 42849 42850 42851
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	42852 42853 42854 42855
(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:	42856 42857 42858 42859 42860 42861
(a) Any controlled substance, as defined in section 3719.01	42862

of the Revised Code, or any device or paraphernalia; 42863

(b) Any unlawful gambling device or paraphernalia; 42864

(c) Any dangerous ordnance or obscene material. 42865

(14) A person is "not guilty by reason of insanity" relative 42866
to a charge of an offense only if the person proves, in the manner 42867
specified in section 2901.05 of the Revised Code, that at the time 42868
of the commission of the offense, the person did not know, as a 42869
result of a severe mental disease or defect, the wrongfulness of 42870
the person's acts. 42871

(B)(1)(a) Subject to division (B)(2) of this section, as used 42872
in any section contained in Title XXIX of the Revised Code that 42873
sets forth a criminal offense, "person" includes all of the 42874
following: 42875

(i) An individual, corporation, business trust, estate, 42876
trust, partnership, and association; 42877

(ii) An unborn human who is viable. 42878

(b) As used in any section contained in Title XXIX of the 42879
Revised Code that does not set forth a criminal offense, "person" 42880
includes an individual, corporation, business trust, estate, 42881
trust, partnership, and association. 42882

(c) As used in division (B)(1)(a) of this section: 42883

(i) "Unborn human" means an individual organism of the 42884
species *Homo sapiens* from fertilization until live birth. 42885

(ii) "Viable" means the stage of development of a human fetus 42886
at which there is a realistic possibility of maintaining and 42887
nourishing of a life outside the womb with or without temporary 42888
artificial life-sustaining support. 42889

(2) Notwithstanding division (B)(1)(a) of this section, in no 42890
case shall the portion of the definition of the term "person" that 42891
is set forth in division (B)(1)(a)(ii) of this section be applied 42892

or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners:

(a) Except as otherwise provided in division (B)(2)(a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 of the Revised Code, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate section 2919.12, division (B) of section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the Revised Code, may be punished as a violation of section 2919.12, division (B) of section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. Consent is sufficient under this division if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with section 2919.12 of the Revised Code.

(b) In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:

(i) Her delivery of a stillborn baby;

(ii) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;

(iii) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;

(iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;

(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(C) As used in Title XXIX of the Revised Code:

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.

(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.

(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.

(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the Revised Code:

(A) "Care facility" means any of the following:

(1) Any "home" as defined in section 3721.10 or 5111.20 of

the Revised Code;	42954
(2) Any "residential facility" as defined in section 5123.19 of the Revised Code;	42955 42956
(3) Any institution or facility operated or provided by the department of mental health or by the department of developmental disabilities pursuant to sections 5119.02 and 5123.03 of the Revised Code;	42957 42958 42959 42960
(4) Any "residential facility" as defined in section 5119.22 of the Revised Code;	42961 42962
(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;	42963 42964 42965
(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others;	42966 42967 42968 42969 42970
(7) Any "adult care facility" as defined in section 3722.01 <u>5119.70</u> of the Revised Code;	42971 42972
(8) Any adult foster home certified by the department of aging or its designee under section 173.36 <u>5119.692</u> of the Revised Code.	42973 42974 42975
(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.	42976 42977 42978 42979
(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in physical harm or serious physical harm to the	42980 42981 42982 42983

person. 42984

(2) "Neglect" means recklessly failing to provide a person 42985
with any treatment, care, goods, or service that is necessary to 42986
maintain the health or safety of the person when the failure 42987
results in serious physical harm to the person. 42988

(D) "Inappropriate use of a physical or chemical restraint, 42989
medication, or isolation" means the use of physical or chemical 42990
restraint, medication, or isolation as punishment, for staff 42991
convenience, excessively, as a substitute for treatment, or in 42992
quantities that preclude habilitation and treatment. 42993

Sec. 2917.40. (A) As used in this section: 42994

(1) "Live entertainment performance" means any live speech; 42995
any live musical performance, including a concert; any live 42996
dramatic performance; any live variety show; and any other live 42997
performance with respect to which the primary intent of the 42998
audience can be construed to be viewing the performers. A "live 42999
entertainment performance" does not include any form of 43000
entertainment with respect to which the person purchasing a ticket 43001
routinely participates in amusements as well as views performers. 43002

(2) "Restricted entertainment area" means any wholly or 43003
partially enclosed area, whether indoors or outdoors, that has 43004
limited access through established entrances, or established 43005
~~turnstiles~~ turnstiles or similar devices. 43006

(3) "Concert" means a musical performance of which the 43007
primary component is a presentation by persons singing or playing 43008
musical instruments, that is intended by its sponsors mainly, but 43009
not necessarily exclusively, for the listening enjoyment of the 43010
audience, and that is held in a facility. A "concert" does not 43011
include any performance in which music is a part of the 43012
presentation and the primary component of which is acting, 43013

dancing, a motion picture, a demonstration of skills or talent 43014
other than singing or playing an instrument, an athletic event, an 43015
exhibition, or a speech. 43016

(4) "Facility" means any structure that has a roof or partial 43017
roof and that has walls that wholly surround the area on all 43018
sides, including, but not limited to, a stadium, hall, arena, 43019
armory, auditorium, ballroom, exhibition hall, convention center, 43020
or music hall. 43021

(5) "Person" includes, in addition to an individual or entity 43022
specified in division (C) of section 1.59 of the Revised Code, any 43023
governmental entity. 43024

(B)(1) No person shall sell, offer to sell, or offer in 43025
return for a donation any ticket that is not numbered and that 43026
does not correspond to a specific seat for admission to either of 43027
the following: 43028

(a) A live entertainment performance that is not exempted 43029
under division (D) of this section, that is held in a restricted 43030
entertainment area, and for which more than eight thousand tickets 43031
are offered to the public; 43032

(b) A concert that is not exempted under division (D) of this 43033
section and for which more than three thousand tickets are offered 43034
to the public. 43035

(2) No person shall advertise any live entertainment 43036
performance as described in division (B)(1)(a) of this section or 43037
any concert as described in division (B)(1)(b) of this section, 43038
unless the advertisement contains the words "Reserved Seats Only." 43039

(C) Unless exempted by division (D)(1) of this section, no 43040
person who owns or operates any restricted entertainment area 43041
shall fail to open, maintain, and properly staff at least the 43042
number of entrances designated under division (E) of this section 43043
for a minimum of ninety minutes prior to the scheduled start of 43044

any live entertainment performance that is held in the restricted 43045
entertainment area and for which more than three thousand tickets 43046
are sold, offered for sale, or offered in return for a donation. 43047

(D)(1) A live entertainment performance, other than a 43048
concert, is exempted from the provisions of divisions (B) and (C) 43049
of this section if both of the following apply: 43050

(a) The restricted entertainment area in which the 43051
performance is held has at least eight entrances or, if both 43052
entrances and separate admission ~~turnstiles~~ turnstiles or similar 43053
devices are used, has at least eight ~~turnstiles~~ turnstiles or 43054
similar devices; 43055

(b) The eight entrances or, if applicable, the eight 43056
~~turnstiles~~ turnstiles or similar devices are opened, maintained, 43057
and properly staffed at least one hour prior to the scheduled 43058
start of the performance. 43059

(2)(a) The chief of the police department of a township 43060
police district or joint police district in the case of a facility 43061
located within the district, the officer responsible for public 43062
safety within a municipal corporation in the case of a facility 43063
located within the municipal corporation, or the county sheriff in 43064
the case of a facility located outside the boundaries of a 43065
township or joint police district or municipal corporation may, 43066
upon application of the sponsor of a concert covered by division 43067
(B) of this section, exempt the concert from the provisions of 43068
that division if the official finds that the health, safety, and 43069
welfare of the participants and spectators would not be 43070
substantially affected by failure to comply with the provisions of 43071
that division. 43072

In determining whether to grant an exemption, the official 43073
shall consider the following factors: 43074

(i) The size and design of the facility in which the concert 43075

is scheduled; 43076

(ii) The size, age, and anticipated conduct of the crowd 43077
expected to attend the concert; 43078

(iii) The ability of the sponsor to manage and control the 43079
expected crowd. 43080

If the sponsor of any concert desires to obtain an exemption 43081
under this division, the sponsor shall apply to the appropriate 43082
official on a form prescribed by that official. The official shall 43083
issue an order that grants or denies the exemption within five 43084
days after receipt of the application. The sponsor may appeal any 43085
order that denies an exemption to the court of common pleas of the 43086
county in which the facility is located. 43087

(b) If an official grants an exemption under division 43088
(D)(2)(a) of this section, the official shall designate an on-duty 43089
law enforcement officer to be present at the concert. The 43090
designated officer has authority to issue orders to all security 43091
personnel at the concert to protect the health, safety, and 43092
welfare of the participants and spectators. 43093

(3) Notwithstanding division (D)(2) of this section, in the 43094
case of a concert held in a facility located on the campus of an 43095
educational institution covered by section 3345.04 of the Revised 43096
Code, a state university law enforcement officer appointed 43097
pursuant to sections 3345.04 and 3345.21 of the Revised Code shall 43098
do both of the following: 43099

(a) Exercise the authority to grant exemptions provided by 43100
division (D)(2)(a) of this section in lieu of an official 43101
designated in that division; 43102

(b) If the officer grants an exemption under division 43103
(D)(3)(a) of this section, designate an on-duty state university 43104
law enforcement officer to be present at the concert. The 43105
designated officer has authority to issue orders to all security 43106

personnel at the concert to protect the health, safety, and 43107
welfare of the participants and spectators. 43108

(E)(1) Unless a live entertainment performance is exempted by 43109
division (D)(1) of this section, the chief of the police 43110
department of a township police district or joint police district 43111
in the case of a restricted entertainment area located within the 43112
district, the officer responsible for public safety within a 43113
municipal corporation in the case of a restricted entertainment 43114
area located within the municipal corporation, or the county 43115
sheriff in the case of a restricted entertainment area located 43116
outside the boundaries of a township or joint police district or 43117
municipal corporation shall designate, for purposes of division 43118
(C) of this section, the minimum number of entrances required to 43119
be opened, maintained, and staffed at each live entertainment 43120
performance so as to permit crowd control and reduce congestion at 43121
the entrances. The designation shall be based on such factors as 43122
the size and nature of the crowd expected to attend the live 43123
entertainment performance, the length of time prior to the live 43124
entertainment performance that crowds are expected to congregate 43125
at the entrances, and the amount of security provided at the 43126
restricted entertainment area. 43127

(2) Notwithstanding division (E)(1) of this section, a state 43128
university law enforcement officer appointed pursuant to sections 43129
3345.04 and 3345.21 of the Revised Code shall designate the number 43130
of entrances required to be opened, maintained, and staffed in the 43131
case of a live entertainment performance that is held at a 43132
restricted entertainment area located on the campus of an 43133
educational institution covered by section 3345.04 of the Revised 43134
Code. 43135

(F) No person shall enter into any contract for a live 43136
entertainment performance, that does not permit or require 43137
compliance with this section. 43138

(G)(1) This section does not apply to a live entertainment performance held in a restricted entertainment area if one admission ticket entitles the holder to view or participate in three or more different games, rides, activities, or live entertainment performances occurring simultaneously at different sites within the restricted entertainment area and if the initial admittance entrance to the restricted entertainment area, for which the ticket is required, is separate from the entrance to any specific live entertainment performance and an additional ticket is not required for admission to the particular live entertainment performance.

(2) This section does not apply to a symphony orchestra performance, a ballet performance, horse races, dances, or fairs.

(H) This section does not prohibit the legislative authority of any municipal corporation from imposing additional requirements, not in conflict with this section, for the promotion or holding of live entertainment performances.

(I) Whoever violates division (B), (C), or (F) of this section is guilty of a misdemeanor of the first degree. If any individual suffers physical harm to ~~his~~ the individual's person as a result of a violation of this section, the sentencing court shall consider this factor in favor of imposing a term of imprisonment upon the offender.

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court may order an evaluation of the mental condition of the defendant if the court determines that either of the following criteria apply:

(i) If the alleged violation is a violation of a protection order issued or consent agreement approved pursuant to section

2919.26 or 3113.31 of the Revised Code, that the violation 43170
allegedly involves conduct by the defendant that caused physical 43171
harm to the person or property of a family or household member 43172
covered by the order or agreement, or conduct by the defendant 43173
that caused a family or household member to believe that the 43174
defendant would cause physical harm to that member or that 43175
member's property. 43176

(ii) If the alleged violation is a violation of a protection 43177
order issued pursuant to section 2903.213 or 2903.214 of the 43178
Revised Code or a protection order issued by a court of another 43179
state, that the violation allegedly involves conduct by the 43180
defendant that caused physical harm to the person or property of 43181
the person covered by the order, or conduct by the defendant that 43182
caused the person covered by the order to believe that the 43183
defendant would cause physical harm to that person or that 43184
person's property. 43185

(b) If a defendant is charged with a violation of section 43186
2903.211 of the Revised Code or of a municipal ordinance that is 43187
substantially similar to that section, the court may order an 43188
evaluation of the mental condition of the defendant. 43189

(2) An evaluation ordered under division (A)(1) of this 43190
section shall be completed no later than thirty days from the date 43191
the order is entered pursuant to that division. In that order, the 43192
court shall do either of the following: 43193

(a) Order that the evaluation of the mental condition of the 43194
defendant be preceded by an examination conducted either by a 43195
forensic center that is designated by the department of mental 43196
health to conduct examinations and make evaluations of defendants 43197
charged with violations of section 2903.211 or 2919.27 of the 43198
Revised Code or of substantially similar municipal ordinances in 43199
the area in which the court is located, or by any other program or 43200
facility that is designated by the department of mental health or 43201

the department of developmental disabilities to conduct 43202
examinations and make evaluations of defendants charged with 43203
violations of section 2903.211 or 2919.27 of the Revised Code or 43204
of substantially similar municipal ordinances, and that is 43205
operated by either department or is certified by either department 43206
as being in compliance with the standards established under 43207
division ~~(I)~~(H) of section 5119.01 of the Revised Code or division 43208
(C) of section 5123.04 of the Revised Code. 43209

(b) Designate a center, program, or facility other than one 43210
designated by the department of mental health or the department of 43211
developmental disabilities, as described in division (A)(2)(a) of 43212
this section, to conduct the evaluation and preceding examination 43213
of the mental condition of the defendant. 43214

Whether the court acts pursuant to division (A)(2)(a) or (b) 43215
of this section, the court may designate examiners other than the 43216
personnel of the center, program, facility, or department involved 43217
to make the evaluation and preceding examination of the mental 43218
condition of the defendant. 43219

(B) If the court considers that additional evaluations of the 43220
mental condition of a defendant are necessary following the 43221
evaluation authorized by division (A) of this section, the court 43222
may order up to two additional similar evaluations. These 43223
evaluations shall be completed no later than thirty days from the 43224
date the applicable court order is entered. If more than one 43225
evaluation of the mental condition of the defendant is ordered 43226
under this division, the prosecutor and the defendant may 43227
recommend to the court an examiner whom each prefers to perform 43228
one of the evaluations and preceding examinations. 43229

(C)(1) The court may order a defendant who has been released 43230
on bail to submit to an examination under division (A) or (B) of 43231
this section. The examination shall be conducted either at the 43232
detention facility in which the defendant would have been confined 43233

if the defendant had not been released on bail, or, if so 43234
specified by the center, program, facility, or examiners involved, 43235
at the premises of the center, program, or facility. Additionally, 43236
the examination shall be conducted at the times established by the 43237
examiners involved. If such a defendant refuses to submit to an 43238
examination or a complete examination as required by the court or 43239
the center, program, facility, or examiners involved, the court 43240
may amend the conditions of the bail of the defendant and order 43241
the sheriff to take the defendant into custody and deliver the 43242
defendant to the detention facility in which the defendant would 43243
have been confined if the defendant had not been released on bail, 43244
or, if so specified by the center, program, facility, or examiners 43245
involved, to the premises of the center, program, or facility, for 43246
purposes of the examination. 43247

(2) A defendant who has not been released on bail shall be 43248
examined at the detention facility in which the defendant is 43249
confined or, if so specified by the center, program, facility, or 43250
examiners involved, at the premises of the center, program, or 43251
facility. 43252

(D) The examiner of the mental condition of a defendant under 43253
division (A) or (B) of this section shall file a written report 43254
with the court within thirty days after the entry of an order for 43255
the evaluation of the mental condition of the defendant. The 43256
report shall contain the findings of the examiner; the facts in 43257
reasonable detail on which the findings are based; the opinion of 43258
the examiner as to the mental condition of the defendant; the 43259
opinion of the examiner as to whether the defendant represents a 43260
substantial risk of physical harm to other persons as manifested 43261
by evidence of recent homicidal or other violent behavior, 43262
evidence of recent threats that placed other persons in reasonable 43263
fear of violent behavior and serious physical harm, or evidence of 43264
present dangerousness; and the opinion of the examiner as to the 43265

types of treatment or counseling that the defendant needs. The 43266
court shall provide copies of the report to the prosecutor and 43267
defense counsel. 43268

(E) The costs of any evaluation and preceding examination of 43269
a defendant that is ordered pursuant to division (A) or (B) of 43270
this section shall be taxed as court costs in the criminal case. 43271

(F) If the examiner considers it necessary in order to make 43272
an accurate evaluation of the mental condition of a defendant, an 43273
examiner under division (A) or (B) of this section may request any 43274
family or household member of the defendant to provide the 43275
examiner with information. A family or household member may, but 43276
is not required to, provide information to the examiner upon 43277
receipt of the request. 43278

(G) As used in this section: 43279

(1) "Bail" includes a recognizance. 43280

(2) "Examiner" means a psychiatrist, a licensed independent 43281
social worker who is employed by a forensic center that is 43282
certified as being in compliance with the standards established 43283
under division ~~(I)~~(H) of section 5119.01 or division (C) of 43284
section 5123.04 of the Revised Code, a licensed professional 43285
clinical counselor who is employed at a forensic center that is 43286
certified as being in compliance with such standards, or a 43287
licensed clinical psychologist, except that in order to be an 43288
examiner, a licensed clinical psychologist shall meet the criteria 43289
of division (I)(1) of section 5122.01 of the Revised Code or be 43290
employed to conduct examinations by the department of mental 43291
health or by a forensic center certified as being in compliance 43292
with the standards established under division ~~(I)~~(H) of section 43293
5119.01 or division (C) of section 5123.04 of the Revised Code 43294
that is designated by the department of mental health. 43295

(3) "Family or household member" has the same meaning as in 43296

section 2919.25 of the Revised Code.	43297
(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	43298 43299
(5) "Psychiatrist" and "licensed clinical psychologist" have the same meanings as in section 5122.01 of the Revised Code.	43300 43301
(6) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.	43302 43303
Sec. 2929.71. (A) As used in this section:	43304
(1) "Agency" means any law enforcement agency, other public agency, or public official involved in the investigation or prosecution of the offender or in the investigation of the fire or explosion in an aggravated arson, arson, or criminal damaging or endangering case. An "agency" includes, but is not limited to, a sheriff's office, a municipal corporation, township, or township <u>or joint</u> police district police department, the office of a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation, the fire marshal's office, a municipal corporation, township, or township fire district fire department, the office of a fire prevention officer, and any state, county, or municipal corporation crime laboratory.	43305 43306 43307 43308 43309 43310 43311 43312 43313 43314 43315 43316 43317
(2) "Assets" includes all forms of real or personal property.	43318
(3) "Itemized statement" means the statement of costs described in division (B) of this section.	43319 43320
(4) "Offender" means the person who has been convicted of or pleaded guilty to committing, attempting to commit, or complicity in committing a violation of section 2909.02 or 2909.03 of the Revised Code, or, when the means used are fire or explosion, division (A)(2) of section 2909.06 of the Revised Code.	43321 43322 43323 43324 43325
(5) "Costs" means the reasonable value of the time spent by	43326

an officer or employee of an agency on the aggravated arson, 43327
arson, or criminal damaging or endangering case, any moneys spent 43328
by the agency on that case, and the reasonable fair market value 43329
of resources used or expended by the agency on that case. 43330

(B) Prior to the sentencing of an offender, the court shall 43331
enter an order that directs agencies that wish to be reimbursed by 43332
the offender for the costs they incurred in the investigation or 43333
prosecution of the offender or in the investigation of the fire or 43334
explosion involved in the case, to file with the court within a 43335
specified time an itemized statement of those costs. The order 43336
also shall require that a copy of the itemized statement be given 43337
to the offender or offender's attorney within the specified time. 43338
Only itemized statements so filed and given shall be considered at 43339
the hearing described in division (C) of this section. 43340

(C) The court shall set a date for a hearing on all the 43341
itemized statements filed with it and given to the offender or the 43342
offender's attorney in accordance with division (B) of this 43343
section. The hearing shall be held prior to the sentencing of the 43344
offender, but may be held on the same day as the sentencing. 43345
Notice of the hearing date shall be given to the offender or the 43346
offender's attorney and to the agencies whose itemized statements 43347
are involved. At the hearing, each agency has the burden of 43348
establishing by a preponderance of the evidence that the costs set 43349
forth in its itemized statement were incurred in the investigation 43350
or prosecution of the offender or in the investigation of the fire 43351
or explosion involved in the case, and of establishing by a 43352
preponderance of the evidence that the offender has assets 43353
available for the reimbursement of all or a portion of the costs. 43354

The offender may cross-examine all witnesses and examine all 43355
documentation presented by the agencies at the hearing, and the 43356
offender may present at the hearing witnesses and documentation 43357
the offender has obtained without a subpoena or a subpoena duces 43358

tecum or, in the case of documentation, that belongs to the 43359
offender. The offender also may issue subpoenas and subpoenas 43360
duces tecum for, and present and examine at the hearing, witnesses 43361
and documentation, subject to the following applying to the 43362
witnesses or documentation subpoenaed: 43363

(1) The testimony of witnesses subpoenaed or documentation 43364
subpoenaed is material to the preparation or presentation by the 43365
offender of the offender's defense to the claims of the agencies 43366
for a reimbursement of costs; 43367

(2) If witnesses to be subpoenaed are personnel of an agency 43368
or documentation to be subpoenaed belongs to an agency, the 43369
personnel or documentation may be subpoenaed only if the agency 43370
involved has indicated, pursuant to this division, that it intends 43371
to present the personnel as witnesses or use the documentation at 43372
the hearing. The offender shall submit, in writing, a request to 43373
an agency as described in this division to ascertain whether the 43374
agency intends to present various personnel as witnesses or to use 43375
particular documentation. The request shall indicate that the 43376
offender is considering issuing subpoenas to personnel of the 43377
agency who are specifically named or identified by title or 43378
position, or for documentation of the agency that is specifically 43379
described or generally identified, and shall request the agency to 43380
indicate, in writing, whether it intends to present such personnel 43381
as witnesses or to use such documentation at the hearing. The 43382
agency shall promptly reply to the request of the offender. An 43383
agency is prohibited from presenting personnel as witnesses or 43384
from using documentation at the hearing if it indicates to the 43385
offender it does not intend to do so in response to a request of 43386
the offender under this division, or if it fails to reply or 43387
promptly reply to such a request. 43388

(D) Following the hearing, the court shall determine which of 43389
the agencies established by a preponderance of the evidence that 43390

costs set forth in their itemized statements were incurred as 43391
described in division (C) of this section and that the offender 43392
has assets available for reimbursement purposes. The court also 43393
shall determine whether the offender has assets available to 43394
reimburse all such agencies, in whole or in part, for their 43395
established costs, and if it determines that the assets are 43396
available, it shall order the offender, as part of the offender's 43397
sentence, to reimburse the agencies from the offender's assets for 43398
all or a specified portion of their established costs. 43399

Sec. 2935.01. As used in this chapter: 43400

(A) "Magistrate" has the same meaning as in section 2931.01 43401
of the Revised Code. 43402

(B) "Peace officer" includes, except as provided in section 43403
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 43404
deputy marshal; member of the organized police department of any 43405
municipal corporation, including a member of the organized police 43406
department of a municipal corporation in an adjoining state 43407
serving in Ohio under a contract pursuant to section 737.04 of the 43408
Revised Code; member of a police force employed by a metropolitan 43409
housing authority under division (D) of section 3735.31 of the 43410
Revised Code; member of a police force employed by a regional 43411
transit authority under division (Y) of section 306.05 of the 43412
Revised Code; state university law enforcement officer appointed 43413
under section 3345.04 of the Revised Code; enforcement agent of 43414
the department of public safety designated under section 5502.14 43415
of the Revised Code; employee of the department of taxation to 43416
whom investigation powers have been delegated under section 43417
5743.45 of the Revised Code; employee of the department of natural 43418
resources who is a natural resources law enforcement staff officer 43419
designated pursuant to section 1501.013 of the Revised Code, a 43420
forest officer designated pursuant to section 1503.29 of the 43421

Revised Code, a preserve officer designated pursuant to section 43422
1517.10 of the Revised Code, a wildlife officer designated 43423
pursuant to section 1531.13 of the Revised Code, a park officer 43424
designated pursuant to section 1541.10 of the Revised Code, or a 43425
state watercraft officer designated pursuant to section 1547.521 43426
of the Revised Code; individual designated to perform law 43427
enforcement duties under section 511.232, 1545.13, or 6101.75 of 43428
the Revised Code; veterans' home police officer appointed under 43429
section 5907.02 of the Revised Code; special police officer 43430
employed by a port authority under section 4582.04 or 4582.28 of 43431
the Revised Code; police constable of any township; police officer 43432
of a township or joint ~~township~~ police district; a special police 43433
officer employed by a municipal corporation at a municipal 43434
airport, or other municipal air navigation facility, that has 43435
scheduled operations, as defined in section 119.3 of Title 14 of 43436
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 43437
that is required to be under a security program and is governed by 43438
aviation security rules of the transportation security 43439
administration of the United States department of transportation 43440
as provided in Parts 1542. and 1544. of Title 49 of the Code of 43441
Federal Regulations, as amended; the house of representatives 43442
sergeant at arms if the house of representatives sergeant at arms 43443
has arrest authority pursuant to division (E)(1) of section 43444
101.311 of the Revised Code; and an assistant house of 43445
representatives sergeant at arms; officer or employee of the 43446
bureau of criminal identification and investigation established 43447
pursuant to section 109.51 of the Revised Code who has been 43448
awarded a certificate by the executive director of the Ohio peace 43449
officer training commission attesting to the officer's or 43450
employee's satisfactory completion of an approved state, county, 43451
municipal, or department of natural resources peace officer basic 43452
training program and who is providing assistance upon request to a 43453
law enforcement officer or emergency assistance to a peace officer 43454

pursuant to section 109.54 or 109.541 of the Revised Code; a state 43455
fire marshal law enforcement officer described in division (A)(23) 43456
of section 109.71 of the Revised Code; and, for the purpose of 43457
arrests within those areas, for the purposes of Chapter 5503. of 43458
the Revised Code, and the filing of and service of process 43459
relating to those offenses witnessed or investigated by them, the 43460
superintendent and troopers of the state highway patrol. 43461

(C) "Prosecutor" includes the county prosecuting attorney and 43462
any assistant prosecutor designated to assist the county 43463
prosecuting attorney, and, in the case of courts inferior to 43464
courts of common pleas, includes the village solicitor, city 43465
director of law, or similar chief legal officer of a municipal 43466
corporation, any such officer's assistants, or any attorney 43467
designated by the prosecuting attorney of the county to appear for 43468
the prosecution of a given case. 43469

(D) "Offense," except where the context specifically 43470
indicates otherwise, includes felonies, misdemeanors, and 43471
violations of ordinances of municipal corporations and other 43472
public bodies authorized by law to adopt penal regulations. 43473

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 43474
deputy marshal, municipal police officer, township constable, 43475
police officer of a township or joint ~~township~~ police district, 43476
member of a police force employed by a metropolitan housing 43477
authority under division (D) of section 3735.31 of the Revised 43478
Code, member of a police force employed by a regional transit 43479
authority under division (Y) of section 306.35 of the Revised 43480
Code, state university law enforcement officer appointed under 43481
section 3345.04 of the Revised Code, veterans' home police officer 43482
appointed under section 5907.02 of the Revised Code, special 43483
police officer employed by a port authority under section 4582.04 43484
or 4582.28 of the Revised Code, or a special police officer 43485

employed by a municipal corporation at a municipal airport, or 43486
other municipal air navigation facility, that has scheduled 43487
operations, as defined in section 119.3 of Title 14 of the Code of 43488
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 43489
required to be under a security program and is governed by 43490
aviation security rules of the transportation security 43491
administration of the United States department of transportation 43492
as provided in Parts 1542. and 1544. of Title 49 of the Code of 43493
Federal Regulations, as amended, shall arrest and detain, until a 43494
warrant can be obtained, a person found violating, within the 43495
limits of the political subdivision, metropolitan housing 43496
authority housing project, regional transit authority facilities 43497
or areas of a municipal corporation that have been agreed to by a 43498
regional transit authority and a municipal corporation located 43499
within its territorial jurisdiction, college, university, 43500
veterans' home operated under Chapter 5907. of the Revised Code, 43501
port authority, or municipal airport or other municipal air 43502
navigation facility, in which the peace officer is appointed, 43503
employed, or elected, a law of this state, an ordinance of a 43504
municipal corporation, or a resolution of a township. 43505

(2) A peace officer of the department of natural resources, a 43506
state fire marshal law enforcement officer described in division 43507
(A)(23) of section 109.71 of the Revised Code, or an individual 43508
designated to perform law enforcement duties under section 43509
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 43510
detain, until a warrant can be obtained, a person found violating, 43511
within the limits of the peace officer's, state fire marshal law 43512
enforcement officer's, or individual's territorial jurisdiction, a 43513
law of this state. 43514

(3) The house sergeant at arms, if the house sergeant at arms 43515
has arrest authority pursuant to division (E)(1) of section 43516
101.311 of the Revised Code, and an assistant house sergeant at 43517

arms shall arrest and detain, until a warrant can be obtained, a 43518
person found violating, within the limits of the sergeant at 43519
arms's or assistant sergeant at arms's territorial jurisdiction 43520
specified in division (D)(1)(a) of section 101.311 of the Revised 43521
Code or while providing security pursuant to division (D)(1)(f) of 43522
section 101.311 of the Revised Code, a law of this state, an 43523
ordinance of a municipal corporation, or a resolution of a 43524
township. 43525

(B)(1) When there is reasonable ground to believe that an 43526
offense of violence, the offense of criminal child enticement as 43527
defined in section 2905.05 of the Revised Code, the offense of 43528
public indecency as defined in section 2907.09 of the Revised 43529
Code, the offense of domestic violence as defined in section 43530
2919.25 of the Revised Code, the offense of violating a protection 43531
order as defined in section 2919.27 of the Revised Code, the 43532
offense of menacing by stalking as defined in section 2903.211 of 43533
the Revised Code, the offense of aggravated trespass as defined in 43534
section 2911.211 of the Revised Code, a theft offense as defined 43535
in section 2913.01 of the Revised Code, or a felony drug abuse 43536
offense as defined in section 2925.01 of the Revised Code, has 43537
been committed within the limits of the political subdivision, 43538
metropolitan housing authority housing project, regional transit 43539
authority facilities or those areas of a municipal corporation 43540
that have been agreed to by a regional transit authority and a 43541
municipal corporation located within its territorial jurisdiction, 43542
college, university, veterans' home operated under Chapter 5907. 43543
of the Revised Code, port authority, or municipal airport or other 43544
municipal air navigation facility, in which the peace officer is 43545
appointed, employed, or elected or within the limits of the 43546
territorial jurisdiction of the peace officer, a peace officer 43547
described in division (A) of this section may arrest and detain 43548
until a warrant can be obtained any person who the peace officer 43549
has reasonable cause to believe is guilty of the violation. 43550

(2) For purposes of division (B)(1) of this section, the execution of any of the following constitutes reasonable ground to believe that the offense alleged in the statement was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation:

(a) A written statement by a person alleging that an alleged offender has committed the offense of menacing by stalking or aggravated trespass;

(b) A written statement by the administrator of the interstate compact on mental health appointed under section 5119.51 of the Revised Code alleging that a person who had been hospitalized, institutionalized, or confined in any facility under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility in which a person has been hospitalized, institutionalized, or confined under an order made pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code.

(3)(a) For purposes of division (B)(1) of this section, a 43583
peace officer described in division (A) of this section has 43584
reasonable grounds to believe that the offense of domestic 43585
violence or the offense of violating a protection order has been 43586
committed and reasonable cause to believe that a particular person 43587
is guilty of committing the offense if any of the following 43588
occurs: 43589

(i) A person executes a written statement alleging that the 43590
person in question has committed the offense of domestic violence 43591
or the offense of violating a protection order against the person 43592
who executes the statement or against a child of the person who 43593
executes the statement. 43594

(ii) No written statement of the type described in division 43595
(B)(3)(a)(i) of this section is executed, but the peace officer, 43596
based upon the peace officer's own knowledge and observation of 43597
the facts and circumstances of the alleged incident of the offense 43598
of domestic violence or the alleged incident of the offense of 43599
violating a protection order or based upon any other information, 43600
including, but not limited to, any reasonably trustworthy 43601
information given to the peace officer by the alleged victim of 43602
the alleged incident of the offense or any witness of the alleged 43603
incident of the offense, concludes that there are reasonable 43604
grounds to believe that the offense of domestic violence or the 43605
offense of violating a protection order has been committed and 43606
reasonable cause to believe that the person in question is guilty 43607
of committing the offense. 43608

(iii) No written statement of the type described in division 43609
(B)(3)(a)(i) of this section is executed, but the peace officer 43610
witnessed the person in question commit the offense of domestic 43611
violence or the offense of violating a protection order. 43612

(b) If pursuant to division (B)(3)(a) of this section a peace 43613
officer has reasonable grounds to believe that the offense of 43614

domestic violence or the offense of violating a protection order 43615
has been committed and reasonable cause to believe that a 43616
particular person is guilty of committing the offense, it is the 43617
preferred course of action in this state that the officer arrest 43618
and detain that person pursuant to division (B)(1) of this section 43619
until a warrant can be obtained. 43620

If pursuant to division (B)(3)(a) of this section a peace 43621
officer has reasonable grounds to believe that the offense of 43622
domestic violence or the offense of violating a protection order 43623
has been committed and reasonable cause to believe that family or 43624
household members have committed the offense against each other, 43625
it is the preferred course of action in this state that the 43626
officer, pursuant to division (B)(1) of this section, arrest and 43627
detain until a warrant can be obtained the family or household 43628
member who committed the offense and whom the officer has 43629
reasonable cause to believe is the primary physical aggressor. 43630
There is no preferred course of action in this state regarding any 43631
other family or household member who committed the offense and 43632
whom the officer does not have reasonable cause to believe is the 43633
primary physical aggressor, but, pursuant to division (B)(1) of 43634
this section, the peace officer may arrest and detain until a 43635
warrant can be obtained any other family or household member who 43636
committed the offense and whom the officer does not have 43637
reasonable cause to believe is the primary physical aggressor. 43638

(c) If a peace officer described in division (A) of this 43639
section does not arrest and detain a person whom the officer has 43640
reasonable cause to believe committed the offense of domestic 43641
violence or the offense of violating a protection order when it is 43642
the preferred course of action in this state pursuant to division 43643
(B)(3)(b) of this section that the officer arrest that person, the 43644
officer shall articulate in the written report of the incident 43645
required by section 2935.032 of the Revised Code a clear statement 43646

of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not

cooperate with the involved law enforcement or prosecuting 43678
authorities in the prosecution of the offense or, subsequent to 43679
the arrest or the filing of the charges, informs the involved law 43680
enforcement or prosecuting authorities that the victim does not 43681
wish the prosecution of the offense to continue or wishes to drop 43682
charges against the alleged offender relative to the offense, the 43683
involved prosecuting authorities, in determining whether to 43684
continue with the prosecution of the offense or whether to dismiss 43685
charges against the alleged offender relative to the offense and 43686
notwithstanding the victim's failure to cooperate or the victim's 43687
wishes, shall consider all facts and circumstances that are 43688
relevant to the offense, including, but not limited to, the 43689
statements and observations of the peace officers who responded to 43690
the incident that resulted in the arrest or filing of the charges 43691
and of all witnesses to that incident. 43692

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 43693
this section whether to arrest a person pursuant to division 43694
(B)(1) of this section, a peace officer described in division (A) 43695
of this section shall not consider as a factor any possible 43696
shortage of cell space at the detention facility to which the 43697
person will be taken subsequent to the person's arrest or any 43698
possibility that the person's arrest might cause, contribute to, 43699
or exacerbate overcrowding at that detention facility or at any 43700
other detention facility. 43701

(g) If a peace officer described in division (A) of this 43702
section intends pursuant to divisions (B)(3)(a) to (g) of this 43703
section to arrest a person pursuant to division (B)(1) of this 43704
section and if the officer is unable to do so because the person 43705
is not present, the officer promptly shall seek a warrant for the 43706
arrest of the person. 43707

(h) If a peace officer described in division (A) of this 43708
section responds to a report of an alleged incident of the offense 43709

of domestic violence or an alleged incident of the offense of 43710
violating a protection order and if the circumstances of the 43711
incident involved the use or threatened use of a deadly weapon or 43712
any person involved in the incident brandished a deadly weapon 43713
during or in relation to the incident, the deadly weapon that was 43714
used, threatened to be used, or brandished constitutes contraband, 43715
and, to the extent possible, the officer shall seize the deadly 43716
weapon as contraband pursuant to Chapter 2981. of the Revised 43717
Code. Upon the seizure of a deadly weapon pursuant to division 43718
(B)(3)(h) of this section, section 2981.12 of the Revised Code 43719
shall apply regarding the treatment and disposition of the deadly 43720
weapon. For purposes of that section, the "underlying criminal 43721
offense" that was the basis of the seizure of a deadly weapon 43722
under division (B)(3)(h) of this section and to which the deadly 43723
weapon had a relationship is any of the following that is 43724
applicable: 43725

(i) The alleged incident of the offense of domestic violence 43726
or the alleged incident of the offense of violating a protection 43727
order to which the officer who seized the deadly weapon responded; 43728

(ii) Any offense that arose out of the same facts and 43729
circumstances as the report of the alleged incident of the offense 43730
of domestic violence or the alleged incident of the offense of 43731
violating a protection order to which the officer who seized the 43732
deadly weapon responded. 43733

(4) If, in the circumstances described in divisions (B)(3)(a) 43734
to (g) of this section, a peace officer described in division (A) 43735
of this section arrests and detains a person pursuant to division 43736
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 43737
this section, a peace officer described in division (A) of this 43738
section seizes a deadly weapon, the officer, to the extent 43739
described in and in accordance with section 9.86 or 2744.03 of the 43740
Revised Code, is immune in any civil action for damages for 43741

injury, death, or loss to person or property that arises from or 43742
is related to the arrest and detention or the seizure. 43743

(C) When there is reasonable ground to believe that a 43744
violation of division (A)(1), (2), (3), (4), or (5) of section 43745
4506.15 or a violation of section 4511.19 of the Revised Code has 43746
been committed by a person operating a motor vehicle subject to 43747
regulation by the public utilities commission of Ohio under Title 43748
XLIX of the Revised Code, a peace officer with authority to 43749
enforce that provision of law may stop or detain the person whom 43750
the officer has reasonable cause to believe was operating the 43751
motor vehicle in violation of the division or section and, after 43752
investigating the circumstances surrounding the operation of the 43753
vehicle, may arrest and detain the person. 43754

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 43755
municipal police officer, member of a police force employed by a 43756
metropolitan housing authority under division (D) of section 43757
3735.31 of the Revised Code, member of a police force employed by 43758
a regional transit authority under division (Y) of section 306.35 43759
of the Revised Code, special police officer employed by a port 43760
authority under section 4582.04 or 4582.28 of the Revised Code, 43761
special police officer employed by a municipal corporation at a 43762
municipal airport or other municipal air navigation facility 43763
described in division (A) of this section, township constable, 43764
police officer of a township or joint ~~township~~ police district, 43765
state university law enforcement officer appointed under section 43766
3345.04 of the Revised Code, peace officer of the department of 43767
natural resources, individual designated to perform law 43768
enforcement duties under section 511.232, 1545.13, or 6101.75 of 43769
the Revised Code, the house sergeant at arms if the house sergeant 43770
at arms has arrest authority pursuant to division (E)(1) of 43771
section 101.311 of the Revised Code, or an assistant house 43772
sergeant at arms is authorized by division (A) or (B) of this 43773

section to arrest and detain, within the limits of the political 43774
subdivision, metropolitan housing authority housing project, 43775
regional transit authority facilities or those areas of a 43776
municipal corporation that have been agreed to by a regional 43777
transit authority and a municipal corporation located within its 43778
territorial jurisdiction, port authority, municipal airport or 43779
other municipal air navigation facility, college, or university in 43780
which the officer is appointed, employed, or elected or within the 43781
limits of the territorial jurisdiction of the peace officer, a 43782
person until a warrant can be obtained, the peace officer, outside 43783
the limits of that territory, may pursue, arrest, and detain that 43784
person until a warrant can be obtained if all of the following 43785
apply: 43786

(1) The pursuit takes place without unreasonable delay after 43787
the offense is committed; 43788

(2) The pursuit is initiated within the limits of the 43789
political subdivision, metropolitan housing authority housing 43790
project, regional transit authority facilities or those areas of a 43791
municipal corporation that have been agreed to by a regional 43792
transit authority and a municipal corporation located within its 43793
territorial jurisdiction, port authority, municipal airport or 43794
other municipal air navigation facility, college, or university in 43795
which the peace officer is appointed, employed, or elected or 43796
within the limits of the territorial jurisdiction of the peace 43797
officer; 43798

(3) The offense involved is a felony, a misdemeanor of the 43799
first degree or a substantially equivalent municipal ordinance, a 43800
misdemeanor of the second degree or a substantially equivalent 43801
municipal ordinance, or any offense for which points are 43802
chargeable pursuant to section 4510.036 of the Revised Code. 43803

(E) In addition to the authority granted under division (A) 43804
or (B) of this section: 43805

(1) A sheriff or deputy sheriff may arrest and detain, until 43806
a warrant can be obtained, any person found violating section 43807
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 43808
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 43809
portion of any street or highway that is located immediately 43810
adjacent to the boundaries of the county in which the sheriff or 43811
deputy sheriff is elected or appointed. 43812

(2) A member of the police force of a township police 43813
district created under section 505.48 of the Revised Code, a 43814
member of the police force of a joint ~~township~~ police district 43815
created under section ~~505.481~~ 505.482 of the Revised Code, or a 43816
township constable appointed in accordance with section 509.01 of 43817
the Revised Code, who has received a certificate from the Ohio 43818
peace officer training commission under section 109.75 of the 43819
Revised Code, may arrest and detain, until a warrant can be 43820
obtained, any person found violating any section or chapter of the 43821
Revised Code listed in division (E)(1) of this section, other than 43822
sections 4513.33 and 4513.34 of the Revised Code, on the portion 43823
of any street or highway that is located immediately adjacent to 43824
the boundaries of the township police district or joint ~~township~~ 43825
police district, in the case of a member of a township police 43826
district or joint ~~township~~ police district police force, or the 43827
unincorporated territory of the township, in the case of a 43828
township constable. However, if the population of the township 43829
that created the township police district served by the member's 43830
police force, or the townships and municipal corporations that 43831
created the joint ~~township~~ police district served by the member's 43832
police force, or the township that is served by the township 43833
constable, is sixty thousand or less, the member of the township 43834
police district or joint police district police force or the 43835
township constable may not make an arrest under division (E)(2) of 43836
this section on a state highway that is included as part of the 43837
interstate system. 43838

(3) A police officer or village marshal appointed, elected, 43839
or employed by a municipal corporation may arrest and detain, 43840
until a warrant can be obtained, any person found violating any 43841
section or chapter of the Revised Code listed in division (E)(1) 43842
of this section on the portion of any street or highway that is 43843
located immediately adjacent to the boundaries of the municipal 43844
corporation in which the police officer or village marshal is 43845
appointed, elected, or employed. 43846

(4) A peace officer of the department of natural resources, a 43847
state fire marshal law enforcement officer described in division 43848
(A)(23) of section 109.71 of the Revised Code, or an individual 43849
designated to perform law enforcement duties under section 43850
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 43851
detain, until a warrant can be obtained, any person found 43852
violating any section or chapter of the Revised Code listed in 43853
division (E)(1) of this section, other than sections 4513.33 and 43854
4513.34 of the Revised Code, on the portion of any street or 43855
highway that is located immediately adjacent to the boundaries of 43856
the lands and waters that constitute the territorial jurisdiction 43857
of the peace officer or state fire marshal law enforcement 43858
officer. 43859

(F)(1) A department of mental health special police officer 43860
or a department of developmental disabilities special police 43861
officer may arrest without a warrant and detain until a warrant 43862
can be obtained any person found committing on the premises of any 43863
institution under the jurisdiction of the particular department a 43864
misdemeanor under a law of the state. 43865

A department of mental health special police officer or a 43866
department of developmental disabilities special police officer 43867
may arrest without a warrant and detain until a warrant can be 43868
obtained any person who has been hospitalized, institutionalized, 43869
or confined in an institution under the jurisdiction of the 43870

particular department pursuant to or under authority of section 43871
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43872
2945.402 of the Revised Code and who is found committing on the 43873
premises of any institution under the jurisdiction of the 43874
particular department a violation of section 2921.34 of the 43875
Revised Code that involves an escape from the premises of the 43876
institution. 43877

(2)(a) If a department of mental health special police 43878
officer or a department of developmental disabilities special 43879
police officer finds any person who has been hospitalized, 43880
institutionalized, or confined in an institution under the 43881
jurisdiction of the particular department pursuant to or under 43882
authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 43883
2945.401, or 2945.402 of the Revised Code committing a violation 43884
of section 2921.34 of the Revised Code that involves an escape 43885
from the premises of the institution, or if there is reasonable 43886
ground to believe that a violation of section 2921.34 of the 43887
Revised Code has been committed that involves an escape from the 43888
premises of an institution under the jurisdiction of the 43889
department of mental health or the department of developmental 43890
disabilities and if a department of mental health special police 43891
officer or a department of developmental disabilities special 43892
police officer has reasonable cause to believe that a particular 43893
person who has been hospitalized, institutionalized, or confined 43894
in the institution pursuant to or under authority of section 43895
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43896
2945.402 of the Revised Code is guilty of the violation, the 43897
special police officer, outside of the premises of the 43898
institution, may pursue, arrest, and detain that person for that 43899
violation of section 2921.34 of the Revised Code, until a warrant 43900
can be obtained, if both of the following apply: 43901

(i) The pursuit takes place without unreasonable delay after 43902

the offense is committed; 43903

(ii) The pursuit is initiated within the premises of the 43904
institution from which the violation of section 2921.34 of the 43905
Revised Code occurred. 43906

(b) For purposes of division (F)(2)(a) of this section, the 43907
execution of a written statement by the administrator of the 43908
institution in which a person had been hospitalized, 43909
institutionalized, or confined pursuant to or under authority of 43910
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 43911
2945.402 of the Revised Code alleging that the person has escaped 43912
from the premises of the institution in violation of section 43913
2921.34 of the Revised Code constitutes reasonable ground to 43914
believe that the violation was committed and reasonable cause to 43915
believe that the person alleged in the statement to have committed 43916
the offense is guilty of the violation. 43917

(G) As used in this section: 43918

(1) A "department of mental health special police officer" 43919
means a special police officer of the department of mental health 43920
designated under section 5119.14 of the Revised Code who is 43921
certified by the Ohio peace officer training commission under 43922
section 109.77 of the Revised Code as having successfully 43923
completed an approved peace officer basic training program. 43924

(2) A "department of developmental disabilities special 43925
police officer" means a special police officer of the department 43926
of developmental disabilities designated under section 5123.13 of 43927
the Revised Code who is certified by the Ohio peace officer 43928
training council under section 109.77 of the Revised Code as 43929
having successfully completed an approved peace officer basic 43930
training program. 43931

(3) "Deadly weapon" has the same meaning as in section 43932
2923.11 of the Revised Code. 43933

(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. 43934
43935

(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code. 43936
43937

(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code. 43938
43939

(7) "Peace officer of the department of natural resources" 43940
means an employee of the department of natural resources who is a 43941
natural resources law enforcement staff officer designated 43942
pursuant to section 1501.013 of the Revised Code, a forest officer 43943
designated pursuant to section 1503.29 of the Revised Code, a 43944
preserve officer designated pursuant to section 1517.10 of the 43945
Revised Code, a wildlife officer designated pursuant to section 43946
1531.13 of the Revised Code, a park officer designated pursuant to 43947
section 1541.10 of the Revised Code, or a state watercraft officer 43948
designated pursuant to section 1547.521 of the Revised Code. 43949

(8) "Portion of any street or highway" means all lanes of the 43950
street or highway irrespective of direction of travel, including 43951
designated turn lanes, and any berm, median, or shoulder. 43952

Sec. 2945.371. (A) If the issue of a defendant's competence 43953
to stand trial is raised or if a defendant enters a plea of not 43954
guilty by reason of insanity, the court may order one or more 43955
evaluations of the defendant's present mental condition or, in the 43956
case of a plea of not guilty by reason of insanity, of the 43957
defendant's mental condition at the time of the offense charged. 43958
An examiner shall conduct the evaluation. 43959

(B) If the court orders more than one evaluation under 43960
division (A) of this section, the prosecutor and the defendant may 43961
recommend to the court an examiner whom each prefers to perform 43962
one of the evaluations. If a defendant enters a plea of not guilty 43963

by reason of insanity and if the court does not designate an 43964
examiner recommended by the defendant, the court shall inform the 43965
defendant that the defendant may have independent expert 43966
evaluation and that, if the defendant is unable to obtain 43967
independent expert evaluation, it will be obtained for the 43968
defendant at public expense if the defendant is indigent. 43969

(C) If the court orders an evaluation under division (A) of 43970
this section, the defendant shall be available at the times and 43971
places established by the examiners who are to conduct the 43972
evaluation. The court may order a defendant who has been released 43973
on bail or recognizance to submit to an evaluation under this 43974
section. If a defendant who has been released on bail or 43975
recognizance refuses to submit to a complete evaluation, the court 43976
may amend the conditions of bail or recognizance and order the 43977
sheriff to take the defendant into custody and deliver the 43978
defendant to a center, program, or facility operated or certified 43979
by the department of mental health or the department of 43980
developmental disabilities where the defendant may be held for 43981
evaluation for a reasonable period of time not to exceed twenty 43982
days. 43983

(D) A defendant who has not been released on bail or 43984
recognizance may be evaluated at the defendant's place of 43985
detention. Upon the request of the examiner, the court may order 43986
the sheriff to transport the defendant to a program or facility 43987
operated or certified by the department of mental health or the 43988
department of developmental disabilities, where the defendant may 43989
be held for evaluation for a reasonable period of time not to 43990
exceed twenty days, and to return the defendant to the place of 43991
detention after the evaluation. A municipal court may make an 43992
order under this division only upon the request of a certified 43993
forensic center examiner. 43994

(E) If a court orders the evaluation to determine a 43995

defendant's mental condition at the time of the offense charged, 43996
the court shall inform the examiner of the offense with which the 43997
defendant is charged. 43998

(F) In conducting an evaluation of a defendant's mental 43999
condition at the time of the offense charged, the examiner shall 44000
consider all relevant evidence. If the offense charged involves 44001
the use of force against another person, the relevant evidence to 44002
be considered includes, but is not limited to, any evidence that 44003
the defendant suffered, at the time of the commission of the 44004
offense, from the "battered woman syndrome." 44005

(G) The examiner shall file a written report with the court 44006
within thirty days after entry of a court order for evaluation, 44007
and the court shall provide copies of the report to the prosecutor 44008
and defense counsel. The report shall include all of the 44009
following: 44010

(1) The examiner's findings; 44011

(2) The facts in reasonable detail on which the findings are 44012
based; 44013

(3) If the evaluation was ordered to determine the 44014
defendant's competence to stand trial, all of the following 44015
findings or recommendations that are applicable: 44016

(a) Whether the defendant is capable of understanding the 44017
nature and objective of the proceedings against the defendant or 44018
of assisting in the defendant's defense; 44019

(b) If the examiner's opinion is that the defendant is 44020
incapable of understanding the nature and objective of the 44021
proceedings against the defendant or of assisting in the 44022
defendant's defense, whether the defendant presently is mentally 44023
ill or mentally retarded and, if the examiner's opinion is that 44024
the defendant presently is mentally retarded, whether the 44025
defendant appears to be a mentally retarded person subject to 44026

institutionalization by court order; 44027

(c) If the examiner's opinion is that the defendant is 44028
incapable of understanding the nature and objective of the 44029
proceedings against the defendant or of assisting in the 44030
defendant's defense, the examiner's opinion as to the likelihood 44031
of the defendant becoming capable of understanding the nature and 44032
objective of the proceedings against the defendant and of 44033
assisting in the defendant's defense within one year if the 44034
defendant is provided with a course of treatment; 44035

(d) If the examiner's opinion is that the defendant is 44036
incapable of understanding the nature and objective of the 44037
proceedings against the defendant or of assisting in the 44038
defendant's defense and that the defendant presently is mentally 44039
ill or mentally retarded, the examiner's recommendation as to the 44040
least restrictive ~~treatment~~ placement or commitment alternative, 44041
consistent with the defendant's treatment needs for restoration to 44042
competency and with the safety of the community; 44043

(e) If the defendant is charged with a misdemeanor offense 44044
that is not an offense of violence and the examiner's opinion is 44045
that the defendant is incapable of understanding the nature and 44046
objective of the proceedings against the defendant or of assisting 44047
in the defendant's defense and that the defendant is presently 44048
mentally ill or mentally retarded, the examiner's recommendation 44049
as to whether the defendant is amenable to engagement in mental 44050
health treatment or developmental disability services. 44051

(4) If the evaluation was ordered to determine the 44052
defendant's mental condition at the time of the offense charged, 44053
the examiner's findings as to whether the defendant, at the time 44054
of the offense charged, did not know, as a result of a severe 44055
mental disease or defect, the wrongfulness of the defendant's acts 44056
charged. 44057

(H) If the examiner's report filed under division (G) of this section indicates that in the examiner's opinion the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense and that in the examiner's opinion the defendant appears to be a mentally retarded person subject to institutionalization by court order, the court shall order the defendant to undergo a separate mental retardation evaluation conducted by a psychologist designated by the director of developmental disabilities. Divisions (C) to (F) of this section apply in relation to a separate mental retardation evaluation conducted under this division. The psychologist appointed under this division to conduct the separate mental retardation evaluation shall file a written report with the court within thirty days after the entry of the court order requiring the separate mental retardation evaluation, and the court shall provide copies of the report to the prosecutor and defense counsel. The report shall include all of the information described in divisions (G)(1) to (4) of this section. If the court orders a separate mental retardation evaluation of a defendant under this division, the court shall not conduct a hearing under divisions (B) to (H) of section 2945.37 of the Revised Code regarding that defendant until a report of the separate mental retardation evaluation conducted under this division has been filed. Upon the filing of that report, the court shall conduct the hearing within the period of time specified in division (C) of section 2945.37 of the Revised Code.

(I) An examiner appointed under divisions (A) and (B) of this section or under division (H) of this section to evaluate a defendant to determine the defendant's competence to stand trial also may be appointed to evaluate a defendant who has entered a plea of not guilty by reason of insanity, but an examiner of that nature shall prepare separate reports on the issue of competence

to stand trial and the defense of not guilty by reason of 44091
insanity. 44092

(J) No statement that a defendant makes in an evaluation or 44093
hearing under divisions (A) to (H) of this section relating to the 44094
defendant's competence to stand trial or to the defendant's mental 44095
condition at the time of the offense charged shall be used against 44096
the defendant on the issue of guilt in any criminal action or 44097
proceeding, but, in a criminal action or proceeding, the 44098
prosecutor or defense counsel may call as a witness any person who 44099
evaluated the defendant or prepared a report pursuant to a 44100
referral under this section. Neither the appointment nor the 44101
testimony of an examiner appointed under this section precludes 44102
the prosecutor or defense counsel from calling other witnesses or 44103
presenting other evidence on competency or insanity issues. 44104

(K) Persons appointed as examiners under divisions (A) and 44105
(B) of this section or under division (H) of this section shall be 44106
paid a reasonable amount for their services and expenses, as 44107
certified by the court. The certified amount shall be paid by the 44108
county in the case of county courts and courts of common pleas and 44109
by the legislative authority, as defined in section 1901.03 of the 44110
Revised Code, in the case of municipal courts. 44111

Sec. 2945.38. (A) If the issue of a defendant's competence to 44112
stand trial is raised and if the court, upon conducting the 44113
hearing provided for in section 2945.37 of the Revised Code, finds 44114
that the defendant is competent to stand trial, the defendant 44115
shall be proceeded against as provided by law. If the court finds 44116
the defendant competent to stand trial and the defendant is 44117
receiving psychotropic drugs or other medication, the court may 44118
authorize the continued administration of the drugs or medication 44119
or other appropriate treatment in order to maintain the 44120
defendant's competence to stand trial, unless the defendant's 44121

attending physician advises the court against continuation of the 44122
drugs, other medication, or treatment. 44123

(B)(1)(a) If, after taking into consideration all relevant 44124
reports, information, and other evidence, the court finds that the 44125
defendant is incompetent to stand trial and that there is a 44126
substantial probability that the defendant will become competent 44127
to stand trial within one year if the defendant is provided with a 44128
course of treatment, the court shall order the defendant to 44129
undergo treatment. If the defendant has been charged with a felony 44130
offense and if, after taking into consideration all relevant 44131
reports, information, and other evidence, the court finds that the 44132
defendant is incompetent to stand trial, but the court is unable 44133
at that time to determine whether there is a substantial 44134
probability that the defendant will become competent to stand 44135
trial within one year if the defendant is provided with a course 44136
of treatment, the court shall order continuing evaluation and 44137
treatment of the defendant for a period not to exceed four months 44138
to determine whether there is a substantial probability that the 44139
defendant will become competent to stand trial within one year if 44140
the defendant is provided with a course of treatment. 44141

(b) The court order for the defendant to undergo treatment or 44142
continuing evaluation and treatment under division (B)(1)(a) of 44143
this section shall specify that the defendant, if determined to 44144
require mental health treatment or continuing evaluation and 44145
treatment, shall be committed to the department of mental health 44146
for treatment or continuing evaluation and treatment shall occur 44147
at a hospital, facility, or agency, as determined to be clinically 44148
appropriate by the department of mental health and, if determined 44149
to require treatment or continuing evaluation and treatment for a 44150
developmental disability, shall receive treatment or continuing 44151
evaluation and treatment at an institution or facility operated by 44152
the department of ~~mental health or the department of~~ developmental 44153

disabilities, at a facility certified by ~~either of those~~ 44154
~~departments~~ the department of developmental disabilities as being 44155
qualified to treat ~~mental illness or~~ mental retardation, at a 44156
public or private community mental ~~health or mental~~ retardation 44157
facility, or by a ~~psychiatrist or another~~ mental ~~health or mental~~ 44158
retardation professional. The order may restrict the defendant's 44159
freedom of movement as the court considers necessary. The 44160
prosecutor in the defendant's case shall send to the chief 44161
clinical officer of the hospital ~~or~~, facility, or agency where the 44162
defendant is placed by the department of mental health, or to the 44163
managing officer of the institution, the director of the ~~program~~ 44164
facility, or the person to which the defendant is committed, 44165
copies of relevant police reports and other background information 44166
that pertains to the defendant and is available to the prosecutor 44167
unless the prosecutor determines that the release of any of the 44168
information in the police reports or any of the other background 44169
information to unauthorized persons would interfere with the 44170
effective prosecution of any person or would create a substantial 44171
risk of harm to any person. 44172

In committing the defendant to the department of mental 44173
health, the court shall consider the extent to which the person is 44174
a danger to the person and to others, the need for security, and 44175
the type of crime involved and, if the court finds that 44176
restrictions on the defendant's freedom of movement are necessary, 44177
shall specify the least restrictive limitations on the person's 44178
freedom of movement determined to be necessary to protect public 44179
safety. In determining ~~placement~~ commitment alternatives for 44180
defendants determined to require treatment or continuing 44181
evaluation and treatment for developmental disabilities, the court 44182
shall consider the extent to which the person is a danger to the 44183
person and to others, the need for security, and the type of crime 44184
involved and shall order the least restrictive alternative 44185
available that is consistent with public safety and treatment 44186

goals. In weighing these factors, the court shall give preference 44187
to protecting public safety. 44188

(c) If the defendant is found incompetent to stand trial, if 44189
the chief clinical officer of the hospital ~~or~~, facility, or agency 44190
where the defendant is placed, or the managing officer of the 44191
institution, the director of the ~~program~~ facility, or the person 44192
to which the defendant is committed for treatment or continuing 44193
evaluation and treatment under division (B)(1)(b) of this section 44194
determines that medication is necessary to restore the defendant's 44195
competency to stand trial, and if the defendant lacks the capacity 44196
to give informed consent or refuses medication, the chief clinical 44197
officer of the hospital, facility, or agency where the defendant 44198
is placed, or the managing officer of the institution, the 44199
director of the facility, or the person to which the defendant is 44200
committed for treatment or continuing evaluation and treatment may 44201
petition the court for authorization for the involuntary 44202
administration of medication. The court shall hold a hearing on 44203
the petition within five days of the filing of the petition if the 44204
petition was filed in a municipal court or a county court 44205
regarding an incompetent defendant charged with a misdemeanor or 44206
within ten days of the filing of the petition if the petition was 44207
filed in a court of common pleas regarding an incompetent 44208
defendant charged with a felony offense. Following the hearing, 44209
the court may authorize the involuntary administration of 44210
medication or may dismiss the petition. 44211

(d) If the defendant is charged with a misdemeanor offense 44212
that is not an offense of violence, the prosecutor may hold the 44213
charges in abeyance while the defendant engages in mental health 44214
treatment or developmental disability services. 44215

(2) If the court finds that the defendant is incompetent to 44216
stand trial and that, even if the defendant is provided with a 44217
course of treatment, there is not a substantial probability that 44218

the defendant will become competent to stand trial within one 44219
year, the court shall order the discharge of the defendant, unless 44220
upon motion of the prosecutor or on its own motion, the court 44221
either seeks to retain jurisdiction over the defendant pursuant to 44222
section 2945.39 of the Revised Code or files an affidavit in the 44223
probate court for the civil commitment of the defendant pursuant 44224
to Chapter 5122. or 5123. of the Revised Code alleging that the 44225
defendant is a mentally ill person subject to hospitalization by 44226
court order or a mentally retarded person subject to 44227
institutionalization by court order. If an affidavit is filed in 44228
the probate court, the trial court shall send to the probate court 44229
copies of all written reports of the defendant's mental condition 44230
that were prepared pursuant to section 2945.371 of the Revised 44231
Code. 44232

The trial court may issue the temporary order of detention 44233
that a probate court may issue under section 5122.11 or 5123.71 of 44234
the Revised Code, to remain in effect until the probable cause or 44235
initial hearing in the probate court. Further proceedings in the 44236
probate court are civil proceedings governed by Chapter 5122. or 44237
5123. of the Revised Code. 44238

(C) No defendant shall be required to undergo treatment, 44239
including any continuing evaluation and treatment, under division 44240
(B)(1) of this section for longer than whichever of the following 44241
periods is applicable: 44242

(1) One year, if the most serious offense with which the 44243
defendant is charged is one of the following offenses: 44244

(a) Aggravated murder, murder, or an offense of violence for 44245
which a sentence of death or life imprisonment may be imposed; 44246

(b) An offense of violence that is a felony of the first or 44247
second degree; 44248

(c) A conspiracy to commit, an attempt to commit, or 44249

complicity in the commission of an offense described in division 44250
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 44251
complicity is a felony of the first or second degree. 44252

(2) Six months, if the most serious offense with which the 44253
defendant is charged is a felony other than a felony described in 44254
division (C)(1) of this section; 44255

(3) Sixty days, if the most serious offense with which the 44256
defendant is charged is a misdemeanor of the first or second 44257
degree; 44258

(4) Thirty days, if the most serious offense with which the 44259
defendant is charged is a misdemeanor of the third or fourth 44260
degree, a minor misdemeanor, or an unclassified misdemeanor. 44261

(D) Any defendant who is committed pursuant to this section 44262
shall not voluntarily admit the defendant or be voluntarily 44263
admitted to a hospital or institution pursuant to section 5122.02, 44264
5122.15, 5123.69, or 5123.76 of the Revised Code. 44265

(E) Except as otherwise provided in this division, a 44266
defendant who is charged with an offense and is committed by the 44267
court under this section to a hospital the department of mental 44268
health with restrictions on the defendant's freedom of movement or 44269
other is committed to an institution by the court under this 44270
section or facility for the treatment of developmental 44271
disabilities shall not be granted unsupervised on-grounds 44272
movement, supervised off-grounds movement, or nonsecured status 44273
except in accordance with the court order. The court may grant a 44274
defendant supervised off-grounds movement to obtain medical 44275
treatment or specialized habilitation treatment services if the 44276
person who supervises the treatment or the continuing evaluation 44277
and treatment of the defendant ordered under division (B)(1)(a) of 44278
this section informs the court that the treatment or continuing 44279
evaluation and treatment cannot be provided at the hospital or 44280

facility where the defendant is placed by the department of mental health or the institution or facility to which the defendant is committed. The chief clinical officer of the hospital or facility where the defendant is placed by the department of mental health or the managing officer of the institution or director of the facility to which the defendant is committed, or a designee of either any of those persons, may grant a defendant movement to a medical facility for an emergency medical situation with appropriate supervision to ensure the safety of the defendant, staff, and community during that emergency medical situation. The chief clinical officer of the hospital or facility where the defendant is placed by the department of mental health or the managing officer of the institution or director of the facility to which the defendant is committed shall notify the court within twenty-four hours of the defendant's movement to the medical facility for an emergency medical situation under this division.

(F) The person who supervises the treatment or continuing evaluation and treatment of a defendant ordered to undergo treatment or continuing evaluation and treatment under division (B)(1)(a) of this section shall file a written report with the court at the following times:

(1) Whenever the person believes the defendant is capable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense;

(2) For a felony offense, fourteen days before expiration of the maximum time for treatment as specified in division (C) of this section and fourteen days before the expiration of the maximum time for continuing evaluation and treatment as specified in division (B)(1)(a) of this section, and, for a misdemeanor offense, ten days before the expiration of the maximum time for treatment, as specified in division (C) of this section;

(3) At a minimum, after each six months of treatment;

(4) Whenever the person who supervises the treatment or 44313
continuing evaluation and treatment of a defendant ordered under 44314
division (B)(1)(a) of this section believes that there is not a 44315
substantial probability that the defendant will become capable of 44316
understanding the nature and objective of the proceedings against 44317
the defendant or of assisting in the defendant's defense even if 44318
the defendant is provided with a course of treatment. 44319

(G) A report under division (F) of this section shall contain 44320
the examiner's findings, the facts in reasonable detail on which 44321
the findings are based, and the examiner's opinion as to the 44322
defendant's capability of understanding the nature and objective 44323
of the proceedings against the defendant and of assisting in the 44324
defendant's defense. If, in the examiner's opinion, the defendant 44325
remains incapable of understanding the nature and objective of the 44326
proceedings against the defendant and of assisting in the 44327
defendant's defense and there is a substantial probability that 44328
the defendant will become capable of understanding the nature and 44329
objective of the proceedings against the defendant and of 44330
assisting in the defendant's defense if the defendant is provided 44331
with a course of treatment, if in the examiner's opinion the 44332
defendant remains mentally ill or mentally retarded, and if the 44333
maximum time for treatment as specified in division (C) of this 44334
section has not expired, the report also shall contain the 44335
examiner's recommendation as to the least restrictive ~~treatment~~ 44336
placement or commitment alternative that is consistent with the 44337
defendant's treatment needs for restoration to competency and with 44338
the safety of the community. The court shall provide copies of the 44339
report to the prosecutor and defense counsel. 44340

(H) If a defendant is committed pursuant to division (B)(1) 44341
of this section, within ten days after the treating physician of 44342
the defendant or the examiner of the defendant who is employed or 44343
retained by the treating facility advises that there is not a 44344

substantial probability that the defendant will become capable of 44345
understanding the nature and objective of the proceedings against 44346
the defendant or of assisting in the defendant's defense even if 44347
the defendant is provided with a course of treatment, within ten 44348
days after the expiration of the maximum time for treatment as 44349
specified in division (C) of this section, within ten days after 44350
the expiration of the maximum time for continuing evaluation and 44351
treatment as specified in division (B)(1)(a) of this section, 44352
within thirty days after a defendant's request for a hearing that 44353
is made after six months of treatment, or within thirty days after 44354
being advised by the treating physician or examiner that the 44355
defendant is competent to stand trial, whichever is the earliest, 44356
the court shall conduct another hearing to determine if the 44357
defendant is competent to stand trial and shall do whichever of 44358
the following is applicable: 44359

(1) If the court finds that the defendant is competent to 44360
stand trial, the defendant shall be proceeded against as provided 44361
by law. 44362

(2) If the court finds that the defendant is incompetent to 44363
stand trial, but that there is a substantial probability that the 44364
defendant will become competent to stand trial if the defendant is 44365
provided with a course of treatment, and the maximum time for 44366
treatment as specified in division (C) of this section has not 44367
expired, the court, after consideration of the examiner's 44368
recommendation, shall order that treatment be continued, may 44369
change the ~~facility or program at which the treatment is to be~~ 44370
continued least restrictive limitations on the defendant's freedom 44371
of movement, and, if applicable, shall specify whether the 44372
treatment for developmental disabilities is to be continued at the 44373
same or a different facility or ~~program~~ institution. 44374

(3) If the court finds that the defendant is incompetent to 44375
stand trial, if the defendant is charged with an offense listed in 44376

division (C)(1) of this section, and if the court finds that there 44377
is not a substantial probability that the defendant will become 44378
competent to stand trial even if the defendant is provided with a 44379
course of treatment, or if the maximum time for treatment relative 44380
to that offense as specified in division (C) of this section has 44381
expired, further proceedings shall be as provided in sections 44382
2945.39, 2945.401, and 2945.402 of the Revised Code. 44383

(4) If the court finds that the defendant is incompetent to 44384
stand trial, if the most serious offense with which the defendant 44385
is charged is a misdemeanor or a felony other than a felony listed 44386
in division (C)(1) of this section, and if the court finds that 44387
there is not a substantial probability that the defendant will 44388
become competent to stand trial even if the defendant is provided 44389
with a course of treatment, or if the maximum time for treatment 44390
relative to that offense as specified in division (C) of this 44391
section has expired, the court shall dismiss the indictment, 44392
information, or complaint against the defendant. A dismissal under 44393
this division is not a bar to further prosecution based on the 44394
same conduct. The court shall discharge the defendant unless the 44395
court or prosecutor files an affidavit in probate court for civil 44396
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 44397
If an affidavit for civil commitment is filed, the court may 44398
detain the defendant for ten days pending civil commitment. All of 44399
the following provisions apply to persons charged with a 44400
misdemeanor or a felony other than a felony listed in division 44401
(C)(1) of this section who are committed by the probate court 44402
subsequent to the court's or prosecutor's filing of an affidavit 44403
for civil commitment under authority of this division: 44404

(a) The chief clinical officer of the entity, hospital, or 44405
facility, the managing officer of the institution, ~~the director of~~ 44406
~~the program~~, or the person to which the defendant is committed or 44407
admitted shall do all of the following: 44408

(i) Notify the prosecutor, in writing, of the discharge of 44409
the defendant, send the notice at least ten days prior to the 44410
discharge unless the discharge is by the probate court, and state 44411
in the notice the date on which the defendant will be discharged; 44412

(ii) Notify the prosecutor, in writing, when the defendant is 44413
absent without leave or is granted unsupervised, off-grounds 44414
movement, and send this notice promptly after the discovery of the 44415
absence without leave or prior to the granting of the 44416
unsupervised, off-grounds movement, whichever is applicable; 44417

(iii) Notify the prosecutor, in writing, of the change of the 44418
defendant's commitment or admission to voluntary status, send the 44419
notice promptly upon learning of the change to voluntary status, 44420
and state in the notice the date on which the defendant was 44421
committed or admitted on a voluntary status. 44422

(b) Upon receiving notice that the defendant will be granted 44423
unsupervised, off-grounds movement, the prosecutor either shall 44424
re-indict the defendant or promptly notify the court that the 44425
prosecutor does not intend to prosecute the charges against the 44426
defendant. 44427

(I) If a defendant is convicted of a crime and sentenced to a 44428
jail or workhouse, the defendant's sentence shall be reduced by 44429
the total number of days the defendant is confined for evaluation 44430
to determine the defendant's competence to stand trial or 44431
treatment under this section and sections 2945.37 and 2945.371 of 44432
the Revised Code or by the total number of days the defendant is 44433
confined for evaluation to determine the defendant's mental 44434
condition at the time of the offense charged. 44435

Sec. 2945.39. (A) If a defendant who is charged with an 44436
offense described in division (C)(1) of section 2945.38 of the 44437
Revised Code is found incompetent to stand trial, after the 44438
expiration of the maximum time for treatment as specified in 44439

division (C) of that section or after the court finds that there 44440
is not a substantial probability that the defendant will become 44441
competent to stand trial even if the defendant is provided with a 44442
course of treatment, one of the following applies: 44443

(1) The court or the prosecutor may file an affidavit in 44444
probate court for civil commitment of the defendant in the manner 44445
provided in Chapter 5122. or 5123. of the Revised Code. If the 44446
court or prosecutor files an affidavit for civil commitment, the 44447
court may detain the defendant for ten days pending civil 44448
commitment. If the probate court commits the defendant subsequent 44449
to the court's or prosecutor's filing of an affidavit for civil 44450
commitment, the chief clinical officer of the entity, hospital, or 44451
facility, the managing officer of the institution, ~~the director of~~ 44452
~~the program~~, or the person to which the defendant is committed or 44453
admitted shall send to the prosecutor the notices described in 44454
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 44455
Code within the periods of time and under the circumstances 44456
specified in those divisions. 44457

(2) On the motion of the prosecutor or on its own motion, the 44458
court may retain jurisdiction over the defendant if, at a hearing, 44459
the court finds both of the following by clear and convincing 44460
evidence: 44461

(a) The defendant committed the offense with which the 44462
defendant is charged. 44463

(b) The defendant is a mentally ill person subject to 44464
hospitalization by court order or a mentally retarded person 44465
subject to institutionalization by court order. 44466

(B) In making its determination under division (A)(2) of this 44467
section as to whether to retain jurisdiction over the defendant, 44468
the court may consider all relevant evidence, including, but not 44469
limited to, any relevant psychiatric, psychological, or medical 44470

testimony or reports, the acts constituting the offense charged, 44471
and any history of the defendant that is relevant to the 44472
defendant's ability to conform to the law. 44473

(C) If the court conducts a hearing as described in division 44474
(A)(2) of this section and if the court does not make both 44475
findings described in divisions (A)(2)(a) and (b) of this section 44476
by clear and convincing evidence, the court shall dismiss the 44477
indictment, information, or complaint against the defendant. Upon 44478
the dismissal, the court shall discharge the defendant unless the 44479
court or prosecutor files an affidavit in probate court for civil 44480
commitment of the defendant pursuant to Chapter 5122. or 5123. of 44481
the Revised Code. If the court or prosecutor files an affidavit 44482
for civil commitment, the court may order that the defendant be 44483
detained for up to ten days pending the civil commitment. If the 44484
probate court commits the defendant subsequent to the court's or 44485
prosecutor's filing of an affidavit for civil commitment, the 44486
chief clinical officer of the entity, hospital, or facility, the 44487
managing officer of the institution, ~~the director of the program,~~ 44488
or the person to which the defendant is committed or admitted 44489
shall send to the prosecutor the notices described in divisions 44490
(H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 44491
within the periods of time and under the circumstances specified 44492
in those divisions. A dismissal of charges under this division is 44493
not a bar to further criminal proceedings based on the same 44494
conduct. 44495

(D)(1) If the court conducts a hearing as described in 44496
division (A)(2) of this section and if the court makes the 44497
findings described in divisions (A)(2)(a) and (b) of this section 44498
by clear and convincing evidence, the court shall commit the 44499
defendant, if determined to require mental health treatment, to a 44500
~~hospital operated by~~ the department of mental health for treatment 44501
at a hospital, facility, or agency as determined clinically 44502

appropriate by the department of mental health or, if determined 44503
to require treatment for developmental disabilities, to a facility 44504
operated by the department of developmental disabilities, or 44505
another ~~medical or psychiatric~~ facility, as appropriate. In 44506
committing the defendant to the department of mental health, the 44507
court shall specify the least restrictive limitations on the 44508
defendant's freedom of movement determined to be necessary to 44509
protect public safety. In determining the place and nature of the 44510
commitment to a facility operated by the department of 44511
developmental disabilities or another facility for treatment of 44512
developmental disabilities, the court shall order the least 44513
restrictive commitment alternative available that is consistent 44514
with public safety and the welfare of the defendant. In weighing 44515
these factors, the court shall give preference to protecting 44516
public safety. 44517

(2) If a court makes a commitment of a defendant under 44518
division (D)(1) of this section, the prosecutor shall send to the 44519
hospital, facility, or agency where the defendant is placed by the 44520
department of mental health or to the defendant's place of 44521
commitment all reports of the defendant's current mental condition 44522
and, except as otherwise provided in this division, any other 44523
relevant information, including, but not limited to, a transcript 44524
of the hearing held pursuant to division (A)(2) of this section, 44525
copies of relevant police reports, and copies of any prior arrest 44526
and conviction records that pertain to the defendant and that the 44527
prosecutor possesses. The prosecutor shall send the reports of the 44528
defendant's current mental condition in every case of commitment, 44529
and, unless the prosecutor determines that the release of any of 44530
the other relevant information to unauthorized persons would 44531
interfere with the effective prosecution of any person or would 44532
create a substantial risk of harm to any person, the prosecutor 44533
also shall send the other relevant information. ~~Upon admission of~~ 44534
~~a defendant committed under division (D)(1) of this section, the~~ 44535

~~place of commitment shall send to the board of alcohol, drug 44536
addiction, and mental health services or the community mental 44537
health board serving the county in which the charges against the 44538
defendant were filed a copy of all reports of the defendant's 44539
current mental condition and a copy of the other relevant 44540
information provided by the prosecutor under this division, 44541
including, if provided, a transcript of the hearing held pursuant 44542
to division (A)(2) of this section, the relevant police reports, 44543
and the prior arrest and conviction records that pertain to the 44544
defendant and that the prosecutor possesses. 44545~~

(3) If a court makes a commitment under division (D)(1) of 44546
this section, all further proceedings shall be in accordance with 44547
sections 2945.401 and 2945.402 of the Revised Code. 44548

Sec. 2945.40. (A) If a person is found not guilty by reason 44549
of insanity, the verdict shall state that finding, and the trial 44550
court shall conduct a full hearing to determine whether the person 44551
is a mentally ill person subject to hospitalization by court order 44552
or a mentally retarded person subject to institutionalization by 44553
court order. Prior to the hearing, if the trial judge believes 44554
that there is probable cause that the person found not guilty by 44555
reason of insanity is a mentally ill person subject to 44556
hospitalization by court order or mentally retarded person subject 44557
to institutionalization by court order, the trial judge may issue 44558
a temporary order of detention for that person to remain in effect 44559
for ten court days or until the hearing, whichever occurs first. 44560

Any person detained pursuant to a temporary order of 44561
detention issued under this division shall be held in a suitable 44562
facility, taking into consideration the place and type of 44563
confinement prior to and during trial. 44564

(B) The court shall hold the hearing under division (A) of 44565
this section to determine whether the person found not guilty by 44566

reason of insanity is a mentally ill person subject to 44567
hospitalization by court order or a mentally retarded person 44568
subject to institutionalization by court order within ten court 44569
days after the finding of not guilty by reason of insanity. 44570
Failure to conduct the hearing within the ten-day period shall 44571
cause the immediate discharge of the respondent, unless the judge 44572
grants a continuance for not longer than ten court days for good 44573
cause shown or for any period of time upon motion of the 44574
respondent. 44575

(C) If a person is found not guilty by reason of insanity, 44576
the person has the right to attend all hearings conducted pursuant 44577
to sections 2945.37 to 2945.402 of the Revised Code. At any 44578
hearing conducted pursuant to one of those sections, the court 44579
shall inform the person that the person has all of the following 44580
rights: 44581

(1) The right to be represented by counsel and to have that 44582
counsel provided at public expense if the person is indigent, with 44583
the counsel to be appointed by the court under Chapter 120. of the 44584
Revised Code or under the authority recognized in division (C) of 44585
section 120.06, division (E) of section 120.16, division (E) of 44586
section 120.26, or section 2941.51 of the Revised Code; 44587

(2) The right to have independent expert evaluation and to 44588
have that independent expert evaluation provided at public expense 44589
if the person is indigent; 44590

(3) The right to subpoena witnesses and documents, to present 44591
evidence on the person's behalf, and to cross-examine witnesses 44592
against the person; 44593

(4) The right to testify in the person's own behalf and to 44594
not be compelled to testify; 44595

(5) The right to have copies of any relevant medical or 44596
mental health document in the custody of the state or of any place 44597

of commitment other than a document for which the court finds that 44598
the release to the person of information contained in the document 44599
would create a substantial risk of harm to any person. 44600

(D) The hearing under division (A) of this section shall be 44601
open to the public, and the court shall conduct the hearing in 44602
accordance with the Rules of Civil Procedure. The court shall make 44603
and maintain a full transcript and record of the hearing 44604
proceedings. The court may consider all relevant evidence, 44605
including, but not limited to, any relevant psychiatric, 44606
psychological, or medical testimony or reports, the acts 44607
constituting the offense in relation to which the person was found 44608
not guilty by reason of insanity, and any history of the person 44609
that is relevant to the person's ability to conform to the law. 44610

(E) Upon completion of the hearing under division (A) of this 44611
section, if the court finds there is not clear and convincing 44612
evidence that the person is a mentally ill person subject to 44613
hospitalization by court order or a mentally retarded person 44614
subject to institutionalization by court order, the court shall 44615
discharge the person, unless a detainer has been placed upon the 44616
person by the department of rehabilitation and correction, in 44617
which case the person shall be returned to that department. 44618

(F) If, at the hearing under division (A) of this section, 44619
the court finds by clear and convincing evidence that the person 44620
is a mentally ill person subject to hospitalization by court order 44621
~~or, the court shall commit the person to the department of mental~~ 44622
health for placement in a hospital, facility, or agency as 44623
determined clinically appropriate by the department of mental 44624
health. If, at the hearing under division (A) of this section, the 44625
court finds by clear and convincing evidence that the person is a 44626
mentally retarded person subject to institutionalization by court 44627
order, it shall commit the person to a ~~hospital operated by the~~ 44628
~~department of mental health, a~~ facility operated by the department 44629

of developmental disabilities, or another ~~medical or psychiatric~~ 44630
facility, as appropriate, ~~and further.~~ Further proceedings shall 44631
be in accordance with sections 2945.401 and 2945.402 of the 44632
Revised Code. In committing the person to the department of mental 44633
health, the court shall specify the least restrictive limitations 44634
to the defendant's freedom of movement determined to be necessary 44635
to protect public safety. In determining the place and nature of 44636
the commitment of a mentally retarded person subject to 44637
institutionalization by court order, the court shall order the 44638
least restrictive commitment alternative available that is 44639
consistent with public safety and the welfare of the person. In 44640
weighing these factors, the court shall give preference to 44641
protecting public safety. 44642

(G) If a court makes a commitment of a person under division 44643
(F) of this section, the prosecutor shall send to the hospital, 44644
facility, or agency where the person is placed by the department 44645
of mental health or to the defendant's place of commitment all 44646
reports of the person's current mental condition, and, except as 44647
otherwise provided in this division, any other relevant 44648
information, including, but not limited to, a transcript of the 44649
hearing held pursuant to division (A) of this section, copies of 44650
relevant police reports, and copies of any prior arrest and 44651
conviction records that pertain to the person and that the 44652
prosecutor possesses. The prosecutor shall send the reports of the 44653
person's current mental condition in every case of commitment, 44654
and, unless the prosecutor determines that the release of any of 44655
the other relevant information to unauthorized persons would 44656
interfere with the effective prosecution of any person or would 44657
create a substantial risk of harm to any person, the prosecutor 44658
also shall send the other relevant information. ~~Upon admission of~~ 44659
~~a person committed under division (F) of this section, the place~~ 44660
~~of commitment shall send to the board of alcohol, drug addiction,~~ 44661
~~and mental health services or the community mental health board~~ 44662

~~-serving the county in which the charges against the person were 44663
filed a copy of all reports of the person's current mental 44664
condition and a copy of the other relevant information provided by 44665
the prosecutor under this division, including, if provided, a 44666
transcript of the hearing held pursuant to division (A) of this 44667
section, the relevant police reports, and the prior arrest and 44668
conviction records that pertain to the person and that the 44669
prosecutor possesses. 44670~~

(H) A person who is committed pursuant to this section shall 44671
not voluntarily admit the person or be voluntarily admitted to a 44672
hospital or institution pursuant to section 5122.02, 5122.15, 44673
5123.69, or 5123.76 of the Revised Code. 44674

Sec. 2945.401. (A) A defendant found incompetent to stand 44675
trial and committed pursuant to section 2945.39 of the Revised 44676
Code or a person found not guilty by reason of insanity and 44677
committed pursuant to section 2945.40 of the Revised Code shall 44678
remain subject to the jurisdiction of the trial court pursuant to 44679
that commitment, and to the provisions of this section, until the 44680
final termination of the commitment as described in division 44681
(J)(1) of this section. If the jurisdiction is terminated under 44682
this division because of the final termination of the commitment 44683
resulting from the expiration of the maximum prison term or term 44684
of imprisonment described in division (J)(1)(b) of this section, 44685
the court or prosecutor may file an affidavit for the civil 44686
commitment of the defendant or person pursuant to Chapter 5122. or 44687
5123. of the Revised Code. 44688

(B) A hearing conducted under any provision of sections 44689
2945.37 to 2945.402 of the Revised Code shall not be conducted in 44690
accordance with Chapters 5122. and 5123. of the Revised Code. Any 44691
person who is committed pursuant to section 2945.39 or 2945.40 of 44692
the Revised Code shall not voluntarily admit the person or be 44693

voluntarily admitted to a hospital or institution pursuant to 44694
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 44695
All other provisions of Chapters 5122. and 5123. of the Revised 44696
Code regarding hospitalization or institutionalization shall apply 44697
to the extent they are not in conflict with this chapter. A 44698
commitment under section 2945.39 or 2945.40 of the Revised Code 44699
shall not be terminated and the conditions of the commitment shall 44700
not be changed except as otherwise provided in division (D)(2) of 44701
this section with respect to a mentally retarded person subject to 44702
institutionalization by court order or except by order of the 44703
trial court. 44704

(C) The ~~hospital, department of mental health or the~~ 44705
institution or facility, or program to which a defendant or person 44706
has been committed under section 2945.39 or 2945.40 of the Revised 44707
Code shall report in writing to the trial court, at the times 44708
specified in this division, as to whether the defendant or person 44709
remains a mentally ill person subject to hospitalization by court 44710
order or a mentally retarded person subject to 44711
institutionalization by court order and, in the case of a 44712
defendant committed under section 2945.39 of the Revised Code, as 44713
to whether the defendant remains incompetent to stand trial. The 44714
~~hospital department, institution, or facility, or program~~ shall 44715
make the reports after the initial six months of treatment and 44716
every two years after the initial report is made. The trial court 44717
shall provide copies of the reports to the prosecutor and to the 44718
counsel for the defendant or person. Within thirty days after its 44719
receipt pursuant to this division of a report from ~~a hospital~~ the 44720
department, institution, or facility, or program, the trial court 44721
shall hold a hearing on the continued commitment of the defendant 44722
or person or on any changes in the conditions of the commitment of 44723
the defendant or person. The defendant or person may request a 44724
change in the conditions of confinement, and the trial court shall 44725
conduct a hearing on that request if six months or more have 44726

elapsed since the most recent hearing was conducted under this 44727
section. 44728

(D)(1) Except as otherwise provided in division (D)(2) of 44729
this section, when a defendant or person has been committed under 44730
section 2945.39 or 2945.40 of the Revised Code, at any time after 44731
evaluating the risks to public safety and the welfare of the 44732
defendant or person, the ~~chief clinical officer~~ designee of the 44733
department of mental health or the managing officer of the 44734
institution or director of the ~~hospital, facility, or program~~ to 44735
which the defendant or person is committed may recommend a 44736
termination of the defendant's or person's commitment or a change 44737
in the conditions of the defendant's or person's commitment. 44738

Except as otherwise provided in division (D)(2) of this 44739
section, if the ~~chief clinical officer~~ designee of the department 44740
of mental health recommends on-grounds unsupervised movement, 44741
off-grounds supervised movement, or nonsecured status for the 44742
defendant or person or termination of the defendant's or person's 44743
commitment, the following provisions apply: 44744

(a) If the ~~chief clinical officer~~ department's designee 44745
recommends on-grounds unsupervised movement or off-grounds 44746
supervised movement, the ~~chief clinical officer~~ department's 44747
designee shall file with the trial court an application for 44748
approval of the movement and shall send a copy of the application 44749
to the prosecutor. Within fifteen days after receiving the 44750
application, the prosecutor may request a hearing on the 44751
application and, if a hearing is requested, shall so inform the 44752
~~chief clinical officer~~ department's designee. If the prosecutor 44753
does not request a hearing within the fifteen-day period, the 44754
trial court shall approve the application by entering its order 44755
approving the requested movement or, within five days after the 44756
expiration of the fifteen-day period, shall set a date for a 44757
hearing on the application. If the prosecutor requests a hearing 44758

on the application within the fifteen-day period, the trial court 44759
shall hold a hearing on the application within thirty days after 44760
the hearing is requested. If the trial court, within five days 44761
after the expiration of the fifteen-day period, sets a date for a 44762
hearing on the application, the trial court shall hold the hearing 44763
within thirty days after setting the hearing date. At least 44764
fifteen days before any hearing is held under this division, the 44765
trial court shall give the prosecutor written notice of the date, 44766
time, and place of the hearing. At the conclusion of each hearing 44767
conducted under this division, the trial court either shall 44768
approve or disapprove the application and shall enter its order 44769
accordingly. 44770

(b) If the ~~chief clinical officer~~ department's designee 44771
recommends termination of the defendant's or person's commitment 44772
at any time or if the ~~chief clinical officer~~ department's designee 44773
recommends the first of any nonsecured status for the defendant or 44774
person, the ~~chief clinical officer~~ department's designee shall 44775
send written notice of this recommendation to the trial court and 44776
to the local forensic center. The local forensic center shall 44777
evaluate the committed defendant or person and, within thirty days 44778
after its receipt of the written notice, shall submit to the trial 44779
court and the ~~chief clinical officer~~ department's designee a 44780
written report of the evaluation. The trial court shall provide a 44781
copy of the ~~chief clinical officer's~~ department's designee's 44782
written notice and of the local forensic center's written report 44783
to the prosecutor and to the counsel for the defendant or person. 44784
Upon the local forensic center's submission of the report to the 44785
trial court and the ~~chief clinical officer~~ department's designee, 44786
all of the following apply: 44787

(i) If the forensic center disagrees with the recommendation 44788
of the ~~chief clinical officer~~ department's designee, it shall 44789
inform the ~~chief clinical officer~~ department's designee and the 44790

trial court of its decision and the reasons for the decision. The 44791
~~chief clinical officer~~ department's designee, after consideration 44792
of the forensic center's decision, shall either withdraw, proceed 44793
with, or modify and proceed with the recommendation. If the ~~chief~~ 44794
~~clinical officer~~ department's designee proceeds with, or modifies 44795
and proceeds with, the recommendation, the ~~chief clinical officer~~ 44796
department's designee shall proceed in accordance with division 44797
(D)(1)(b)(iii) of this section. 44798

(ii) If the forensic center agrees with the recommendation of 44799
the ~~chief clinical officer~~ department's designee, it shall inform 44800
the ~~chief clinical officer~~ department's designee and the trial 44801
court of its decision and the reasons for the decision, and the 44802
~~chief clinical officer~~ department's designee shall proceed in 44803
accordance with division (D)(1)(b)(iii) of this section. 44804

(iii) If the forensic center disagrees with the 44805
recommendation of the ~~chief clinical officer~~ department's designee 44806
and the ~~chief clinical officer~~ department's designee proceeds 44807
with, or modifies and proceeds with, the recommendation or if the 44808
forensic center agrees with the recommendation of the ~~chief~~ 44809
~~clinical officer~~ department's designee, the ~~chief clinical officer~~ 44810
department's designee shall work with ~~the board~~ community mental 44811
health agencies, programs, facilities, or boards of alcohol, drug 44812
addiction, and mental health services ~~or community mental health~~ 44813
~~board serving the area, as appropriate,~~ to develop a plan to 44814
implement the recommendation. If the defendant or person is on 44815
medication, the plan shall include, but shall not be limited to, a 44816
system to monitor the defendant's or person's compliance with the 44817
prescribed medication treatment plan. The system shall include a 44818
schedule that clearly states when the defendant or person shall 44819
report for a medication compliance check. The medication 44820
compliance checks shall be based upon the effective duration of 44821
the prescribed medication, taking into account the route by which 44822

it is taken, and shall be scheduled at intervals sufficiently 44823
close together to detect a potential increase in mental illness 44824
symptoms that the medication is intended to prevent. 44825

44826

The ~~chief clinical officer, after consultation with the board~~ 44827
~~of alcohol, drug addiction, and mental health services or the~~ 44828
~~community mental health board serving the area,~~ department's 44829
designee shall send the recommendation and plan developed under 44830
division (D)(1)(b)(iii) of this section, in writing, to the trial 44831
court, the prosecutor and the counsel for the committed defendant 44832
or person. The trial court shall conduct a hearing on the 44833
recommendation and plan developed under division (D)(1)(b)(iii) of 44834
this section. Divisions (D)(1)(c) and (d) and (E) to (J) of this 44835
section apply regarding the hearing. 44836

(c) If the ~~chief clinical officer's~~ department's designee's 44837
recommendation is for nonsecured status or termination of 44838
commitment, the prosecutor may obtain an independent expert 44839
evaluation of the defendant's or person's mental condition, and 44840
the trial court may continue the hearing on the recommendation for 44841
a period of not more than thirty days to permit time for the 44842
evaluation. 44843

The prosecutor may introduce the evaluation report or present 44844
other evidence at the hearing in accordance with the Rules of 44845
Evidence. 44846

(d) The trial court shall schedule the hearing on a ~~chief~~ 44847
~~clinical officer's~~ department's designee's recommendation for 44848
nonsecured status or termination of commitment and shall give 44849
reasonable notice to the prosecutor and the counsel for the 44850
defendant or person. Unless continued for independent evaluation 44851
at the prosecutor's request or for other good cause, the hearing 44852
shall be held within thirty days after the trial court's receipt 44853
of the recommendation and plan. 44854

(2)(a) Division (D)(1) of this section does not apply to 44855
on-grounds unsupervised movement of a defendant or person who has 44856
been committed under section 2945.39 or 2945.40 of the Revised 44857
Code, who is a mentally retarded person subject to 44858
institutionalization by court order, and who is being provided 44859
residential habilitation, care, and treatment in a facility 44860
operated by the department of developmental disabilities. 44861

(b) If, pursuant to section 2945.39 of the Revised Code, the 44862
trial court commits a defendant who is found incompetent to stand 44863
trial and who is a mentally retarded person subject to 44864
institutionalization by court order, if the defendant is being 44865
provided residential habilitation, care, and treatment in a 44866
facility operated by the department of developmental disabilities, 44867
if an individual who is conducting a survey for the department of 44868
health to determine the facility's compliance with the 44869
certification requirements of the medicaid program under Chapter 44870
5111. of the Revised Code and Title XIX of the "Social Security 44871
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, cites the 44872
defendant's receipt of the residential habilitation, care, and 44873
treatment in the facility as being inappropriate under the 44874
certification requirements, if the defendant's receipt of the 44875
residential habilitation, care, and treatment in the facility 44876
potentially jeopardizes the facility's continued receipt of 44877
federal medicaid moneys, and if as a result of the citation the 44878
chief clinical officer of the facility determines that the 44879
conditions of the defendant's commitment should be changed, the 44880
department of developmental disabilities may cause the defendant 44881
to be removed from the particular facility and, after evaluating 44882
the risks to public safety and the welfare of the defendant and 44883
after determining whether another type of placement is consistent 44884
with the certification requirements, may place the defendant in 44885
another facility that the department selects as an appropriate 44886
facility for the defendant's continued receipt of residential 44887

habilitation, care, and treatment and that is a no less secure 44888
setting than the facility in which the defendant had been placed 44889
at the time of the citation. Within three days after the 44890
defendant's removal and alternative placement under the 44891
circumstances described in division (D)(2)(b) of this section, the 44892
department of developmental disabilities shall notify the trial 44893
court and the prosecutor in writing of the removal and alternative 44894
placement. 44895

The trial court shall set a date for a hearing on the removal 44896
and alternative placement, and the hearing shall be held within 44897
twenty-one days after the trial court's receipt of the notice from 44898
the department of developmental disabilities. At least ten days 44899
before the hearing is held, the trial court shall give the 44900
prosecutor, the department of developmental disabilities, and the 44901
counsel for the defendant written notice of the date, time, and 44902
place of the hearing. At the hearing, the trial court shall 44903
consider the citation issued by the individual who conducted the 44904
survey for the department of health to be prima-facie evidence of 44905
the fact that the defendant's commitment to the particular 44906
facility was inappropriate under the certification requirements of 44907
the medicaid program under Chapter 5111. of the Revised Code and 44908
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 44909
U.S.C.A. 301, as amended, and potentially jeopardizes the 44910
particular facility's continued receipt of federal medicaid 44911
moneys. At the conclusion of the hearing, the trial court may 44912
approve or disapprove the defendant's removal and alternative 44913
placement. If the trial court approves the defendant's removal and 44914
alternative placement, the department of developmental 44915
disabilities may continue the defendant's alternative placement. 44916
If the trial court disapproves the defendant's removal and 44917
alternative placement, it shall enter an order modifying the 44918
defendant's removal and alternative placement, but that order 44919
shall not require the department of developmental disabilities to 44920

replace the defendant for purposes of continued residential 44921
habilitation, care, and treatment in the facility associated with 44922
the citation issued by the individual who conducted the survey for 44923
the department of health. 44924

(E) In making a determination under this section regarding 44925
nonsecured status or termination of commitment, the trial court 44926
shall consider all relevant factors, including, but not limited 44927
to, all of the following: 44928

(1) Whether, in the trial court's view, the defendant or 44929
person currently represents a substantial risk of physical harm to 44930
the defendant or person or others; 44931

(2) Psychiatric and medical testimony as to the current 44932
mental and physical condition of the defendant or person; 44933

(3) Whether the defendant or person has insight into the 44934
defendant's or person's condition so that the defendant or person 44935
will continue treatment as prescribed or seek professional 44936
assistance as needed; 44937

(4) The grounds upon which the state relies for the proposed 44938
commitment; 44939

(5) Any past history that is relevant to establish the 44940
defendant's or person's degree of conformity to the laws, rules, 44941
regulations, and values of society; 44942

(6) If there is evidence that the defendant's or person's 44943
mental illness is in a state of remission, the medically suggested 44944
cause and degree of the remission and the probability that the 44945
defendant or person will continue treatment to maintain the 44946
remissive state of the defendant's or person's illness should the 44947
defendant's or person's commitment conditions be altered. 44948

(F) At any hearing held pursuant to division (C) or (D)(1) or 44949
(2) of this section, the defendant or the person shall have all 44950

the rights of a defendant or person at a commitment hearing as 44951
described in section 2945.40 of the Revised Code. 44952

(G) In a hearing held pursuant to division (C) or (D)(1) of 44953
this section, the prosecutor has the burden of proof as follows: 44954

(1) For a recommendation of termination of commitment, to 44955
show by clear and convincing evidence that the defendant or person 44956
remains a mentally ill person subject to hospitalization by court 44957
order or a mentally retarded person subject to 44958
institutionalization by court order; 44959

(2) For a recommendation for a change in the conditions of 44960
the commitment to a less restrictive status, to show by clear and 44961
convincing evidence that the proposed change represents a threat 44962
to public safety or a threat to the safety of any person. 44963

(H) In a hearing held pursuant to division (C) or (D)(1) or 44964
(2) of this section, the prosecutor shall represent the state or 44965
the public interest. 44966

(I) At the conclusion of a hearing conducted under division 44967
(D)(1) of this section regarding a recommendation from the ~~chief~~ 44968
~~clinical officer~~ designee of the department of mental health, 44969
managing officer of the institution, or director of a hospital, 44970
~~program, or~~ facility, the trial court may approve, disapprove, or 44971
modify the recommendation and shall enter an order accordingly. 44972

(J)(1) A defendant or person who has been committed pursuant 44973
to section 2945.39 or 2945.40 of the Revised Code continues to be 44974
under the jurisdiction of the trial court until the final 44975
termination of the commitment. For purposes of division (J) of 44976
this section, the final termination of a commitment occurs upon 44977
the earlier of one of the following: 44978

(a) The defendant or person no longer is a mentally ill 44979
person subject to hospitalization by court order or a mentally 44980
retarded person subject to institutionalization by court order, as 44981

determined by the trial court; 44982

(b) The expiration of the maximum prison term or term of 44983
imprisonment that the defendant or person could have received if 44984
the defendant or person had been convicted of the most serious 44985
offense with which the defendant or person is charged or in 44986
relation to which the defendant or person was found not guilty by 44987
reason of insanity; 44988

(c) The trial court enters an order terminating the 44989
commitment under the circumstances described in division 44990
(J)(2)(a)(ii) of this section. 44991

(2)(a) If a defendant is found incompetent to stand trial and 44992
committed pursuant to section 2945.39 of the Revised Code, if 44993
neither of the circumstances described in divisions (J)(1)(a) and 44994
(b) of this section applies to that defendant, and if a report 44995
filed with the trial court pursuant to division (C) of this 44996
section indicates that the defendant presently is competent to 44997
stand trial or if, at any other time during the period of the 44998
defendant's commitment, the prosecutor, the counsel for the 44999
defendant, or the ~~chief clinical officer~~ designee of the 45000
department of mental health or the managing officer of the 45001
institution or director of the ~~hospital, facility, or program~~ to 45002
which the defendant is committed files an application with the 45003
trial court alleging that the defendant presently is competent to 45004
stand trial and requesting a hearing on the competency issue or 45005
the trial court otherwise has reasonable cause to believe that the 45006
defendant presently is competent to stand trial and determines on 45007
its own motion to hold a hearing on the competency issue, the 45008
trial court shall schedule a hearing on the competency of the 45009
defendant to stand trial, shall give the prosecutor, the counsel 45010
for the defendant, and the ~~chief clinical officer~~ department's 45011
designee or the managing officer of the institution or the 45012
director of the facility to which the defendant is committed 45013

notice of the date, time, and place of the hearing at least 45014
fifteen days before the hearing, and shall conduct the hearing 45015
within thirty days of the filing of the application or of its own 45016
motion. If, at the conclusion of the hearing, the trial court 45017
determines that the defendant presently is capable of 45018
understanding the nature and objective of the proceedings against 45019
the defendant and of assisting in the defendant's defense, the 45020
trial court shall order that the defendant is competent to stand 45021
trial and shall be proceeded against as provided by law with 45022
respect to the applicable offenses described in division (C)(1) of 45023
section 2945.38 of the Revised Code and shall enter whichever of 45024
the following additional orders is appropriate: 45025

(i) If the trial court determines that the defendant remains 45026
a mentally ill person subject to hospitalization by court order or 45027
a mentally retarded person subject to institutionalization by 45028
court order, the trial court shall order that the defendant's 45029
commitment to the ~~hospital, department of mental health or to an~~ 45030
institution or facility, or program for the treatment of 45031
developmental disabilities be continued during the pendency of the 45032
trial on the applicable offenses described in division (C)(1) of 45033
section 2945.38 of the Revised Code. 45034

(ii) If the trial court determines that the defendant no 45035
longer is a mentally ill person subject to hospitalization by 45036
court order or a mentally retarded person subject to 45037
institutionalization by court order, the trial court shall order 45038
that the defendant's commitment to the ~~hospital, department of~~ 45039
mental health or to an institution or facility, or program for the 45040
treatment of developmental disabilities shall not be continued 45041
during the pendency of the trial on the applicable offenses 45042
described in division (C)(1) of section 2945.38 of the Revised 45043
Code. This order shall be a final termination of the commitment 45044
for purposes of division (J)(1)(c) of this section. 45045

(b) If, at the conclusion of the hearing described in 45046
division (J)(2)(a) of this section, the trial court determines 45047
that the defendant remains incapable of understanding the nature 45048
and objective of the proceedings against the defendant or of 45049
assisting in the defendant's defense, the trial court shall order 45050
that the defendant continues to be incompetent to stand trial, 45051
that the defendant's commitment to the ~~hospital,~~ department of 45052
mental health or to an institution or facility, ~~or program for the~~ 45053
treatment of developmental disabilities shall be continued, and 45054
that the defendant remains subject to the jurisdiction of the 45055
trial court pursuant to that commitment, and to the provisions of 45056
this section, until the final termination of the commitment as 45057
described in division (J)(1) of this section. 45058

Sec. 2945.402. (A) In approving a conditional release, the 45059
trial court may set any conditions on the release with respect to 45060
the treatment, evaluation, counseling, or control of the defendant 45061
or person that the court considers necessary to protect the public 45062
safety and the welfare of the defendant or person. The trial court 45063
may revoke a defendant's or person's conditional release and order 45064
~~rehospitalization~~ reinstatement of the previous placement or 45065
reinstitutionalization at any time the conditions of the release 45066
have not been satisfied, provided that the revocation shall be in 45067
accordance with this section. 45068

(B) A conditional release is a commitment. The hearings on 45069
continued commitment as described in section 2945.401 of the 45070
Revised Code apply to a defendant or person on conditional 45071
release. 45072

(C) A person, agency, or facility that is assigned to monitor 45073
a defendant or person on conditional release immediately shall 45074
notify the trial court on learning that the defendant or person 45075
being monitored has violated the terms of the conditional release. 45076

Upon learning of any violation of the terms of the conditional 45077
release, the trial court may issue a temporary order of detention 45078
or, if necessary, an arrest warrant for the defendant or person. 45079
Within ten court days after the defendant's or person's detention 45080
or arrest, the trial court shall conduct a hearing to determine 45081
whether the conditional release should be modified or terminated. 45082
At the hearing, the defendant or person shall have the same rights 45083
as are described in division (C) of section 2945.40 of the Revised 45084
Code. The trial court may order a continuance of the ten-court-day 45085
period for no longer than ten days for good cause shown or for any 45086
period on motion of the defendant or person. If the trial court 45087
fails to conduct the hearing within the ten-court-day period and 45088
does not order a continuance in accordance with this division, the 45089
defendant or person shall be restored to the prior conditional 45090
release status. 45091

(D) The trial court shall give all parties reasonable notice 45092
of a hearing conducted under this section. At the hearing, the 45093
prosecutor shall present the case demonstrating that the defendant 45094
or person violated the terms of the conditional release. If the 45095
court finds by a preponderance of the evidence that the defendant 45096
or person violated the terms of the conditional release, the court 45097
may continue, modify, or terminate the conditional release and 45098
shall enter its order accordingly. 45099

Sec. 2949.14. Upon conviction of a nonindigent person for a 45100
felony, the clerk of the court of common pleas shall make and 45101
certify under ~~his~~ the clerk's hand and seal of the court, a 45102
complete itemized bill of the costs made in such prosecution, 45103
including the sum paid by the board of county commissioners, 45104
certified by the county auditor, for the arrest and return of the 45105
person on the requisition of the governor, or on the request of 45106
the governor to the president of the United States, or on the 45107
return of the fugitive by a designated agent pursuant to a waiver 45108

of extradition except in cases of parole violation. ~~Such bill of~~ 45109
~~costs shall be presented by such clerk to the prosecuting~~ 45110
~~attorney, who shall examine each item therein charged and certify~~ 45111
~~to it if correct and legal. Upon certification by the prosecuting~~ 45112
~~attorney, the~~ The clerk shall attempt to collect the costs from 45113
the person convicted. 45114

Sec. 2981.11. (A)(1) Any property that has been lost, 45115
abandoned, stolen, seized pursuant to a search warrant, or 45116
otherwise lawfully seized or forfeited and that is in the custody 45117
of a law enforcement agency shall be kept safely by the agency, 45118
pending the time it no longer is needed as evidence or for another 45119
lawful purpose, and shall be disposed of pursuant to sections 45120
2981.12 and 2981.13 of the Revised Code. 45121

(2) This chapter does not apply to the custody and disposal 45122
of any of the following: 45123

(a) Vehicles subject to forfeiture under Title XLV of the 45124
Revised Code, except as provided in division (A)(6) of section 45125
2981.12 of the Revised Code; 45126

(b) Abandoned junk motor vehicles or other property of 45127
negligible value; 45128

(c) Property held by a department of rehabilitation and 45129
correction institution that is unclaimed, that does not have an 45130
identified owner, that the owner agrees to dispose of, or that is 45131
identified by the department as having little value; 45132

(d) Animals taken, and devices used in unlawfully taking 45133
animals, under section 1531.20 of the Revised Code; 45134

(e) Controlled substances sold by a peace officer in the 45135
performance of the officer's official duties under section 45136
3719.141 of the Revised Code; 45137

(f) Property recovered by a township law enforcement agency 45138

under sections 505.105 to 505.109 of the Revised Code; 45139

(g) Property held and disposed of under an ordinance of the 45140
municipal corporation or under sections 737.29 to 737.33 of the 45141
Revised Code, except that a municipal corporation that has 45142
received notice of a citizens' reward program as provided in 45143
division (F) of section 2981.12 of the Revised Code and disposes 45144
of property under an ordinance shall pay twenty-five per cent of 45145
any moneys acquired from any sale or auction to the citizens' 45146
reward program. 45147

(B)(1) Each law enforcement agency that has custody of any 45148
property that is subject to this section shall adopt and comply 45149
with a written internal control policy that does all of the 45150
following: 45151

(a) Provides for keeping detailed records as to the amount of 45152
property acquired by the agency and the date property was 45153
acquired; 45154

(b) Provides for keeping detailed records of the disposition 45155
of the property, which shall include, but not be limited to, both 45156
of the following: 45157

(i) The manner in which it was disposed, the date of 45158
disposition, detailed financial records concerning any property 45159
sold, and the name of any person who received the property. The 45160
record shall not identify or enable identification of the 45161
individual officer who seized any item of property. 45162

(ii) The general types of expenditures made with amounts that 45163
are gained from the sale of the property and that are retained by 45164
the agency, including the specific amount expended on each general 45165
type of expenditure, except that the policy shall not provide for 45166
or permit the identification of any specific expenditure that is 45167
made in an ongoing investigation. 45168

(c) Complies with section 2981.13 of the Revised Code if the 45169

agency has a law enforcement trust fund or similar fund created 45170
under that section. 45171

(2) Each law enforcement agency that during any calendar year 45172
has any seized or forfeited property covered by this section in 45173
its custody, including amounts distributed under section 2981.13 45174
of the Revised Code to its law enforcement trust fund or a similar 45175
fund created for the state highway patrol, department of public 45176
safety, department of taxation, or state board of pharmacy, shall 45177
prepare a report covering the calendar year that cumulates all of 45178
the information contained in all of the public records kept by the 45179
agency pursuant to this section for that calendar year. The agency 45180
shall send a copy of the cumulative report to the attorney general 45181
not later than the first day of March in the calendar year 45182
following the calendar year covered by the report. 45183

(3) The records kept under the internal control policy shall 45184
be open to public inspection during the agency's regular business 45185
hours. The policy adopted under this section and each report 45186
received by the attorney general is a public record open for 45187
inspection under section 149.43 of the Revised Code. 45188

(4) Not later than the fifteenth day of April in each 45189
calendar year in which reports are sent to the attorney general 45190
under division (B)(2) of this section, the attorney general shall 45191
send to the president of the senate and the speaker of the house 45192
of representatives a written notice that indicates that the 45193
attorney general received reports that cover the previous calendar 45194
year, that the reports are open for inspection under section 45195
149.43 of the Revised Code, and that the attorney general will 45196
provide a copy of any or all of the reports to the president of 45197
the senate or the speaker of the house of representatives upon 45198
request. 45199

(C) A law enforcement agency with custody of property to be 45200
disposed of under section 2981.12 or 2981.13 of the Revised Code 45201

shall make a reasonable effort to locate persons entitled to 45202
possession of the property, to notify them of when and where it 45203
may be claimed, and to return the property to them at the earliest 45204
possible time. In the absence of evidence identifying persons 45205
entitled to possession, it is sufficient notice to advertise in a 45206
newspaper of general circulation in the county and to briefly 45207
describe the nature of the property in custody and inviting 45208
persons to view and establish their right to it. 45209

(D) As used in sections 2981.11 to 2981.13 of the Revised 45210
Code: 45211

(1) "Citizens' reward program" has the same meaning as in 45212
section 9.92 of the Revised Code. 45213

(2) "Law enforcement agency" includes correctional 45214
institutions. 45215

(3) "Township law enforcement agency" means an organized 45216
police department of a township, a township police district, a 45217
joint ~~township~~ police district, or the office of a township 45218
constable. 45219

Sec. 2981.12. (A) Unclaimed or forfeited property in the 45220
custody of a law enforcement agency, other than property described 45221
in division (A)(2) of section 2981.11 of the Revised Code, shall 45222
be disposed of by order of any court of record that has 45223
territorial jurisdiction over the political subdivision that 45224
employs the law enforcement agency, as follows: 45225

(1) Drugs shall be disposed of pursuant to section 3719.11 of 45226
the Revised Code or placed in the custody of the secretary of the 45227
treasury of the United States for disposal or use for medical or 45228
scientific purposes under applicable federal law. 45229

(2) Firearms and dangerous ordnance suitable for police work 45230
may be given to a law enforcement agency for that purpose. 45231

Firearms suitable for sporting use or as museum pieces or 45232
collectors' items may be sold at public auction pursuant to 45233
division (B) of this section. The agency ~~shall destroy~~ may sell 45234
other firearms and dangerous ordnance ~~or~~ to a federally licensed 45235
firearms dealer in a manner that the court considers proper. The 45236
agency shall destroy any firearms or dangerous ordnance not given 45237
to a law enforcement agency or sold or shall send them to the 45238
bureau of criminal identification and investigation for 45239
destruction by the bureau. 45240

(3) Obscene materials shall be destroyed. 45241

(4) Beer, intoxicating liquor, or alcohol seized from a 45242
person who does not hold a permit issued under Chapters 4301. and 45243
4303. of the Revised Code or otherwise forfeited to the state for 45244
an offense under section 4301.45 or 4301.53 of the Revised Code 45245
shall be sold by the division of liquor control if the division 45246
determines that it is fit for sale or shall be placed in the 45247
custody of the investigations unit in the department of public 45248
safety and be used for training relating to law enforcement 45249
activities. The department, with the assistance of the division of 45250
liquor control, shall adopt rules in accordance with Chapter 119. 45251
of the Revised Code to provide for the distribution to state or 45252
local law enforcement agencies upon their request. If any tax 45253
imposed under Title XLIII of the Revised Code has not been paid in 45254
relation to the beer, intoxicating liquor, or alcohol, any moneys 45255
acquired from the sale shall first be used to pay the tax. All 45256
other money collected under this division shall be paid into the 45257
state treasury. Any beer, intoxicating liquor, or alcohol that the 45258
division determines to be unfit for sale shall be destroyed. 45259

(5) Money received by an inmate of a correctional institution 45260
from an unauthorized source or in an unauthorized manner shall be 45261
returned to the sender, if known, or deposited in the inmates' 45262
industrial and entertainment fund of the institution if the sender 45263

is not known. 45264

(6)(a) Any mobile instrumentality forfeited under this 45265
chapter may be given to the law enforcement agency that initially 45266
seized the mobile instrumentality for use in performing its 45267
duties, if the agency wants the mobile instrumentality. The agency 45268
shall take the mobile instrumentality subject to any security 45269
interest or lien on the mobile instrumentality. 45270

(b) Vehicles and vehicle parts forfeited under sections 45271
4549.61 to 4549.63 of the Revised Code may be given to a law 45272
enforcement agency for use in performing its duties. Those parts 45273
may be incorporated into any other official vehicle. Parts that do 45274
not bear vehicle identification numbers or derivatives of them may 45275
be sold or disposed of as provided by rules of the director of 45276
public safety. Parts from which a vehicle identification number or 45277
derivative of it has been removed, defaced, covered, altered, or 45278
destroyed and that are not suitable for police work or 45279
incorporation into an official vehicle shall be destroyed and sold 45280
as junk or scrap. 45281

(7) Computers, computer networks, computer systems, and 45282
computer software suitable for police work may be given to a law 45283
enforcement agency for that purpose or disposed of under division 45284
(B) of this section. 45285

(B) Unclaimed or forfeited property that is not described in 45286
division (A) of this section or division (A)(2) of section 2981.11 45287
of the Revised Code, with court approval, may be used by the law 45288
enforcement agency in possession of it. If it is not used by the 45289
agency, it may be sold without appraisal at a public auction to 45290
the highest bidder for cash or disposed of in another manner that 45291
the court considers proper. 45292

(C) Except as provided in divisions (A) and (F) of this 45293
section and after compliance with division (D) of this section 45294

when applicable, any moneys acquired from the sale of property 45295
disposed of pursuant to this section shall be placed in the 45296
general revenue fund of the state, or the general fund of the 45297
county, the township, or the municipal corporation of which the 45298
law enforcement agency involved is an agency. 45299

(D) If the property was in the possession of the law 45300
enforcement agency in relation to a delinquent child proceeding in 45301
a juvenile court, ten per cent of any moneys acquired from the 45302
sale of property disposed of under this section shall be applied 45303
to one or more alcohol and drug addiction treatment programs that 45304
are certified by the department of alcohol and drug addiction 45305
services under section 3793.06 of the Revised Code. A juvenile 45306
court shall not specify a program, except as provided in this 45307
division, unless the program is in the same county as the court or 45308
in a contiguous county. If no certified program is located in any 45309
of those counties, the juvenile court may specify a certified 45310
program anywhere in Ohio. The remaining ninety per cent of the 45311
proceeds or cash shall be applied as provided in division (C) of 45312
this section. 45313

Each treatment program that receives in any calendar year 45314
forfeited money under this division shall file an annual report 45315
for that year with the attorney general and with the court of 45316
common pleas and board of county commissioners of the county in 45317
which the program is located and of any other county from which 45318
the program received forfeited money. The program shall file the 45319
report on or before the first day of March in the calendar year 45320
following the calendar year in which the program received the 45321
money. The report shall include statistics on the number of 45322
persons the program served, identify the types of treatment 45323
services it provided to them, and include a specific accounting of 45324
the purposes for which it used the money so received. No 45325
information contained in the report shall identify, or enable a 45326

person to determine the identity of, any person served by the 45327
program. 45328

(E) Each certified alcohol and drug addiction treatment 45329
program that receives in any calendar year money under this 45330
section or under section 2981.13 of the Revised Code as the result 45331
of a juvenile forfeiture order shall file an annual report for 45332
that calendar year with the attorney general and with the court of 45333
common pleas and board of county commissioners of the county in 45334
which the program is located and of any other county from which 45335
the program received the money. The program shall file the report 45336
on or before the first day of March in the calendar year following 45337
the year in which the program received the money. The report shall 45338
include statistics on the number of persons served with the money, 45339
identify the types of treatment services provided, and 45340
specifically account for how the money was used. No information in 45341
the report shall identify or enable a person to determine the 45342
identity of anyone served by the program. 45343

As used in this division, "juvenile-related forfeiture order" 45344
means any forfeiture order issued by a juvenile court under 45345
section 2981.04 or 2981.05 of the Revised Code and any disposal of 45346
property ordered by a court under section 2981.11 of the Revised 45347
Code regarding property that was in the possession of a law 45348
enforcement agency in relation to a delinquent child proceeding in 45349
a juvenile court. 45350

(F) Each board of county commissioners that recognizes a 45351
citizens' reward program under section 9.92 of the Revised Code 45352
shall notify each law enforcement agency of that county and of a 45353
township or municipal corporation wholly located in that county of 45354
the recognition by filing a copy of its resolution conferring that 45355
recognition with each of those agencies. When the board recognizes 45356
a citizens' reward program and the county includes a part, but not 45357
all, of the territory of a municipal corporation, the board shall 45358

so notify the law enforcement agency of that municipal corporation 45359
of the recognition of the citizens' reward program only if the 45360
county contains the highest percentage of the municipal 45361
corporation's population. 45362

Upon being so notified, each law enforcement agency shall pay 45363
twenty-five per cent of any forfeited proceeds or cash derived 45364
from each sale of property disposed of pursuant to this section to 45365
the citizens' reward program for use exclusively to pay rewards. 45366
No part of the funds may be used to pay expenses associated with 45367
the program. If a citizens' reward program that operates in more 45368
than one county or in another state in addition to this state 45369
receives funds under this section, the funds shall be used to pay 45370
rewards only for tips and information to law enforcement agencies 45371
concerning offenses committed in the county from which the funds 45372
were received. 45373

Receiving funds under this section or section 2981.11 of the 45374
Revised Code does not make the citizens' reward program a 45375
governmental unit or public office for purposes of section 149.43 45376
of the Revised Code. 45377

(G) Any property forfeited under this chapter shall not be 45378
used to pay any fine imposed upon a person who is convicted of or 45379
pleads guilty to an underlying criminal offense or a different 45380
offense arising out of the same facts and circumstances. 45381

Sec. 2981.13. (A) Except as otherwise provided in this 45382
section, property ordered forfeited as contraband, proceeds, or an 45383
instrumentality pursuant to this chapter shall be disposed of, 45384
used, or sold pursuant to section 2981.12 of the Revised Code. If 45385
the property is to be sold under that section, the prosecutor 45386
shall cause notice of the proposed sale to be given in accordance 45387
with law. 45388

(B) If the contraband or instrumentality forfeited under this 45389

chapter is sold, any moneys acquired from a sale and any proceeds 45390
forfeited under this chapter shall be applied in the following 45391
order: 45392

(1) First, to pay costs incurred in the seizure, storage, 45393
maintenance, security, and sale of the property and in the 45394
forfeiture proceeding; 45395

(2) Second, in a criminal forfeiture case, to satisfy any 45396
restitution ordered to the victim of the offense or, in a civil 45397
forfeiture case, to satisfy any recovery ordered for the person 45398
harmed, unless paid from other assets; 45399

(3) Third, to pay the balance due on any security interest 45400
preserved under this chapter; 45401

(4) Fourth, apply the remaining amounts as follows: 45402

(a) If the forfeiture was ordered by a juvenile court, ten 45403
per cent to one or more certified alcohol and drug addiction 45404
treatment programs as provided in division (D) of section 2981.12 45405
of the Revised Code; 45406

(b) If the forfeiture was ordered in a juvenile court, ninety 45407
per cent, and if the forfeiture was ordered in a court other than 45408
a juvenile court, one hundred per cent to the law enforcement 45409
trust fund of the prosecutor and to the following fund supporting 45410
the law enforcement agency that substantially conducted the 45411
investigation: the law enforcement trust fund of the county 45412
sheriff, municipal corporation, township, or park district created 45413
under section 511.18 or 1545.01 of the Revised Code; the state 45414
highway patrol contraband, forfeiture, and other fund; the 45415
department of public safety investigative unit contraband, 45416
forfeiture, and other fund; the department of taxation enforcement 45417
fund; the board of pharmacy drug law enforcement fund created by 45418
division (B)(1) of section 4729.65 of the Revised Code; the 45419
medicaid fraud investigation and prosecution fund; or the 45420

treasurer of state for deposit into the peace officer training 45421
commission fund if any other state law enforcement agency 45422
substantially conducted the investigation. In the case of property 45423
forfeited for medicaid fraud, any remaining amount shall be used 45424
by the attorney general to investigate and prosecute medicaid 45425
fraud offenses. 45426

If the prosecutor declines to accept any of the remaining 45427
amounts, the amounts shall be applied to the fund of the agency 45428
that substantially conducted the investigation. 45429

(c) If more than one law enforcement agency is substantially 45430
involved in the seizure of property forfeited under this chapter, 45431
the court ordering the forfeiture shall equitably divide the 45432
amounts, after calculating any distribution to the law enforcement 45433
trust fund of the prosecutor pursuant to division (B)(4) of this 45434
section, among the entities that the court determines were 45435
substantially involved in the seizure. 45436

(C)(1) A law enforcement trust fund shall be established by 45437
the prosecutor of each county who intends to receive any remaining 45438
amounts pursuant to this section, by the sheriff of each county, 45439
by the legislative authority of each municipal corporation, by the 45440
board of township trustees of each township that has a township 45441
police department, township or joint police district police force, 45442
or office of the constable, and by the board of park commissioners 45443
of each park district created pursuant to section 511.18 or 45444
1545.01 of the Revised Code that has a park district police force 45445
or law enforcement department, for the purposes of this section. 45446

There is hereby created in the state treasury the state 45447
highway patrol contraband, forfeiture, and other fund, the 45448
department of public safety investigative unit contraband, 45449
forfeiture, and other fund, the medicaid fraud investigation and 45450
prosecution fund, the department of taxation enforcement fund, and 45451
the peace officer training commission fund, for the purposes of 45452

this section. 45453

Amounts distributed to any municipal corporation, township, 45454
or park district law enforcement trust fund shall be allocated 45455
from the fund by the legislative authority only to the police 45456
department of the municipal corporation, by the board of township 45457
trustees only to the township police department, township police 45458
district police force, or office of the constable, by the joint 45459
police district board only to the joint police district, and by 45460
the board of park commissioners only to the park district police 45461
force or law enforcement department. 45462

(2)(a) No amounts shall be allocated to a fund created under 45463
this section or used by an agency unless the agency has adopted a 45464
written internal control policy that addresses the use of moneys 45465
received from the appropriate fund. The appropriate fund shall be 45466
expended only in accordance with that policy and, subject to the 45467
requirements specified in this section, only for the following 45468
purposes: 45469

(i) To pay the costs of protracted or complex investigations 45470
or prosecutions; 45471

(ii) To provide reasonable technical training or expertise; 45472

(iii) To provide matching funds to obtain federal grants to 45473
aid law enforcement, in the support of DARE programs or other 45474
programs designed to educate adults or children with respect to 45475
the dangers associated with the use of drugs of abuse; 45476

(iv) To pay the costs of emergency action taken under section 45477
3745.13 of the Revised Code relative to the operation of an 45478
illegal methamphetamine laboratory if the forfeited property or 45479
money involved was that of a person responsible for the operation 45480
of the laboratory; 45481

(v) For other law enforcement purposes that the 45482
superintendent of the state highway patrol, department of public 45483

safety, prosecutor, county sheriff, legislative authority, 45484
department of taxation, board of township trustees, or board of 45485
park commissioners determines to be appropriate. 45486

(b) The board of pharmacy drug law enforcement fund shall be 45487
expended only in accordance with the written internal control 45488
policy so adopted by the board and only in accordance with section 45489
4729.65 of the Revised Code, except that it also may be expended 45490
to pay the costs of emergency action taken under section 3745.13 45491
of the Revised Code relative to the operation of an illegal 45492
methamphetamine laboratory if the forfeited property or money 45493
involved was that of a person responsible for the operation of the 45494
laboratory. 45495

(c) The state highway patrol contraband, forfeiture, and 45496
other fund, the department of public safety investigative unit 45497
contraband, forfeiture, and other fund, the department of taxation 45498
enforcement fund, the board of pharmacy drug law enforcement fund, 45499
and a law enforcement trust fund shall not be used to meet the 45500
operating costs of the state highway patrol, of the investigative 45501
unit of the department of public safety, of the state board of 45502
pharmacy, of any political subdivision, or of any office of a 45503
prosecutor or county sheriff that are unrelated to law 45504
enforcement. 45505

(d) Forfeited moneys that are paid into the state treasury to 45506
be deposited into the peace officer training commission fund shall 45507
be used by the commission only to pay the costs of peace officer 45508
training. 45509

(3) Any of the following offices or agencies that receive 45510
amounts under this section during any calendar year shall file a 45511
report with the specified entity, not later than the thirty-first 45512
day of January of the next calendar year, verifying that the 45513
moneys were expended only for the purposes authorized by this 45514
section or other relevant statute and specifying the amounts 45515

expended for each authorized purpose: 45516

(a) Any sheriff or prosecutor shall file the report with the 45517
county auditor. 45518

(b) Any municipal corporation police department shall file 45519
the report with the legislative authority of the municipal 45520
corporation. 45521

(c) Any township police department, township or joint police 45522
district police force, or office of the constable shall file the 45523
report with the board of township trustees of the township. 45524

(d) Any park district police force or law enforcement 45525
department shall file the report with the board of park 45526
commissioners of the park district. 45527

(e) The superintendent of the state highway patrol and the 45528
tax commissioner shall file the report with the attorney general. 45529

(f) The executive director of the state board of pharmacy 45530
shall file the report with the attorney general, verifying that 45531
cash and forfeited proceeds paid into the board of pharmacy drug 45532
law enforcement fund were used only in accordance with section 45533
4729.65 of the Revised Code. 45534

(g) The peace officer training commission shall file a report 45535
with the attorney general, verifying that cash and forfeited 45536
proceeds paid into the peace officer training commission fund 45537
pursuant to this section during the prior calendar year were used 45538
by the commission during the prior calendar year only to pay the 45539
costs of peace officer training. 45540

(D) The written internal control policy of a county sheriff, 45541
prosecutor, municipal corporation police department, township 45542
police department, township or joint police district police force, 45543
office of the constable, or park district police force or law 45544
enforcement department shall provide that at least ten per cent of 45545

the first one hundred thousand dollars of amounts deposited during 45546
each calendar year in the agency's law enforcement trust fund 45547
under this section, and at least twenty per cent of the amounts 45548
exceeding one hundred thousand dollars that are so deposited, 45549
shall be used in connection with community preventive education 45550
programs. The manner of use shall be determined by the sheriff, 45551
prosecutor, department, police force, or office of the constable 45552
after receiving and considering advice on appropriate community 45553
preventive education programs from the county's board of alcohol, 45554
drug addiction, and mental health services, from the county's 45555
alcohol and drug addiction services board, or through appropriate 45556
community dialogue. 45557

The financial records kept under the internal control policy 45558
shall specify the amount deposited during each calendar year in 45559
the portion of that amount that was used pursuant to this 45560
division, and the programs in connection with which the portion of 45561
that amount was so used. 45562

As used in this division, "community preventive education 45563
programs" include, but are not limited to, DARE programs and other 45564
programs designed to educate adults or children with respect to 45565
the dangers associated with using drugs of abuse. 45566

(E) Upon the sale, under this section or section 2981.12 of 45567
the Revised Code, of any property that is required by law to be 45568
titled or registered, the state shall issue an appropriate 45569
certificate of title or registration to the purchaser. If the 45570
state is vested with title and elects to retain property that is 45571
required to be titled or registered under law, the state shall 45572
issue an appropriate certificate of title or registration. 45573

(F) Any failure of a law enforcement officer or agency, 45574
prosecutor, court, or the attorney general to comply with this 45575
section in relation to any property seized does not affect the 45576
validity of the seizure and shall not be considered to be the 45577

basis for suppressing any evidence resulting from the seizure, 45578
provided the seizure itself was lawful. 45579

Sec. 3109.16. (A) The children's trust fund board, upon the 45580
recommendation of the director of job and family services, shall 45581
approve the employment of an executive director who will 45582
administer the programs of the board. ~~The~~ 45583

(B) The department of job and family services shall provide 45584
budgetary, procurement, accounting, and other related management 45585
functions for the board and may adopt rules in accordance with 45586
Chapter 119. of the Revised Code for these purposes. An amount not 45587
to exceed three per cent of the total amount of fees deposited in 45588
the children's trust fund in each fiscal year may be used for 45589
costs directly related to these administrative functions of the 45590
department. Each fiscal year, the board shall approve a budget for 45591
administrative expenditures for the next fiscal year. 45592

(C) The board may request that the department adopt rules the 45593
board considers necessary for the purpose of carrying out the 45594
board's responsibilities under this section, and the department 45595
may adopt those rules. The department may, after consultation with 45596
the board and the executive director, adopt any other rules to 45597
assist the board in carrying out its responsibilities under this 45598
section. In either case, the rules shall be adopted under Chapter 45599
119. of the Revised Code. 45600

(D) The board shall meet at least quarterly at the call of 45601
the chairperson to conduct its official business. All business 45602
transactions of the board shall be conducted in public meetings. 45603
Eight members of the board constitute a quorum. A majority of the 45604
board members is required to adopt the state plan for the 45605
allocation of funds from the children's trust fund. A majority of 45606
the quorum is required to make all other decisions of the board. 45607

~~The~~ (E) With respect to funding, all of the following apply: 45608

(1) The board may apply for and accept federal and other 45609
funds for the purpose of funding child abuse and child neglect 45610
prevention programs. ~~In addition, the~~ 45611

(2) The board may solicit and accept gifts, money, and other 45612
donations from any public or private source, including 45613
individuals, philanthropic foundations or organizations, 45614
corporations, or corporation endowments. ~~The~~ 45615

(3) The board may develop private-public partnerships to 45616
support the mission of the children's trust fund. 45617

(4) The acceptance and use of federal and other funds shall 45618
not entail any commitment or pledge of state funds, nor obligate 45619
the general assembly to continue the programs or activities for 45620
which the federal and other funds are made available. ~~All~~ 45621

(5) All funds received in the manner described in this 45622
section shall be transmitted to the treasurer of state, who shall 45623
credit them to the children's trust fund created in section 45624
3109.14 of the Revised Code. 45625

Sec. 3111.04. (A) An action to determine the existence or 45626
nonexistence of the father and child relationship may be brought 45627
by the child or the child's personal representative, the child's 45628
mother or her personal representative, a man alleged or alleging 45629
himself to be the child's father, the child support enforcement 45630
agency of the county in which the child resides if the child's 45631
mother, father, or alleged father is a recipient of public 45632
assistance or of services under Title IV-D of the "Social Security 45633
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 45634
alleged father's personal representative. 45635

(B) An agreement does not bar an action under this section. 45636

(C) If an action under this section is brought before the 45637
birth of the child and if the action is contested, all 45638

proceedings, except service of process and the taking of 45639
depositions to perpetuate testimony, may be stayed until after the 45640
birth. 45641

(D) A recipient of public assistance or of services under 45642
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 45643
U.S.C.A. 651, as amended, shall cooperate with the child support 45644
enforcement agency of the county in which a child resides to 45645
obtain an administrative determination pursuant to sections 45646
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 45647
determination pursuant to sections 3111.01 to 3111.18 of the 45648
Revised Code, of the existence or nonexistence of a parent and 45649
child relationship between the father and the child. If the 45650
recipient fails to cooperate, the agency may commence an action to 45651
determine the existence or nonexistence of a parent and child 45652
relationship between the father and the child pursuant to sections 45653
3111.01 to 3111.18 of the Revised Code. 45654

(E) As used in this section, "public assistance" means all of 45655
the following: 45656

(1) Medicaid under Chapter 5111. of the Revised Code; 45657

(2) Ohio works first under Chapter 5107. of the Revised Code; 45658

(3) Disability financial assistance under Chapter 5115. of 45659
the Revised Code; 45660

~~(4) Children's buy in program under sections 5101.5211 to 45661
5101.5216 of the Revised Code. 45662~~

Sec. 3113.06. No father, or mother when she is charged with 45663
the maintenance, of a child under eighteen years of age, or a 45664
mentally or physically handicapped child under age twenty-one, who 45665
is legally a ward of a public children services agency or is the 45666
recipient of aid pursuant to ~~sections 5101.5211 to 5101.5216 or~~ 45667
Chapter 5107. or 5115. of the Revised Code, shall neglect or 45668

refuse to pay such agency the reasonable cost of maintaining such 45669
child when such father or mother is able to do so by reason of 45670
property, labor, or earnings. 45671

An offense under this section shall be held committed in the 45672
county in which the agency is located. The agency shall file 45673
charges against any parent who violates this section, unless the 45674
agency files charges under section 2919.21 of the Revised Code, or 45675
unless charges of nonsupport are filed by a relative or guardian 45676
of the child, or unless an action to enforce support is brought 45677
under Chapter 3115. of the Revised Code. 45678

Sec. 3119.54. A party to a child support order issued in 45679
accordance with section 3119.30 of the Revised Code shall notify 45680
any physician, hospital, or other provider of medical services 45681
that provides medical services to the child who is the subject of 45682
the child support order of the number of any health insurance or 45683
health care policy, contract, or plan that covers the child if the 45684
child is eligible for medical assistance under ~~sections 5101.5211~~ 45685
~~to 5101.5216~~ or Chapter 5111. of the Revised Code. The party shall 45686
include in the notice the name and address of the insurer. Any 45687
physician, hospital, or other provider of medical services for 45688
which medical assistance is available under ~~sections 5101.5211 to~~ 45689
~~5101.5216~~ or Chapter 5111. of the Revised Code who is notified 45690
under this section of the existence of a health insurance or 45691
health care policy, contract, or plan with coverage for children 45692
who are eligible for medical assistance shall first bill the 45693
insurer for any services provided for those children. If the 45694
insurer fails to pay all or any part of a claim filed under this 45695
section and the services for which the claim is filed are covered 45696
by ~~sections 5101.5211 to 5101.5216~~ or Chapter 5111. of the Revised 45697
Code, the physician, hospital, or other medical services provider 45698
shall bill the remaining unpaid costs of the services in 45699
accordance with ~~sections 5101.5211 to 5101.5216~~ or Chapter 5111. 45700

of the Revised Code. 45701

Sec. 3121.48. The office of child support shall ~~maintain~~ 45702
administer a separate account fund for the deposit of support 45703
payments it receives as trustee for remittance to the persons 45704
entitled to receive the support payments. The fund shall be in the 45705
custody of the treasurer of state, but shall not be part of the 45706
state treasury. 45707

Sec. 3123.44. (A) Notice shall be sent to an individual 45708
described in section 3123.42 of the Revised Code in compliance 45709
with section 3121.23 of the Revised Code. The notice shall specify 45710
that a court or child support enforcement agency has determined 45711
the individual to be in default under a child support order or 45712
that the individual is an obligor who has failed to comply with a 45713
subpoena or warrant issued by a court or agency with respect to a 45714
proceeding to enforce a child support order, that a notice 45715
containing the individual's name and social security number or 45716
other identification number may be sent to every board that has 45717
authority to issue or has issued the individual a license, and 45718
that, if the board receives that notice and determines that the 45719
individual is the individual named in that notice and the board 45720
has not received notice under section 3123.45 or 3123.46 of the 45721
Revised Code, all of the following will occur: 45722

~~(A)~~(1) The board will not issue any license to the individual 45723
or renew any license of the individual. 45724

~~(B)~~(2) The board will suspend any license of the individual 45725
if it determines that the individual is the individual named in 45726
the notice sent to the board under section 3123.43 of the Revised 45727
Code. 45728

~~(C)~~(3) If the individual is the individual named in the 45729
notice, the board will not issue any license to the individual, 45730

and will not reinstate a suspended license, until the board 45731
receives a notice under section 3123.45 or 3123.46 of the Revised 45732
Code. 45733

(B) If an agency makes the determination described in 45734
division (A) of section 3123.42 of the Revised Code, it shall not 45735
send the notice described in division (A) of this section unless 45736
both of the following are the case: 45737

(1) At least ninety days have elapsed since the final and 45738
enforceable determination of default; 45739

(2) In the preceding ninety days, the obligor has failed to 45740
pay at least fifty per cent of the total monthly obligation due 45741
through means other than those described in sections 3123.81 to 45742
3123.85 of the Revised Code. 45743

(C) The department of job and family services shall adopt 45744
rules pursuant to section 3123.63 of the Revised Code establishing 45745
a uniform pre-suspension notice form that shall be used by 45746
agencies that send notice as required by this section. 45747

Sec. 3123.45. A child support enforcement agency that sent a 45748
notice to a board of an individual's default under a child support 45749
order shall send to each board to which the agency sent the notice 45750
a further notice that the individual is not in default if it 45751
determines that the individual is not in default or any of the 45752
following occurs: 45753

(A) The individual makes full payment to the office of child 45754
support in the department of job and family services or, pursuant 45755
to sections 3125.27 to 3125.30 of the Revised Code, to the child 45756
support enforcement agency of the arrearage that was the basis for 45757
the court or agency determination that the individual was in 45758
default as of the date the payment is made. 45759

(B) ~~An~~ If division (A) is not possible, the individual has 45760

presented to the agency sufficient evidence of current employment 45761
or of an account in a financial institution, the agency has 45762
confirmed the individual's employment or the existence of the 45763
account, and an appropriate withholding or deduction notice or 45764
other appropriate order described in section 3121.03, 3121.04, 45765
3121.05, 3121.06, or 3121.12 of the Revised Code has been issued 45766
to collect current support and any arrearage due under the child 45767
support order that was in default, and the individual is complying 45768
with the notice or order. 45769

~~(C) A new child support order has been issued or the child~~ 45770
~~support order that was in default, has been modified to collect~~ 45771
~~current support and any arrearage due under the child support~~ 45772
~~order that was in default, and the individual is complying with~~ 45773
~~the new or modified child support order~~ If divisions (A) and (B) 45774
are not possible, the individual presents evidence to the agency 45775
sufficient to establish that the individual is unable to work due 45776
to circumstances beyond the individual's control. 45777

(D) If divisions (A), (B), and (C) are not possible, the 45778
individual enters into and complies with a written agreement with 45779
the agency that requires the obligor to comply with either of the 45780
following: 45781

(1) A family support program administered or approved by the 45782
agency; 45783

(2) A program to establish compliance with a seek work order 45784
issued pursuant to section 3123.03 of the Revised Code. 45785

(E) If divisions (A), (B), (C), and (D) are not possible, the 45786
individual pays the balance of the total monthly obligation due 45787
for the ninety-day period preceding the date the agency sent the 45788
notice described in section 3123.44 of the Revised Code. 45789

The agency shall send the notice under this section not later 45790
than seven days after the agency determines the individual is not 45791

in default or that any of the circumstances specified in this 45792
section has occurred. 45793

Sec. 3123.55. (A) Notice shall be sent to the individual 45794
described in section ~~3123.54~~ 3123.53 of the Revised Code in 45795
compliance with section 3121.23 of the Revised Code. The notice 45796
shall specify that a court or child support enforcement agency has 45797
determined the individual to be in default under a child support 45798
order or that the individual is an obligor under a child support 45799
order who has failed to comply with a subpoena or warrant issued 45800
by a court or agency with respect to a proceeding to enforce a 45801
child support order, that a notice containing the individual's 45802
name and social security number or other identification number may 45803
be sent to the registrar of motor vehicles, and that, if the 45804
registrar receives that notice and determines that the individual 45805
is the individual named in that notice and the registrar has not 45806
received notice under section 3123.56 or 3123.57 of the Revised 45807
Code, all of the following will occur: 45808

~~(A)~~(1) The registrar and all deputy registrars will be 45809
prohibited from issuing to the individual a driver's or commercial 45810
driver's license, motorcycle operator's license or endorsement, or 45811
temporary instruction permit or commercial driver's temporary 45812
instruction permit. 45813

~~(B)~~(2) The registrar and all deputy registrars will be 45814
prohibited from renewing for the individual a driver's or 45815
commercial driver's license, motorcycle operator's license or 45816
endorsement, or commercial driver's temporary instruction permit. 45817

~~(C)~~(3) If the individual holds a driver's or commercial 45818
driver's license, motorcycle operator's license or endorsement, or 45819
temporary instruction permit or commercial driver's temporary 45820
instruction permit, the registrar will impose a class F suspension 45821
under division (B)(6) of section 4510.02 of the Revised Code if 45822

the registrar determines that the individual is the individual 45823
named in the notice sent pursuant to section 3123.54 of the 45824
Revised Code. 45825

~~(D)~~(4) If the individual is the individual named in the 45826
notice, the individual will not be issued or have renewed any 45827
license, endorsement, or permit, and no suspension will be lifted 45828
with respect to any license, endorsement, or permit listed in this 45829
section until the registrar receives a notice under section 45830
3123.56 or 3123.57 of the Revised Code. 45831

(B) If an agency makes the determination described in 45832
division (A) of section 3123.53 of the Revised Code, it shall not 45833
send the notice described in division (A) of this section unless 45834
both of the following are the case: 45835

(1) At least ninety days have elapsed since the final and 45836
enforceable determination of default; 45837

(2) In the preceding ninety days, the obligor has failed to 45838
pay at least fifty per cent of the total monthly obligation due 45839
through means other than those described in sections 3123.81 to 45840
3123.85 of the Revised Code. 45841

(C) The department of job and family services shall adopt 45842
rules pursuant to section 3123.63 of the Revised Code establishing 45843
a uniform pre-suspension notice form that shall be used by 45844
agencies that send notice as required by this section. 45845

Sec. 3123.56. A child support enforcement agency that sent a 45846
notice under section 3123.54 of the Revised Code of an 45847
individual's default under a child support order shall send to the 45848
registrar of motor vehicles a notice that the individual is not in 45849
default if it determines that the individual is not in default or 45850
any of the following occurs: 45851

(A) The individual makes full payment to the office of child 45852

support or, pursuant to sections 3125.27 to 3125.30 of the Revised Code, to the child support enforcement agency of the arrearage that ~~was the basis for the court or agency determination that the individual was in default~~ as of the date the payment is made.

(B) ~~An~~ If division (A) is not possible, the individual has presented to the agency sufficient evidence of current employment or of an account in a financial institution, the agency has confirmed the individual's employment or the existence of the account, and an appropriate withholding or deduction notice or other appropriate order described in section 3121.03, 3121.04, 3121.05, 3121.06, or 3121.12 of the Revised Code has been issued to collect current support and any arrearage due under the child support order that was in default, and the individual is complying with the notice or order.

(C) ~~A new child support order has been issued or the child support order that was in default has been modified to collect current support and any arrearage due under the child support order that was in default, and the individual is complying with the new or modified child support order~~ If divisions (A) and (B) are not possible, the individual presents evidence to the agency sufficient to establish that the individual is unable to work due to circumstances beyond the individual's control.

(D) If divisions (A), (B), and (C) are not possible, the individual enters into and complies with a written agreement with the agency that requires the obligor to comply with either of the following:

(1) A family support program administered or approved by the agency;

(2) A program to establish compliance with a seek work order issued pursuant to section 3123.03 of the Revised Code.

(E) If divisions (A), (B), (C), and (D) are not possible, the

individual pays the balance of the total monthly obligation due 45884
for the ninety-day period preceding the date the agency sent the 45885
notice described in section 3123.55 of the Revised Code. 45886

The agency shall send the notice under this section not later 45887
than seven days after it determines the individual is not in 45888
default or that any of the circumstances specified in this section 45889
has occurred. 45890

Sec. 3123.58. (A) On receipt of a notice pursuant to section 45891
3123.54 of the Revised Code, the registrar of motor vehicles shall 45892
determine whether the individual named in the notice holds or has 45893
applied for a driver's license or commercial driver's license, 45894
motorcycle operator's license or endorsement, or temporary 45895
instruction permit or commercial driver's temporary instruction 45896
permit. If the registrar determines that the individual holds or 45897
has applied for a license, permit, or endorsement and the 45898
individual is the individual named in the notice and does not 45899
receive a notice pursuant to section 3123.56 or 3123.57 of the 45900
Revised Code, the registrar immediately shall provide notice of 45901
the determination to each deputy registrar. The registrar or a 45902
deputy registrar may not issue to the individual a driver's or 45903
commercial driver's license, motorcycle operator's license or 45904
endorsement, or temporary instruction permit or commercial 45905
driver's temporary instruction permit and may not renew for the 45906
individual a driver's or commercial driver's license, motorcycle 45907
operator's license or endorsement, or commercial driver's 45908
temporary instruction permit. The registrar or a deputy registrar 45909
also shall impose a class F suspension of the license, permit, or 45910
endorsement held by the individual under division (B)(6) of 45911
section 4510.02 of the Revised Code. 45912

~~(B) Prior to the date specified in section 3123.52 of the~~ 45913
~~Revised Code, the registrar of motor vehicles or a deputy~~ 45914

~~registrar shall do only the following with respect to an 45915
individual if the registrar makes the determination required under 45916
division (A) of this section and no notice is received concerning 45917
the individual under section 3123.56 or 3123.57 of the Revised 45918
Code: 45919~~

~~(1) Refuse to issue or renew the individual's commercial 45920
driver's license or commercial driver's temporary instruction 45921
permit; 45922~~

~~(2) Impose a class F suspension under division (B)(6) of 45923
section 4510.02 of the Revised Code on the individual with respect 45924
to the license or permit held by the individual. 45925~~

Sec. 3123.59. Not later than seven days after receipt of a 45926
notice pursuant to section 3123.56 or 3123.57 of the Revised Code, 45927
the registrar of motor vehicles shall notify each deputy registrar 45928
of the notice. The registrar and each deputy registrar shall then, 45929
if the individual otherwise is eligible for the license, permit, 45930
or endorsement and wants the license, permit, or endorsement, 45931
issue a license, permit, or endorsement to, or renew a license, 45932
permit, or endorsement of, the individual, or, if the registrar 45933
imposed a class F suspension of the individual's license, permit, 45934
or endorsement pursuant to division (A) of section 3123.58 of the 45935
Revised Code, remove the suspension. ~~On and after the date 45936
specified in section 3123.52 of the Revised Code, the registrar or 45937
a deputy registrar shall remove, after receipt of a notice under 45938
section 3123.56 or 3123.57 of the Revised Code, a class F 45939
suspension imposed on an individual with respect to a license or 45940
permit pursuant to division (B) of section 3123.58 of the Revised 45941
Code.~~ The registrar or a deputy registrar may charge a fee of not 45942
more than twenty-five dollars for issuing or renewing or removing 45943
the suspension of a license, permit, or endorsement pursuant to 45944
this section. The fees collected by the registrar pursuant to this 45945

section shall be paid into the state bureau of motor vehicles fund 45946
established in section 4501.25 of the Revised Code. 45947

Sec. 3123.591. A child support enforcement agency may, 45948
pursuant to rules adopted under section 3123.63 of the Revised 45949
Code, direct the registrar of motor vehicles to eliminate from the 45950
abstract maintained by the bureau of motor vehicles any reference 45951
to the suspension of an individual's license, permit, or 45952
endorsement imposed under section 3123.58 of the Revised Code. 45953

Sec. 3123.63. The director of job and family services may 45954
shall adopt rules in accordance with Chapter 119. of the Revised 45955
Code to implement sections 3123.41 to 3123.50, ~~3123.52~~ 3123.53 to 45956
~~3123.614~~ 3123.60, and 3123.62 of the Revised Code. The rules shall 45957
include both of the following: 45958

(A) Requirements concerning the contents of, and the 45959
conditions for issuance of, a notice required by section 3123.44 45960
or 3123.55 of the Revised Code. The rules shall require the 45961
contents of the notice to include information about the effect of 45962
a license suspension and appropriate steps that an individual can 45963
take to avoid license suspension. 45964

(B) Requirements establishing standards for confirming an 45965
individual's employment or the existence of an account pursuant to 45966
sections 3123.45 and 3123.56 of the Revised Code. 45967

(C) Requirements concerning the authority of a child support 45968
enforcement agency to direct the registrar of motor vehicles to 45969
eliminate from the abstract maintained by the bureau of motor 45970
vehicles any reference to the suspension of an individual's 45971
license, permit, or endorsement imposed under section 3123.58 of 45972
the Revised Code. 45973

Sec. 3301.07. The state board of education shall exercise 45974

under the acts of the general assembly general supervision of the 45975
system of public education in the state. In addition to the powers 45976
otherwise imposed on the state board under the provisions of law, 45977
the board shall have the powers described in this section. 45978

(A) The state board shall exercise policy forming, planning, 45979
and evaluative functions for the public schools of the state 45980
except as otherwise provided by law. 45981

(B)(1) The state board shall exercise leadership in the 45982
improvement of public education in this state, and administer the 45983
educational policies of this state relating to public schools, and 45984
relating to instruction and instructional material, building and 45985
equipment, transportation of pupils, administrative 45986
responsibilities of school officials and personnel, and finance 45987
and organization of school districts, educational service centers, 45988
and territory. Consultative and advisory services in such matters 45989
shall be provided by the board to school districts and educational 45990
service centers of this state. 45991

(2) The state board also shall develop a standard of 45992
financial reporting which shall be used by each school district 45993
board of education and educational service center governing board 45994
to make its financial information and annual budgets for each 45995
school building under its control available to the public in a 45996
format understandable by the average citizen. The format shall 45997
show, among other things, at the district and educational service 45998
center level or at the school building level, as determined 45999
appropriate by the department of education, revenue by source; 46000
expenditures for salaries, wages, and benefits of employees, 46001
showing such amounts separately for classroom teachers, other 46002
employees required to hold licenses issued pursuant to sections 46003
3319.22 to 3319.31 of the Revised Code, and all other employees; 46004
expenditures other than for personnel, by category, including 46005
utilities, textbooks and other educational materials, equipment, 46006

permanent improvements, pupil transportation, extracurricular 46007
athletics, and other extracurricular activities; and per pupil 46008
expenditures. 46009

(C) The state board shall administer and supervise the 46010
allocation and distribution of all state and federal funds for 46011
public school education under the provisions of law, and may 46012
prescribe such systems of accounting as are necessary and proper 46013
to this function. It may require county auditors and treasurers, 46014
boards of education, educational service center governing boards, 46015
treasurers of such boards, teachers, and other school officers and 46016
employees, or other public officers or employees, to file with it 46017
such reports as it may prescribe relating to such funds, or to the 46018
management and condition of such funds. 46019

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 46020
XLVII, and LI of the Revised Code a reference is made to standards 46021
prescribed under this section or division (D) of this section, 46022
that reference shall be construed to refer to the standards 46023
prescribed under division (D)(2) of this section, unless the 46024
context specifically indicates a different meaning or intent. 46025

(2) The state board shall formulate and prescribe minimum 46026
standards to be applied to all elementary and secondary schools in 46027
this state for the purpose of requiring a general education of 46028
high quality. Such standards shall provide adequately for: the 46029
licensing of teachers, administrators, and other professional 46030
personnel and their assignment according to training and 46031
qualifications; efficient and effective instructional materials 46032
and equipment, including library facilities; the proper 46033
organization, administration, and supervision of each school, 46034
including regulations for preparing all necessary records and 46035
reports and the preparation of a statement of policies and 46036
objectives for each school; buildings, grounds, health and 46037
sanitary facilities and services; admission of pupils, and such 46038

requirements for their promotion from grade to grade as will 46039
assure that they are capable and prepared for the level of study 46040
to which they are certified; requirements for graduation; and such 46041
other factors as the board finds necessary. 46042

In the formulation and administration of such standards for 46043
nonpublic schools the board shall also consider the particular 46044
needs, methods and objectives of those schools, provided they do 46045
not conflict with the provision of a general education of a high 46046
quality and provided that regular procedures shall be followed for 46047
promotion from grade to grade of pupils who have met the 46048
educational requirements prescribed. 46049

In the formulation and administration of such standards as 46050
they relate to instructional materials and equipment in public 46051
schools, including library materials, the board shall require that 46052
the material and equipment be aligned with and promote skills 46053
expected under the statewide academic standards adopted under 46054
section 3301.079 of the Revised Code. 46055

(3) In addition to the minimum standards required by division 46056
(D)(2) of this section, the state board ~~shall~~ may formulate and 46057
prescribe the following additional minimum operating standards for 46058
school districts: 46059

(a) Standards for the effective and efficient organization, 46060
administration, and supervision of each school district so that it 46061
becomes a thinking and learning organization according to 46062
principles of systems design and collaborative professional 46063
learning communities research as defined by the superintendent of 46064
public instruction, including a focus on the personalized and 46065
individualized needs of each student; a shared responsibility 46066
among school boards, administrators, faculty, and staff to develop 46067
a common vision, mission, and set of guiding principles; a shared 46068
responsibility among school boards, administrators, faculty, and 46069
staff to engage in a process of collective inquiry, action 46070

orientation, and experimentation to ensure the academic success of 46071
all students; commitment to teaching and learning strategies that 46072
utilize technological tools and emphasize inter-disciplinary, 46073
real-world, project-based, and technology-oriented learning 46074
experiences to meet the individual needs of every student; 46075
commitment to high expectations for every student and commitment 46076
to closing the achievement gap so that all students achieve core 46077
knowledge and skills in accordance with the statewide academic 46078
standards adopted under section 3301.079 of the Revised Code; 46079
commitment to the use of assessments to diagnose the needs of each 46080
student; effective connections and relationships with families and 46081
others that support student success; and commitment to the use of 46082
positive behavior intervention supports throughout a district to 46083
ensure a safe and secure learning environment for all students; 46084

(b) Standards for the establishment of business advisory 46085
councils under section 3313.82 of the Revised Code; 46086

(c) Standards for school district ~~organizational units, as~~ 46087
~~defined in sections 3306.02 and 3306.04 of the Revised Code,~~ 46088
buildings that may require: 46089

(i) The effective and efficient organization, administration, 46090
and supervision of each school district ~~organizational unit~~ 46091
building so that it becomes a thinking and learning organization 46092
according to principles of systems design and collaborative 46093
professional learning communities research as defined by the state 46094
superintendent, including a focus on the personalized and 46095
individualized needs of each student; a shared responsibility 46096
among ~~organizational unit~~ building administrators, faculty, and 46097
staff to develop a common vision, mission, and set of guiding 46098
principles; a shared responsibility among ~~organizational unit~~ 46099
building administrators, faculty, and staff to engage in a process 46100
of collective inquiry, action orientation, and experimentation to 46101
ensure the academic success of all students; commitment to job 46102

embedded professional development and professional mentoring and 46103
coaching; established periods of time for teachers to pursue 46104
planning time for the development of lesson plans, professional 46105
development, and shared learning; commitment to effective 46106
management strategies that allow administrators reasonable access 46107
to classrooms for observation and professional development 46108
experiences; commitment to teaching and learning strategies that 46109
utilize technological tools and emphasize inter-disciplinary, 46110
real-world, project-based, and technology-oriented learning 46111
experiences to meet the individual needs of every student; 46112
commitment to high expectations for every student and commitment 46113
to closing the achievement gap so that all students achieve core 46114
knowledge and skills in accordance with the statewide academic 46115
standards adopted under section 3301.079 of the Revised Code; 46116
commitment to the use of assessments to diagnose the needs of each 46117
student; effective connections and relationships with families and 46118
others that support student success; commitment to the use of 46119
positive behavior intervention supports throughout the 46120
~~organizational unit~~ building to ensure a safe and secure learning 46121
environment for all students; 46122

(ii) A school ~~organizational unit~~ building leadership team to 46123
coordinate positive behavior intervention supports, learning 46124
environments, thinking and learning systems, collaborative 46125
planning, planning time, student academic interventions, student 46126
extended learning opportunities, and other activities identified 46127
by the team and approved by the district board of education. The 46128
team shall include the building principal, representatives from 46129
each collective bargaining unit, ~~the building lead~~ a classroom 46130
teacher, parents, business representatives, and others that 46131
support student success. 46132

(E) The state board may require as part of the health 46133
curriculum information developed under section 2108.34 of the 46134

Revised Code promoting the donation of anatomical gifts pursuant 46135
to Chapter 2108. of the Revised Code and may provide the 46136
information to high schools, educational service centers, and 46137
joint vocational school district boards of education; 46138

(F) The state board shall prepare and submit annually to the 46139
governor and the general assembly a report on the status, needs, 46140
and major problems of the public schools of the state, with 46141
recommendations for necessary legislative action and a ten-year 46142
projection of the state's public and nonpublic school enrollment, 46143
by year and by grade level. 46144

(G) The state board shall prepare and submit to the director 46145
of budget and management the biennial budgetary requests of the 46146
state board of education, for its agencies and for the public 46147
schools of the state. 46148

(H) The state board shall cooperate with federal, state, and 46149
local agencies concerned with the health and welfare of children 46150
and youth of the state. 46151

(I) The state board shall require such reports from school 46152
districts and educational service centers, school officers, and 46153
employees as are necessary and desirable. The superintendents and 46154
treasurers of school districts and educational service centers 46155
shall certify as to the accuracy of all reports required by law or 46156
state board or state department of education rules to be submitted 46157
by the district or educational service center and which contain 46158
information necessary for calculation of state funding. Any 46159
superintendent who knowingly falsifies such report shall be 46160
subject to license revocation pursuant to section 3319.31 of the 46161
Revised Code. 46162

(J) In accordance with Chapter 119. of the Revised Code, the 46163
state board shall adopt procedures, standards, and guidelines for 46164
the education of children with disabilities pursuant to Chapter 46165

3323. of the Revised Code, including procedures, standards, and 46166
guidelines governing programs and services operated by county 46167
boards of developmental disabilities pursuant to section 3323.09 46168
of the Revised Code. 46169

(K) For the purpose of encouraging the development of special 46170
programs of education for academically gifted children, the state 46171
board shall employ competent persons to analyze and publish data, 46172
promote research, advise and counsel with boards of education, and 46173
encourage the training of teachers in the special instruction of 46174
gifted children. The board may provide financial assistance out of 46175
any funds appropriated for this purpose to boards of education and 46176
educational service center governing boards for developing and 46177
conducting programs of education for academically gifted children. 46178

(L) The state board shall require that all public schools 46179
emphasize and encourage, within existing units of study, the 46180
teaching of energy and resource conservation as recommended to 46181
each district board of education by leading business persons 46182
involved in energy production and conservation, beginning in the 46183
primary grades. 46184

(M) The state board shall formulate and prescribe minimum 46185
standards requiring the use of phonics as a technique in the 46186
teaching of reading in grades kindergarten through three. In 46187
addition, the state board shall provide in-service training 46188
programs for teachers on the use of phonics as a technique in the 46189
teaching of reading in grades kindergarten through three. 46190

(N) The state board may adopt rules necessary for carrying 46191
out any function imposed on it by law, and may provide rules as 46192
are necessary for its government and the government of its 46193
employees, and may delegate to the superintendent of public 46194
instruction the management and administration of any function 46195
imposed on it by law. It may provide for the appointment of board 46196
members to serve on temporary committees established by the board 46197

for such purposes as are necessary. Permanent or standing 46198
committees shall not be created. 46199

(O) Upon application from the board of education of a school 46200
district, the superintendent of public instruction may issue a 46201
waiver exempting the district from compliance with the standards 46202
adopted under divisions (B)(2) and (D) of this section, as they 46203
relate to the operation of a school operated by the district. The 46204
state board shall adopt standards for the approval or disapproval 46205
of waivers under this division. The state superintendent shall 46206
consider every application for a waiver, and shall determine 46207
whether to grant or deny a waiver in accordance with the state 46208
board's standards. For each waiver granted, the state 46209
superintendent shall specify the period of time during which the 46210
waiver is in effect, which shall not exceed five years. A district 46211
board may apply to renew a waiver. 46212

Sec. 3301.071. (A)(1) In the case of nontax-supported 46213
schools, standards for teacher certification prescribed under 46214
section 3301.07 of the Revised Code shall provide for 46215
certification, without further educational requirements, of any 46216
administrator, supervisor, or teacher who has attended and 46217
received a bachelor's degree from a college or university 46218
accredited by a national or regional association in the United 46219
States except that, at the discretion of the state board of 46220
education, this requirement may be met by having an equivalent 46221
degree from a foreign college or university of comparable 46222
standing. 46223

(2) In the case of nonchartered, nontax-supported schools, 46224
the standards for teacher certification prescribed under section 46225
3301.07 of the Revised Code shall provide for certification, 46226
without further educational requirements, of any administrator, 46227
supervisor, or teacher who has attended and received a diploma 46228

from a "bible college" or "bible institute" described in division 46229
(E) of section 1713.02 of the Revised Code. 46230

(3) A certificate issued under division (A)(3) of this 46231
section shall be valid only for teaching foreign language, music, 46232
religion, computer technology, or fine arts. 46233

Notwithstanding division (A)(1) of this section, the 46234
standards for teacher certification prescribed under section 46235
3301.07 of the Revised Code shall provide for certification of a 46236
person as a teacher upon receipt by the state board of an 46237
affidavit signed by the chief administrative officer of a 46238
chartered nonpublic school seeking to employ the person, stating 46239
that the person meets one of the following conditions: 46240

(a) The person has specialized knowledge, skills, or 46241
expertise that qualifies the person to provide instruction. 46242

(b) The person has provided to the chief administrative 46243
officer evidence of at least three years of teaching experience in 46244
a public or nonpublic school. 46245

(c) The person has provided to the chief administrative 46246
officer evidence of completion of a teacher training program named 46247
in the affidavit. 46248

(B) Each person applying for a certificate under this section 46249
for purposes of serving in a nonpublic school chartered by the 46250
state board under section 3301.16 of the Revised Code shall pay a 46251
fee in the amount established under division (A) of section 46252
3319.51 of the Revised Code. Any fees received under this division 46253
shall be paid into the state treasury to the credit of the state 46254
board of education certification fund established under division 46255
(B) of section 3319.51 of the Revised Code. 46256

(C) A person applying for or holding any certificate pursuant 46257
to this section for purposes of serving in a nonpublic school 46258
chartered by the state board is subject to sections 3123.41 to 46259

3123.50 of the Revised Code and any applicable rules adopted under 46260
section 3123.63 of the Revised Code and sections 3319.31 and 46261
3319.311 of the Revised Code. 46262

(D) Divisions (B) and (C) of this section and sections 46263
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 46264
to any administrators, supervisors, or teachers in nonchartered, 46265
nontax-supported schools. 46266

Sec. 3301.079. (A)(1) Not later than June 30, 2010, and ~~at~~ 46267
~~least once every five years~~ periodically thereafter, the state 46268
board of education shall adopt statewide academic standards with 46269
emphasis on coherence, focus, and rigor for each of grades 46270
kindergarten through twelve in English language arts, mathematics, 46271
science, and social studies. 46272

The standards shall specify the following: 46273

(a) The core academic content and skills that students are 46274
expected to know and be able to do at each grade level that will 46275
allow each student to be prepared for postsecondary instruction 46276
and the workplace for success in the twenty-first century; 46277

~~(b) The development of skill sets as they relate to 46278
creativity and innovation, critical thinking and problem solving,
and communication and collaboration;~~ 46279
46280

~~(c) The development of skill sets that promote information, 46281
media, and technological literacy;~~ 46282

~~(d) The development of skill sets that promote personal 46283
management, productivity and accountability, and leadership and
responsibility;~~ 46284
46285

~~(e)~~(c) Interdisciplinary, project-based, real-world learning 46286
opportunities. 46287

(2) After completing the standards required by division 46288
(A)(1) of this section, the state board shall adopt standards and 46289

model curricula for instruction in ~~computer literacy~~ technology, 46290
financial literacy and entrepreneurship, fine arts, and foreign 46291
language for grades kindergarten through twelve. The standards 46292
shall meet the same requirements prescribed in divisions (A)(1)(a) 46293
to ~~(e)~~(c) of this section. 46294

(3) The state board shall adopt the most recent standards 46295
developed by the national association for sport and physical 46296
education for physical education in grades kindergarten through 46297
twelve or shall adopt its own standards for physical education in 46298
those grades and revise and update them periodically. 46299

The department shall employ a full-time physical education 46300
coordinator to provide guidance and technical assistance to 46301
districts, community schools, and STEM schools in implementing the 46302
physical education standards adopted under this division. The 46303
superintendent of public instruction shall determine that the 46304
person employed as coordinator is qualified for the position, as 46305
demonstrated by possessing an adequate combination of education, 46306
license, and experience. 46307

(4) When academic standards have been completed for any 46308
subject area required by this section, the state board shall 46309
inform all school districts, all community schools established 46310
under Chapter 3314. of the Revised Code, all STEM schools 46311
established under Chapter 3326. of the Revised Code, and all 46312
nonpublic schools required to administer the assessments 46313
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 46314
of the content of those standards. 46315

(B) Not later than March 31, 2011, the state board shall 46316
adopt a model curriculum for instruction in each subject area for 46317
which updated academic standards are required by division (A)(1) 46318
of this section and for each of grades kindergarten through twelve 46319
that is sufficient to meet the needs of students in every 46320
community. The model curriculum shall be aligned with the 46321

standards, to ensure that the academic content and skills 46322
specified for each grade level are taught to students, and shall 46323
demonstrate vertical articulation and emphasize coherence, focus, 46324
and rigor. When any model curriculum has been completed, the state 46325
board shall inform all school districts, community schools, and 46326
STEM schools of the content of that model curriculum. 46327

All school districts, community schools, and STEM schools may 46328
utilize the state standards and the model curriculum established 46329
by the state board, together with other relevant resources, 46330
examples, or models to ensure that students have the opportunity 46331
to attain the academic standards. Upon request, the department of 46332
education shall provide technical assistance to any district, 46333
community school, or STEM school in implementing the model 46334
curriculum. 46335

Nothing in this section requires any school district to 46336
utilize all or any part of a model curriculum developed under this 46337
division. 46338

(C) The state board shall develop achievement assessments 46339
aligned with the academic standards and model curriculum for each 46340
of the subject areas and grade levels required by divisions (A)(1) 46341
and (B)(1) of section 3301.0710 of the Revised Code. 46342

When any achievement assessment has been completed, the state 46343
board shall inform all school districts, community schools, STEM 46344
schools, and nonpublic schools required to administer the 46345
assessment of its completion, and the department of education 46346
shall make the achievement assessment available to the districts 46347
and schools. 46348

(D)(1) The state board shall adopt a diagnostic assessment 46349
aligned with the academic standards and model curriculum for each 46350
of grades kindergarten through two in English language arts and 46351
mathematics and for grade three in English language arts. The 46352

diagnostic assessment shall be designed to measure student 46353
comprehension of academic content and mastery of related skills 46354
for the relevant subject area and grade level. Any diagnostic 46355
assessment shall not include components to identify gifted 46356
students. Blank copies of diagnostic assessments shall be public 46357
records. 46358

(2) When each diagnostic assessment has been completed, the 46359
state board shall inform all school districts of its completion 46360
and the department of education shall make the diagnostic 46361
assessment available to the districts at no cost to the district. 46362
School districts shall administer the diagnostic assessment 46363
pursuant to section 3301.0715 of the Revised Code beginning the 46364
first school year following the development of the assessment. 46365

(E) The state board shall not adopt a diagnostic or 46366
achievement assessment for any grade level or subject area other 46367
than those specified in this section. 46368

(F) Whenever the state board or the department of education 46369
consults with persons for the purpose of drafting or reviewing any 46370
standards, diagnostic assessments, achievement assessments, or 46371
model curriculum required under this section, the state board or 46372
the department shall first consult with parents of students in 46373
kindergarten through twelfth grade and with active Ohio classroom 46374
teachers, other school personnel, and administrators with 46375
expertise in the appropriate subject area. Whenever practicable, 46376
the state board and department shall consult with teachers 46377
recognized as outstanding in their fields. 46378

If the department contracts with more than one outside entity 46379
for the development of the achievement assessments required by 46380
this section, the department shall ensure the interchangeability 46381
of those assessments. 46382

(G) The fairness sensitivity review committee, established by 46383

rule of the state board of education, shall not allow any question 46384
on any achievement or diagnostic assessment developed under this 46385
section or any proficiency test prescribed by former section 46386
3301.0710 of the Revised Code, as it existed prior to September 46387
11, 2001, to include, be written to promote, or inquire as to 46388
individual moral or social values or beliefs. The decision of the 46389
committee shall be final. This section does not create a private 46390
cause of action. 46391

(H) Not later than forty-five days prior to the initial 46392
deadline established under division (A)(1) of this section and the 46393
deadline established under division (B) of this section, the 46394
superintendent of public instruction shall present the academic 46395
standards or model curricula, as applicable, to the respective 46396
committees of the house of representatives and senate that 46397
consider education legislation. 46398

(I) As used in this section: 46399

(1) "Coherence" means a reflection of the structure of the 46400
discipline being taught. 46401

(2) "Focus" means limiting the number of items included in a 46402
curriculum to allow for deeper exploration of the subject matter. 46403

(3) "Rigor" means more challenging and demanding when 46404
compared to international standards. 46405

(4) "Vertical articulation" means key academic concepts and 46406
skills associated with mastery in particular content areas should 46407
be articulated and reinforced in a developmentally appropriate 46408
manner at each grade level so that over time students acquire a 46409
depth of knowledge and understanding in the core academic 46410
disciplines. 46411

Sec. 3301.0710. The state board of education shall adopt 46412
rules establishing a statewide program to assess student 46413

achievement. The state board shall ensure that all assessments 46414
administered under the program are aligned with the academic 46415
standards and model curricula adopted by the state board and are 46416
created with input from Ohio parents, Ohio classroom teachers, 46417
Ohio school administrators, and other Ohio school personnel 46418
pursuant to section 3301.079 of the Revised Code. 46419

The assessment program shall be designed to ensure that 46420
students who receive a high school diploma demonstrate at least 46421
high school levels of achievement in English language arts, 46422
mathematics, science, and social studies, ~~and other skills~~ 46423
~~necessary in the twenty-first century.~~ 46424

(A)(1) The state board shall prescribe all of the following: 46425

(a) Two statewide achievement assessments, one each designed 46426
to measure the level of English language arts and mathematics 46427
skill expected at the end of third grade; 46428

(b) Two statewide achievement assessments, one each designed 46429
to measure the level of English language arts and mathematics 46430
skill expected at the end of fourth grade; 46431

(c) Four statewide achievement assessments, one each designed 46432
to measure the level of English language arts, mathematics, 46433
science, and social studies skill expected at the end of fifth 46434
grade; 46435

(d) Two statewide achievement assessments, one each designed 46436
to measure the level of English language arts and mathematics 46437
skill expected at the end of sixth grade; 46438

(e) Two statewide achievement assessments, one each designed 46439
to measure the level of English language arts and mathematics 46440
skill expected at the end of seventh grade; 46441

(f) Four statewide achievement assessments, one each designed 46442
to measure the level of English language arts, mathematics, 46443

science, and social studies skill expected at the end of eighth grade. 46444
46445

(2) The state board shall determine and designate at least three ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following: 46446
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(a) An advanced level of skill; 46452

(b) A proficient level of skill; 46453

(c) A limited level of skill. 46454

(B)(1) The assessments prescribed under division (B)(1) of this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school achievement assessments, one each designed to measure the level of reading, writing, mathematics, science, and social studies skill expected at the end of tenth grade. The state board shall designate a score in at least the range designated under division (A)(2)(b) of this section on each such assessment that shall be deemed to be a passing score on the assessment as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code until the assessment system prescribed by section 3301.0712 of the Revised Code is implemented in accordance with rules adopted by the state board under division ~~(E)~~(D) of that section. 46455
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(2) The state board shall prescribe an assessment system in accordance with section 3301.0712 of the Revised Code that shall replace the Ohio graduation tests in the manner prescribed by rules adopted by the state board under division ~~(E)~~(D) of that section. 46469
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(3) The state board may enter into a reciprocal agreement 46474

with the appropriate body or agency of any other state that has 46475
similar statewide achievement assessment requirements for 46476
receiving high school diplomas, under which any student who has 46477
met an achievement assessment requirement of one state is 46478
recognized as having met the similar requirement of the other 46479
state for purposes of receiving a high school diploma. For 46480
purposes of this section and sections 3301.0711 and 3313.61 of the 46481
Revised Code, any student enrolled in any public high school in 46482
this state who has met an achievement assessment requirement 46483
specified in a reciprocal agreement entered into under this 46484
division shall be deemed to have attained at least the applicable 46485
score designated under this division on each assessment required 46486
by division (B)(1) or (2) of this section that is specified in the 46487
agreement. 46488

(C) The superintendent of public instruction shall designate 46489
dates and times for the administration of the assessments 46490
prescribed by divisions (A) and (B) of this section. 46491

In prescribing administration dates pursuant to this 46492
division, the superintendent shall designate the dates in such a 46493
way as to allow a reasonable length of time between the 46494
administration of assessments prescribed under this section and 46495
any administration of the national assessment of educational 46496
progress given to students in the same grade level pursuant to 46497
section 3301.27 of the Revised Code or federal law. 46498

(D) The state board shall prescribe a practice version of 46499
each Ohio graduation test described in division (B)(1) of this 46500
section that is of comparable length to the actual test. 46501

(E) Any committee established by the department of education 46502
for the purpose of making recommendations to the state board 46503
regarding the state board's designation of scores on the 46504
assessments described by this section shall inform the state board 46505
of the probable percentage of students who would score in each of 46506

the ranges established under division (A)(2) of this section on 46507
the assessments if the committee's recommendations are adopted by 46508
the state board. To the extent possible, these percentages shall 46509
be disaggregated by gender, major racial and ethnic groups, 46510
limited English proficient students, economically disadvantaged 46511
students, students with disabilities, and migrant students. 46512

If the state board intends to make any change to the 46513
committee's recommendations, the state board shall explain the 46514
intended change to the Ohio accountability task force established 46515
by section 3302.021 of the Revised Code. The task force shall 46516
recommend whether the state board should proceed to adopt the 46517
intended change. Nothing in this division shall require the state 46518
board to designate assessment scores based upon the 46519
recommendations of the task force. 46520

Sec. 3301.0711. (A) The department of education shall: 46521

(1) Annually furnish to, grade, and score all assessments 46522
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 46523
the Revised Code to be administered by city, local, exempted 46524
village, and joint vocational school districts, except that each 46525
district shall score any assessment administered pursuant to 46526
division (B)(10) of this section. Each assessment so furnished 46527
shall include the data verification code of the student to whom 46528
the assessment will be administered, as assigned pursuant to 46529
division (D)(2) of section 3301.0714 of the Revised Code. In 46530
furnishing the practice versions of Ohio graduation tests 46531
prescribed by division (D) of section 3301.0710 of the Revised 46532
Code, the department shall make the tests available on its web 46533
site for reproduction by districts. In awarding contracts for 46534
grading assessments, the department shall give preference to 46535
Ohio-based entities employing Ohio residents. 46536

(2) Adopt rules for the ethical use of assessments and 46537

prescribing the manner in which the assessments prescribed by 46538
section 3301.0710 of the Revised Code shall be administered to 46539
students. 46540

(B) Except as provided in divisions (C) and (J) of this 46541
section, the board of education of each city, local, and exempted 46542
village school district shall, in accordance with rules adopted 46543
under division (A) of this section: 46544

(1) Administer the English language arts assessments 46545
prescribed under division (A)(1)(a) of section 3301.0710 of the 46546
Revised Code twice annually to all students in the third grade who 46547
have not attained the score designated for that assessment under 46548
division (A)(2)(b) of section 3301.0710 of the Revised Code. 46549

(2) Administer the mathematics assessment prescribed under 46550
division (A)(1)(a) of section 3301.0710 of the Revised Code at 46551
least once annually to all students in the third grade. 46552

(3) Administer the assessments prescribed under division 46553
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 46554
annually to all students in the fourth grade. 46555

(4) Administer the assessments prescribed under division 46556
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 46557
annually to all students in the fifth grade. 46558

(5) Administer the assessments prescribed under division 46559
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 46560
annually to all students in the sixth grade. 46561

(6) Administer the assessments prescribed under division 46562
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 46563
annually to all students in the seventh grade. 46564

(7) Administer the assessments prescribed under division 46565
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 46566
annually to all students in the eighth grade. 46567

(8) Except as provided in division (B)(9) of this section, 46568
administer any assessment prescribed under division (B)(1) of 46569
section 3301.0710 of the Revised Code as follows: 46570

(a) At least once annually to all tenth grade students and at 46571
least twice annually to all students in eleventh or twelfth grade 46572
who have not yet attained the score on that assessment designated 46573
under that division; 46574

(b) To any person who has successfully completed the 46575
curriculum in any high school or the individualized education 46576
program developed for the person by any high school pursuant to 46577
section 3323.08 of the Revised Code but has not received a high 46578
school diploma and who requests to take such assessment, at any 46579
time such assessment is administered in the district. 46580

(9) In lieu of the board of education of any city, local, or 46581
exempted village school district in which the student is also 46582
enrolled, the board of a joint vocational school district shall 46583
administer any assessment prescribed under division (B)(1) of 46584
section 3301.0710 of the Revised Code at least twice annually to 46585
any student enrolled in the joint vocational school district who 46586
has not yet attained the score on that assessment designated under 46587
that division. A board of a joint vocational school district may 46588
also administer such an assessment to any student described in 46589
division (B)(8)(b) of this section. 46590

(10) If the district has been declared to be under an 46591
academic watch or in a state of academic emergency pursuant to 46592
section 3302.03 of the Revised Code or has a three-year average 46593
graduation rate of not more than seventy-five per cent, administer 46594
each assessment prescribed by division (D) of section 3301.0710 of 46595
the Revised Code in September to all ninth grade students, 46596
beginning in the school year that starts July 1, 2005. 46597

Except as provided in section 3313.614 of the Revised Code 46598

for administration of an assessment to a person who has fulfilled 46599
the curriculum requirement for a high school diploma but has not 46600
passed one or more of the required assessments, the assessments 46601
prescribed under division (B)(1) of section 3301.0710 of the 46602
Revised Code and the practice assessments prescribed under 46603
division (D) of that section and required to be administered under 46604
divisions (B)(8), (9), and (10) of this section shall not be 46605
administered after the assessment system prescribed by division 46606
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 46607
Code is implemented under rule of the state board adopted under 46608
division ~~(E)~~(D)(1) of section 3301.0712 of the Revised Code. 46609

(11) Administer the assessments prescribed by division (B)(2) 46610
of section 3301.0710 and section 3301.0712 of the Revised Code in 46611
accordance with the timeline and plan for implementation of those 46612
assessments prescribed by rule of the state board adopted under 46613
division ~~(E)~~(D)(1) of section 3301.0712 of the Revised Code. 46614

(C)(1)(a) ~~Any~~ In the case of a student receiving special 46615
education services under Chapter 3323. of the Revised Code, the 46616
individualized education program developed for the student under 46617
that chapter shall specify the manner in which the student will 46618
participate in the assessments administered under this section. 46619
The individualized education program may be excused excuse the 46620
student from taking any particular assessment required to be 46621
administered under this section if ~~the individualized education~~ 46622
~~program developed for the student pursuant to section 3323.08 of~~ 46623
~~the Revised Code excuses the student from taking that assessment~~ 46624
~~and it~~ instead specifies an alternate assessment method approved 46625
by the department of education as conforming to requirements of 46626
federal law for receipt of federal funds for disadvantaged pupils. 46627
To the extent possible, the individualized education program shall 46628
not excuse the student from taking an assessment unless no 46629
reasonable accommodation can be made to enable the student to take 46630

the assessment. 46631

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the assessment it replaces in order to allow for the student's results to be included in the data compiled for a school district or building under section 3302.03 of the Revised Code. 46632
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(c) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular assessment required to be administered under this section if a plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that assessment. In the case of any student so excused from taking an assessment, the chartered nonpublic school shall not prohibit the student from taking the assessment. 46638
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(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the state board of education not later than the thirtieth day of June. 46649
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(3) As used in this division, "limited English proficient student" has the same meaning as in 20 U.S.C. 7801. 46657
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No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except that any limited 46659
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English proficient student who has been enrolled in United States 46662
schools for less than one full school year shall not be required 46663
to take any reading, writing, or English language arts assessment. 46664
However, no board shall prohibit a limited English proficient 46665
student who is not required to take an assessment under this 46666
division from taking the assessment. A board may permit any 46667
limited English proficient student to take an assessment required 46668
to be administered under this section with appropriate 46669
accommodations, as determined by the department. For each limited 46670
English proficient student, each school district shall annually 46671
assess that student's progress in learning English, in accordance 46672
with procedures approved by the department. 46673

The governing authority of a chartered nonpublic school may 46674
excuse a limited English proficient student from taking any 46675
assessment administered under this section. However, no governing 46676
authority shall prohibit a limited English proficient student from 46677
taking the assessment. 46678

(D)(1) In the school year next succeeding the school year in 46679
which the assessments prescribed by division (A)(1) or (B)(1) of 46680
section 3301.0710 of the Revised Code or former division (A)(1), 46681
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 46682
existed prior to September 11, 2001, are administered to any 46683
student, the board of education of any school district in which 46684
the student is enrolled in that year shall provide to the student 46685
intervention services commensurate with the student's performance, 46686
including any intensive intervention required under section 46687
3313.608 of the Revised Code, in any skill in which the student 46688
failed to demonstrate at least a score at the proficient level on 46689
the assessment. 46690

(2) Following any administration of the assessments 46691
prescribed by division (D) of section 3301.0710 of the Revised 46692
Code to ninth grade students, each school district that has a 46693

three-year average graduation rate of not more than seventy-five 46694
per cent shall determine for each high school in the district 46695
whether the school shall be required to provide intervention 46696
services to any students who took the assessments. In determining 46697
which high schools shall provide intervention services based on 46698
the resources available, the district shall consider each school's 46699
graduation rate and scores on the practice assessments. The 46700
district also shall consider the scores received by ninth grade 46701
students on the English language arts and mathematics assessments 46702
prescribed under division (A)(1)(f) of section 3301.0710 of the 46703
Revised Code in the eighth grade in determining which high schools 46704
shall provide intervention services. 46705

Each high school selected to provide intervention services 46706
under this division shall provide intervention services to any 46707
student whose results indicate that the student is failing to make 46708
satisfactory progress toward being able to attain scores at the 46709
proficient level on the Ohio graduation tests. Intervention 46710
services shall be provided in any skill in which a student 46711
demonstrates unsatisfactory progress and shall be commensurate 46712
with the student's performance. Schools shall provide the 46713
intervention services prior to the end of the school year, during 46714
the summer following the ninth grade, in the next succeeding 46715
school year, or at any combination of those times. 46716

(E) Except as provided in section 3313.608 of the Revised 46717
Code and division (M) of this section, no school district board of 46718
education shall utilize any student's failure to attain a 46719
specified score on an assessment administered under this section 46720
as a factor in any decision to deny the student promotion to a 46721
higher grade level. However, a district board may choose not to 46722
promote to the next grade level any student who does not take an 46723
assessment administered under this section or make up an 46724
assessment as provided by division (C)(2) of this section and who 46725

is not exempt from the requirement to take the assessment under 46726
division (C)(3) of this section. 46727

(F) No person shall be charged a fee for taking any 46728
assessment administered under this section. 46729

(G)(1) Each school district board shall designate one 46730
location for the collection of assessments administered in the 46731
spring under division (B)(1) of this section and those 46732
administered under divisions (B)(2) to (7) of this section. Each 46733
district board shall submit the assessments to the entity with 46734
which the department contracts for the scoring of the assessments 46735
as follows: 46736

(a) If the district's total enrollment in grades kindergarten 46737
through twelve during the first full school week of October was 46738
less than two thousand five hundred, not later than the Friday 46739
after all of the assessments have been administered; 46740

(b) If the district's total enrollment in grades kindergarten 46741
through twelve during the first full school week of October was 46742
two thousand five hundred or more, but less than seven thousand, 46743
not later than the Monday after all of the assessments have been 46744
administered; 46745

(c) If the district's total enrollment in grades kindergarten 46746
through twelve during the first full school week of October was 46747
seven thousand or more, not later than the Tuesday after all of 46748
the assessments have been administered. 46749

However, any assessment that a student takes during the 46750
make-up period described in division (C)(2) of this section shall 46751
be submitted not later than the Friday following the day the 46752
student takes the assessment. 46753

(2) The department or an entity with which the department 46754
contracts for the scoring of the assessment shall send to each 46755
school district board a list of the individual scores of all 46756

persons taking an assessment prescribed by division (A)(1) or 46757
(B)(1) of section 3301.0710 of the Revised Code within sixty days 46758
after its administration, but in no case shall the scores be 46759
returned later than the fifteenth day of June following the 46760
administration. For assessments administered under this section by 46761
a joint vocational school district, the department or entity shall 46762
also send to each city, local, or exempted village school district 46763
a list of the individual scores of any students of such city, 46764
local, or exempted village school district who are attending 46765
school in the joint vocational school district. 46766

(H) Individual scores on any assessments administered under 46767
this section shall be released by a district board only in 46768
accordance with section 3319.321 of the Revised Code and the rules 46769
adopted under division (A) of this section. No district board or 46770
its employees shall utilize individual or aggregate results in any 46771
manner that conflicts with rules for the ethical use of 46772
assessments adopted pursuant to division (A) of this section. 46773

(I) Except as provided in division (G) of this section, the 46774
department or an entity with which the department contracts for 46775
the scoring of the assessment shall not release any individual 46776
scores on any assessment administered under this section. The 46777
state board of education shall adopt rules to ensure the 46778
protection of student confidentiality at all times. The rules may 46779
require the use of the data verification codes assigned to 46780
students pursuant to division (D)(2) of section 3301.0714 of the 46781
Revised Code to protect the confidentiality of student scores. 46782

(J) Notwithstanding division (D) of section 3311.52 of the 46783
Revised Code, this section does not apply to the board of 46784
education of any cooperative education school district except as 46785
provided under rules adopted pursuant to this division. 46786

(1) In accordance with rules that the state board of 46787
education shall adopt, the board of education of any city, 46788

exempted village, or local school district with territory in a 46789
cooperative education school district established pursuant to 46790
divisions (A) to (C) of section 3311.52 of the Revised Code may 46791
enter into an agreement with the board of education of the 46792
cooperative education school district for administering any 46793
assessment prescribed under this section to students of the city, 46794
exempted village, or local school district who are attending 46795
school in the cooperative education school district. 46796

(2) In accordance with rules that the state board of 46797
education shall adopt, the board of education of any city, 46798
exempted village, or local school district with territory in a 46799
cooperative education school district established pursuant to 46800
section 3311.521 of the Revised Code shall enter into an agreement 46801
with the cooperative district that provides for the administration 46802
of any assessment prescribed under this section to both of the 46803
following: 46804

(a) Students who are attending school in the cooperative 46805
district and who, if the cooperative district were not 46806
established, would be entitled to attend school in the city, 46807
local, or exempted village school district pursuant to section 46808
3313.64 or 3313.65 of the Revised Code; 46809

(b) Persons described in division (B)(8)(b) of this section. 46810

Any assessment of students pursuant to such an agreement 46811
shall be in lieu of any assessment of such students or persons 46812
pursuant to this section. 46813

(K)(1) As a condition of compliance with section 3313.612 of 46814
the Revised Code, each chartered nonpublic school that educates 46815
students in grades nine through twelve shall administer the 46816
assessments prescribed by divisions (B)(1) and (2) of section 46817
3301.0710 of the Revised Code. Any chartered nonpublic school may 46818
participate in the assessment program by administering any of the 46819

assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(2) The department of education shall furnish the assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each chartered nonpublic school that participates under this division.

(L)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section.

(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(M) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(N)(1) In the manner specified in divisions (N)(3) and (4) of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the first day of July following the school year that the assessments were administered.

(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code.

(3) Any field test question or anchor question administered under division (N)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (N)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine

which questions will be needed for reuse on a future assessment 46882
and those questions shall not be public records and shall be 46883
redacted from the assessment prior to its release as a public 46884
record. However, for each redacted question, the department shall 46885
inform each city, local, and exempted village school district of 46886
the statewide academic standard adopted by the state board of 46887
education under section 3301.079 of the Revised Code and the 46888
corresponding benchmark to which the question relates. The 46889
preceding sentence does not apply to field test questions that are 46890
redacted under division (N)(3) of this section. 46891

(c) The administrations of each assessment in the 2011-2012 46892
school year and later shall not be a public record. 46893

(5) Each assessment prescribed by division (B)(1) of section 46894
3301.0710 of the Revised Code shall not be a public record. 46895

(0) As used in this section: 46896

(1) "Three-year average" means the average of the most recent 46897
consecutive three school years of data. 46898

(2) "Dropout" means a student who withdraws from school 46899
before completing course requirements for graduation and who is 46900
not enrolled in an education program approved by the state board 46901
of education or an education program outside the state. "Dropout" 46902
does not include a student who has departed the country. 46903

(3) "Graduation rate" means the ratio of students receiving a 46904
diploma to the number of students who entered ninth grade four 46905
years earlier. Students who transfer into the district are added 46906
to the calculation. Students who transfer out of the district for 46907
reasons other than dropout are subtracted from the calculation. If 46908
a student who was a dropout in any previous year returns to the 46909
same school district, that student shall be entered into the 46910
calculation as if the student had entered ninth grade four years 46911
before the graduation year of the graduating class that the 46912

student joins. 46913

Sec. 3301.0712. (A) The state board of education, the 46914
superintendent of public instruction, and the chancellor of the 46915
Ohio board of regents shall develop a system of college and work 46916
ready assessments as described in divisions (B)(1) ~~to (3)~~ and (2) 46917
of this section to assess whether each student upon graduating 46918
from high school is ready to enter college or the workforce. The 46919
system shall replace the Ohio graduation tests prescribed in 46920
division (B)(1) of section 3301.0710 of the Revised Code as a 46921
measure of student academic performance and a prerequisite for 46922
eligibility for a high school diploma in the manner prescribed by 46923
rule of the state board adopted under division ~~(E)~~(D) of this 46924
section. 46925

(B) The college and work ready assessment system shall 46926
consist of the following: 46927

(1) A nationally standardized assessment that measures 46928
~~competencies in science, mathematics, and English language arts~~ 46929
college and career readiness selected jointly by the state 46930
superintendent and the chancellor. 46931

(2) A series of end-of-course examinations in the areas of 46932
science, mathematics, English language arts, and social studies 46933
selected jointly by the state superintendent and the chancellor in 46934
consultation with faculty in the appropriate subject areas at 46935
institutions of higher education of the university system of Ohio. 46936
For each subject area, the state superintendent and chancellor 46937
shall select multiple assessments that school districts, public 46938
schools, and chartered nonpublic schools may use as end-of-course 46939
examinations. Those assessments shall include nationally 46940
recognized subject area assessments, such as advanced placement 46941
examinations, SAT subject tests, international baccalaureate 46942
examinations, and other assessments of college and work readiness. 46943

(3) A senior project completed by a student or a group of students. The purpose of the senior project is to assess the student's:	46944
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(a) Mastery of core knowledge in a subject area chosen by the student;	46947
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(b) Written and verbal communication skills;	46949
(c) Critical thinking and problem solving skills;	46950
(d) Real world and interdisciplinary learning;	46951
(e) Creative and innovative thinking;	46952
(f) Acquired technology, information, and media skills;	46953
(g) Personal management skills such as self direction, time management, work ethic, enthusiasm, and the desire to produce a high quality product.	46954
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The state superintendent and the chancellor jointly shall develop standards for the senior project for students participating in dual enrollment programs.	46957
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(C)(1) The state superintendent and the chancellor jointly shall designate the scoring rubrics and the required overall composite score for the assessment system to assess whether each student is college or work ready.	46960
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(2) Each senior project shall be judged by the student's high school in accordance with rubrics designated by the state superintendent and the chancellor.	46964
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(D) Not later than thirty days after the state board adopts the model curricula required by division (B) of section 3301.079 of the Revised Code, the state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations and scoring rubrics prescribed	46967
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by this section. 46974

~~(E)~~(D) Upon completion of the development of the assessment 46975
system, the state board shall adopt rules prescribing all of the 46976
following: 46977

(1) A timeline and plan for implementation of the assessment 46978
system, including a phased implementation if the state board 46979
determines such a phase-in is warranted; 46980

(2) The date after which a person entering ninth grade shall 46981
~~attain at least the composite score for~~ meet the requirements of 46982
the entire assessment system as a prerequisite for a high school 46983
diploma under ~~sections~~ section 3313.61, 3313.612, or 3325.08 of 46984
the Revised Code; 46985

(3) The date after which a person shall ~~attain at least the~~ 46986
~~composite score for~~ meet the requirements of the entire assessment 46987
system as a prerequisite for a diploma of adult education under 46988
section 3313.611 of the Revised Code; 46989

(4) Whether and the extent to which a person may be excused 46990
from a social studies end-of-course examination under division (H) 46991
of section 3313.61 and division (B)(2) of section 3313.612 of the 46992
Revised Code; 46993

(5) The date after which a person who has fulfilled the 46994
curriculum requirement for a diploma but has not passed one or 46995
more of the required assessments at the time the person fulfilled 46996
the curriculum requirement shall ~~attain at least the composite~~ 46997
~~score for~~ meet the requirements of the entire assessment system as 46998
a prerequisite for a high school diploma under division (B) of 46999
section 3313.614 of the Revised Code; 47000

(6) The extent to which the assessment system applies to 47001
students enrolled in a dropout recovery and prevention program for 47002
purposes of division (F) of section 3313.603 and section 3314.36 47003
of the Revised Code. 47004

No rule adopted under this division shall be effective 47005
earlier than one year after the date the rule is filed in final 47006
form pursuant to Chapter 119. of the Revised Code. 47007

~~(F)~~(E) Not later than forty-five days prior to the state 47008
board's adoption of a resolution directing the department of 47009
education to file the rules prescribed by division ~~(E)~~(D) of this 47010
section in final form under section 119.04 of the Revised Code, 47011
the superintendent of public instruction shall present the 47012
assessment system developed under this section to the respective 47013
committees of the house of representatives and senate that 47014
consider education legislation. 47015

Sec. 3301.0714. (A) The state board of education shall adopt 47016
rules for a statewide education management information system. The 47017
rules shall require the state board to establish guidelines for 47018
the establishment and maintenance of the system in accordance with 47019
this section and the rules adopted under this section. The 47020
guidelines shall include: 47021

(1) Standards identifying and defining the types of data in 47022
the system in accordance with divisions (B) and (C) of this 47023
section; 47024

(2) Procedures for annually collecting and reporting the data 47025
to the state board in accordance with division (D) of this 47026
section; 47027

(3) Procedures for annually compiling the data in accordance 47028
with division (G) of this section; 47029

(4) Procedures for annually reporting the data to the public 47030
in accordance with division (H) of this section. 47031

(B) The guidelines adopted under this section shall require 47032
the data maintained in the education management information system 47033
to include at least the following: 47034

(1) Student participation and performance data, for each 47035
grade in each school district as a whole and for each grade in 47036
each school building in each school district, that includes: 47037

(a) The numbers of students receiving each category of 47038
instructional service offered by the school district, such as 47039
regular education instruction, vocational education instruction, 47040
specialized instruction programs or enrichment instruction that is 47041
part of the educational curriculum, instruction for gifted 47042
students, instruction for students with disabilities, and remedial 47043
instruction. The guidelines shall require instructional services 47044
under this division to be divided into discrete categories if an 47045
instructional service is limited to a specific subject, a specific 47046
type of student, or both, such as regular instructional services 47047
in mathematics, remedial reading instructional services, 47048
instructional services specifically for students gifted in 47049
mathematics or some other subject area, or instructional services 47050
for students with a specific type of disability. The categories of 47051
instructional services required by the guidelines under this 47052
division shall be the same as the categories of instructional 47053
services used in determining cost units pursuant to division 47054
(C)(3) of this section. 47055

(b) The numbers of students receiving support or 47056
extracurricular services for each of the support services or 47057
extracurricular programs offered by the school district, such as 47058
counseling services, health services, and extracurricular sports 47059
and fine arts programs. The categories of services required by the 47060
guidelines under this division shall be the same as the categories 47061
of services used in determining cost units pursuant to division 47062
(C)(4)(a) of this section. 47063

(c) Average student grades in each subject in grades nine 47064
through twelve; 47065

(d) Academic achievement levels as assessed under sections 47066

3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	47067
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	47068 47069 47070
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	47071 47072 47073
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	47074 47075 47076 47077
(h) Expulsion rates;	47078
(i) Suspension rates;	47079
(j) Dropout rates;	47080
(k) Rates of retention in grade;	47081
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	47082 47083 47084
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	47085 47086 47087 47088 47089
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	47090 47091 47092 47093 47094 47095 47096

(2) Personnel and classroom enrollment data for each school district, including: 47097
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(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 47099
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 47109
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(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district. 47121
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(d) The number of lead teachers employed by each school district and each school building. 47126
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(3)(a) Student demographic data for each school district, 47128
including information regarding the gender ratio of the school 47129
district's pupils, the racial make-up of the school district's 47130
pupils, the number of limited English proficient students in the 47131
district, and an appropriate measure of the number of the school 47132
district's pupils who reside in economically disadvantaged 47133
households. The demographic data shall be collected in a manner to 47134
allow correlation with data collected under division (B)(1) of 47135
this section. Categories for data collected pursuant to division 47136
(B)(3) of this section shall conform, where appropriate, to 47137
standard practices of agencies of the federal government. 47138

(b) With respect to each student entering kindergarten, 47139
whether the student previously participated in a public preschool 47140
program, a private preschool program, or a head start program, and 47141
the number of years the student participated in each of these 47142
programs. 47143

(4) Any data required to be collected pursuant to federal 47144
law. 47145

(C) The education management information system shall include 47146
cost accounting data for each district as a whole and for each 47147
school building in each school district. The guidelines adopted 47148
under this section shall require the cost data for each school 47149
district to be maintained in a system of mutually exclusive cost 47150
units and shall require all of the costs of each school district 47151
to be divided among the cost units. The guidelines shall require 47152
the system of mutually exclusive cost units to include at least 47153
the following: 47154

(1) Administrative costs for the school district as a whole. 47155
The guidelines shall require the cost units under this division 47156
(C)(1) to be designed so that each of them may be compiled and 47157
reported in terms of average expenditure per pupil in formula ADM 47158
in the school district, as determined pursuant to section 3317.03 47159

of the Revised Code. 47160

(2) Administrative costs for each school building in the 47161
school district. The guidelines shall require the cost units under 47162
this division (C)(2) to be designed so that each of them may be 47163
compiled and reported in terms of average expenditure per 47164
full-time equivalent pupil receiving instructional or support 47165
services in each building. 47166

(3) Instructional services costs for each category of 47167
instructional service provided directly to students and required 47168
by guidelines adopted pursuant to division (B)(1)(a) of this 47169
section. The guidelines shall require the cost units under 47170
division (C)(3) of this section to be designed so that each of 47171
them may be compiled and reported in terms of average expenditure 47172
per pupil receiving the service in the school district as a whole 47173
and average expenditure per pupil receiving the service in each 47174
building in the school district and in terms of a total cost for 47175
each category of service and, as a breakdown of the total cost, a 47176
cost for each of the following components: 47177

(a) The cost of each instructional services category required 47178
by guidelines adopted under division (B)(1)(a) of this section 47179
that is provided directly to students by a classroom teacher; 47180

(b) The cost of the instructional support services, such as 47181
services provided by a speech-language pathologist, classroom 47182
aide, multimedia aide, or librarian, provided directly to students 47183
in conjunction with each instructional services category; 47184

(c) The cost of the administrative support services related 47185
to each instructional services category, such as the cost of 47186
personnel that develop the curriculum for the instructional 47187
services category and the cost of personnel supervising or 47188
coordinating the delivery of the instructional services category. 47189

(4) Support or extracurricular services costs for each 47190

category of service directly provided to students and required by 47191
guidelines adopted pursuant to division (B)(1)(b) of this section. 47192
The guidelines shall require the cost units under division (C)(4) 47193
of this section to be designed so that each of them may be 47194
compiled and reported in terms of average expenditure per pupil 47195
receiving the service in the school district as a whole and 47196
average expenditure per pupil receiving the service in each 47197
building in the school district and in terms of a total cost for 47198
each category of service and, as a breakdown of the total cost, a 47199
cost for each of the following components: 47200

(a) The cost of each support or extracurricular services 47201
category required by guidelines adopted under division (B)(1)(b) 47202
of this section that is provided directly to students by a 47203
licensed employee, such as services provided by a guidance 47204
counselor or any services provided by a licensed employee under a 47205
supplemental contract; 47206

(b) The cost of each such services category provided directly 47207
to students by a nonlicensed employee, such as janitorial 47208
services, cafeteria services, or services of a sports trainer; 47209

(c) The cost of the administrative services related to each 47210
services category in division (C)(4)(a) or (b) of this section, 47211
such as the cost of any licensed or nonlicensed employees that 47212
develop, supervise, coordinate, or otherwise are involved in 47213
administering or aiding the delivery of each services category. 47214

(D)(1) The guidelines adopted under this section shall 47215
require school districts to collect information about individual 47216
students, staff members, or both in connection with any data 47217
required by division (B) or (C) of this section or other reporting 47218
requirements established in the Revised Code. The guidelines may 47219
also require school districts to report information about 47220
individual staff members in connection with any data required by 47221
division (B) or (C) of this section or other reporting 47222

requirements established in the Revised Code. The guidelines shall 47223
not authorize school districts to request social security numbers 47224
of individual students. The guidelines shall prohibit the 47225
reporting under this section of a student's name, address, and 47226
social security number to the state board of education or the 47227
department of education. The guidelines shall also prohibit the 47228
reporting under this section of any personally identifiable 47229
information about any student, except for the purpose of assigning 47230
the data verification code required by division (D)(2) of this 47231
section, to any other person unless such person is employed by the 47232
school district or the information technology center operated 47233
under section 3301.075 of the Revised Code and is authorized by 47234
the district or technology center to have access to such 47235
information or is employed by an entity with which the department 47236
contracts for the scoring of assessments administered under 47237
section 3301.0711 of the Revised Code. The guidelines may require 47238
school districts to provide the social security numbers of 47239
individual staff members. 47240

(2) The guidelines shall provide for each school district or 47241
community school to assign a data verification code that is unique 47242
on a statewide basis over time to each student whose initial Ohio 47243
enrollment is in that district or school and to report all 47244
required individual student data for that student utilizing such 47245
code. The guidelines shall also provide for assigning data 47246
verification codes to all students enrolled in districts or 47247
community schools on the effective date of the guidelines 47248
established under this section. 47249

Individual student data shall be reported to the department 47250
through the information technology centers utilizing the code but, 47251
except as provided in sections 3310.11, 3310.42, 3313.978, 47252
3310.63, and 3317.20 of the Revised Code, at no time shall the 47253
state board or the department have access to information that 47254

would enable any data verification code to be matched to 47255
personally identifiable student data. 47256

Each school district shall ensure that the data verification 47257
code is included in the student's records reported to any 47258
subsequent school district, community school, or state institution 47259
of higher education, as defined in section 3345.011 of the Revised 47260
Code, in which the student enrolls. Any such subsequent district 47261
or school shall utilize the same identifier in its reporting of 47262
data under this section. 47263

The director of health shall request and receive, pursuant to 47264
sections 3301.0723 and 3701.62 of the Revised Code, a data 47265
verification code for a child who is receiving services under 47266
division (A)(2) of section 3701.61 of the Revised Code. 47267

(E) The guidelines adopted under this section may require 47268
school districts to collect and report data, information, or 47269
reports other than that described in divisions (A), (B), and (C) 47270
of this section for the purpose of complying with other reporting 47271
requirements established in the Revised Code. The other data, 47272
information, or reports may be maintained in the education 47273
management information system but are not required to be compiled 47274
as part of the profile formats required under division (G) of this 47275
section or the annual statewide report required under division (H) 47276
of this section. 47277

(F) Beginning with the school year that begins July 1, 1991, 47278
the board of education of each school district shall annually 47279
collect and report to the state board, in accordance with the 47280
guidelines established by the board, the data required pursuant to 47281
this section. A school district may collect and report these data 47282
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 47283

(G) The state board shall, in accordance with the procedures 47284
it adopts, annually compile the data reported by each school 47285

district pursuant to division (D) of this section. The state board 47286
shall design formats for profiling each school district as a whole 47287
and each school building within each district and shall compile 47288
the data in accordance with these formats. These profile formats 47289
shall: 47290

(1) Include all of the data gathered under this section in a 47291
manner that facilitates comparison among school districts and 47292
among school buildings within each school district; 47293

(2) Present the data on academic achievement levels as 47294
assessed by the testing of student achievement maintained pursuant 47295
to division (B)(1)(d) of this section. 47296

(H)(1) The state board shall, in accordance with the 47297
procedures it adopts, annually prepare a statewide report for all 47298
school districts and the general public that includes the profile 47299
of each of the school districts developed pursuant to division (G) 47300
of this section. Copies of the report shall be sent to each school 47301
district. 47302

(2) The state board shall, in accordance with the procedures 47303
it adopts, annually prepare an individual report for each school 47304
district and the general public that includes the profiles of each 47305
of the school buildings in that school district developed pursuant 47306
to division (G) of this section. Copies of the report shall be 47307
sent to the superintendent of the district and to each member of 47308
the district board of education. 47309

(3) Copies of the reports received from the state board under 47310
divisions (H)(1) and (2) of this section shall be made available 47311
to the general public at each school district's offices. Each 47312
district board of education shall make copies of each report 47313
available to any person upon request and payment of a reasonable 47314
fee for the cost of reproducing the report. The board shall 47315
annually publish in a newspaper of general circulation in the 47316

school district, at least twice during the two weeks prior to the 47317
week in which the reports will first be available, a notice 47318
containing the address where the reports are available and the 47319
date on which the reports will be available. 47320

(I) Any data that is collected or maintained pursuant to this 47321
section and that identifies an individual pupil is not a public 47322
record for the purposes of section 149.43 of the Revised Code. 47323

(J) As used in this section: 47324

(1) "School district" means any city, local, exempted 47325
village, or joint vocational school district and, in accordance 47326
with section 3314.17 of the Revised Code, any community school. As 47327
used in division (L) of this section, "school district" also 47328
includes any educational service center or other educational 47329
entity required to submit data using the system established under 47330
this section. 47331

(2) "Cost" means any expenditure for operating expenses made 47332
by a school district excluding any expenditures for debt 47333
retirement except for payments made to any commercial lending 47334
institution for any loan approved pursuant to section 3313.483 of 47335
the Revised Code. 47336

(K) Any person who removes data from the information system 47337
established under this section for the purpose of releasing it to 47338
any person not entitled under law to have access to such 47339
information is subject to section 2913.42 of the Revised Code 47340
prohibiting tampering with data. 47341

(L)(1) In accordance with division (L)(2) of this section and 47342
the rules adopted under division (L)(10) of this section, the 47343
department of education may sanction any school district that 47344
reports incomplete or inaccurate data, reports data that does not 47345
conform to data requirements and descriptions published by the 47346
department, fails to report data in a timely manner, or otherwise 47347

does not make a good faith effort to report data as required by 47348
this section. 47349

(2) If the department decides to sanction a school district 47350
under this division, the department shall take the following 47351
sequential actions: 47352

(a) Notify the district in writing that the department has 47353
determined that data has not been reported as required under this 47354
section and require the district to review its data submission and 47355
submit corrected data by a deadline established by the department. 47356
The department also may require the district to develop a 47357
corrective action plan, which shall include provisions for the 47358
district to provide mandatory staff training on data reporting 47359
procedures. 47360

(b) Withhold up to ten per cent of the total amount of state 47361
funds due to the district for the current fiscal year and, if not 47362
previously required under division (L)(2)(a) of this section, 47363
require the district to develop a corrective action plan in 47364
accordance with that division; 47365

(c) Withhold an additional amount of up to twenty per cent of 47366
the total amount of state funds due to the district for the 47367
current fiscal year; 47368

(d) Direct department staff or an outside entity to 47369
investigate the district's data reporting practices and make 47370
recommendations for subsequent actions. The recommendations may 47371
include one or more of the following actions: 47372

(i) Arrange for an audit of the district's data reporting 47373
practices by department staff or an outside entity; 47374

(ii) Conduct a site visit and evaluation of the district; 47375

(iii) Withhold an additional amount of up to thirty per cent 47376
of the total amount of state funds due to the district for the 47377

current fiscal year;	47378
(iv) Continue monitoring the district's data reporting;	47379
(v) Assign department staff to supervise the district's data management system;	47380 47381
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	47382 47383 47384
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	47385 47386 47387 47388
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	47389 47390 47391 47392 47393
(ix) Any other action designed to correct the district's data reporting problems.	47394 47395
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	47396 47397 47398 47399 47400 47401
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if	47402 47403 47404 47405 47406 47407

the department withheld funding under division (L)(2)(c) of this 47408
section, the department shall not release the funds withheld under 47409
division (L)(2)(b) of this section and, if the department withheld 47410
funding under division (L)(2)(d) of this section, the department 47411
shall not release the funds withheld under division (L)(2)(b) or 47412
(c) of this section. 47413

(5) Notwithstanding anything in this section to the contrary, 47414
the department may use its own staff or an outside entity to 47415
conduct an audit of a school district's data reporting practices 47416
any time the department has reason to believe the district has not 47417
made a good faith effort to report data as required by this 47418
section. If any audit conducted by an outside entity under 47419
division (L)(2)(d)(i) or (5) of this section confirms that a 47420
district has not made a good faith effort to report data as 47421
required by this section, the district shall reimburse the 47422
department for the full cost of the audit. The department may 47423
withhold state funds due to the district for this purpose. 47424

(6) Prior to issuing a revised report card for a school 47425
district under division (L)(2)(d)(viii) of this section, the 47426
department may hold a hearing to provide the district with an 47427
opportunity to demonstrate that it made a good faith effort to 47428
report data as required by this section. The hearing shall be 47429
conducted by a referee appointed by the department. Based on the 47430
information provided in the hearing, the referee shall recommend 47431
whether the department should issue a revised report card for the 47432
district. If the referee affirms the department's contention that 47433
the district did not make a good faith effort to report data as 47434
required by this section, the district shall bear the full cost of 47435
conducting the hearing and of issuing any revised report card. 47436

(7) If the department determines that any inaccurate data 47437
reported under this section caused a school district to receive 47438
excess state funds in any fiscal year, the district shall 47439

reimburse the department an amount equal to the excess funds, in 47440
accordance with a payment schedule determined by the department. 47441
The department may withhold state funds due to the district for 47442
this purpose. 47443

(8) Any school district that has funds withheld under 47444
division (L)(2) of this section may appeal the withholding in 47445
accordance with Chapter 119. of the Revised Code. 47446

(9) In all cases of a disagreement between the department and 47447
a school district regarding the appropriateness of an action taken 47448
under division (L)(2) of this section, the burden of proof shall 47449
be on the district to demonstrate that it made a good faith effort 47450
to report data as required by this section. 47451

(10) The state board of education shall adopt rules under 47452
Chapter 119. of the Revised Code to implement division (L) of this 47453
section. 47454

(M) No information technology center or school district shall 47455
acquire, change, or update its student administration software 47456
package to manage and report data required to be reported to the 47457
department unless it converts to a student software package that 47458
is certified by the department. 47459

(N) The state board of education, in accordance with sections 47460
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 47461
license as defined under division (A) of section 3319.31 of the 47462
Revised Code that has been issued to any school district employee 47463
found to have willfully reported erroneous, inaccurate, or 47464
incomplete data to the education management information system. 47465

(O) No person shall release or maintain any information about 47466
any student in violation of this section. Whoever violates this 47467
division is guilty of a misdemeanor of the fourth degree. 47468

(P) The department shall disaggregate the data collected 47469
under division (B)(1)(n) of this section according to the race and 47470

socioeconomic status of the students assessed. No data collected 47471
under that division shall be included on the report cards required 47472
by section 3302.03 of the Revised Code. 47473

(Q) If the department cannot compile any of the information 47474
required by division (C)(5) of section 3302.03 of the Revised Code 47475
based upon the data collected under this section, the department 47476
shall develop a plan and a reasonable timeline for the collection 47477
of any data necessary to comply with that division. 47478

Sec. 3301.16. Pursuant to standards prescribed by the state 47479
board of education as provided in division (D) of section 3301.07 47480
of the Revised Code, the state board shall classify and charter 47481
school districts and individual schools within each district 47482
except that no charter shall be granted to a nonpublic school 47483
unless the school complies with section 3313.612 of the Revised 47484
Code. 47485

In the course of considering the charter of a new school 47486
district created under section 3311.26 or 3311.38 of the Revised 47487
Code, the state board shall require the party proposing creation 47488
of the district to submit to the board a map, certified by the 47489
county auditor of the county in which the proposed new district is 47490
located, showing the boundaries of the proposed new district. In 47491
the case of a proposed new district located in more than one 47492
county, the map shall be certified by the county auditor of each 47493
county in which the proposed district is located. 47494

The state board shall revoke the charter of any school 47495
district or school which fails to meet the standards for 47496
elementary and high schools as prescribed by the board. The state 47497
board shall also revoke the charter of any nonpublic school that 47498
does not comply with section 3313.612 of the Revised Code. ~~The~~ 47499
~~state board may revoke the charter of any school district that~~ 47500
~~fails to meet the operating standards established under division~~ 47501

~~(D)(3) of section 3301.07 of the Revised Code.~~ 47502

In the issuance and revocation of school district or school 47503
charters, the state board shall be governed by the provisions of 47504
Chapter 119. of the Revised Code. 47505

No school district, or individual school operated by a school 47506
district, shall operate without a charter issued by the state 47507
board under this section. 47508

In case a school district charter is revoked pursuant to this 47509
section, the state board may dissolve the school district and 47510
transfer its territory to one or more adjacent districts. An 47511
equitable division of the funds, property, and indebtedness of the 47512
school district shall be made by the state board among the 47513
receiving districts. The board of education of a receiving 47514
district shall accept such territory pursuant to the order of the 47515
state board. Prior to dissolving the school district, the state 47516
board shall notify the appropriate educational service center 47517
governing board and all adjacent school district boards of 47518
education of its intention to do so. Boards so notified may make 47519
recommendations to the state board regarding the proposed 47520
dissolution and subsequent transfer of territory. Except as 47521
provided in section 3301.161 of the Revised Code, the transfer 47522
ordered by the state board shall become effective on the date 47523
specified by the state board, but the date shall be at least 47524
thirty days following the date of issuance of the order. 47525

A high school is one of higher grade than an elementary 47526
school, in which instruction and training are given in accordance 47527
with sections 3301.07 and 3313.60 of the Revised Code and which 47528
also offers other subjects of study more advanced than those 47529
taught in the elementary schools and such other subjects as may be 47530
approved by the state board of education. 47531

An elementary school is one in which instruction and training 47532

are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the state board of education. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

~~A high school or an elementary school may consist of less than one or more than one organizational unit, as defined in sections 3306.02 and 3306.04 of the Revised Code.~~

Sec. 3301.162. (A) If the governing authority of a chartered nonpublic school intends to close the school, the governing authority shall notify all of the following of that intent prior to closing the school:

(1) The department of education;

(2) The school district that receives auxiliary services funding under division ~~(I)~~(E) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school;

(3) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the state board of education, if applicable.

The notice shall include the school year and, if possible, the actual date the school will close.

(B) The chief administrator of each chartered nonpublic school that closes shall deposit the school's records with either:

(1) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the state board, if applicable;

(2) The school district that received auxiliary services funding under division ~~(I)~~(E) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school.

The school district that receives the records may charge for 47563
and receive a one-time reimbursement from auxiliary services 47564
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 47565
Code for costs the district incurred to store the records. 47566

Sec. 3301.70. (A) The state board of education is the 47567
designated state agency responsible for the coordination and 47568
administration of sections 110 to 118 of the "National and 47569
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 47570
12401 to 12431, as amended. With the assistance of the Ohio 47571
~~community~~ commission on service council and volunteerism created 47572
in section 121.40 of the Revised Code, the state board shall 47573
coordinate with other state agencies to apply for funding under 47574
the act when appropriate. 47575

(B) With the assistance of the Ohio ~~community~~ commission on 47576
service council and volunteerism, the state board of education 47577
shall develop a plan to assist school districts in the 47578
implementation of section 3313.605 of the Revised Code and other 47579
community service activities of school districts. The state board 47580
shall encourage the development of school district programs 47581
meeting the requirements for funding under the National and 47582
Community Service Act of 1990. The plan shall include the 47583
investigation of funding from all available sources for school 47584
community service education programs, including funds available 47585
under the National and Community Service Act of 1990, and the 47586
provision of technical assistance to school districts for the 47587
implementation of community service education programs. The plan 47588
shall also provide for technical assistance to be given to school 47589
boards to assist in obtaining funds for community service 47590
education programs from any source. 47591

(C) With the assistance of the Ohio ~~community~~ commission on 47592
service council and volunteerism, the state board of education 47593

shall do all of the following: 47594

(1) Disseminate information about school district community 47595
service education programs to other school districts and to 47596
statewide organizations involved with or promoting volunteerism; 47597

(2) Recruit additional school districts to develop community 47598
service education programs; 47599

(3) Identify or develop model community service programs, 47600
teacher training courses, and community service curricula and 47601
teaching materials for possible use by school districts in their 47602
programs. 47603

Sec. 3301.921. The healthy choices for healthy children 47604
council shall do all of the following: 47605

(A) Monitor progress in improving student health and 47606
wellness; 47607

(B) Make periodic policy recommendations to the state board 47608
of education regarding ways to improve the nutritional standards 47609
for food and beverages prescribed by sections 3313.816 and 47610
3313.817 of the Revised Code. If, on or after ~~the effective date~~ 47611
~~of this section~~ September 17, 2010, the United States department 47612
of agriculture adopts regulations for the sale of food or 47613
beverages in schools, the council, within sixty days after their 47614
adoption, shall review the regulations and, based on that review, 47615
make recommendations for changes to the nutritional standards 47616
prescribed by those sections. 47617

(C) Make periodic recommendations to the department of 47618
education for the development of a clearinghouse of best practices 47619
in the areas of student nutrition, physical activity for students, 47620
and body mass index screenings; 47621

(D) ~~Assist the department of health in developing a list of~~ 47622
~~resources regarding health risks associated with weight status for~~ 47623

~~distribution to parents and guardians under division (E) of~~ 47624
~~section 3313.674 of the Revised Code;~~ 47625

~~(E)~~ Regularly review developments in science and nutrition to 47626
ensure the council remains informed for purposes of making 47627
recommendations under divisions (B) and (C) of this section. 47628

Sec. 3302.02. Not later than one year after the adoption of 47629
rules under division ~~(E)~~(D) of section 3301.0712 of the Revised 47630
Code and at least every sixth year thereafter, upon 47631
recommendations of the superintendent of public instruction, the 47632
state board of education shall establish performance indicators 47633
for the report cards required by division (C) of section 3302.03 47634
of the Revised Code. In establishing these indicators, the 47635
superintendent shall consider inclusion of student performance on 47636
assessments prescribed under section 3301.0710 or 3301.0712 of the 47637
Revised Code, rates of student improvement on such assessments, 47638
student attendance, the breadth of coursework available within the 47639
district, and other indicators of student success. Not later than 47640
December 31, 2011, the state board, upon recommendation of the 47641
superintendent, shall establish a performance indicator reflecting 47642
the level of services provided to, and the performance of, 47643
students identified as gifted under Chapter 3324. of the Revised 47644
Code. 47645

The superintendent shall inform the Ohio accountability task 47646
force established under section 3302.021 of the Revised Code of 47647
the performance indicators the superintendent establishes under 47648
this section and the rationale for choosing each indicator and for 47649
determining how a school district or building meets that 47650
indicator. 47651

The superintendent shall not establish any performance 47652
indicator for passage of the third or fourth grade English 47653
language arts assessment that is solely based on the assessment 47654

given in the fall for the purpose of determining whether students 47655
have met the reading guarantee provisions of section 3313.608 of 47656
the Revised Code. 47657

Sec. 3302.031. In addition to the report cards required under 47658
section 3302.03 of the Revised Code, the department of education 47659
shall annually prepare the following reports for each school 47660
district and make a copy of each report available to the 47661
superintendent of each district: 47662

(A) A funding and expenditure accountability report which 47663
shall consist of the amount of state aid payments the school 47664
district will receive during the fiscal year under ~~Chapters 3306.~~ 47665
~~and Chapter~~ 3317. of the Revised Code and any other fiscal data 47666
the department determines is necessary to inform the public about 47667
the financial status of the district; 47668

(B) A school safety and discipline report which shall consist 47669
of statistical information regarding student safety and discipline 47670
in each school building, including the number of suspensions and 47671
expulsions disaggregated according to race and gender; 47672

(C) A student equity report which shall consist of at least a 47673
description of the status of teacher qualifications, library and 47674
media resources, textbooks, classroom materials and supplies, and 47675
technology resources for each district. To the extent possible, 47676
the information included in the report required under this 47677
division shall be disaggregated according to grade level, race, 47678
gender, disability, and scores attained on assessments required 47679
under section 3301.0710 of the Revised Code. 47680

(D) A school enrollment report which shall consist of 47681
information about the composition of classes within each district 47682
by grade and subject disaggregated according to race, gender, and 47683
scores attained on assessments required under section 3301.0710 of 47684
the Revised Code; 47685

(E) A student retention report which shall consist of the number of students retained in their respective grade levels in the district disaggregated by grade level, subject area, race, gender, and disability;

(F) A school district performance report which shall describe for the district and each building within the district the extent to which the district or building meets each of the applicable performance indicators established under section 3302.02 of the Revised Code, the number of performance indicators that have been achieved, and the performance index score. In calculating the rates of achievement on the performance indicators and the performance index scores for each report, the department shall exclude all students with disabilities.

Sec. 3302.032. (A) Not later than December 31, 2011, the state board of education shall establish a measure of the following:

(1) Student success in meeting the benchmarks contained in the physical education standards adopted under division (A)(3) of section 3301.079 of the Revised Code;

(2) Compliance with the requirements for local wellness policies prescribed by section 204 of the "Child Nutrition and WIC Reauthorization Act of 2004," 42 U.S.C. 1751 note;

~~(3) Whether a school district or building is complying with section 3313.674 of the Revised Code instead of operating under a waiver from the requirements of that section;~~

~~(4) Whether a school district or building is participating in the physical activity pilot program administered under section 3313.6016 of the Revised Code.~~

(B) The measure shall be included on the school district and building report cards issued under section 3302.03 of the Revised

Code, beginning with the report cards issued for the 2012-2013 47716
school year, but it shall not be a factor in the performance 47717
ratings issued under that section. 47718

(C) The department of education may accept, receive, and 47719
expend gifts, devises, or bequests of money for the purpose of 47720
establishing the measure required by this section. 47721

Sec. 3302.04. (A) The department of education shall establish 47722
a system of intensive, ongoing support for the improvement of 47723
school districts and school buildings. In accordance with the 47724
model of differentiated accountability described in section 47725
3302.041 of the Revised Code, the system shall give priority to 47726
districts and buildings that have been declared to be under an 47727
academic watch or in a state of academic emergency under section 47728
3302.03 of the Revised Code and shall include services provided to 47729
districts and buildings through regional service providers, such 47730
as educational service centers. 47731

(B) This division does not apply to any school district after 47732
June 30, 2008. 47733

When a school district has been notified by the department 47734
pursuant to division (A) of section 3302.03 of the Revised Code 47735
that the district or a building within the district has failed to 47736
make adequate yearly progress for two consecutive school years, 47737
the district shall develop a three-year continuous improvement 47738
plan for the district or building containing each of the 47739
following: 47740

(1) An analysis of the reasons for the failure of the 47741
district or building to meet any of the applicable performance 47742
indicators established under section 3302.02 of the Revised Code 47743
that it did not meet and an analysis of the reasons for its 47744
failure to make adequate yearly progress; 47745

(2) Specific strategies that the district or building will use to address the problems in academic achievement identified in division (B)(1) of this section;

(3) Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;

(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;

(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

(C) When a school district or building has been notified by the department pursuant to division (A) of section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(D)(1) Within one hundred twenty days after any school district or building is declared to be in a state of academic

emergency under section 3302.03 of the Revised Code, the 47777
department may initiate a site evaluation of the building or 47778
school district. 47779

(2) Division (D)(2) of this section does not apply to any 47780
school district after June 30, 2008. 47781

If any school district that is declared to be in a state of 47782
academic emergency or in a state of academic watch under section 47783
3302.03 of the Revised Code or encompasses a building that is 47784
declared to be in a state of academic emergency or in a state of 47785
academic watch fails to demonstrate to the department satisfactory 47786
improvement of the district or applicable buildings or fails to 47787
submit to the department any information required under rules 47788
established by the state board of education, prior to approving a 47789
three-year continuous improvement plan under rules established by 47790
the state board of education, the department shall conduct a site 47791
evaluation of the school district or applicable buildings to 47792
determine whether the school district is in compliance with 47793
minimum standards established by law or rule. 47794

(3) Site evaluations conducted under divisions (D)(1) and (2) 47795
of this section shall include, but not be limited to, the 47796
following: 47797

(a) Determining whether teachers are assigned to subject 47798
areas for which they are licensed or certified; 47799

(b) Determining pupil-teacher ratios; 47800

(c) Examination of compliance with minimum instruction time 47801
requirements for each school day and for each school year; 47802

(d) Determining whether materials and equipment necessary to 47803
implement the curriculum approved by the school district board are 47804
available; 47805

(e) Examination of whether the teacher and principal 47806

~~evaluation system reflects the evaluation system guidelines~~ 47807
~~adopted by the state board of education under section 3319.112~~ 47808
~~systems comply with sections 3319.02 and 3319.111~~ of the Revised 47809
Code; 47810

(f) Examination of the adequacy of efforts to improve the 47811
cultural competency, as defined pursuant to section 3319.61 of the 47812
Revised Code, of teachers and other educators. 47813

(E) This division applies only to school districts that 47814
operate a school building that fails to make adequate yearly 47815
progress for two or more consecutive school years. It does not 47816
apply to any such district after June 30, 2008, except as provided 47817
in division (D)(2) of section 3313.97 of the Revised Code. 47818

(1) For any school building that fails to make adequate 47819
yearly progress for two consecutive school years, the district 47820
shall do all of the following: 47821

(a) Provide written notification of the academic issues that 47822
resulted in the building's failure to make adequate yearly 47823
progress to the parent or guardian of each student enrolled in the 47824
building. The notification shall also describe the actions being 47825
taken by the district or building to improve the academic 47826
performance of the building and any progress achieved toward that 47827
goal in the immediately preceding school year. 47828

(b) If the building receives funds under Title 1, Part A of 47829
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 47830
6311 to 6339, from the district, in accordance with section 47831
3313.97 of the Revised Code, offer all students enrolled in the 47832
building the opportunity to enroll in an alternative building 47833
within the district that is not in school improvement status as 47834
defined by the "No Child Left Behind Act of 2001." Notwithstanding 47835
Chapter 3327. of the Revised Code, the district shall spend an 47836
amount equal to twenty per cent of the funds it receives under 47837

Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation, the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following:

(a) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division (E)(2) of this section.

(b) If the building receives funds under Title 1, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C.

6311 to 6339, from the district, offer supplemental educational 47870
services to students who are enrolled in the building and who are 47871
in the subgroup described in division (B)(3) of section 3302.01 of 47872
the Revised Code. 47873

The district shall spend a combined total of an amount equal 47874
to twenty per cent of the funds it receives under Title I, Part A 47875
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 47876
6311 to 6339, to provide transportation for students who enroll in 47877
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 47878
this section and to pay the costs of the supplemental educational 47879
services provided to students under division (E)(2)(b) of this 47880
section, unless the district can satisfy all demand for 47881
transportation and pay the costs of supplemental educational 47882
services for those students who request them with a lesser amount. 47883
In allocating funds between the requirements of divisions 47884
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 47885
shall spend at least an amount equal to five per cent of the funds 47886
it receives under Title I, Part A of the "Elementary and Secondary 47887
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 47888
transportation for students who enroll in alternative buildings 47889
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 47890
district can satisfy all demand for transportation with a lesser 47891
amount, and at least an amount equal to five per cent of the funds 47892
it receives under Title I, Part A of the "Elementary and Secondary 47893
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 47894
of the supplemental educational services provided to students 47895
under division (E)(2)(b) of this section, unless the district can 47896
pay the costs of such services for all students requesting them 47897
with a lesser amount. If an amount equal to twenty per cent of the 47898
funds the district receives under Title I, Part A of the 47899
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 47900
to 6339, is insufficient to satisfy all demand for transportation 47901
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 47902

the costs of all of the supplemental educational services provided 47903
to students under division (E)(2)(b) of this section, the district 47904
shall grant priority over all other students in providing 47905
transportation and in paying the costs of supplemental educational 47906
services to the lowest achieving students among the subgroup 47907
described in division (B)(3) of section 3302.01 of the Revised 47908
Code. 47909

Any district that does not receive funds under Title I, Part 47910
A of the "Elementary and Secondary Education Act of 1965," 20 47911
U.S.C. 6311 to 6339, shall not be required to provide 47912
transportation to any student who enrolls in an alternative 47913
building under division (E)(2)(a) of this section or to pay the 47914
costs of supplemental educational services provided to any student 47915
under division (E)(2)(b) of this section. 47916

No student who enrolls in an alternative building under 47917
division (E)(2)(a) of this section shall be eligible for 47918
supplemental educational services under division (E)(2)(b) of this 47919
section. 47920

(3) For any school building that fails to make adequate 47921
yearly progress for four consecutive school years, the district 47922
shall continue to comply with division (E)(2) of this section and 47923
shall implement at least one of the following options with respect 47924
to the building: 47925

(a) Institute a new curriculum that is consistent with the 47926
statewide academic standards adopted pursuant to division (A) of 47927
section 3301.079 of the Revised Code; 47928

(b) Decrease the degree of authority the building has to 47929
manage its internal operations; 47930

(c) Appoint an outside expert to make recommendations for 47931
improving the academic performance of the building. The district 47932
may request the department to establish a state intervention team 47933

for this purpose pursuant to division (G) of this section.	47934
(d) Extend the length of the school day or year;	47935
(e) Replace the building principal or other key personnel;	47936
(f) Reorganize the administrative structure of the building.	47937
(4) For any school building that fails to make adequate	47938
yearly progress for five consecutive school years, the district	47939
shall continue to comply with division (E)(2) of this section and	47940
shall develop a plan during the next succeeding school year to	47941
improve the academic performance of the building, which shall	47942
include at least one of the following options:	47943
(a) Reopen the school as a community school under Chapter	47944
3314. of the Revised Code;	47945
(b) Replace personnel;	47946
(c) Contract with a nonprofit or for-profit entity to operate	47947
the building;	47948
(d) Turn operation of the building over to the department;	47949
(e) Other significant restructuring of the building's	47950
governance.	47951
(5) For any school building that fails to make adequate	47952
yearly progress for six consecutive school years, the district	47953
shall continue to comply with division (E)(2) of this section and	47954
shall implement the plan developed pursuant to division (E)(4) of	47955
this section.	47956
(6) A district shall continue to comply with division	47957
(E)(1)(b) or (E)(2) of this section, whichever was most recently	47958
applicable, with respect to any building formerly subject to one	47959
of those divisions until the building makes adequate yearly	47960
progress for two consecutive school years.	47961
(F) This division applies only to school districts that have	47962

been identified for improvement by the department pursuant to the 47963
"No Child Left Behind Act of 2001." It does not apply to any such 47964
district after June 30, 2008. 47965

(1) If a school district has been identified for improvement 47966
for one school year, the district shall provide a written 47967
description of the continuous improvement plan developed by the 47968
district pursuant to division (B) of this section to the parent or 47969
guardian of each student enrolled in the district. If the district 47970
does not have a continuous improvement plan, the district shall 47971
develop such a plan in accordance with division (B) of this 47972
section and provide a written description of the plan to the 47973
parent or guardian of each student enrolled in the district. 47974

(2) If a school district has been identified for improvement 47975
for two consecutive school years, the district shall continue to 47976
implement the continuous improvement plan developed by the 47977
district pursuant to division (B) or (F)(1) of this section. 47978

(3) If a school district has been identified for improvement 47979
for three consecutive school years, the department shall take at 47980
least one of the following corrective actions with respect to the 47981
district: 47982

(a) Withhold a portion of the funds the district is entitled 47983
to receive under Title I, Part A of the "Elementary and Secondary 47984
Education Act of 1965," 20 U.S.C. 6311 to 6339; 47985

(b) Direct the district to replace key district personnel; 47986

(c) Institute a new curriculum that is consistent with the 47987
statewide academic standards adopted pursuant to division (A) of 47988
section 3301.079 of the Revised Code; 47989

(d) Establish alternative forms of governance for individual 47990
school buildings within the district; 47991

(e) Appoint a trustee to manage the district in place of the 47992

district superintendent and board of education. 47993

The department shall conduct individual audits of a sampling 47994
of districts subject to this division to determine compliance with 47995
the corrective actions taken by the department. 47996

(4) If a school district has been identified for improvement 47997
for four consecutive school years, the department shall continue 47998
to monitor implementation of the corrective action taken under 47999
division (F)(3) of this section with respect to the district. 48000

(5) If a school district has been identified for improvement 48001
for five consecutive school years, the department shall take at 48002
least one of the corrective actions identified in division (F)(3) 48003
of this section with respect to the district, provided that the 48004
corrective action the department takes is different from the 48005
corrective action previously taken under division (F)(3) of this 48006
section with respect to the district. 48007

(G) The department may establish a state intervention team to 48008
evaluate all aspects of a school district or building, including 48009
management, curriculum, instructional methods, resource 48010
allocation, and scheduling. Any such intervention team shall be 48011
appointed by the department and shall include teachers and 48012
administrators recognized as outstanding in their fields. The 48013
intervention team shall make recommendations regarding methods for 48014
improving the performance of the district or building. 48015

The department shall not approve a district's request for an 48016
intervention team under division (E)(3) of this section if the 48017
department cannot adequately fund the work of the team, unless the 48018
district agrees to pay for the expenses of the team. 48019

(H) The department shall conduct individual audits of a 48020
sampling of community schools established under Chapter 3314. of 48021
the Revised Code to determine compliance with this section. 48022

(I) The state board shall adopt rules for implementing this 48023

section. 48024

Sec. 3302.042. (A) This section shall operate as a pilot project that applies to any school that has been ranked according to performance index score under section 3302.21 of the Revised Code in the lowest five per cent of all public school buildings statewide for three or more consecutive school years and is operated by the Columbus city school district. The pilot project shall commence once the department of education establishes implementation guidelines for the pilot project in consultation with the Columbus city school district. 48025
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(B) Except as provided in division (D) of this section, if the parents or guardians of at least fifty per cent of the students enrolled in a school to which this section applies, or if the parents or guardians of at least fifty per cent of the total number of students enrolled in that school and the schools of lower grade levels whose students typically matriculate into that school, sign and file with the school district treasurer a petition requesting the district board of education to implement one of the following reforms in the school, and if the validity and sufficiency of the petition is certified in accordance with division (C) of this section, the board shall implement the requested reform in the next school year: 48034
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(1) Reopen the school as a community school under Chapter 3314. of the Revised Code; 48046
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(2) Replace at least seventy per cent of the school's personnel who are related to the school's poor academic performance or, at the request of the petitioners, retain not more than thirty per cent of the personnel; 48048
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(3) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 48052
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(4) Turn operation of the school over to the department; 48055

(5) Any other major restructuring of the school that makes 48056
fundamental reforms in the school's staffing or governance. 48057

(C) Not later than thirty days after receipt of a petition 48058
under division (B) of this section, the district treasurer shall 48059
verify the validity and sufficiency of the signatures on the 48060
petition and certify to the district board whether the petition 48061
contains the necessary number of valid signatures to require the 48062
board to implement the reform requested by the petitioners. If the 48063
treasurer certifies to the district board that the petition does 48064
not contain the necessary number of valid signatures, any person 48065
who signed the petition may file an appeal with the county auditor 48066
within ten days after the certification. Not later than thirty 48067
days after the filing of an appeal, the county auditor shall 48068
conduct an independent verification of the validity and 48069
sufficiency of the signatures on the petition and certify to the 48070
district board whether the petition contains the necessary number 48071
of valid signatures to require the board to implement the 48072
requested reform. If the treasurer or county auditor certifies 48073
that the petition contains the necessary number of valid 48074
signatures, the district board shall notify the superintendent of 48075
public instruction and the state board of education of the 48076
certification. 48077

(D) The district board shall not implement the reform 48078
requested by the petitioners in any of the following 48079
circumstances: 48080

(1) The district board has determined that the request is for 48081
reasons other than improving student academic achievement or 48082
student safety. 48083

(2) The state superintendent has determined that 48084
implementation of the requested reform would not comply with the 48085

model of differentiated accountability described in section 48086
3302.041 of the Revised Code. 48087

(3) The petitioners have requested the district board to 48088
implement the reform described in division (B)(4) of this section 48089
and the department has not agreed to take over the school's 48090
operation. 48091

(4) When all of the following have occurred: 48092

(a) After a public hearing on the matter, the district board 48093
issued a written statement explaining the reasons that it is 48094
unable to implement the requested reform and agreeing to implement 48095
one of the other reforms described in division (B) of this 48096
section. 48097

(b) The district board submitted its written statement to the 48098
state superintendent and the state board along with evidence 48099
showing how the alternative reform the district board has agreed 48100
to implement will enable the school to improve its academic 48101
performance. 48102

(c) Both the state superintendent and the state board have 48103
approved implementation of the alternative reform. 48104

(E) Beginning not later than six months after the first 48105
petition under this section has been resolved, the department of 48106
education shall annually evaluate the pilot program and submit a 48107
report to the general assembly under section 101.68 of the Revised 48108
Code. Such reports shall contain its recommendations to the 48109
general assembly with respect to the continuation of the pilot 48110
program, its expansion to other school districts, or the enactment 48111
of further legislation establishing the program statewide under 48112
permanent law. 48113

Sec. 3302.05. The state board of education shall adopt rules 48114
freeing school districts declared to be excellent under division 48115

(B)(1) or effective under division (B)(2) of section 3302.03 of 48116
the Revised Code from specified state mandates. Any mandates 48117
included in the rules shall be only those statutes or rules 48118
pertaining to state education requirements. The rules shall not 48119
exempt districts ~~from any standard or requirement of section~~ 48120
~~3306.09 of the Revised Code or~~ from any operating standard adopted 48121
under division (D)(3) of section 3301.07 of the Revised Code. 48122

Sec. 3302.06. (A) Any school of a city, exempted village, or 48123
local school district may apply to the district board of education 48124
to be designated as an innovation school. Each application shall 48125
include an innovation plan that contains the following: 48126

(1) A statement of the school's mission and an explanation of 48127
how the designation would enhance the school's ability to fulfill 48128
its mission; 48129

(2) A description of the innovations the school would 48130
implement; 48131

(3) An explanation of how implementation of the innovations 48132
described in division (A)(2) of this section would affect the 48133
school's programs and policies, including any of the following 48134
that apply: 48135

(a) The school's educational program; 48136

(b) The length of the school day and the school year; 48137

(c) The school's student promotion policy; 48138

(d) The school's plan for the assessment of students; 48139

(e) The school's budget; 48140

(f) The school's staffing levels. 48141

(4) A description of the improvements in student academic 48142
performance that the school expects to achieve by implementing the 48143
innovations described in division (A)(2) of this section; 48144

(5) An estimate of the cost savings and increased efficiencies, if any, that the school expects to achieve by implementing the innovations described in division (A)(2) of this section; 48145
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(6) A description of any laws in Title XXXIII of the Revised Code, rules adopted by the state board of education, or requirements enacted by the district board that would need to be waived to implement the innovations described in division (A)(2) of this section; 48149
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(7) A description of any provisions of a collective bargaining agreement covering personnel of the school that would need to be waived to implement the innovations described in division (A)(2) of this section; 48154
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(8) Evidence that a majority of the administrators assigned to the school and a majority of the teachers assigned to the school consent to seeking the designation and a statement of the level of support for seeking the designation demonstrated by other staff working in the school, students enrolled in the school and their parents, and members of the community in which the school is located. 48158
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(B) Two or more schools of the district may apply to the district board to be designated as an innovation school zone, if the schools share common interests based on factors such as geographical proximity or similar educational programs or if the schools serve the same classes of students as they advance to higher grade levels. Each application shall include an innovation plan that contains the information prescribed by divisions (A)(1) to (8) of this section for each participating school and the following additional information: 48165
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(1) A description of how innovations in the participating schools would be integrated to achieve results that would be less 48174
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<u>likely to be achieved by each participating school alone;</u>	48176
<u>(2) An estimate of any economies of scale that would be realized by implementing innovations jointly.</u>	48177 48178
<u>Sec. 3302.061. (A) A school district board of education shall review each application received under section 3302.06 of the Revised Code and, within sixty days after receipt of the application, shall approve or disapprove the application. In reviewing applications, the board shall give preference to applications that propose innovations in one or more of the following areas:</u>	48179 48180 48181 48182 48183 48184 48185
<u>(1) Curriculum;</u>	48186
<u>(2) Student assessments, other than the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code;</u>	48187 48188 48189
<u>(3) Class scheduling;</u>	48190
<u>(4) Accountability measures, including innovations that expand the number and variety of measures used in order to collect more complete data about student academic performance. For this purpose, schools may consider use of measures such as end-of-course examinations, portfolios of student work, nationally or internationally normed assessments, the percentage of students enrolling in post-secondary education, or the percentage of students simultaneously obtaining a high school diploma and an associate's degree or certification to work in an industry or career field.</u>	48191 48192 48193 48194 48195 48196 48197 48198 48199 48200
<u>(5) Provision of student services, including services for students who are disabled, identified as gifted under Chapter 3324. of the Revised Code, limited English proficient, at risk of academic failure or dropping out, or at risk of suspension or expulsion;</u>	48201 48202 48203 48204 48205

<u>(6) Provision of health, counseling, or other social services</u>	48206
<u>to students;</u>	48207
<u>(7) Preparation of students for transition to higher</u>	48208
<u>education or the workforce;</u>	48209
<u>(8) Teacher recruitment, employment, and evaluation;</u>	48210
<u>(9) Compensation for school personnel;</u>	48211
<u>(10) Professional development;</u>	48212
<u>(11) School governance and the roles and responsibilities of</u>	48213
<u>principals;</u>	48214
<u>(12) Use of financial or other resources.</u>	48215
<u>(B)(1) If the board approves an application seeking</u>	48216
<u>designation as an innovation school, it shall so designate the</u>	48217
<u>school that submitted the application. If the board approves an</u>	48218
<u>application seeking designation as an innovation school zone, it</u>	48219
<u>shall so designate the participating schools that submitted the</u>	48220
<u>application.</u>	48221
<u>(2) If the board disapproves an application, it shall provide</u>	48222
<u>a written explanation of the basis for its decision to the school</u>	48223
<u>or schools that submitted the application. The school or schools</u>	48224
<u>may reapply for designation as an innovation school or innovation</u>	48225
<u>school zone at any time.</u>	48226
<u>(C) The board may approve an application that allows an</u>	48227
<u>innovation school or a school participating in an innovation</u>	48228
<u>school zone to determine the compensation of board employees</u>	48229
<u>working in the school, but the total compensation for all such</u>	48230
<u>employees shall not exceed the financial resources allocated to</u>	48231
<u>the school by the board. The school shall not be required to</u>	48232
<u>comply with the salary schedule adopted by the board under section</u>	48233
<u>3317.14 or 3317.141 of the Revised Code. The board may approve an</u>	48234
<u>application that allows an innovation school or a school</u>	48235

participating in an innovation school zone to remove board 48236
employees from the school, but no employee shall be terminated 48237
except as provided in section 3319.081 or 3319.16 of the Revised 48238
Code. 48239

(D) The board may do either of the following at any time: 48240

(1) Designate a school as an innovation school by creating an 48241
innovation plan for that school and offering the school an 48242
opportunity to participate in the plan's creation; 48243

(2) Designate as an innovation school zone two or more 48244
schools that share common interests based on factors such as 48245
geographical proximity or similar educational programs or that 48246
serve the same classes of students as they advance to higher grade 48247
levels, by creating an innovation plan for those schools and 48248
offering the schools an opportunity to participate in the plan's 48249
creation. 48250

Sec. 3302.062. (A) If a school district board of education 48251
approves an application under division (B)(1) of section 3302.061 48252
of the Revised Code or designates an innovation school or 48253
innovation school zone under division (D) of that section, the 48254
district board shall apply to the state board of education for 48255
designation as a school district of innovation by submitting to 48256
the state board the innovation plan included in the approved 48257
application or created by the district board. 48258

Within sixty days after receipt of the application, the state 48259
board shall designate the district as a school district of 48260
innovation, unless the state board determines that the submitted 48261
innovation plan is not financially feasible or will likely result 48262
in decreased academic achievement. If the state board so 48263
determines, it shall provide a written explanation of the basis 48264
for its determination to the district board. If the district is 48265
not designated as a school district of innovation, the district 48266

board shall not implement the innovation plan. However, the 48267
district board may reapply for designation as a school district of 48268
innovation at any time. 48269

(B) A district board may request the state board to make a 48270
preliminary review of an innovation plan prior to the district 48271
board's formal application for designation as a school district of 48272
innovation. In that case, the state board shall review the 48273
innovation plan and, within sixty days after the request, 48274
recommend to the district board any changes or additions that the 48275
state board believes will improve the plan, which may include 48276
further innovations or measures to increase the likelihood that 48277
the innovations will result in higher academic achievement. The 48278
district board may revise the innovation plan prior to making 48279
formal application for designation as a school district of 48280
innovation. 48281

Sec. 3302.063. (A) Except as provided in division (B) of this 48282
section, upon designation of a school district of innovation under 48283
section 3302.062 of the Revised Code, the state board of education 48284
shall waive any laws in Title XXXIII of the Revised Code or rules 48285
adopted by the state board that are specified in the innovation 48286
plan submitted by the district board of education as needing to be 48287
waived to implement the plan. The waiver shall apply only to the 48288
school or schools participating in the innovation plan and shall 48289
not apply to the district as a whole, unless each of the 48290
district's schools is a participating school. The waiver shall 48291
cease to apply to a school if the school's designation as an 48292
innovation school is revoked or the innovation school zone in 48293
which the school participates has its designation revoked under 48294
section 3302.065 of the Revised Code, or if the school is removed 48295
from an innovation school zone under that section or section 48296
3302.064 of the Revised Code. 48297

<u>(B) The state board shall not waive any law or rule regarding</u>	48298
<u>the following:</u>	48299
<u>(1) Funding for school districts under Chapter 3317. of the</u>	48300
<u>Revised Code;</u>	48301
<u>(2) The requirements of Chapters 3323. and 3324. of the</u>	48302
<u>Revised Code for the provision of services to students with</u>	48303
<u>disabilities and gifted students;</u>	48304
<u>(3) Requirements related to the provision of career-technical</u>	48305
<u>education that are necessary to comply with federal law or</u>	48306
<u>maintenance of effort provisions;</u>	48307
<u>(4) Administration of the assessments prescribed by sections</u>	48308
<u>3301.0710, 3301.0712, and 3301.0715 of the Revised Code;</u>	48309
<u>(5) Requirements related to the issuance of report cards and</u>	48310
<u>the assignment of performance ratings under section 3302.03 of the</u>	48311
<u>Revised Code;</u>	48312
<u>(6) Implementation of the model of differentiated</u>	48313
<u>accountability under section 3302.041 of the Revised Code;</u>	48314
<u>(7) Requirements for the reporting of data to the department</u>	48315
<u>of education;</u>	48316
<u>(8) Criminal records checks of school employees;</u>	48317
<u>(9) The requirements of Chapters 3307. and 3309. regarding</u>	48318
<u>the retirement systems for teachers and school employees.</u>	48319
<u>(C) If a district board's revisions to an innovation plan</u>	48320
<u>under section 3302.066 of the Revised Code require a waiver of</u>	48321
<u>additional laws or state board rules, the state board shall grant</u>	48322
<u>a waiver from those laws or rules upon evidence that</u>	48323
<u>administrators and teachers have consented to the revisions as</u>	48324
<u>required by that section.</u>	48325
<u>Sec. 3302.064. (A) Each collective bargaining agreement</u>	48326

entered into by a school district board of education under Chapter 48327
4117. of the Revised Code on or after the effective date of this 48328
section shall allow for the waiver of any provision of the 48329
agreement specified in the innovation plan approved or created 48330
under section 3302.061 of the Revised Code as needing to be waived 48331
to implement the plan, in the event the district is designated as 48332
a school district of innovation. 48333

(B)(1) In the case of an innovation school, waiver of the 48334
provisions specified in the innovation plan shall be contingent 48335
upon at least sixty per cent of the members of the bargaining unit 48336
covered by the collective bargaining agreement who work in the 48337
school voting, by secret ballot, to approve the waiver. 48338

(2) In the case of an innovation school zone, waiver of the 48339
provisions specified in the innovation plan shall be contingent 48340
upon, in each participating school, at least sixty per cent of the 48341
members of the bargaining unit covered by the collective 48342
bargaining agreement who work in that school voting, by secret 48343
ballot, to approve the waiver. If at least sixty per cent of the 48344
members of the bargaining unit in a participating school do not 48345
vote to approve the waiver, the board may revise the innovation 48346
plan to remove that school from the innovation school zone. 48347

(3) If a board's revisions to an innovation plan under 48348
section 3302.066 of the Revised Code require a waiver of 48349
additional provisions of the collective bargaining agreement, that 48350
waiver shall be contingent upon approval under division (B)(1) or 48351
(2) of this section in the same manner as the initial waiver. 48352

(C) A waiver approved under division (B) of this section 48353
shall continue to apply relative to any substantially similar 48354
provision of a collective bargaining agreement entered into after 48355
the approval of the waiver. 48356

(D) A waiver approved under division (B) of this section 48357

shall cease to apply to a school if the school's designation as an innovation school is revoked or the innovation school zone in which the school participates has its designation revoked under section 3302.065 of the Revised Code, or if the school is removed from an innovation school zone under that section.

(E) An employee working in an innovation school or a school participating in an innovation school zone who is a member of a bargaining unit that approves a waiver under division (B) of this section may request the board to transfer the employee to another school of the district. The board shall make every reasonable effort to accommodate the employee's request.

Sec. 3302.065. Not later than three years after obtaining designation as a school district of innovation under section 3302.062 of the Revised Code, and every three years thereafter, the district board of education shall review the performance of the innovation school or innovation school zone and determine if it is achieving, or making sufficient progress toward achieving, the improvements in student academic performance that were described in its innovation plan. If the board finds that an innovation school is not achieving, or not making sufficient progress toward achieving, those improvements in student academic performance, the board may revoke the designation as an innovation school. If the board finds that a school participating in an innovation school zone is not achieving, or not making sufficient progress toward achieving, those improvements in student academic performance, the board may remove that school from the innovation school zone or may revoke the designation of all participating schools as an innovation school zone.

Sec. 3302.066. A school district board of education may revise an innovation plan approved or created under section 3302.061 of the Revised Code, in collaboration with the school or

schools participating in the plan, to further improve student 48389
academic performance. The revisions may include identifying 48390
additional laws in Title XXXIII of the Revised Code, rules adopted 48391
by the state board of education, requirements enacted by the 48392
district board, or provisions of a collective bargaining agreement 48393
that need to be waived. Any revisions to an innovation plan shall 48394
require the consent, in each school participating in the plan, of 48395
a majority of the administrators assigned to that school and a 48396
majority of the teachers assigned to that school. 48397

Sec. 3302.067. The board of education of any district 48398
designated as a school district of innovation or any school 48399
participating in an innovation plan may accept, receive, and 48400
expend gifts, grants, or donations from any public or private 48401
entity to support the implementation of the plan. 48402

Sec. 3302.068. Not later than the first day of July each 48403
year, the department of education shall issue, and post on its web 48404
site, a report on school districts of innovation. The report shall 48405
include the following information: 48406

(A) The number of districts designated as school districts of 48407
innovation in the preceding school year and the total number of 48408
school districts of innovation statewide; 48409

(B) The number of innovation schools in each school district 48410
of innovation and the number of district students served by the 48411
schools, expressed as a total number and as a percentage of the 48412
district's total student population; 48413

(C) The number of innovation school zones in each school 48414
district of innovation, the number of schools participating in 48415
each zone, and the number of district students served by the 48416
participating schools, expressed as a total number and as a 48417
percentage of the district's total student population; 48418

<u>(D) An overview of the innovations implemented in innovation schools and innovation school zones;</u>	48419
	48420
<u>(E) Data on the academic performance of the students enrolled in an innovation school or an innovation school zone in each school district of innovation, including a comparison of the students' academic performance before and after the district's designation as a school district of innovation;</u>	48421
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<u>(F) Recommendations for legislative changes based on the innovations implemented or to enhance the ability of schools and districts to implement innovations.</u>	48426
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	48428
Sec. 3302.07. (A) The board of education of any school district, the governing board of any educational service center, or the administrative authority of any chartered nonpublic school may submit to the state board of education an application proposing an innovative education pilot program the implementation of which requires exemptions from specific statutory provisions or rules. If a district or service center board employs teachers under a collective bargaining agreement adopted pursuant to Chapter 4117. of the Revised Code, any application submitted under this division shall include the written consent of the teachers' employee representative designated under division (B) of section 4117.04 of the Revised Code. The exemptions requested in the application shall be limited to any requirement of Title XXXIII of the Revised Code or of any rule of the state board adopted pursuant to that title except that the application may not propose an exemption from any requirement of or rule adopted pursuant to section 3306.09 , Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code. Furthermore, an exemption from any operating standard adopted under division <u>(B)(2)</u> or (D)(3) of section 3301.07 of the Revised Code shall be granted only pursuant to a waiver granted by the superintendent of	48429
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public instruction under division (O) of that section. 48450

(B) The state board of education shall accept any application 48451
submitted in accordance with division (A) of this section. The 48452
superintendent of public instruction shall approve or disapprove 48453
the application in accordance with standards for approval, which 48454
shall be adopted by the state board. 48455

(C) The superintendent of public instruction shall exempt 48456
each district or service center board or chartered nonpublic 48457
school administrative authority with an application approved under 48458
division (B) of this section for a specified period from the 48459
statutory provisions or rules specified in the approved 48460
application. The period of exemption shall not exceed the period 48461
during which the pilot program proposed in the application is 48462
being implemented and a reasonable period to allow for evaluation 48463
of the effectiveness of the program. 48464

Sec. 3302.12. (A) For any school building that is ranked 48465
according to performance index score under section 3302.21 of the 48466
Revised Code in the lowest five per cent of all public school 48467
buildings statewide for three consecutive years and is declared to 48468
be under an academic watch or in a state of academic emergency 48469
under section 3302.03 of the Revised Code, the district board of 48470
education shall do one of the following at the conclusion of the 48471
school year in which the building first becomes subject to this 48472
division: 48473

(1) Close the school and direct the district superintendent 48474
to reassign the students enrolled in the school to other school 48475
buildings that demonstrate higher academic achievement; 48476

(2) Contract with another school district or a nonprofit or 48477
for-profit entity with a demonstrated record of effectiveness to 48478
operate the school; 48479

(3) Replace the principal and all teaching staff of the 48480
school and, upon request from the new principal, exempt the school 48481
from all requested policies and regulations of the board regarding 48482
curriculum and instruction. The board also shall distribute 48483
funding to the school in an amount that is at least equal to the 48484
product of the per pupil amount of state and local revenues 48485
received by the district multiplied by the student population of 48486
the school. 48487

(4) Reopen the school as a conversion community school under 48488
Chapter 3314. of the Revised Code. 48489

(B) If an action taken by the board under division (A) of 48490
this section causes the district to no longer maintain all grades 48491
kindergarten through twelve, as required by section 3311.29 of the 48492
Revised Code, the board shall enter into a contract with another 48493
school district pursuant to section 3327.04 of the Revised Code 48494
for enrollment of students in the schools of that other district 48495
to the extent necessary to comply with the requirement of section 48496
3311.29 of the Revised Code. Notwithstanding any provision of the 48497
Revised Code to the contrary, if the board enters into and 48498
maintains a contract under section 3327.04 of the Revised Code, 48499
the district shall not be considered to have failed to comply with 48500
the requirement of section 3311.29 of the Revised Code. If, 48501
however, the district board fails to or is unable to enter into or 48502
maintain such a contract, the state board of education shall take 48503
all necessary actions to dissolve the district as provided in 48504
division (A) of section 3311.29 of the Revised Code. 48505

Sec. 3302.20. (A) The department of education shall develop 48506
standards for determining, from the existing data reported in 48507
accordance with sections 3301.0714 and 3314.17 of the Revised 48508
Code, the amount of annual operating expenditures for classroom 48509
instructional purposes and for nonclassroom purposes for each 48510

city, exempted village, local, and joint vocational school 48511
district, each community school established under Chapter 3314. 48512
that is not an internet- or computer-based community school, each 48513
internet- or computer-based community school, and each STEM school 48514
established under Chapter 3326. of the Revised Code. Not later 48515
than January 1, 2012, the department shall present those standards 48516
to the state board of education for consideration. In developing 48517
the standards, the department shall adapt existing standards used 48518
by professional organizations, research organizations, and other 48519
state governments. 48520

The state board shall consider the proposed standards and 48521
adopt a final set of standards not later than July 1, 2012. 48522

(B)(1) The department shall categorize all city, exempted 48523
village, and local school districts into not less than three nor 48524
more than five groups based primarily on average daily student 48525
enrollment as reported on the most recent report card issued for 48526
each district under section 3302.03 of the Revised Code. 48527

(2) The department shall categorize all joint vocational 48528
school districts into not less than three nor more than five 48529
groups based primarily on average daily membership as reported 48530
under division (D) of section 3317.03 of the Revised Code rounded 48531
to the nearest whole number. 48532

(3) The department shall categorize all community schools 48533
that are not internet- or computer-based community schools into 48534
not less than three nor more than five groups based primarily on 48535
average daily student enrollment as reported on the most recent 48536
report card issued for each community school under sections 48537
3302.03 and 3314.012 of the Revised Code. 48538

(4) The department shall categorize all internet- or 48539
computer-based community schools into a single category. 48540

(5) The department shall categorize all STEM schools into a single category. 48541
48542

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute, for fiscal years 2008 through 2012, and annually for each fiscal year thereafter, the following: 48543
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(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes; 48548
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(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes; 48551
48552
48553

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes; 48554
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(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following: 48557
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(a) From highest to lowest percentage spent for classroom instructional purposes; 48560
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(b) From lowest to highest percentage spent for noninstructional purposes. 48562
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(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations: 48564
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(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is: 48567
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48569

(a) Among the twenty per cent of all city, exempted village, 48570

<u>and local school districts statewide with the lowest total</u>	48571
<u>operating expenditures per pupil;</u>	48572
<u>(b) Among the twenty per cent of all city, exempted village,</u>	48573
<u>and local school districts statewide with the highest performance</u>	48574
<u>index scores.</u>	48575
<u>(2) Within each category of joint vocational school</u>	48576
<u>districts, the department shall denote each district that is:</u>	48577
<u>(a) Among the twenty per cent of all joint vocational school</u>	48578
<u>districts statewide with the lowest total operating expenditures</u>	48579
<u>per pupil;</u>	48580
<u>(b) Among the twenty per cent of all joint vocational school</u>	48581
<u>districts statewide with the highest performance measures required</u>	48582
<u>for career-technical education under 20 U.S.C. 2323, as ranked</u>	48583
<u>under division (A)(3) of section 3302.21 of the Revised Code.</u>	48584
<u>(3) Within each category of community schools that are not</u>	48585
<u>internet- or computer-based community schools, the department</u>	48586
<u>shall denote each school that is:</u>	48587
<u>(a) Among the twenty per cent of all such community schools</u>	48588
<u>statewide with the lowest total operating expenditures per pupil;</u>	48589
<u>(b) Among the twenty per cent of all such community schools</u>	48590
<u>statewide with the highest performance index scores.</u>	48591
<u>(4) Within the category of internet- or computer-based</u>	48592
<u>community schools, the department shall denote each school that</u>	48593
<u>is:</u>	48594
<u>(a) Among the twenty per cent of all such community schools</u>	48595
<u>statewide with the lowest total operating expenditures per pupil;</u>	48596
<u>(b) Among the twenty per cent of all such community schools</u>	48597
<u>statewide with the highest performance index scores.</u>	48598
<u>(5) Within the category of STEM schools, the department shall</u>	48599
<u>denote each school that is:</u>	48600

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditures per pupil; 48601
48602

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 48603
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(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section. 48605
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(F) As used in this section: 48615

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 48616
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(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code. 48618
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Sec. 3302.21. (A) The department of education shall develop a system to rank order all city, exempted village, local, and joint vocational school districts, community schools established under Chapter 3314., and STEM schools established under Chapter 3326. of the Revised Code according to the following measures: 48621
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(1) Performance index score for each school district, community school, and STEM school and for each separate building of a district, community school, or STEM school. For districts, schools, or buildings to which the performance index score does not apply, the superintendent of public instruction shall develop 48626
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another measure of student academic performance and use that 48631
measure to include those buildings in the ranking so that all 48632
districts, schools, and buildings may be reliably compared to each 48633
other. 48634

(2) Student performance growth from year to year, using the 48635
value-added progress dimension, if applicable, and other measures 48636
of student performance growth designated by the superintendent of 48637
public instruction for subjects and grades not covered by the 48638
value-added progress dimension; 48639

(3) Performance measures required for career-technical 48640
education under 20 U.S.C. 2323, if applicable. If a school 48641
district is a "VEPD" or "lead district" as those terms are defined 48642
in section 3317.023 of the Revised Code, the district's ranking 48643
shall be based on the performance of career-technical students 48644
from that district and all other districts served by that 48645
district, and such fact, including the identity of the other 48646
districts served by that district, shall be noted on the report 48647
required by division (B) of this section. 48648

(4) Current operating expenditures per pupil; 48649

(5) Of total current operating expenditures, percentage spent 48650
for classroom instruction as determined under standards adopted by 48651
the state board of education; 48652

(6) Performance of, and opportunities provided to, students 48653
identified as gifted using value-added progress dimensions, if 48654
applicable, and other relevant measures as designated by the 48655
superintendent of public instruction. 48656

The department shall rank each district, community school, 48657
and STEM school annually in accordance with the system developed 48658
under this section. 48659

(B) In addition to the reports required by sections 3302.03 48660
and 3302.031 of the Revised Code, not later than the first day of 48661

September each year, the department shall issue a report for each city, exempted village, local, and joint vocational school district, each community school, and each STEM school indicating the district's or school's rank on each measure described in divisions (A)(1) to (5) of this section, including each separate building's rank among all public school buildings according to performance index score under division (A)(1) of this section.

Sec. 3302.22. (A) The governor's effective and efficient schools recognition program is hereby created. Each year, the governor shall recognize, in a manner deemed appropriate by the governor, the top ten per cent of all public schools in this state, including schools of city, exempted village, local, or joint vocational school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code.

(B) The top ten per cent of schools shall be determined by the department of education according to standards established by the department. The standards shall include, but need not be limited to, both of the following:

(1) Student performance, as determined by factors including, but not limited to, performance indicators under section 3302.02 of the Revised Code, report cards issued under section 3302.03 of the Revised Code, performance index score rankings under section 3302.21 of the Revised Code, and any other statewide or national assessment or student performance recognition program the department selects;

(2) Fiscal performance, including cost-effective measures taken by the school.

Sec. 3302.25. (A) In accordance with standards prescribed by the state board of education for categorization of school district

expenditures adopted under division (A) of section 3302.20 of the 48692
Revised Code, the department of education annually shall determine 48693
all of the following for the previous fiscal year: 48694

(1) For each school district, the ratio of the district's 48695
operating expenditures for instructional purposes compared to its 48696
operating expenditures for administrative purposes; 48697

(2) For each school district, the per pupil amount of the 48698
district's expenditures for instructional purposes; 48699

(3) For each school district, the per pupil amount of the 48700
district's operating expenditures for administrative purposes; 48701

(4) For each school district, the percentage of the 48702
district's operating expenditures attributable to school district 48703
funds; 48704

(5) The statewide average among all school districts for each 48705
of the items described in divisions (A)(1) to (4) of this section. 48706

(B) The department annually shall submit a report to each 48707
school district indicating the district's information for each of 48708
the items described in divisions (A)(1) to (4) of this section and 48709
the statewide averages described in division (A)(5) of this 48710
section. 48711

(C) Each school district, upon receipt of the report 48712
prescribed by division (B) of this section, shall publish the 48713
information contained in that report in a prominent location on 48714
the district's web site and publish the report in another fashion 48715
so that it is available to all parents of students enrolled in the 48716
district and to taxpayers of the district. 48717

Sec. 3302.30. (A) The superintendent of public instruction 48718
shall establish a pilot project in Columbiana county under which 48719
one or more school districts in that county shall offer a 48720

multiple-track high school curriculum for students with differing 48721
career plans. The superintendent shall solicit and select 48722
districts to participate in the pilot project. Selected districts 48723
shall begin offering their career track curricula not later than 48724
the school year that begins at least six months after the 48725
effective date of this section. No district shall be required to 48726
participate in the pilot project. 48727

The curricula provided under the pilot project at each 48728
participating district shall offer at least three distinct career 48729
tracks, including at least a college preparatory track and a 48730
career-technical track. Each track shall comply with the 48731
curriculum requirements of section 3313.603 of the Revised Code. 48732
The different tracks may be offered at different campuses. Two or 48733
more participating districts may offer some or all of their 48734
respective curriculum tracks through a cooperative agreement 48735
entered into under section 3313.842 of the Revised Code. 48736

The department of education shall provide technical 48737
assistance to participating districts in developing the curriculum 48738
tracks to offer to students under the pilot project. 48739

Part or all of selected curriculum materials or services may 48740
be purchased from other public or private sources. 48741

The state superintendent shall apply for private and other 48742
nonstate funds, and may use other available state funds, to 48743
support the pilot project. If nonstate funds cannot be obtained or 48744
the superintendent of public instruction determines that 48745
sufficient funds are not available to support the pilot project, 48746
implementation of this section may be postponed until such time as 48747
the superintendent determines that sufficient funds are available. 48748

(B) Each participating school district shall report to the 48749
state superintendent data about the operation and results of the 48750
pilot project, as required by the superintendent. 48751

(C) Not later than the thirty-first day of December of the 48752
third school year in which the pilot project is operating, the 48753
state superintendent shall submit a report to the general 48754
assembly, in accordance with section 101.68 of the Revised Code, 48755
containing the superintendent's evaluation of the results of the 48756
pilot project and legislative recommendations whether to continue, 48757
expand, or make changes to the pilot project. 48758

Sec. 3304.181. If the total of all funds available from 48759
nonfederal sources to support the activities of the rehabilitation 48760
services commission does not comply with the expenditure 48761
requirements of 34 C.F.R. 361.60 and 361.62 for those activities 48762
or would cause the state to lose an allotment or fail to receive a 48763
reallotment under 34 C.F.R. 361.65, the commission shall solicit 48764
additional funds from, and enter into agreements for the use of 48765
those funds with, private or public entities, including local 48766
government entities of this state. The commission shall continue 48767
to solicit additional funds and enter into agreements until the 48768
total funding available is sufficient for the commission to 48769
receive federal funds at the maximum amount and in the most 48770
advantageous proportion possible. 48771

Any agreement entered into between the commission and a 48772
private or public entity to provide funds under this section shall 48773
be in accordance with 34 C.F.R. 361.28 and section 3304.182 of the 48774
Revised Code. 48775

Sec. 3304.182. Any agreement between the rehabilitation 48776
services commission and a private or public entity providing funds 48777
under section 3304.181 of the Revised Code may permit the 48778
commission to receive a specified percentage of the funds ~~for~~ 48779
~~administration~~, but the percentage shall be not more than ~~thirteen~~ 48780
twenty-five per cent of the total funds available under the 48781
agreement. The agreement shall not be for less than six months or 48782

be discontinued by the commission without the commission first 48783
providing three months notice of intent to discontinue the 48784
agreement. The commission may terminate an agreement only for good 48785
cause. 48786

Any services provided under an agreement entered into under 48787
section 3304.181 of the Revised Code shall be provided by a person 48788
or government entity that meets the accreditation standards 48789
established in rules adopted by the commission under section 48790
3304.16 of the Revised Code. 48791

Sec. 3305.08. Any payment, benefit, or other right accruing 48792
to any electing employee under a contract entered into for 48793
purposes of an alternative retirement plan and all moneys, 48794
investments, and income of those contracts are exempt from any 48795
state tax, except the tax imposed by section 5747.02 of the 48796
Revised Code, are exempt from any county, municipal, or other 48797
local tax, except income taxes imposed pursuant to section 5748.02 48798
~~or~~, 5748.08, or 5748.09 of the Revised Code, and, except as 48799
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 48800
3121.02, 3121.03, 3123.06, 3305.09, and 3305.12 of the Revised 48801
Code, shall not be subject to execution, garnishment, attachment, 48802
the operation of bankruptcy or the insolvency law, or other 48803
process of law, and shall be unassignable except as specifically 48804
provided in this section and sections 3105.171, 3105.65, 3119.80, 48805
3119.81, 3121.02, 3121.03, 3115.32, and 3123.06 of the Revised 48806
Code or in any contract the electing employee has entered into for 48807
purposes of an alternative retirement plan. 48808

Sec. 3307.20. (A) As used in this section: 48809

(1) "Personal history record" means information maintained by 48810
the state teachers retirement board on an individual who is a 48811
member, former member, contributor, former contributor, retirant, 48812

or beneficiary that includes the address, telephone number, social 48813
security number, record of contributions, correspondence with the 48814
state teachers retirement system, or other information the board 48815
determines to be confidential. 48816

(2) "Retirant" has the same meaning as in section 3307.50 of 48817
the Revised Code. 48818

(B) The records of the board shall be open to public 48819
inspection, except for the following, which shall be excluded, 48820
except with the written authorization of the individual concerned: 48821

(1) The individual's personal records provided for in section 48822
3307.23 of the Revised Code; 48823

(2) The individual's personal history record; 48824

(3) Any information identifying, by name and address, the 48825
amount of a monthly allowance or benefit paid to the individual. 48826

(C) All medical reports and recommendations under sections 48827
3307.62, 3307.64, and 3307.66 of the Revised Code are privileged, 48828
except as follows: 48829

(1) Copies of medical reports or recommendations shall be 48830
made available to the personal physician, attorney, or authorized 48831
agent of the individual concerned upon written release received 48832
from the individual or the individual's agent, or, when necessary 48833
for the proper administration of the fund, to the board assigned 48834
physician. 48835

(2) Documentation required by section 2929.193 of the Revised 48836
Code shall be provided to a court holding a hearing under that 48837
section. 48838

(D) Any person who is a member or contributor of the system 48839
shall be furnished, on written request, with a statement of the 48840
amount to the credit of the person's account. The board need not 48841
answer more than one request of a person in any one year. 48842

(E) Notwithstanding the exceptions to public inspection in 48843
division (B) of this section, the board may furnish the following 48844
information: 48845

(1) If a member, former member, retirant, contributor, or 48846
former contributor is subject to an order issued under section 48847
2907.15 of the Revised Code or an order issued under division (A) 48848
or (B) of section 2929.192 of the Revised Code or is convicted of 48849
or pleads guilty to a violation of section 2921.41 of the Revised 48850
Code, on written request of a prosecutor as defined in section 48851
2935.01 of the Revised Code, the board shall furnish to the 48852
prosecutor the information requested from the individual's 48853
personal history record. 48854

(2) Pursuant to a court or administrative order issued under 48855
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 48856
Revised Code, the board shall furnish to a court or child support 48857
enforcement agency the information required under that section. 48858

(3) At the written request of any person, the board shall 48859
provide to the person a list of the names and addresses of 48860
members, former members, retirants, contributors, former 48861
contributors, or beneficiaries. The costs of compiling, copying, 48862
and mailing the list shall be paid by such person. 48863

(4) Within fourteen days after receiving from the director of 48864
job and family services a list of the names and social security 48865
numbers of recipients of public assistance pursuant to section 48866
5101.181 of the Revised Code, the board shall inform the auditor 48867
of state of the name, current or most recent employer address, and 48868
social security number of each member whose name and social 48869
security number are the same as that of a person whose name or 48870
social security number was submitted by the director. The board 48871
and its employees shall, except for purposes of furnishing the 48872
auditor of state with information required by this section, 48873
preserve the confidentiality of recipients of public assistance in 48874

compliance with ~~division (A)~~ of section 5101.181 of the Revised Code. 48875
48876

(5) The system shall comply with orders issued under section 48877
3105.87 of the Revised Code. 48878

On the written request of an alternate payee, as defined in 48879
section 3105.80 of the Revised Code, the system shall furnish to 48880
the alternate payee information on the amount and status of any 48881
amounts payable to the alternate payee under an order issued under 48882
section 3105.171 or 3105.65 of the Revised Code. 48883

(6) At the request of any person, the board shall make 48884
available to the person copies of all documents, including 48885
resumes, in the board's possession regarding filling a vacancy of 48886
a contributing member or retired teacher member of the board. The 48887
person who made the request shall pay the cost of compiling, 48888
copying, and mailing the documents. The information described in 48889
this division is a public record. 48890

(7) The system shall provide the notice required by section 48891
3307.373 of the Revised Code to the prosecutor assigned to the 48892
case. 48893

(F) A statement that contains information obtained from the 48894
system's records that is signed by an officer of the retirement 48895
system and to which the system's official seal is affixed, or 48896
copies of the system's records to which the signature and seal are 48897
attached, shall be received as true copies of the system's records 48898
in any court or before any officer of this state. 48899

Sec. 3307.31. (A) Payments by boards of education and 48900
governing authorities of community schools to the state teachers 48901
retirement system, as provided in sections 3307.29 and 3307.291 of 48902
the Revised Code, shall be made from the amount allocated under 48903
section 3314.08, ~~Chapter 3306.~~, or Chapter 3317. of the Revised 48904

Code prior to its distribution to the individual school districts 48905
or community schools. The amount due from each school district or 48906
community school shall be certified by the secretary of the system 48907
to the superintendent of public instruction monthly, or at such 48908
times as may be determined by the state teachers retirement board. 48909

The superintendent shall deduct, from the amount allocated to 48910
each district or community school under section 3314.08, ~~Chapter~~ 48911
~~3306.7~~, or Chapter 3317. of the Revised Code, the entire amounts 48912
due to the system from such district or school upon the 48913
certification to the superintendent by the secretary thereof. 48914

The superintendent shall certify to the director of budget 48915
and management the amounts thus due the system for payment. 48916

(B) Payments to the state teachers retirement system by a 48917
science, technology, engineering, and mathematics school shall be 48918
deducted from the amount allocated under section 3326.33 of the 48919
Revised Code and shall be made in the same manner as payments by 48920
boards of education under this section. 48921

Sec. 3307.41. The right of an individual to a pension, an 48922
annuity, or a retirement allowance itself, the right of an 48923
individual to any optional benefit, or any other right or benefit 48924
accrued or accruing to any individual under this chapter, the 48925
various funds created by section 3307.14 of the Revised Code, and 48926
all moneys, investments, and income from moneys or investments are 48927
exempt from any state tax, except the tax imposed by section 48928
5747.02 of the Revised Code, and are exempt from any county, 48929
municipal, or other local tax, except income taxes imposed 48930
pursuant to section 5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised 48931
Code, and, except as provided in sections 3105.171, 3105.65, 48932
3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3307.37, 48933
3307.372, and 3307.373 of the Revised Code, shall not be subject 48934
to execution, garnishment, attachment, the operation of bankruptcy 48935

or insolvency laws, or any other process of law whatsoever, and 48936
shall be unassignable except as specifically provided in this 48937
chapter or sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 48938
3121.02, 3121.03, and 3123.06 of the Revised Code. 48939

Sec. 3307.64. A disability benefit recipient, notwithstanding 48940
section 3319.13 of the Revised Code, shall retain membership in 48941
the state teachers retirement system and shall be considered on 48942
leave of absence during the first five years following the 48943
effective date of a disability benefit. 48944

The state teachers retirement board shall require any 48945
disability benefit recipient to submit to an annual medical 48946
examination by a physician selected by the board, except that the 48947
board may waive the medical examination if the board's physician 48948
certifies that the recipient's disability is ongoing. If a 48949
disability benefit recipient refuses to submit to a medical 48950
examination, the recipient's disability benefit shall be suspended 48951
until the recipient withdraws the refusal. If the refusal 48952
continues for one year, all the recipient's rights under and to 48953
the disability benefit shall be terminated as of the effective 48954
date of the original suspension. 48955

After the examination, the examiner shall report and certify 48956
to the board whether the disability benefit recipient is no longer 48957
physically and mentally incapable of resuming the service from 48958
which the recipient was found disabled. If the board concurs in a 48959
report by the examining physician that the disability benefit 48960
recipient is no longer incapable, the payment of a disability 48961
benefit shall be terminated not later than the following 48962
thirty-first day of August or upon employment as a teacher prior 48963
thereto. If the leave of absence has not expired, the board shall 48964
so certify to the disability benefit recipient's last employer 48965
before being found disabled that the recipient is no longer 48966

physically and mentally incapable of resuming service that is the 48967
same or similar to that from which the recipient was found 48968
disabled. If the recipient was under contract at the time the 48969
recipient was found disabled, the employer by the first day of the 48970
next succeeding year shall restore the recipient to the 48971
recipient's previous position and salary or to a position and 48972
salary similar thereto, unless the recipient was dismissed or 48973
resigned in lieu of dismissal for dishonesty, misfeasance, 48974
malfeasance, or conviction of a felony. 48975

A disability benefit shall terminate if the disability 48976
benefit recipient becomes employed as a teacher in any public or 48977
private school or institution in this state or elsewhere. An 48978
individual receiving a disability benefit from the system shall be 48979
ineligible for any employment as a teacher and it shall be 48980
unlawful for any employer to employ the individual as a teacher. 48981
If any employer should employ or reemploy the individual prior to 48982
the termination of a disability benefit, the employer shall file 48983
notice of employment with the board designating the date of the 48984
employment. If the individual should be paid both a disability 48985
benefit and also compensation for teaching service for all or any 48986
part of the same month, the secretary of the board shall certify 48987
to the employer or to the superintendent of public instruction the 48988
amount of the disability benefit received by the individual during 48989
the employment, which amount shall be deducted from any amount due 48990
the employing district under ~~Chapters 3306.~~ and Chapter 3317. of 48991
the Revised Code or shall be paid by the employer to the annuity 48992
and pension reserve fund. 48993

Each disability benefit recipient shall file with the board 48994
an annual statement of earnings, current medical information on 48995
the recipient's condition, and any other information required in 48996
rules adopted by the board. The board may waive the requirement 48997
that a disability benefit recipient file an annual statement of 48998

earnings or current medical information if the board's physician 48999
certifies that the recipient's disability is ongoing. 49000

The board shall annually examine the information submitted by 49001
the recipient. If a disability benefit recipient refuses to file 49002
the statement or information, the disability benefit shall be 49003
suspended until the statement and information are filed. If the 49004
refusal continues for one year, the recipient's right to the 49005
disability benefit shall be terminated as of the effective date of 49006
the original suspension. 49007

A disability benefit also may be terminated by the board at 49008
the request of the disability benefit recipient. 49009

If disability retirement under section 3307.63 of the Revised 49010
Code is terminated for any reason, the annuity and pension 49011
reserves at that time in the annuity and pension reserve fund 49012
shall be transferred to the teachers' savings fund and the 49013
employers' trust fund, respectively. If the total disability 49014
benefit paid was less than the amount of the accumulated 49015
contributions of the member transferred to the annuity and pension 49016
reserve fund at the time of the member's disability retirement, 49017
then the difference shall be transferred from the annuity and 49018
pension reserve fund to another fund as required. In determining 49019
the amount of a member's account following the termination of 49020
disability retirement for any reason, the total amount paid shall 49021
be charged against the member's refundable account. 49022

If a disability allowance paid under section 3307.631 of the 49023
Revised Code is terminated for any reason, the reserve on the 49024
allowance at that time in the annuity and pension reserve fund 49025
shall be transferred from that fund to the employers' trust fund. 49026

If a former disability benefit recipient again becomes a 49027
contributor, other than as an other system retirant under section 49028
3307.35 of the Revised Code, to this retirement system, the school 49029

employees retirement system, or the public employees retirement 49030
system, and completes at least two additional years of service 49031
credit, the former disability benefit recipient shall receive 49032
credit for the period as a disability benefit recipient. 49033

Sec. 3309.22. (A)(1) As used in this division, "personal 49034
history record" means information maintained by the board on an 49035
individual who is a member, former member, contributor, former 49036
contributor, retirant, or beneficiary that includes the address, 49037
telephone number, social security number, record of contributions, 49038
correspondence with the system, and other information the board 49039
determines to be confidential. 49040

(2) The records of the board shall be open to public 49041
inspection, except for the following, which shall be excluded, 49042
except with the written authorization of the individual concerned: 49043

(a) The individual's statement of previous service and other 49044
information as provided for in section 3309.28 of the Revised 49045
Code; 49046

(b) Any information identifying by name and address the 49047
amount of a monthly allowance or benefit paid to the individual; 49048

(c) The individual's personal history record. 49049

(B) All medical reports and recommendations required by the 49050
system are privileged except as follows: 49051

(1) Copies of medical reports or recommendations shall be 49052
made available to the personal physician, attorney, or authorized 49053
agent of the individual concerned upon written release received 49054
from the individual or the individual's agent, or when necessary 49055
for the proper administration of the fund, to the board assigned 49056
physician. 49057

(2) Documentation required by section 2929.193 of the Revised 49058
Code shall be provided to a court holding a hearing under that 49059

section. 49060

(C) Any person who is a contributor of the system shall be 49061
furnished, on written request, with a statement of the amount to 49062
the credit of the person's account. The board need not answer more 49063
than one such request of a person in any one year. 49064

(D) Notwithstanding the exceptions to public inspection in 49065
division (A)(2) of this section, the board may furnish the 49066
following information: 49067

(1) If a member, former member, contributor, former 49068
contributor, or retirant is subject to an order issued under 49069
section 2907.15 of the Revised Code or an order issued under 49070
division (A) or (B) of section 2929.192 of the Revised Code or is 49071
convicted of or pleads guilty to a violation of section 2921.41 of 49072
the Revised Code, on written request of a prosecutor as defined in 49073
section 2935.01 of the Revised Code, the board shall furnish to 49074
the prosecutor the information requested from the individual's 49075
personal history record. 49076

(2) Pursuant to a court or administrative order issued under 49077
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 49078
Revised Code, the board shall furnish to a court or child support 49079
enforcement agency the information required under that section. 49080

(3) At the written request of any person, the board shall 49081
provide to the person a list of the names and addresses of 49082
members, former members, retirants, contributors, former 49083
contributors, or beneficiaries. The costs of compiling, copying, 49084
and mailing the list shall be paid by such person. 49085

(4) Within fourteen days after receiving from the director of 49086
job and family services a list of the names and social security 49087
numbers of recipients of public assistance pursuant to section 49088
5101.181 of the Revised Code, the board shall inform the auditor 49089
of state of the name, current or most recent employer address, and 49090

social security number of each contributor whose name and social 49091
security number are the same as that of a person whose name or 49092
social security number was submitted by the director. The board 49093
and its employees shall, except for purposes of furnishing the 49094
auditor of state with information required by this section, 49095
preserve the confidentiality of recipients of public assistance in 49096
compliance with ~~division (A)~~ of section 5101.181 of the Revised 49097
Code. 49098

(5) The system shall comply with orders issued under section 49099
3105.87 of the Revised Code. 49100

On the written request of an alternate payee, as defined in 49101
section 3105.80 of the Revised Code, the system shall furnish to 49102
the alternate payee information on the amount and status of any 49103
amounts payable to the alternate payee under an order issued under 49104
section 3105.171 or 3105.65 of the Revised Code. 49105

(6) At the request of any person, the board shall make 49106
available to the person copies of all documents, including 49107
resumes, in the board's possession regarding filling a vacancy of 49108
an employee member or retirant member of the board. The person who 49109
made the request shall pay the cost of compiling, copying, and 49110
mailing the documents. The information described in this division 49111
is a public record. 49112

(7) The system shall provide the notice required by section 49113
3309.673 of the Revised Code to the prosecutor assigned to the 49114
case. 49115

(E) A statement that contains information obtained from the 49116
system's records that is signed by an officer of the retirement 49117
system and to which the system's official seal is affixed, or 49118
copies of the system's records to which the signature and seal are 49119
attached, shall be received as true copies of the system's records 49120
in any court or before any officer of this state. 49121

Sec. 3309.41. (A) A disability benefit recipient shall retain 49122
membership status and shall be considered on leave of absence from 49123
employment during the first five years following the effective 49124
date of a disability benefit, notwithstanding any contrary 49125
provisions in Chapter 124. or 3319. of the Revised Code. 49126

(B) The school employees retirement board shall require a 49127
disability benefit recipient to undergo an annual medical 49128
examination, except that the board may waive the medical 49129
examination if the board's physician or physicians certify that 49130
the recipient's disability is ongoing. Should any disability 49131
benefit recipient refuse to submit to a medical examination, the 49132
recipient's disability benefit shall be suspended until withdrawal 49133
of the refusal. Should the refusal continue for one year, all the 49134
recipient's rights in and to the disability benefit shall be 49135
terminated as of the effective date of the original suspension. 49136

(C) On completion of the examination by an examining 49137
physician or physicians selected by the board, the physician or 49138
physicians shall report and certify to the board whether the 49139
disability benefit recipient is no longer physically and mentally 49140
incapable of resuming the service from which the recipient was 49141
found disabled. If the board concurs in the report that the 49142
disability benefit recipient is no longer incapable, the payment 49143
of the disability benefit shall be terminated not later than three 49144
months after the date of the board's concurrence or upon 49145
employment as an employee. If the leave of absence has not 49146
expired, the retirement board shall certify to the disability 49147
benefit recipient's last employer before being found disabled that 49148
the recipient is no longer physically and mentally incapable of 49149
resuming service that is the same or similar to that from which 49150
the recipient was found disabled. The employer shall restore the 49151
recipient to the recipient's previous position and salary or to a 49152
position and salary similar thereto not later than the first day 49153

of the first month following termination of the disability 49154
benefit, unless the recipient was dismissed or resigned in lieu of 49155
dismissal for dishonesty, misfeasance, malfeasance, or conviction 49156
of a felony. 49157

(D) Each disability benefit recipient shall file with the 49158
board an annual statement of earnings, current medical information 49159
on the recipient's condition, and any other information required 49160
in rules adopted by the board. The board may waive the requirement 49161
that a disability benefit recipient file an annual statement of 49162
earnings or current medical information on the recipient's 49163
condition if the board's physician or physicians certify that the 49164
recipient's disability is ongoing. 49165

The board shall annually examine the information submitted by 49166
the recipient. If a disability benefit recipient refuses to file 49167
the statement or information, the disability benefit shall be 49168
suspended until the statement and information are filed. If the 49169
refusal continues for one year, the recipient's right to the 49170
disability benefit shall be terminated as of the effective date of 49171
the original suspension. 49172

(E) If a disability benefit recipient is employed by an 49173
employer covered by this chapter, the recipient's disability 49174
benefit shall cease. 49175

(F) If disability retirement under section 3309.40 of the 49176
Revised Code is terminated for any reason, the annuity and pension 49177
reserves at that time in the annuity and pension reserve fund 49178
shall be transferred to the employees' savings fund and the 49179
employers' trust fund, respectively. If the total disability 49180
benefit paid is less than the amount of the accumulated 49181
contributions of the member transferred into the annuity and 49182
pension reserve fund at the time of the member's disability 49183
retirement, the difference shall be transferred from the annuity 49184
and pension reserve fund to another fund as may be required. In 49185

determining the amount of a member's account following the 49186
termination of disability retirement for any reason, the amount 49187
paid shall be charged against the member's refundable account. 49188

If a disability allowance paid under section 3309.401 of the 49189
Revised Code is terminated for any reason, the reserve on the 49190
allowance at that time in the annuity and pension reserve fund 49191
shall be transferred from that fund to the employers' trust fund. 49192

The board may terminate a disability benefit at the request 49193
of the recipient. 49194

(G) If a disability benefit is terminated and a former 49195
disability benefit recipient again becomes a contributor, other 49196
than as an other system retirant as defined in section 3309.341 of 49197
the Revised Code, to this system, the public employees retirement 49198
system, or the state teachers retirement system, and completes an 49199
additional two years of service credit after the termination of 49200
the disability benefit, the former disability benefit recipient 49201
shall be entitled to full service credit for the period as a 49202
disability benefit recipient. 49203

(H) If any employer employs any member who is receiving a 49204
disability benefit, the employer shall file notice of employment 49205
with the retirement board, designating the date of employment. In 49206
case the notice is not filed, the total amount of the benefit paid 49207
during the period of employment prior to notice shall be paid from 49208
amounts allocated under ~~Chapters 3306.~~ and Chapter 3317. of the 49209
Revised Code prior to its distribution to the school district in 49210
which the disability benefit recipient was so employed. 49211

Sec. 3309.48. Any employee who left the service of an 49212
employer after attaining age sixty-five or over and such employer 49213
had failed or refused to deduct and transmit to the school 49214
employees retirement system the employee contributions as required 49215
by section 3309.47 of the Revised Code during any year for which 49216

membership was compulsory as determined by the school employees 49217
retirement board, shall be granted service credit without cost, 49218
which shall be considered as total service credit for the purposes 49219
of meeting the qualifications for service retirement provided by 49220
the law in effect on and retroactive to the first eligible 49221
retirement date following the date such employment terminated, but 49222
shall not be paid until formal application for such allowance on a 49223
form provided by the retirement board is received in the office of 49224
the retirement system. The total service credit granted under this 49225
section shall not exceed ten years for any such employee. 49226

The liability incurred by the retirement board because of the 49227
service credit granted under this section shall be determined by 49228
the retirement board, the cost of which shall be equal to an 49229
amount that is determined by applying the combined employee and 49230
employer rates of contribution against the compensation of such 49231
employee at the rates of contribution and maximum salary 49232
provisions in effect during such employment for each year for 49233
which credit is granted, together with interest at the rate to be 49234
credited accumulated contributions at retirement, compounded 49235
annually from the first day of the month payment was due the 49236
retirement system to and including the month of deposit, the total 49237
amount of which shall be collected from the employer. Such amounts 49238
shall be certified by the retirement board to the superintendent 49239
of public instruction, who shall deduct the amount due the system 49240
from any funds due the affected school district under ~~Chapters~~ 49241
~~3306.~~ and Chapter 3317. of the Revised Code. The superintendent 49242
shall certify to the director of budget and management the amount 49243
due the system for payment. The total amount paid shall be 49244
deposited into the employers' trust fund, and shall not be 49245
considered as accumulated contributions of the employee in the 49246
event of the employee's death or withdrawal of funds. 49247

Sec. 3309.51. (A) Each employer shall pay annually into the 49248

employers' trust fund, in such monthly or less frequent 49249
installments as the school employees retirement board requires, an 49250
amount certified by the school employees retirement board, which 49251
shall be as required by Chapter 3309. of the Revised Code. 49252

Payments by school district boards of education to the 49253
employers' trust fund of the school employees retirement system 49254
may be made from the amounts allocated under ~~Chapters 3306. and~~ 49255
Chapter 3317. of the Revised Code prior to their distribution to 49256
the individual school districts. The amount due from each school 49257
district may be certified by the secretary of the system to the 49258
superintendent of public instruction monthly, or at such times as 49259
is determined by the school employees retirement board. 49260

Payments by governing authorities of community schools to the 49261
employers' trust fund of the school employees retirement system 49262
shall be made from the amounts allocated under section 3314.08 of 49263
the Revised Code prior to their distribution to the individual 49264
community schools. The amount due from each community school shall 49265
be certified by the secretary of the system to the superintendent 49266
of public instruction monthly, or at such times as determined by 49267
the school employees retirement board. 49268

Payments by a science, technology, engineering, and 49269
mathematics school to the employers' trust fund of the school 49270
employees retirement system shall be made from the amounts 49271
allocated under section 3326.33 of the Revised Code prior to their 49272
distribution to the school. The amount due from a science, 49273
technology, engineering, and mathematics school shall be certified 49274
by the secretary of the school employees retirement system to the 49275
superintendent of public instruction monthly, or at such times as 49276
determined by the school employees retirement board. 49277

(B) The superintendent shall deduct from the amount allocated 49278
to each community school under section 3314.08 of the Revised 49279
Code, to each school district under ~~Chapters 3306. and~~ Chapter 49280

3317. of the Revised Code, or to each science, technology, 49281
engineering, and mathematics school under section 3326.33 of the 49282
Revised Code the entire amounts due to the school employees 49283
retirement system from such school or school district upon the 49284
certification to the superintendent by the secretary thereof. 49285

(C) Where an employer fails or has failed or refuses to make 49286
payments to the employers' trust fund, as provided for under 49287
Chapter 3309. of the Revised Code, the secretary of the school 49288
employees retirement system may certify to the state 49289
superintendent of public instruction, monthly or at such times as 49290
is determined by the school employees retirement board, the amount 49291
due from such employer, and the superintendent shall deduct from 49292
the amount allocated to the employer under section 3314.08 or 49293
3326.33 or Chapter ~~3306.~~ or 3317. of the Revised Code, as 49294
applicable, the entire amounts due to the system from the employer 49295
upon the certification to the superintendent by the secretary of 49296
the school employees retirement system. 49297

(D) The superintendent shall certify to the director of 49298
budget and management the amounts thus due the system for payment. 49299

Sec. 3309.66. The right of an individual to a pension, an 49300
annuity, or a retirement allowance itself, the right of an 49301
individual to any optional benefit, any other right accrued or 49302
accruing to any individual under this chapter, the various funds 49303
created by section 3309.60 of the Revised Code, and all moneys, 49304
investments, and income from moneys and investments are exempt 49305
from any state tax, except the tax imposed by section 5747.02 of 49306
the Revised Code, and are exempt from any county, municipal, or 49307
other local tax, except income taxes imposed pursuant to section 49308
5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised Code, and, except 49309
as provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 49310
3119.81, 3121.02, 3121.03, 3123.06, 3309.67, 3309.672, and 49311

3309.673 of the Revised Code, shall not be subject to execution, 49312
garnishment, attachment, the operation of bankruptcy or insolvency 49313
laws, or any other process of law whatsoever, and shall be 49314
unassignable except as specifically provided in this chapter and 49315
in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 49316
3121.03, and 3123.06 of the Revised Code. 49317

Sec. 3310.02. (A) The educational choice scholarship pilot 49318
program is hereby established. Under the program, the department 49319
of education annually shall pay scholarships to attend chartered 49320
nonpublic schools in accordance with section 3310.08 of the 49321
Revised Code for up to ~~fourteen thousand~~ the following number of 49322
eligible students: 49323

(1) Thirty thousand in the 2011-2012 school year; 49324

(2) Sixty thousand in the 2012-2013 school year and 49325
thereafter. ~~¶¶~~ 49326

(B) If the number of students who apply for a scholarship 49327
exceeds ~~fourteen thousand~~ the number of scholarships available 49328
under division (A) of this section for the applicable school year, 49329
the department shall award scholarships in the following order of 49330
priority: 49331

~~(A)~~(1) First, to eligible students who received scholarships 49332
in the prior school year; 49333

~~(B)~~(2) Second, to eligible students with family incomes at or 49334
below two hundred per cent of the federal poverty guidelines, as 49335
defined in section 5101.46 of the Revised Code, who qualify under 49336
division (A) of section 3310.03 of the Revised Code. If the number 49337
of students described in ~~this~~ division (B)(2) of this section who 49338
apply for a scholarship exceeds the number of available 49339
scholarships after awards are made under division ~~(A)~~(B)(1) of 49340
this section, the department shall select students described in 49341

~~this~~ division (B)(2) of this section by lot to receive any 49342
remaining scholarships. 49343

~~(C)(3)~~ Third, to other eligible students who qualify under 49344
division (A) of section 3310.03 of the Revised Code. If the number 49345
of students described in ~~this~~ division (B)(3) of this section who 49346
apply for a scholarship exceeds the number of available 49347
scholarships after awards are made under divisions ~~(A)(B)(1)~~ and 49348
~~(B)(2)~~ of this section, the department shall select students 49349
described in ~~this~~ division (B)(3) of this section by lot to 49350
receive any remaining scholarships. 49351

(4) Fourth, to eligible students with family incomes at or 49352
below two hundred per cent of the federal poverty guidelines who 49353
qualify under division (B) of section 3310.03 of the Revised Code. 49354
If the number of students described in division (B)(4) of this 49355
section who apply for a scholarship exceeds the number of 49356
available scholarships after awards are made under divisions 49357
(B)(1) to (3) of this section, the department shall select 49358
students described in division (B)(4) of this section by lot to 49359
receive any remaining scholarships. 49360

(5) Fifth, to other eligible students who qualify under 49361
division (B) of section 3310.03 of the Revised Code. If the number 49362
of students described in division (B)(5) of this section who apply 49363
for a scholarship exceeds the number of available scholarships 49364
after awards are made under divisions (B)(1) to (4) of this 49365
section, the department shall select students described in 49366
division (B)(5) of this section by lot to receive any remaining 49367
scholarships. 49368

Sec. 3310.03. ~~(A)~~ A student is an "eligible student" for 49369
purposes of the educational choice scholarship pilot program if 49370
the student's resident district is not a school district in which 49371
the pilot project scholarship program is operating under sections 49372

3313.974 to 3313.979 of the Revised Code and the student satisfies 49373
one of the ~~following~~ conditions in division (A) or (B) of this 49374
section: 49375

(A)(1) The student is enrolled in a school building that is 49376
operated by the student's resident district and to which both of 49377
the following apply: 49378

(a) The building was declared, in at least two of the three 49379
most recent ratings of school buildings published prior to the 49380
first day of July of the school year for which a scholarship is 49381
sought, to be in a state of academic emergency or academic watch 49382
under section 3302.03 of the Revised Code; 49383

(b) The building was not declared to be excellent or 49384
effective under that section in the most recent rating published 49385
prior to the first day of July of the school year for which a 49386
scholarship is sought. 49387

(2) The student is eligible to enroll in kindergarten in the 49388
school year for which a scholarship is sought and otherwise would 49389
be assigned under section 3319.01 of the Revised Code to a school 49390
building described in division (A)(1) of this section. 49391

(3) The student is enrolled in a community school established 49392
under Chapter 3314. of the Revised Code but otherwise would be 49393
assigned under section 3319.01 of the Revised Code to a building 49394
described in division (A)(1) of this section. 49395

(4) The student is enrolled in a school building that is 49396
operated by the student's resident district or in a community 49397
school established under Chapter 3314. of the Revised Code and 49398
otherwise would be assigned under section 3319.01 of the Revised 49399
Code to a school building described in division (A)(1) of this 49400
section in the school year for which the scholarship is sought. 49401

(5) The student is eligible to enroll in kindergarten in the 49402

school year for which a scholarship is sought, or is enrolled in a 49403
community school established under Chapter 3314. of the Revised 49404
Code, and all of the following apply to the student's resident 49405
district: 49406

(a) The district has in force an intradistrict open 49407
enrollment policy under which no student in kindergarten or the 49408
community school student's grade level, respectively, is 49409
automatically assigned to a particular school building; 49410

(b) In at least two of the three most recent ratings of 49411
school districts published prior to the first day of July of the 49412
school year for which a scholarship is sought, the district was 49413
declared to be in a state of academic emergency under section 49414
3302.03 of the Revised Code; 49415

(c) The district was not declared to be excellent or 49416
effective under that section in the most recent rating published 49417
prior to the first day of July of the school year for which a 49418
scholarship is sought. 49419

(B)(1) The student is enrolled in a school building that is 49420
operated by the student's resident district and to which both of 49421
the following apply: 49422

(a) The building was ranked, for at least two of the three 49423
most recent rankings published under section 3302.21 of the 49424
Revised Code prior to the first day of July of the school year for 49425
which a scholarship is sought, in the lowest ten per cent of all 49426
public school buildings according to performance index score under 49427
section 3302.21 of the Revised Code. 49428

(b) The building was not declared to be excellent or 49429
effective under section 3302.03 of the Revised Code in the most 49430
recent rating published prior to the first day of July of the 49431
school year for which a scholarship is sought. 49432

(2) The student is eligible to enroll in kindergarten in the 49433

school year for which a scholarship is sought and otherwise would 49434
be assigned under section 3319.01 of the Revised Code to a school 49435
building described in division (B)(1) of this section. 49436

(3) The student is enrolled in a community school established 49437
under Chapter 3314. of the Revised Code but otherwise would be 49438
assigned under section 3319.01 of the Revised Code to a building 49439
described in division (B)(1) of this section. 49440

(4) The student is enrolled in a school building that is 49441
operated by the student's resident district or in a community 49442
school established under Chapter 3314. of the Revised Code and 49443
otherwise would be assigned under section 3319.01 of the Revised 49444
Code to a school building described in division (B)(1) of this 49445
section in the school year for which the scholarship is sought. 49446

(C) A student who receives a scholarship under the 49447
educational choice scholarship pilot program remains an eligible 49448
student and may continue to receive scholarships in subsequent 49449
school years until the student completes grade twelve, so long as 49450
all of the following apply: 49451

(1) The student's resident district remains the same, or the 49452
student transfers to a new resident district and otherwise would 49453
be assigned in the new resident district to a school building 49454
described in division (A)(1) or ~~(6)~~(B)(1) of this section; 49455

(2) The student takes each assessment prescribed for the 49456
student's grade level under section 3301.0710 or 3301.0712 of the 49457
Revised Code while enrolled in a chartered nonpublic school; 49458

(3) In each school year that the student is enrolled in a 49459
chartered nonpublic school, the student is absent from school for 49460
not more than twenty days that the school is open for instruction, 49461
not including excused absences. 49462

~~(C)~~(D)(1) The department shall cease awarding first-time 49463
scholarships pursuant to divisions (A)(1) to (4) of this section 49464

with respect to a school building that, in the most recent ratings 49465
of school buildings published under section 3302.03 of the Revised 49466
Code prior to the first day of July of the school year, ceases to 49467
meet the criteria in division (A)(1) of this section. The 49468
department shall cease awarding first-time scholarships pursuant 49469
to division (A)(5) of this section with respect to a school 49470
district that, in the most recent ratings of school districts 49471
published under section 3302.03 of the Revised Code prior to the 49472
first day of July of the school year, ceases to meet the criteria 49473
in division (A)(5) of this section. ~~However~~ 49474

(2) The department shall cease awarding first-time 49475
scholarships pursuant to divisions (B)(1) to (4) of this section 49476
with respect to a school building that, in the most recent ratings 49477
of school buildings under section 3302.03 of the Revised Code 49478
prior to the first day of July of the school year, ceases to meet 49479
the criteria in division (B)(1) of this section. 49480

(3) However, students who have received scholarships in the 49481
prior school year remain eligible students pursuant to division 49482
~~(B)~~(C) of this section. 49483

~~(D)~~(E) The state board of education shall adopt rules 49484
defining excused absences for purposes of division ~~(B)~~(C)(3) of 49485
this section. 49486

Sec. 3310.05. A scholarship under the educational choice 49487
scholarship pilot program is not available for any student whose 49488
resident district is a school district in which the pilot project 49489
scholarship program is operating under sections 3313.974 to 49490
3313.979 of the Revised Code. The two pilot programs are separate 49491
and distinct. ~~The general assembly has prescribed separate 49492~~
~~scholarship amounts for the two pilot programs in recognition of 49493~~
~~their, with~~ differing eligibility criteria. The pilot project 49494
scholarship program operating under sections 3313.974 to 3313.979 49495

of the Revised Code is a district-wide program that may award 49496
scholarships to students who do not attend district schools that 49497
face academic challenges, whereas the educational choice 49498
scholarship pilot program established under sections 3310.01 to 49499
3310.17 of the Revised Code is limited to students of individual 49500
district school buildings that face academic challenges. 49501

Sec. 3310.08. (A) The amount paid for an eligible student 49502
under the educational choice scholarship pilot program shall be 49503
the lesser of the tuition of the chartered nonpublic school in 49504
which the student is enrolled or the maximum amount prescribed in 49505
section 3310.09 of the Revised Code. 49506

(B)(1) The department shall pay to the parent of each 49507
eligible student for whom a scholarship is awarded under the 49508
program, or to the student if at least eighteen years of age, 49509
periodic partial payments of the scholarship. 49510

(2) The department shall proportionately reduce or terminate 49511
the payments for any student who withdraws from a chartered 49512
nonpublic school prior to the end of the school year. 49513

(C)(1) The department shall deduct ~~five thousand two hundred~~ 49514
~~dollars~~ from the payments made to each school district under 49515
~~Chapters 3306. and Chapter 3317.~~ and, if necessary, sections 49516
321.24 and 323.156 of the Revised Code, the amount paid under 49517
division (B) of this section for each eligible student awarded a 49518
scholarship under the ~~educational choice scholarship pilot~~ program 49519
who is entitled under section 3313.64 or 3313.65 of the Revised 49520
Code to attend school in the district. 49521

~~The amount deducted under division (C)(1) of this section~~ 49522
~~funds scholarships for students under both the educational choice~~ 49523
~~scholarship pilot program and the pilot project scholarship~~ 49524
~~program under sections 3313.974 to 3313.979 of the Revised Code.~~ 49525

(2) If the department reduces or terminates payments to a parent or a student, as prescribed in division (B)(2) of this section, and the student enrolls in the schools of the student's resident district or in a community school, established under Chapter 3314. of the Revised Code, before the end of the school year, the department shall proportionally restore to the resident district the amount deducted for that student under division (C)(1) of this section.

~~(D) In the case of any school district from which a deduction is made under division (C) of this section, the department shall disclose on the district's SF-3 form, or any successor to that form used to calculate a district's state funding for operating expenses, a comparison of the following:~~

~~(1) The district's state share of the adequacy amount payment, as calculated under section 3306.13 of the Revised Code with the scholarship students included in the district's formula ADM;~~

~~(2) What the district's state share of the adequacy amount payment would have been, as calculated under that section if the scholarship students were not included in the district's formula ADM.~~

~~This comparison shall display both the aggregate difference between the amounts described in divisions (D)(1) and (2) of this section, and the quotient of that aggregate difference divided by the number of eligible students for whom deductions are made under division (C) of this section.~~

Sec. 3310.41. (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's

individualized education program and to which the child's parent 49556
owes fees for the services provided to the child: 49557

(a) A school district that is not the school district in 49558
which the child is entitled to attend school; 49559

(b) A public entity other than a school district. 49560

(2) "Entitled to attend school" means entitled to attend 49561
school in a school district under section 3313.64 or 3313.65 of 49562
the Revised Code. 49563

(3) "Formula ADM" and "category six special education ADM" 49564
have the same meanings as in section 3317.02 of the Revised Code. 49565

(4) "Preschool child with a disability" and "individualized 49566
education program" have the same meanings as in section 3323.01 of 49567
the Revised Code. 49568

(5) "Parent" has the same meaning as in section 3313.64 of 49569
the Revised Code, except that "parent" does not mean a parent 49570
whose custodial rights have been terminated. 49571

(6) "Preschool scholarship ADM" means the number of preschool 49572
children with disabilities reported under division (B)(3)(h) of 49573
section 3317.03 of the Revised Code. 49574

(7) "Qualified special education child" is a child for whom 49575
all of the following conditions apply: 49576

(a) The school district in which the child is entitled to 49577
attend school has identified the child as autistic. A child who 49578
has been identified as having a "pervasive developmental disorder 49579
- not otherwise specified (PPD-NOS)" shall be considered to be an 49580
autistic child for purposes of this section. 49581

(b) The school district in which the child is entitled to 49582
attend school has developed an individualized education program 49583
under Chapter 3323. of the Revised Code for the child. 49584

(c) The child either: 49585

(i) Was enrolled in the school district in which the child is 49586
entitled to attend school in any grade from preschool through 49587
twelve in the school year prior to the year in which a scholarship 49588
under this section is first sought for the child; or 49589

(ii) Is eligible to enter school in any grade preschool 49590
through twelve in the school district in which the child is 49591
entitled to attend school in the school year in which a 49592
scholarship under this section is first sought for the child. 49593

(8) "Registered private provider" means a nonpublic school or 49594
other nonpublic entity that has been approved by the department of 49595
education to participate in the program established under this 49596
section. 49597

(9) "Special education program" means a school or facility 49598
that provides special education and related services to children 49599
with disabilities. 49600

(B) There is hereby established the autism scholarship 49601
program. Under the program, the department of education shall pay 49602
a scholarship to the parent of each qualified special education 49603
child upon application of that parent pursuant to procedures and 49604
deadlines established by rule of the state board of education. 49605
Each scholarship shall be used only to pay tuition for the child 49606
on whose behalf the scholarship is awarded to attend a special 49607
education program that implements the child's individualized 49608
education program and that is operated by an alternative public 49609
provider or by a registered private provider. Each scholarship 49610
shall be in an amount not to exceed the lesser of the tuition 49611
charged for the child by the special education program or twenty 49612
thousand dollars. The purpose of the scholarship is to permit the 49613
parent of a qualified special education child the choice to send 49614
the child to a special education program, instead of the one 49615
operated by or for the school district in which the child is 49616
entitled to attend school, to receive the services prescribed in 49617

the child's individualized education program once the 49618
individualized education program is finalized. A The services 49619
provided under the scholarship shall include an educational 49620
component. 49621

A scholarship under this section shall not be awarded to the 49622
parent of a child while the child's individualized education 49623
program is being developed by the school district in which the 49624
child is entitled to attend school, or while any administrative or 49625
judicial mediation or proceedings with respect to the content of 49626
the child's individualized education program are pending. A 49627
scholarship under this section shall not be used for a child to 49628
attend a public special education program that operates under a 49629
contract, compact, or other bilateral agreement between the school 49630
district in which the child is entitled to attend school and 49631
another school district or other public provider, or for a child 49632
to attend a community school established under Chapter 3314. of 49633
the Revised Code. However, nothing in this section or in any rule 49634
adopted by the state board shall prohibit a parent whose child 49635
attends a public special education program under a contract, 49636
compact, or other bilateral agreement, or a parent whose child 49637
attends a community school, from applying for and accepting a 49638
scholarship under this section so that the parent may withdraw the 49639
child from that program or community school and use the 49640
scholarship for the child to attend a special education program 49641
for which the parent is required to pay for services for the 49642
child. A 49643

A child attending a special education program with a 49644
scholarship under this section shall continue to be entitled to 49645
transportation to and from that program in the manner prescribed 49646
by law. 49647

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 49648
(B)(10) of section 3317.03 of the Revised Code, a child who is not 49649

a preschool child with a disability for whom a scholarship is 49650
awarded under this section shall be counted in the formula ADM and 49651
the category six special education ADM of the district in which 49652
the child is entitled to attend school and not in the formula ADM 49653
and the category six special education ADM of any other school 49654
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 49655
section 3317.03 of the Revised Code, a child who is a preschool 49656
child with a disability for whom a scholarship is awarded under 49657
this section shall be counted in the preschool scholarship ADM and 49658
category six special education ADM of the school district in which 49659
the child is entitled to attend school and not in the preschool 49660
scholarship ADM or category six special education ADM of any other 49661
school district. 49662

(2) In each fiscal year, the department shall deduct from the 49663
amounts paid to each school district under ~~Chapters 3306. and~~ 49664
Chapter 3317. of the Revised Code, and, if necessary, sections 49665
321.24 and 323.156 of the Revised Code, the aggregate amount of 49666
scholarships awarded under this section for qualified special 49667
education children included in the formula ADM, or preschool 49668
scholarship ADM, and in the category six special education ADM of 49669
that school district as provided in division (C)(1) of this 49670
section. ~~When computing the school district's instructional~~ 49671
~~services support under section 3306.05 of the Revised Code, the~~ 49672
~~department shall add the district's preschool scholarship ADM to~~ 49673
~~the district's formula ADM.~~ 49674

The scholarships deducted shall be considered as an approved 49675
special education and related services expense of the school 49676
district. 49677

(3) From time to time, the department shall make a payment to 49678
the parent of each qualified special education child for whom a 49679
scholarship has been awarded under this section. The scholarship 49680
amount shall be proportionately reduced in the case of any such 49681

child who is not enrolled in the special education program for 49682
which a scholarship was awarded under this section for the entire 49683
school year. The department shall make no payments to the parent 49684
of a child while any administrative or judicial mediation or 49685
proceedings with respect to the content of the child's 49686
individualized education program are pending. 49687

(D) A scholarship shall not be paid to a parent for payment 49688
of tuition owed to a nonpublic entity unless that entity is a 49689
registered private provider. The department shall approve entities 49690
that meet the standards established by rule of the state board for 49691
the program established under this section. 49692

(E) The state board shall adopt rules under Chapter 119. of 49693
the Revised Code prescribing procedures necessary to implement 49694
this section, including, but not limited to, procedures and 49695
deadlines for parents to apply for scholarships, standards for 49696
registered private providers, and procedures for approval of 49697
entities as registered private providers. 49698

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 49699
Revised Code: 49700

(A) "Alternative public provider" means either of the 49701
following providers that agrees to enroll a child in the 49702
provider's special education program to implement the child's 49703
individualized education program and to which the eligible 49704
applicant owes fees for the services provided to the child: 49705

(1) A school district that is not the school district in 49706
which the child is entitled to attend school or the child's school 49707
district of residence, if different; 49708

(2) A public entity other than a school district. 49709

(B) "Child with a disability" and "individualized education 49710
program" have the same meanings as in section 3323.01 of the 49711

Revised Code. 49712

(C) "Eligible applicant" means any of the following: 49713

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated. 49714
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(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency; 49726
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(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child; 49730
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(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caregiver authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code; 49732
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(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code; 49738
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(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least 49741
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eighteen years of age. 49743

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code. 49744
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(E) "Formula ADM" and "formula amount" have the same meanings as in section 3317.02 of the Revised Code. 49747
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(F) "Qualified special education child" is a child for whom all of the following conditions apply: 49749
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(1) The child is at least five years of age and less than twenty-two years of age. 49751
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(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability. 49753
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(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child. 49756
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(4) The child either: 49760

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child; 49761
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(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child. 49765
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(5) The department of education has not approved a scholarship for the child under the educational choice scholarship pilot program, under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program, under section 3310.41 of the 49769
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Revised Code, or the pilot project scholarship program, under 49773
sections 3313.974 to 3313.979 of the Revised Code for the same 49774
school year in which a scholarship under the Jon Peterson special 49775
needs scholarship program is sought. 49776

(6) The child and the child's parents are in compliance with 49777
the state compulsory attendance law under Chapter 3321. of the 49778
Revised Code. 49779

(G) "Registered private provider" means a nonpublic school or 49780
other nonpublic entity that has been registered by the 49781
superintendent of public instruction under section 3310.58 of the 49782
Revised Code. 49783

(H) "Scholarship" means a scholarship awarded under the Jon 49784
Peterson special needs scholarship program pursuant to sections 49785
3310.51 to 3310.64 of the Revised Code. 49786

(I) "School district of residence" has the same meaning as in 49787
section 3323.01 of the Revised Code. A community school 49788
established under Chapter 3314. of the Revised Code is not a 49789
"school district of residence" for purposes of sections 3310.51 to 49790
3310.64 of the Revised Code. 49791

(J) "School year" has the same meaning as in section 3313.62 49792
of the Revised Code. 49793

(K) "Special education program" means a school or facility 49794
that provides special education and related services to children 49795
with disabilities. 49796

Sec. 3310.52. (A) The Jon Peterson special needs scholarship 49797
program is hereby established. Under the program, beginning with 49798
the 2012-2013 school year, subject to division (B) of this 49799
section, the department of education annually shall pay a 49800
scholarship to an eligible applicant for services provided by an 49801
alternative public provider or a registered private provider for a 49802

qualified special education child. The scholarship shall be used 49803
only to pay all or part of the fees for the child to attend the 49804
special education program operated by the alternative public 49805
provider or registered private provider to implement the child's 49806
individualized education program, in lieu of the child's attending 49807
the special education program operated by the school district in 49808
which the child is entitled to attend school, and other services 49809
agreed to by the provider and eligible applicant that are not 49810
included in the individualized education program but are 49811
associated with educating the child. Upon agreement with the 49812
eligible applicant, the alternative public provider or registered 49813
private provider may modify the services provided to the child. 49814

(B) The number of scholarships awarded under the program in 49815
any fiscal year shall not exceed five per cent of the total number 49816
of students residing in the state identified as children with 49817
disabilities during the previous fiscal year. 49818

(C) No scholarship or renewal of a scholarship shall be 49819
awarded to an eligible applicant on behalf of a qualified special 49820
education child for the next school year, unless on or before the 49821
application deadline the eligible applicant completes the 49822
application for the scholarship or renewal, in the manner 49823
prescribed by the department, and notifies the school district in 49824
which the child is entitled to attend school that the eligible 49825
applicant has applied for the scholarship or renewal. 49826

The application deadline for academic terms that begin 49827
between the first day of July and the thirty-first day of December 49828
shall be the fifteenth day of April that precedes the first day of 49829
instruction. The application deadline for academic terms that 49830
begin between the first day of January and the thirtieth day of 49831
June shall be the fifteenth day of November that precedes the 49832
first day of instruction. 49833

Sec. 3310.521. (A) As a condition of receiving payments for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education in the form and manner as required by the department. 49834
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(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain the following: 49839
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(1) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child; 49845
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(2) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child. 49848
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Sec. 3310.522. In order to maintain eligibility for a scholarship under the program, a student shall take each assessment prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, unless the student is excused from taking that assessment under federal law or the student's individualized education program. 49851
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Notwithstanding division (K) of section 3301.0711 of the Revised Code, each registered private provider that enrolls a student who is awarded a scholarship under this section shall administer each assessment prescribed by sections 3301.0710 and 3301.0712 of the Revised Code to that student, unless the student is excused from taking that assessment, and shall report to the department the results of each assessment so administered. 49857
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Nothing in this section requires any chartered nonpublic school that is a registered private provider to administer any achievement assessment, except for an Ohio graduation test prescribed by division (B)(1) of section 3301.0710 of the Revised Code, as required by section 3313.612 of the Revised Code, to any student enrolled in the school who is not a scholarship student.

Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the Jon Peterson special needs scholarship program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code.

(B) Each eligible applicant and each qualified special education child have a continuing right to the development of an individualized education program for the child that complies with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and administrative rules or guidelines adopted by the Ohio department of education or the United States department of education. The school district in which a qualified special education child is entitled to attend school, or the child's school district of residence if different, shall develop each individualized

education program for the child in accordance with those 49896
provisions. 49897

(C) Each school district shall notify an eligible applicant 49898
of the applicant's and qualified special education child's rights 49899
under sections 3310.51 to 3310.64 of the Revised Code by providing 49900
to each eligible applicant the comparison document prescribed in 49901
section 3323.052 of the Revised Code. An eligible applicant's 49902
receipt of that document, as acknowledged in a format prescribed 49903
by the department of education, shall constitute notice that the 49904
eligible applicant has been informed of those rights. Upon receipt 49905
of that document, subsequent acceptance of a scholarship 49906
constitutes the eligible applicant's informed consent to the 49907
provisions of sections 3310.51 to 3310.64 of the Revised Code. 49908

Sec. 3310.54. A qualified special education child in any of 49909
grades kindergarten through twelve for whom a scholarship is 49910
awarded under the Jon Peterson special needs scholarship program 49911
shall be counted in the formula ADM and category one through six 49912
special education ADM, as appropriate, of the school district in 49913
which the child is entitled to attend school. A qualified special 49914
education child shall not be counted in the formula ADM or 49915
category one through six special education ADM of any other school 49916
district. 49917

Sec. 3310.55. The department of education shall deduct from a 49918
school district's state education aid, as defined in section 49919
3317.02 of the Revised Code, and if necessary, from its payment 49920
under sections 321.24 and 323.156 of the Revised Code, the 49921
aggregate amount of scholarships paid under section 3310.57 of the 49922
Revised Code for qualified special education children included in 49923
the formula ADM and the category one through six special education 49924
ADM of that school district. 49925

Sec. 3310.56. (A) The amount of the scholarship awarded and 49926
paid to an eligible applicant for services for a qualified special 49927
education child under the Jon Peterson special needs scholarship 49928
program in each school year shall be the least of the amounts 49929
prescribed in divisions (A)(1), (2), or (3) of this section, as 49930
follows: 49931

(1) The amount of fees charged for that school year by the 49932
alternative public provider or registered private provider; 49933

(2) The sum of the amounts calculated under divisions 49934
(A)(2)(a) and (b) of this section: 49935

(a) The sum of the formula amount plus the per pupil amount 49936
of the base funding supplements specified in divisions (C)(1) to 49937
(4) of section 3317.012 of the Revised Code for fiscal year 2009; 49938

(b) An amount equal to \$5,732 times the following multiple 49939
prescribed for the child's disability: 49940

(i) For a student in category one, 0.2892; 49941

(ii) For a student in category two, 0.3691; 49942

(iii) For a student in category three, 1.7695; 49943

(iv) For a student in category four, 2.3646; 49944

(v) For a student in category five, 3.1129; 49945

(vi) For a student in category six, 4.7342. 49946

Before applying the multiples specified in divisions 49947
(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted 49948
by multiplying them by 0.90. 49949

(3) Twenty thousand dollars. 49950

(B) As used in division (A)(2)(b) of this section, a child 49951
with a disability is in: 49952

(1) "Category one" if the child's primary or only identified 49953

disability is a speech and language disability, as this term is 49954
defined pursuant to Chapter 3323. of the Revised Code; 49955

(2) "Category two" if the child is identified as specific 49956
learning disabled or developmentally disabled, as these terms are 49957
defined pursuant to Chapter 3323. of the Revised Code, or as 49958
having an other health impairment-minor, as defined in section 49959
3317.02 of the Revised Code; 49960

(3) "Category three" if the child is identified as vision 49961
impaired, hearing disabled, or severe behavior disabled, as these 49962
terms are defined pursuant to Chapter 3323. of the Revised Code; 49963

(4) "Category four" if the child is identified as 49964
orthopedically disabled, as this term is defined pursuant to 49965
Chapter 3323. of the Revised Code, or as having an other health 49966
impairment-major, as defined in section 3317.02 of the Revised 49967
Code; 49968

(5) "Category five" if the child is identified as having 49969
multiple disabilities, as this term is defined pursuant to Chapter 49970
3323. of the Revised Code; 49971

(6) "Category six" if the child is identified as autistic, 49972
having traumatic brain injuries, or both visually and hearing 49973
impaired, as these terms are defined pursuant to Chapter 3323. of 49974
the Revised Code. 49975

Sec. 3310.57. The department of education shall make periodic 49976
payments to an eligible applicant for services for each qualified 49977
special education child for whom a scholarship has been awarded. 49978
The total of all payments made to an applicant in each school year 49979
shall not exceed the amount calculated for the child under section 49980
3310.56 of the Revised Code. 49981

The department shall proportionately reduce the scholarship 49982
amount in the case of a child who is not enrolled in the special 49983

education program of an alternative public provider or a 49984
registered private provider for the entire school year. 49985

In accordance with division (A) of section 3310.62 of the 49986
Revised Code, the department shall make no payments to an 49987
applicant for a first-time scholarship for a qualified special 49988
education child while any administrative or judicial mediation or 49989
proceedings with respect to the content of the child's 49990
individualized education program are pending. 49991

Sec. 3310.58. No nonpublic school or entity shall receive 49992
payments from an eligible applicant for services for a qualified 49993
special education child under the Jon Peterson special needs 49994
scholarship program until the school or entity registers with the 49995
superintendent of public instruction. The superintendent shall 49996
register and designate as a registered private provider any 49997
nonpublic school or entity that meets the following requirements: 49998

(A) The school or entity complies with the antidiscrimination 49999
provisions of 42 U.S.C. 2000d, regardless of whether the school or 50000
entity receives federal financial assistance. 50001

(B) If the school or entity is not chartered by the state 50002
board under section 3301.16 of the Revised Code, the school or 50003
entity agrees to comply with sections 3319.39, 3319.391, and 50004
3319.392 of the Revised Code as if it were a school district. 50005

(C) The teaching and nonteaching professionals employed by 50006
the school or entity, or employed by any subcontractors of the 50007
school or entity, hold credentials determined by the state board 50008
to be appropriate for the qualified special education children 50009
enrolled in the special education program it operates. 50010

(D) The school's or entity's educational program shall be 50011
approved by the department of education. 50012

(E) The school or entity meets applicable health and safety 50013

<u>standards established by law.</u>	50014
<u>(F) The school or entity agrees to retain on file</u>	50015
<u>documentation as required by the department of education.</u>	50016
<u>(G) The school or entity agrees to provide a record of the</u>	50017
<u>implementation of the individualized education program for each</u>	50018
<u>qualified special education child enrolled in the school's or</u>	50019
<u>entity's special education program, including evaluation of the</u>	50020
<u>child's progress, to the school district in which the child is</u>	50021
<u>entitled to attend school, in the form and manner prescribed by</u>	50022
<u>the department.</u>	50023
<u>(H) The school or entity agrees that, if it declines to</u>	50024
<u>enroll a particular qualified special education child, it will</u>	50025
<u>notify in writing the eligible applicant of its reasons for</u>	50026
<u>declining to enroll the child.</u>	50027
<u>Sec. 3310.59. The superintendent of public instruction shall</u>	50028
<u>revoke the registration of any school or entity if, after a</u>	50029
<u>hearing, the superintendent determines that the school or entity</u>	50030
<u>is in violation of any provision of section 3310.522 or 3310.58 of</u>	50031
<u>the Revised Code.</u>	50032
<u>Sec. 3310.60. A qualified special education child attending a</u>	50033
<u>special education program at an alternative public provider or a</u>	50034
<u>registered private provider with a scholarship shall be entitled</u>	50035
<u>to transportation to and from that program in the manner</u>	50036
<u>prescribed by law.</u>	50037
<u>Sec. 3310.61. An eligible applicant on behalf of a child who</u>	50038
<u>currently attends a public special education program under a</u>	50039
<u>contract, compact, or other bilateral agreement, or on behalf of a</u>	50040
<u>child who currently attends a community school, shall not be</u>	50041
<u>prohibited from applying for and accepting a scholarship so that</u>	50042

the applicant may withdraw the child from that program or 50043
community school and use the scholarship for the child to attend a 50044
special education program operated by an alternative public 50045
provider or a registered private provider. 50046

Sec. 3310.62. (A) A scholarship under the Jon Peterson 50047
special needs scholarship program shall not be awarded for the 50048
first time to an eligible applicant on behalf of a qualified 50049
special education child while the child's individualized education 50050
program is being developed by the school district in which the 50051
child is entitled to attend school, or by the child's school 50052
district of residence if different, or while any administrative or 50053
judicial mediation or proceedings with respect to the content of 50054
that individualized education program are pending. 50055

(B) Development of individualized education programs 50056
subsequent to the one developed for the child the first time a 50057
scholarship was awarded on behalf of the child and the 50058
prosecuting, by the eligible applicant on behalf of the child, of 50059
administrative or judicial mediation or proceedings with respect 50060
to any of those subsequent individualized education programs do 50061
not affect the applicant's and the child's continued eligibility 50062
for scholarship payments. 50063

(C) In the case of any child for whom a scholarship has been 50064
awarded, if the school district in which the child is entitled to 50065
attend school has agreed to provide some services for the child 50066
under an agreement entered into with the eligible applicant or 50067
with the alternative public provider or registered private 50068
provider implementing the child's individualized education 50069
program, or if the district is required by law to provide some 50070
services for the child, including transportation services under 50071
sections 3310.60 and 3327.01 of the Revised Code, the district 50072
shall not discontinue the services it is providing pending 50073

completion of any administrative proceedings regarding those 50074
services. The prosecuting, by the eligible applicant on behalf of 50075
the child, of administrative proceedings regarding the services 50076
provided by the district does not affect the applicant's and the 50077
child's continued eligibility for scholarship payments. 50078

(D) The department of education shall continue to make 50079
payments to the eligible applicant under section 3310.57 of the 50080
Revised Code while either of the following are pending: 50081

(1) Administrative or judicial mediation or proceedings with 50082
respect to a subsequent individualized education program for the 50083
child referred to in division (B) of this section; 50084

(2) Administrative proceedings regarding services provided by 50085
the district under division (C) of this section. 50086

Sec. 3310.63. (A) Only for the purpose of administering the 50087
Jon Peterson special needs scholarship program, the department of 50088
education may request from any of the following entities the data 50089
verification code assigned under division (D)(2) of section 50090
3301.0714 of the Revised Code to any qualified special education 50091
child for whom a scholarship is sought under the program: 50092

(1) The school district in which the child is entitled to 50093
attend school; 50094

(2) If applicable, the community school in which the child is 50095
enrolled; 50096

(3) The independent contractor engaged to create and maintain 50097
data verification codes. 50098

(B) Upon a request by the department under division (A) of 50099
this section for the data verification code of a qualified special 50100
education child or a request by the eligible applicant for the 50101
child for that code, the school district or community school shall 50102
submit that code to the department or applicant in the manner 50103

specified by the department. If the child has not been assigned a code, because the child will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or applicant by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law.

(D) Any document relative to the Jon Peterson special needs scholarship program that the department holds in its files that contains both a qualified special education child's name or other personally identifiable information and the child's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3310.64. The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary to implement sections 3310.51 to 3310.63 of the Revised Code including, but not limited to, procedures for parents to apply for scholarships, standards for registered private providers, and procedures for registration of private providers.

Sec. 3311.05. (A) The territory within the territorial limits of a county, or the territory included in a district formed under

~~either~~ section 3311.053 ~~or 3311.059~~ of the Revised Code, exclusive 50134
of the territory embraced in any city school district or exempted 50135
village school district, and excluding the territory detached 50136
therefrom for school purposes and including the territory attached 50137
thereto for school purposes constitutes an educational service 50138
center. 50139

(B) A county school financing district created under section 50140
3311.50 of the Revised Code is not the school district described 50141
in division (A) of this section or any other school district but 50142
is a taxing district. 50143

Sec. 3311.054. (A) The initial members of any new governing 50144
board of an educational service center established in accordance 50145
with this section shall be all of the members of the governing 50146
boards of the former educational service centers whose territory 50147
comprises the new educational service center. The initial members 50148
of any such governing board shall serve until the first Monday of 50149
January immediately following the first election of governing 50150
board members conducted under division (C) of this section. 50151

Notwithstanding section 3313.11 of the Revised Code, that 50152
section shall not apply to the filling of any vacancy among the 50153
initial members of any governing board established in accordance 50154
with this section. Any such vacancy shall be filled for the 50155
remainder of the term by a majority vote of all the remaining 50156
members of the governing board. 50157

(B) Prior to the next first day of April in an odd-numbered 50158
year that occurs at least ninety days after the date on which any 50159
new governing board of an educational service center is initially 50160
established in accordance with this section, the governing board 50161
or, at the governing board's option, an executive committee of the 50162
governing board appointed by the governing board shall do both of 50163
the following: 50164

(1) Designate the number of elected members comprising all 50165
subsequent governing boards of the educational service center, 50166
which number shall be an odd number not to exceed nine. 50167

(2) Divide the educational service center into a number of 50168
subdistricts equal to the number of governing board members 50169
designated under division (B)(1) of this section and number the 50170
subdistricts. Each subdistrict shall be as nearly equal in 50171
population as possible and shall be composed of adjacent and 50172
compact territory. To the extent possible, each subdistrict shall 50173
be composed only of territory located in one county. In addition, 50174
the subdistricts shall be bounded as far as possible by 50175
corporation lines, streets, alleys, avenues, public grounds, 50176
canals, watercourses, ward boundaries, voting precinct boundaries, 50177
or school district boundaries. 50178

If the new governing board fails to divide the territory of 50179
the educational service center in accordance with this division, 50180
the superintendent of public instruction shall establish the 50181
subdistricts within thirty days. 50182

(C) At the next regular municipal election following the 50183
deadline for creation of the subdistricts of an educational 50184
service center under division (B) of this section, an entire new 50185
governing board shall be elected. All members of such governing 50186
board shall be elected from those subdistricts. 50187

(D) Within ninety days after the official announcement of the 50188
results of each successive federal decennial census, each 50189
governing board of an educational service center established in 50190
accordance with this section shall redistrict the educational 50191
service center's territory into a number of subdistricts equal to 50192
the number of board members designated under division (B)(1) of 50193
this section and number the subdistricts. Each such redistricting 50194
shall be done in accordance with the standards for subdistricts in 50195
division (B)(2) of this section. At the next regular municipal 50196

election following the announcement of the results of each such 50197
successive census, all elected governing board members shall again 50198
be elected from the subdistricts most recently created under this 50199
division. 50200

If a governing board fails to redistrict the territory of its 50201
educational service center in accordance with this division, the 50202
superintendent of public instruction shall redistrict the service 50203
center within thirty days. 50204

(E) All members elected pursuant to this section shall take 50205
office on the first Monday of January immediately following the 50206
election. Whenever all elected governing board members are elected 50207
at one election under division (C) or (D) of this section, the 50208
terms of each of the members elected from even-numbered 50209
subdistricts shall be for two years and the terms of each of the 50210
members elected from odd-numbered subdistricts shall be for four 50211
years. Thereafter, successors shall be elected for four-year terms 50212
in the same manner as is provided by law for the election of 50213
members of school boards except that any successor elected at a 50214
regular municipal election immediately preceding any election at 50215
which an entire new governing board is elected shall be elected 50216
for a two-year term. 50217

Sec. 3311.056. After at least one election of board members 50218
has occurred under division (B) of section 3313.053, division (C) 50219
of section 3311.054, or section 3311.057 of the Revised Code, the 50220
elected governing board members of an educational service center 50221
created under division (A) of section 3311.053 of the Revised Code 50222
may by resolution adopt a plan for adding appointed members to 50223
that governing board. A plan may provide for adding to the board a 50224
number of appointed members that is up to one less than the number 50225
of elected members on the board except that the total number of 50226
elected and appointed board members shall be an odd number. A plan 50227

shall provide for the terms of the appointed board members. The 50228
appointed board members in each plan shall be appointed by a 50229
majority vote of the full number of elected members on the board 50230
and vacancies shall be filled as provided in the plan. Each plan 50231
shall specify the qualifications for the appointed board members 50232
of an educational service center ~~and shall at least require~~ 50233
~~appointed board members to be electors residing in the service~~ 50234
~~center.~~ Appointed members may be representative of the client 50235
school districts of the service center. As used in this section, 50236
"client school district" has the same meaning as in section 50237
3317.11 of the Revised Code. 50238

A governing board adopting a plan under this section shall 50239
submit the plan to the state board of education for approval. The 50240
state board may approve or disapprove a plan or make 50241
recommendations for modifications in a plan. A plan shall take 50242
effect thirty days after approval by the state board and, when 50243
effective, appointments to the board shall be made in accordance 50244
with the plan. 50245

The elected members of the governing board of an educational 50246
service center with a plan in effect under this section may adopt, 50247
by unanimous vote of all the elected members, a resolution to 50248
revise or rescind the plan in effect under this section. All 50249
revisions shall comply with the requirements in this section for 50250
appointed board members. A resolution revising or rescinding a 50251
plan shall specify the dates and manner in which the revision or 50252
rescission is to take place. The revision or rescission of a plan 50253
shall be submitted to the state board of education for approval. 50254
The state board may approve or disapprove a revision or rescission 50255
of a plan or make recommendations for modifications. Upon approval 50256
of a revision or rescission by the state board, the revised plan 50257
or rescission of the plan shall go into effect as provided in the 50258
revision or rescission. 50259

Sec. 3311.0510. (A) If all of the local school districts that 50260
make up the territory of an educational service center have 50261
severed from the territory of that service center, upon the 50262
effective date of the severance of the last remaining local school 50263
district to make up the territory of the service center, the 50264
governing board of that service center shall be abolished and such 50265
service center shall be dissolved by order of the superintendent 50266
of public instruction. The superintendent's order shall provide 50267
for the equitable division and disposition of the assets, 50268
property, debts, and obligations of the service center among the 50269
local school districts, of which the territory of the service 50270
center is or previously was made up, and the city and exempted 50271
village school districts with which the service center had 50272
agreements under section 3313.843 of the Revised Code for the 50273
service center's last fiscal year of operation. The 50274
superintendent's order shall provide that the tax duplicate of 50275
each of those school districts shall be bound for and assume the 50276
district's equitable share of the outstanding indebtedness of the 50277
service center. The superintendent's order is final and is not 50278
appealable. 50279

Immediately upon the abolishment of the service center 50280
governing board pursuant to this section, the superintendent of 50281
public instruction shall appoint a qualified individual to 50282
administer the dissolution of the service center and to implement 50283
the terms of the superintendent's dissolution order. 50284

Prior to distributing assets to any school district under 50285
this section, but after paying in full other debts and obligations 50286
of the service center under this section, the superintendent of 50287
public instruction may assess against the remaining assets of the 50288
service center the amount of the costs incurred by the department 50289
of education in performing the superintendent's duties under this 50290
division, including the fees, if any, owed to the individual 50291

appointed to administer the superintendent's dissolution order. 50292
Any excess cost incurred by the department under this division 50293
shall be divided equitably among the local school districts, of 50294
which the territory of the service center is or previously was 50295
made up, and the city and exempted village school districts with 50296
which the service center had agreements under section 3313.843 of 50297
the Revised Code for the service center's last fiscal year of 50298
operation. Each district's share of that excess cost shall be 50299
bound against the tax duplicate of that district. 50300

(B) A final audit of the former service center shall be 50301
performed in accordance with procedures established by the auditor 50302
of state. 50303

(C) The public records of an educational service center that 50304
is dissolved under this section shall be transferred in accordance 50305
with this division. Public records maintained by the service 50306
center in connection with services provided by the service center 50307
to local school districts shall be transferred to each of the 50308
respective local school districts. Public records maintained by 50309
the service center in connection with services provided under an 50310
agreement with a city or exempted village school district pursuant 50311
to section 3313.843 of the Revised Code shall be transferred to 50312
each of the respective city or exempted village school districts. 50313
All other public records maintained by the service center at the 50314
time the service center ceases operations shall be transferred to 50315
the Ohio historical society for analysis and disposition by the 50316
society in its capacity as archives administrator for the state 50317
and its political subdivisions pursuant to division (C) of section 50318
149.30 and section 149.31 of the Revised Code. 50319

Sec. 3311.06. (A) As used in this section: 50320

(1) "Annexation" and "annexed" mean annexation for municipal 50321
purposes under sections 709.02 to 709.37 of the Revised Code. 50322

(2) "Annexed territory" means territory that has been annexed for municipal purposes to a city served by an urban school district, but on September 24, 1986, has not been transferred to the urban school district.

(3) "Urban school district" means a city school district with an average daily membership for the 1985-1986 school year in excess of twenty thousand that is the school district of a city that contains annexed territory.

(4) "Annexation agreement" means an agreement entered into under division (F) of this section that has been approved by the state board of education or an agreement entered into prior to September 24, 1986, that meets the requirements of division (F) of this section and has been filed with the state board.

(B) The territory included within the boundaries of a city, local, exempted village, or joint vocational school district shall be contiguous except where a natural island forms an integral part of the district, where the state board of education authorizes a noncontiguous school district, as provided in division (E)(1) of this section, or where a local school district is created pursuant to section 3311.26 of the Revised Code from one or more local school districts, one of which has entered into an agreement under section 3313.42 of the Revised Code.

(C)(1) When all of the territory of a school district is annexed to a city or village, such territory thereby becomes a part of the city school district or the school district of which the village is a part, and the legal title to school property in such territory for school purposes shall be vested in the board of education of the city school district or the school district of which the village is a part.

(2) When the territory so annexed to a city or village comprises part but not all of the territory of a school district,

the said territory becomes part of the city school district or the school district of which the village is a part only upon approval by the state board of education, unless the district in which the territory is located is a party to an annexation agreement with the city school district.

Any urban school district that has not entered into an annexation agreement with any other school district whose territory would be affected by any transfer under this division and that desires to negotiate the terms of transfer with any such district shall conduct any negotiations under division (F) of this section as part of entering into an annexation agreement with such a district.

Any school district, except an urban school district, desiring state board approval of a transfer under this division shall make a good faith effort to negotiate the terms of transfer with any other school district whose territory would be affected by the transfer. Before the state board may approve any transfer of territory to a school district, except an urban school district, under this section, it must receive the following:

(a) A resolution requesting approval of the transfer, passed by at least one of the school districts whose territory would be affected by the transfer;

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

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

(D) The state board of education shall adopt rules governing negotiations held by any school district except an urban school

district pursuant to division (C)(2) of this section. The rules 50385
shall encourage the realization of the following goals: 50386

(1) A discussion by the negotiating districts of the present 50387
and future educational needs of the pupils in each district; 50388

(2) The educational, financial, and territorial stability of 50389
each district affected by the transfer; 50390

(3) The assurance of appropriate educational programs, 50391
services, and opportunities for all the pupils in each 50392
participating district, and adequate planning for the facilities 50393
needed to provide these programs, services, and opportunities. 50394

Districts involved in negotiations under such rules may agree 50395
to share revenues from the property included in the territory to 50396
be transferred, establish cooperative programs between the 50397
participating districts, and establish mechanisms for the 50398
settlement of any future boundary disputes. 50399

(E)(1) If territory annexed after September 24, 1986, is part 50400
of a school district that is a party to an annexation agreement 50401
with the urban school district serving the annexing city, the 50402
transfer of such territory shall be governed by the agreement. If 50403
the agreement does not specify how the territory is to be dealt 50404
with, the boards of education of the district in which the 50405
territory is located and the urban school district shall negotiate 50406
with regard to the transfer of the territory which shall be 50407
transferred to the urban school district unless, not later than 50408
ninety days after the effective date of municipal annexation, the 50409
boards of education of both districts, by resolution adopted by a 50410
majority of the members of each board, agree that the territory 50411
will not be transferred and so inform the state board of 50412
education. 50413

If territory is transferred under this division the transfer 50414
shall take effect on the first day of July occurring not sooner 50415

than ninety-one days after the effective date of the municipal 50416
annexation. Territory transferred under this division need not be 50417
contiguous to the district to which it is transferred. 50418

(2) Territory annexed prior to September 24, 1986, by a city 50419
served by an urban school district shall not be subject to 50420
transfer under this section if the district in which the territory 50421
is located is a party to an annexation agreement or becomes a 50422
party to such an agreement not later than ninety days after 50423
September 24, 1986. If the district does not become a party to an 50424
annexation agreement within the ninety-day period, transfer of 50425
territory shall be governed by division (C)(2) of this section. If 50426
the district subsequently becomes a party to an agreement, 50427
territory annexed prior to September 24, 1986, other than 50428
territory annexed under division (C)(2) of this section prior to 50429
the effective date of the agreement, shall not be subject to 50430
transfer under this section. 50431

(F) An urban school district may enter into a comprehensive 50432
agreement with one or more school districts under which transfers 50433
of territory annexed by the city served by the urban school 50434
district after September 24, 1986, shall be governed by the 50435
agreement. Such agreement must provide for the establishment of a 50436
cooperative education program under section 3313.842 of the 50437
Revised Code in which all the parties to the agreement are 50438
participants and must be approved by resolution of the majority of 50439
the members of each of the boards of education of the school 50440
districts that are parties to it. An agreement may provide for 50441
interdistrict payments based on local revenue growth resulting 50442
from development in any territory annexed by the city served by 50443
the urban school district. 50444

An agreement entered into under this division may be altered, 50445
modified, or terminated only by agreement, by resolution approved 50446
by the majority of the members of each board of education, of all 50447

school districts that are parties to the agreement, except that 50448
with regard to any provision that affects only the urban school 50449
district and one of the other districts that is a party, that 50450
district and the urban district may modify or alter the agreement 50451
by resolution approved by the majority of the members of the board 50452
of that district and the urban district. Alterations, 50453
modifications, terminations, and extensions of an agreement 50454
entered into under this division do not require approval of the 50455
state board of education, but shall be filed with the board after 50456
approval and execution by the parties. 50457

If an agreement provides for interdistrict payments, each 50458
party to the agreement, except any school district specifically 50459
exempted by the agreement, shall agree to make an annual payment 50460
to the urban school district with respect to any of its territory 50461
that is annexed territory in an amount not to exceed the amount 50462
certified for that year under former section 3317.029 of the 50463
Revised Code as that section existed prior to July 1, 1998; except 50464
that such limitation of annual payments to amounts certified under 50465
former section 3317.029 of the Revised Code does not apply to 50466
agreements or extensions of agreements entered into on or after 50467
June 1, 1992, unless such limitation is expressly agreed to by the 50468
parties. The agreement may provide that all or any part of the 50469
payment shall be waived if the urban school district receives its 50470
payment with respect to such annexed territory under former 50471
section 3317.029 of the Revised Code and that all or any part of 50472
such payment may be waived if the urban school district does not 50473
receive its payment with respect to such annexed territory under 50474
such section. 50475

With respect to territory that is transferred to the urban 50476
school district after September 24, 1986, the agreement may 50477
provide for annual payments by the urban school district to the 50478
school district whose territory is transferred to the urban school 50479

district subsequent to annexation by the city served by the urban 50480
school district. 50481

(G) In the event territory is transferred from one school 50482
district to another under this section, an equitable division of 50483
the funds and indebtedness between the districts involved shall be 50484
made under the supervision of the state board of education and 50485
that board's decision shall be final. Such division shall not 50486
include funds payable to or received by a school district under 50487
Chapter ~~3306~~ or 3317. of the Revised Code or payable to or 50488
received by a school district from the United States or any 50489
department or agency thereof. In the event such transferred 50490
territory includes real property owned by a school district, the 50491
state board of education, as part of such division of funds and 50492
indebtedness, shall determine the true value in money of such real 50493
property and all buildings or other improvements thereon. The 50494
board of education of the school district receiving such territory 50495
shall forthwith pay to the board of education of the school 50496
district losing such territory such true value in money of such 50497
real property, buildings, and improvements less such percentage of 50498
the true value in money of each school building located on such 50499
real property as is represented by the ratio of the total 50500
enrollment in day classes of the pupils residing in the territory 50501
transferred enrolled at such school building in the school year in 50502
which such annexation proceedings were commenced to the total 50503
enrollment in day classes of all pupils residing in the school 50504
district losing such territory enrolled at such school building in 50505
such school year. The school district receiving such payment shall 50506
place the proceeds thereof in its sinking fund or bond retirement 50507
fund. 50508

(H) The state board of education, before approving such 50509
transfer of territory, shall determine that such payment has been 50510
made and shall apportion to the acquiring school district such 50511

percentage of the indebtedness of the school district losing the 50512
territory as is represented by the ratio that the assessed 50513
valuation of the territory transferred bears to the total assessed 50514
valuation of the entire school district losing the territory as of 50515
the effective date of the transfer, provided that in ascertaining 50516
the indebtedness of the school district losing the territory the 50517
state board of education shall disregard such percentage of the 50518
par value of the outstanding and unpaid bonds and notes of said 50519
school district issued for construction or improvement of the 50520
school building or buildings for which payment was made by the 50521
acquiring district as is equal to the percentage by which the true 50522
value in money of such building or buildings was reduced in fixing 50523
the amount of said payment. 50524

(I) No transfer of school district territory or division of 50525
funds and indebtedness incident thereto, pursuant to the 50526
annexation of territory to a city or village shall be completed in 50527
any other manner than that prescribed by this section regardless 50528
of the date of the commencement of such annexation proceedings, 50529
and this section applies to all proceedings for such transfers and 50530
divisions of funds and indebtedness pending or commenced on or 50531
after October 2, 1959. 50532

Sec. 3311.19. (A) The management and control of a joint 50533
vocational school district shall be vested in the joint vocational 50534
school district board of education. Where a joint vocational 50535
school district is composed only of two or more local school 50536
districts located in one county, or when all the participating 50537
districts are in one county and the boards of such participating 50538
districts so choose, the educational service center governing 50539
board of the county in which the joint vocational school district 50540
is located shall serve as the joint vocational school district 50541
board of education. Where a joint vocational school district is 50542
composed of local school districts of more than one county, or of 50543

any combination of city, local, or exempted village school 50544
districts or educational service centers, unless administration by 50545
the educational service center governing board has been chosen by 50546
all the participating districts in one county pursuant to this 50547
section, the board of education of the joint vocational school 50548
district shall be composed of one or more persons who are members 50549
of the boards of education from each of the city or exempted 50550
village school districts or members of the educational service 50551
centers' governing boards affected to be appointed by the boards 50552
of education or governing boards of such school districts and 50553
educational service centers. In such joint vocational school 50554
districts the number and terms of members of the joint vocational 50555
school district board of education and the allocation of a given 50556
number of members to each of the city and exempted village 50557
districts and educational service centers shall be determined in 50558
the plan for such district, provided that each such joint 50559
vocational school district board of education shall be composed of 50560
an odd number of members. 50561

(B) Notwithstanding division (A) of this section, a governing 50562
board of an educational service center that has members of its 50563
governing board serving on a joint vocational school district 50564
board of education may make a request to the joint vocational 50565
district board that the joint vocational school district plan be 50566
revised to provide for one or more members of boards of education 50567
of local school districts that are within the territory of the 50568
educational service district and within the joint vocational 50569
school district to serve in the place of or in addition to its 50570
educational service center governing board members. If agreement 50571
is obtained among a majority of the boards of education and 50572
governing boards that have a member serving on the joint 50573
vocational school district board of education and among a majority 50574
of the local school district boards of education included in the 50575
district and located within the territory of the educational 50576

service center whose board requests the substitution or addition, 50577
the state board of education may revise the joint vocational 50578
school district plan to conform with such agreement. 50579

(C) If the board of education of any school district or 50580
educational service center governing board included within a joint 50581
vocational district that has had its board or governing board 50582
membership revised under division (B) of this section requests the 50583
joint vocational school district board to submit to the state 50584
board of education a revised plan under which one or more joint 50585
vocational board members chosen in accordance with a plan revised 50586
under such division would again be chosen in the manner prescribed 50587
by division (A) of this section, the joint vocational board shall 50588
submit the revised plan to the state board of education, provided 50589
the plan is agreed to by a majority of the boards of education 50590
represented on the joint vocational board, a majority of the local 50591
school district boards included within the joint vocational 50592
district, and each educational service center governing board 50593
affected by such plan. The state board of education may revise the 50594
joint vocational school district plan to conform with the revised 50595
plan. 50596

(D) The vocational schools in such joint vocational school 50597
district shall be available to all youth of school age within the 50598
joint vocational school district subject to the rules adopted by 50599
the joint vocational school district board of education in regard 50600
to the standards requisite to admission. A joint vocational school 50601
district board of education shall have the same powers, duties, 50602
and authority for the management and operation of such joint 50603
vocational school district as is granted by law, except by this 50604
chapter and Chapters 124., ~~3306.~~ 3317., 3323., and 3331. of the 50605
Revised Code, to a board of education of a city school district, 50606
and shall be subject to all the provisions of law that apply to a 50607
city school district, except such provisions in this chapter and 50608

Chapters 124., ~~3306.~~, 3317., 3323., and 3331. of the Revised Code. 50609

(E) Where a governing board of an educational service center 50610
has been designated to serve as the joint vocational school 50611
district board of education, the educational service center 50612
superintendent shall be the executive officer for the joint 50613
vocational school district, and the governing board may provide 50614
for additional compensation to be paid to the educational service 50615
center superintendent by the joint vocational school district, but 50616
the educational service center superintendent shall have no 50617
continuing tenure other than that of educational service center 50618
superintendent. The superintendent of schools of a joint 50619
vocational school district shall exercise the duties and authority 50620
vested by law in a superintendent of schools pertaining to the 50621
operation of a school district and the employment and supervision 50622
of its personnel. The joint vocational school district board of 50623
education shall appoint a treasurer of the joint vocational school 50624
district who shall be the fiscal officer for such district and who 50625
shall have all the powers, duties, and authority vested by law in 50626
a treasurer of a board of education. Where a governing board of an 50627
educational service center has been designated to serve as the 50628
joint vocational school district board of education, such board 50629
may appoint the educational service center superintendent as the 50630
treasurer of the joint vocational school district. 50631

(F) Each member of a joint vocational school district board 50632
of education may be paid such compensation as the board provides 50633
by resolution, but it shall not exceed one hundred twenty-five 50634
dollars per member for each meeting attended plus mileage, at the 50635
rate per mile provided by resolution of the board, to and from 50636
meetings of the board. 50637

The board may provide by resolution for the deduction of 50638
amounts payable for benefits under section 3313.202 of the Revised 50639
Code. 50640

Each member of a joint vocational school district board may 50641
be paid such compensation as the board provides by resolution for 50642
attendance at an approved training program, provided that such 50643
compensation shall not exceed sixty dollars per day for attendance 50644
at a training program three hours or fewer in length and one 50645
hundred twenty-five dollars a day for attendance at a training 50646
program longer than three hours in length. However, no board 50647
member shall be compensated for the same training program under 50648
this section and section 3313.12 of the Revised Code. 50649

Sec. 3311.21. (A) In addition to the resolutions authorized 50650
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 50651
the Revised Code, the board of education of a joint vocational or 50652
cooperative education school district by a vote of two-thirds of 50653
its full membership may at any time adopt a resolution declaring 50654
the necessity to levy a tax in excess of the ten-mill limitation 50655
for a period not to exceed ten years to provide funds for any one 50656
or more of the following purposes, which may be stated in the 50657
following manner in such resolution, the ballot, and the notice of 50658
election: purchasing a site or enlargement thereof and for the 50659
erection and equipment of buildings; for the purpose of enlarging, 50660
improving, or rebuilding thereof; for the purpose of providing for 50661
the current expenses of the joint vocational or cooperative school 50662
district; or for a continuing period for the purpose of providing 50663
for the current expenses of the joint vocational or cooperative 50664
education school district. The resolution shall specify the amount 50665
of the proposed rate and, if a renewal, whether the levy is to 50666
renew all, or a portion of, the existing levy, and shall specify 50667
the first year in which the levy will be imposed. If the levy 50668
provides for but is not limited to current expenses, the 50669
resolution shall apportion the annual rate of the levy between 50670
current expenses and the other purpose or purposes. Such 50671
apportionment may but need not be the same for each year of the 50672

levy, but the respective portions of the rate actually levied each 50673
year for current expenses and the other purpose or purposes shall 50674
be limited by such apportionment. The portion of any such rate 50675
actually levied for current expenses of a joint vocational or 50676
cooperative education school district shall be used in applying 50677
~~division (A)(1) of section 3306.01 and~~ division (A) of section 50678
3317.01 of the Revised Code. The portion of any such rate not 50679
apportioned to the current expenses of a joint vocational or 50680
cooperative education school district shall be used in applying 50681
division (B) of this section. On the adoption of such resolution, 50682
the joint vocational or cooperative education school district 50683
board of education shall certify the resolution to the board of 50684
elections of the county containing the most populous portion of 50685
the district, which board shall receive resolutions for filing and 50686
send them to the boards of elections of each county in which 50687
territory of the district is located, furnish all ballots for the 50688
election as provided in section 3505.071 of the Revised Code, and 50689
prepare the election notice; and the board of elections of each 50690
county in which the territory of such district is located shall 50691
make the other necessary arrangements for the submission of the 50692
question to the electors of the joint vocational or cooperative 50693
education school district at the next primary or general election 50694
occurring not less than ninety days after the resolution was 50695
received from the joint vocational or cooperative education school 50696
district board of education, or at a special election to be held 50697
at a time designated by the district board of education consistent 50698
with the requirements of section 3501.01 of the Revised Code, 50699
which date shall not be earlier than ninety days after the 50700
adoption and certification of the resolution. 50701

The board of elections of the county or counties in which 50702
territory of the joint vocational or cooperative education school 50703
district is located shall cause to be published in ~~one or more~~ 50704
~~newspapers~~ a newspaper of general circulation in that district an 50705

advertisement of the proposed tax levy question, together with a 50706
statement of the amount of the proposed levy once a week for two 50707
consecutive weeks or as provided in section 7.16 of the Revised 50708
Code, prior to the election at which the question is to appear on 50709
the ballot, ~~and, if.~~ If the board of elections operates and 50710
maintains a web site, the board also shall post ~~a similar~~ the 50711
advertisement on its web site for thirty days prior to that 50712
election. 50713

If a majority of the electors voting on the question of 50714
levying such tax vote in favor of the levy, the joint vocational 50715
or cooperative education school district board of education shall 50716
annually make the levy within the district at the rate specified 50717
in the resolution and ballot or at any lesser rate, and the county 50718
auditor of each affected county shall annually place the levy on 50719
the tax list and duplicate of each school district in the county 50720
having territory in the joint vocational or cooperative education 50721
school district. The taxes realized from the levy shall be 50722
collected at the same time and in the same manner as other taxes 50723
on the duplicate, and the taxes, when collected, shall be paid to 50724
the treasurer of the joint vocational or cooperative education 50725
school district and deposited to a special fund, which shall be 50726
established by the joint vocational or cooperative education 50727
school district board of education for all revenue derived from 50728
any tax levied pursuant to this section and for the proceeds of 50729
anticipation notes which shall be deposited in such fund. After 50730
the approval of the levy, the joint vocational or cooperative 50731
education school district board of education may anticipate a 50732
fraction of the proceeds of the levy and from time to time, during 50733
the life of the levy, but in any year prior to the time when the 50734
tax collection from the levy so anticipated can be made for that 50735
year, issue anticipation notes in an amount not exceeding fifty 50736
per cent of the estimated proceeds of the levy to be collected in 50737
each year up to a period of five years after the date of the 50738

issuance of the notes, less an amount equal to the proceeds of the 50739
levy obligated for each year by the issuance of anticipation 50740
notes, provided that the total amount maturing in any one year 50741
shall not exceed fifty per cent of the anticipated proceeds of the 50742
levy for that year. Each issue of notes shall be sold as provided 50743
in Chapter 133. of the Revised Code, and shall, except for such 50744
limitation that the total amount of such notes maturing in any one 50745
year shall not exceed fifty per cent of the anticipated proceeds 50746
of the levy for that year, mature serially in substantially equal 50747
installments, during each year over a period not to exceed five 50748
years after their issuance. 50749

(B) Prior to the application of section 319.301 of the 50750
Revised Code, the rate of a levy that is limited to, or to the 50751
extent that it is apportioned to, purposes other than current 50752
expenses shall be reduced in the same proportion in which the 50753
district's total valuation increases during the life of the levy 50754
because of additions to such valuation that have resulted from 50755
improvements added to the tax list and duplicate. 50756

(C) The form of ballot cast at an election under division (A) 50757
of this section shall be as prescribed by section 5705.25 of the 50758
Revised Code. 50759

Sec. 3311.213. (A) With the approval of the board of 50760
education of a joint vocational school district ~~which~~ that is in 50761
existence, any school district in the county or counties 50762
comprising the joint vocational school district or any school 50763
district in a county adjacent to a county comprising part of a 50764
joint vocational school district may become a part of the joint 50765
vocational school district. On the adoption of a resolution of 50766
approval by the board of education of the joint vocational school 50767
district, it shall advertise a copy of such resolution in a 50768
newspaper of general circulation in the school district proposing 50769

to become a part of such joint vocational school district once 50770
each week for ~~at least~~ two weeks, or as provided in section 7.16 50771
of the Revised Code, immediately following the date of the 50772
adoption of such resolution. Such resolution shall not become 50773
effective until the later of the sixty-first day after its 50774
adoption or until the board of elections certifies the results of 50775
an election in favor of joining of the school district to the 50776
joint vocational school district if such an election is held under 50777
division (B) of this section. 50778

(B) During the sixty-day period following the date of the 50779
adoption of a resolution to join a school district to a joint 50780
vocational school district under division (A) of this section, the 50781
electors of the school district that proposes joining the joint 50782
vocational school district may petition for a referendum vote on 50783
the resolution. The question whether to approve or disapprove the 50784
resolution shall be submitted to the electors of such school 50785
district if a number of qualified electors equal to twenty per 50786
cent of the number of electors in the school district who voted 50787
for the office of governor at the most recent general election for 50788
that office sign a petition asking that the question of whether 50789
the resolution shall be disapproved be submitted to the electors. 50790
The petition shall be filed with the board of elections of the 50791
county in which the school district is located. If the school 50792
district is located in more than one county, the petition shall be 50793
filed with the board of elections of the county in which the 50794
majority of the territory of the school district is located. The 50795
board shall certify the validity and sufficiency of the signatures 50796
on the petition. 50797

The board of elections shall immediately notify the board of 50798
education of the joint vocational school district and the board of 50799
education of the school district that proposes joining the joint 50800
vocational school district that the petition has been filed. 50801

The effect of the resolution shall be stayed until the board of elections certifies the validity and sufficiency of the signatures on the petition. If the board of elections determines that the petition does not contain a sufficient number of valid signatures and sixty days have passed since the adoption of the resolution, the resolution shall become effective.

If the board of elections certifies that the petition contains a sufficient number of valid signatures, the board shall submit the question to the qualified electors of the school district on the day of the next general or primary election held at least ninety days after but no later than six months after the board of elections certifies the validity and sufficiency of signatures on the petition. If there is no general or primary election held at least ninety days after but no later than six months after the board of elections certifies the validity and sufficiency of signatures on the petition, the board shall submit the question to the electors at a special election to be held on the next day specified for special elections in division (D) of section 3501.01 of the Revised Code that occurs at least ninety days after the board certifies the validity and sufficiency of signatures on the petition. The election shall be conducted and canvassed and the results shall be certified in the same manner as in regular elections for the election of members of a board of education.

If a majority of the electors voting on the question disapprove the resolution, the resolution shall not become effective.

(C) If the resolution becomes effective, the board of education of the joint vocational school district shall notify the county auditor of the county in which the school district becoming a part of the joint vocational school district is located, who shall thereupon have any outstanding levy for building purposes,

bond retirement, or current expenses in force in the joint 50834
vocational school district spread over the territory of the school 50835
district becoming a part of the joint vocational school district. 50836
On the addition of a city or exempted village school district or 50837
an educational service center to the joint vocational school 50838
district, pursuant to this section, the board of education of such 50839
joint vocational school district shall submit to the state board 50840
of education a proposal to enlarge the membership of such board by 50841
the addition of one or more persons at least one of whom shall be 50842
a member of the board of education or governing board of such 50843
additional school district or educational service center, and the 50844
term of each such additional member. On the addition of a local 50845
school district to the joint vocational school district, pursuant 50846
to this section, the board of education of such joint vocational 50847
school district may submit to the state board of education a 50848
proposal to enlarge the membership of such board by the addition 50849
of one or more persons who are members of the educational service 50850
center governing board of such additional local school district. 50851
On approval by the state board of education additional members 50852
shall be added to such joint vocational school district board of 50853
education. 50854

Sec. 3311.214. (A) With the approval of the state board of 50855
education, the boards of education of any two or more joint 50856
vocational school districts may, by the adoption of identical 50857
resolutions by a majority of the members of each such board, 50858
propose that one new joint vocational school district be created 50859
by adding together all of the territory of each of the districts 50860
and dissolving such districts. A copy of each resolution shall be 50861
filed with the state board of education for its approval or 50862
disapproval. The resolutions shall include a provision that the 50863
board of education of the new district shall be composed of the 50864
members from the same boards of education that composed the 50865

membership of the board of each of the districts to be dissolved, 50866
except that, if an even number of districts are to be dissolved, 50867
one additional member shall be added, who may be from any school 50868
district included in the territory of any of the districts to be 50869
dissolved as designated in the resolutions. The members of the new 50870
board shall have the same terms of office as they had under the 50871
respective plans of the districts adopting the resolutions, except 50872
that, if the new board has an additional member, ~~he~~ the additional 50873
member shall have a term as specified in the resolutions. 50874

If the state board approves the resolutions, the board of 50875
education of each district to be dissolved shall advertise a copy 50876
of the resolution in a newspaper of general circulation in its 50877
district once each week for ~~at least~~ two weeks, or as provided in 50878
section 7.16 of the Revised Code, immediately following the date 50879
the resolutions are approved by the state board. The resolutions 50880
shall become effective on the first day of July next succeeding 50881
the sixtieth day following approval by the state board unless 50882
prior to the expiration of such sixty-day period, qualified 50883
electors residing in one of the districts to be dissolved equal in 50884
number to a majority of the qualified electors of that district 50885
voting at the last general election file with the state board a 50886
petition of remonstrance against creation of the proposed new 50887
district. 50888

(B) When a resolution becomes effective under division (A) of 50889
this section, each district in which a resolution was adopted and 50890
the board of each such district are dissolved. The territory of 50891
each dissolved district becomes a part of the new joint vocational 50892
school district. The net indebtedness of each dissolved district 50893
shall be assumed in full by the new district and the funds and 50894
property of each dissolved district shall become in full the funds 50895
and property of the new district. All existing contracts of each 50896
dissolved board shall be honored by the board of the new district 50897

until their expiration dates. The board of the new district shall 50898
notify the county auditor of each county in which each dissolved 50899
district was located that a resolution has become effective and a 50900
new district has been created and shall certify to each auditor 50901
any changes that might be required in the tax rate as a result of 50902
the creation of the new district. 50903

(C) As used in this section, "net indebtedness" means the 50904
difference between the par value of the outstanding and unpaid 50905
bonds and notes of the school district and the amount held in the 50906
sinking fund and other indebtedness retirement funds for their 50907
redemption. 50908

Sec. 3311.29. (A) Except as provided under division (B) or 50909
(C) of this section, no school district shall be created and no 50910
school district shall exist which does not maintain within such 50911
district public schools consisting of grades kindergarten through 50912
twelve and any such existing school district not maintaining such 50913
schools shall be dissolved and its territory joined with another 50914
school district or districts by order of the state board of 50915
education if no agreement is made among the surrounding districts 50916
voluntarily, which order shall provide an equitable division of 50917
the funds, property, and indebtedness of the dissolved school 50918
district among the districts receiving its territory. The state 50919
board of education may authorize exceptions to school districts 50920
where topography, sparsity of population, and other factors make 50921
compliance impracticable. 50922

The superintendent of public instruction is without authority 50923
to distribute funds under Chapter ~~3306.~~ or 3317. of the Revised 50924
Code to any school district that does not maintain schools with 50925
grades kindergarten through twelve and to which no exception has 50926
been granted by the state board of education. 50927

(B) Division (A) of this section does not apply to any joint 50928

vocational school district or any cooperative education school 50929
district established pursuant to divisions (A) to (C) of section 50930
3311.52 of the Revised Code. 50931

(C)(1)(a) Except as provided in division (C)(3) of this 50932
section, division (A) of this section does not apply to any 50933
cooperative education school district established pursuant to 50934
section 3311.521 of the Revised Code nor to the city, exempted 50935
village, or local school districts that have territory within such 50936
a cooperative education district. 50937

(b) The cooperative district and each city, exempted village, 50938
or local district with territory within the cooperative district 50939
shall maintain the grades that the resolution adopted or amended 50940
pursuant to section 3311.521 of the Revised Code specifies. 50941

(2) Any cooperative education school district described under 50942
division (C)(1) of this section that fails to maintain the grades 50943
it is specified to operate shall be dissolved by order of the 50944
state board of education unless prior to such an order the 50945
cooperative district is dissolved pursuant to section 3311.54 of 50946
the Revised Code. Any such order shall provide for the equitable 50947
adjustment, division, and disposition of the assets, property, 50948
debts, and obligations of the district among each city, local, and 50949
exempted village school district whose territory is in the 50950
cooperative district and shall provide that the tax duplicate of 50951
each city, local, and exempted village school district whose 50952
territory is in the cooperative district shall be bound for and 50953
assume its share of the outstanding indebtedness of the 50954
cooperative district. 50955

(3) If any city, exempted village, or local school district 50956
described under division (C)(1) of this section fails to maintain 50957
the grades it is specified to operate the cooperative district 50958
within which it has territory shall be dissolved in accordance 50959
with division (C)(2) of this section and upon that dissolution any 50960

city, exempted village, or local district failing to maintain 50961
grades kindergarten through twelve shall be subject to the 50962
provisions for dissolution in division (A) of this section. 50963

Sec. 3311.50. (A) As used in this section, "county school 50964
financing district" means a taxing district consisting of the 50965
following territory: 50966

(1) The territory that constitutes the educational service 50967
center on the date that the governing board of that educational 50968
service center adopts a resolution under division (B) of this 50969
section declaring that the territory of the educational service 50970
center is a county school financing district, exclusive of any 50971
territory subsequently withdrawn from the district under division 50972
(D) of this section; 50973

(2) Any territory that has been added to the county school 50974
financing district under this section. 50975

A county school financing district may include the territory 50976
of a city, local, or exempted village school district whose 50977
territory also is included in the territory of one or more other 50978
county school financing districts. 50979

(B) The governing board of any educational service center 50980
may, by resolution, declare that the territory of the educational 50981
service center is a county school financing district. The 50982
resolution shall state the purpose for which the county school 50983
financing district is created which may be for any one or more of 50984
the following purposes: 50985

(1) To levy taxes for the provision of special education by 50986
the school districts that are a part of the district, including 50987
taxes for permanent improvements for special education; 50988

(2) To levy taxes for the provision of specified educational 50989
programs and services by the school districts that are a part of 50990

the district, as identified in the resolution creating the 50991
district, including the levying of taxes for permanent 50992
improvements for those programs and services; 50993

(3) To levy taxes for permanent improvements of school 50994
districts that are a part of the district. 50995

The governing board of the educational service center that 50996
creates a county school financing district shall serve as the 50997
taxing authority of the district and may use educational service 50998
center governing board employees to perform any of the functions 50999
necessary in the performance of its duties as a taxing authority. 51000
A county school financing district shall not employ any personnel. 51001

With the approval of a majority of the members of the board 51002
of education of each school district within the territory of the 51003
county school financing district, the taxing authority of the 51004
financing district may amend the resolution creating the district 51005
to broaden or narrow the purposes for which it was created. 51006

A governing board of an educational service center may create 51007
more than one county school financing district. If a governing 51008
board of an educational service center creates more than one such 51009
district, it shall clearly distinguish among the districts it 51010
creates by including a designation of each district's purpose in 51011
the district's name. 51012

(C) A majority of the members of a board of education of a 51013
city, local, or exempted village school district may adopt a 51014
resolution requesting that its territory be joined with the 51015
territory of any county school financing district. Copies of the 51016
resolution shall be filed with the state board of education and 51017
the taxing authority of the county school financing district. 51018
Within sixty days of its receipt of such a resolution, the county 51019
school financing district's taxing authority shall vote on the 51020
question of whether to accept the school district's territory as 51021

part of the county school financing district. If a majority of the 51022
members of the taxing authority vote to accept the territory, the 51023
school district's territory shall thereupon become a part of the 51024
county school financing district unless the county school 51025
financing district has in effect a tax imposed under section 51026
5705.211 of the Revised Code. If the county school financing 51027
district has such a tax in effect, the taxing authority shall 51028
certify a copy of its resolution accepting the school district's 51029
territory to the school district's board of education, which may 51030
then adopt a resolution, with the affirmative vote of a majority 51031
of its members, proposing the submission to the electors of the 51032
question of whether the district's territory shall become a part 51033
of the county school financing district and subject to the taxes 51034
imposed by the financing district. The resolution shall set forth 51035
the date on which the question shall be submitted to the electors, 51036
which shall be at a special election held on a date specified in 51037
the resolution, which shall not be earlier than ninety days after 51038
the adoption and certification of the resolution. A copy of the 51039
resolution shall immediately be certified to the board of 51040
elections of the proper county, which shall make arrangements for 51041
the submission of the proposal to the electors of the school 51042
district. The board of the joining district shall publish notice 51043
of the election in ~~one or more newspapers~~ a newspaper of general 51044
circulation in the county once a week for two consecutive weeks, 51045
or as provided in section 7.16 of the Revised Code, prior to the 51046
election. Additionally, if the board of elections operates and 51047
maintains a web site, the board of elections shall post notice of 51048
the election on its web site for thirty days prior to the 51049
election. The question appearing on the ballot shall read: 51050

"Shall the territory within (name of the school 51051
district proposing to join the county school financing district) 51052
..... be added to (name) county school 51053
financing district, and a property tax for the purposes of 51054

..... (here insert purposes) at a rate of taxation 51055
not exceeding (here insert the outstanding tax rate) 51056
..... be in effect for (here insert the number of 51057
years the tax is to be in effect or "a continuing period of time," 51058
as applicable)?" 51059

If the proposal is approved by a majority of the electors 51060
voting on it, the joinder shall take effect on the first day of 51061
July following the date of the election, and the county board of 51062
elections shall notify the county auditor of each county in which 51063
the school district joining its territory to the county school 51064
financing district is located. 51065

(D) The board of any city, local, or exempted village school 51066
district whose territory is part of a county school financing 51067
district may withdraw its territory from the county school 51068
financing district thirty days after submitting to the governing 51069
board that is the taxing authority of the district and the state 51070
board a resolution proclaiming such withdrawal, adopted by a 51071
majority vote of its members, but any county school financing 51072
district tax levied in such territory on the effective date of the 51073
withdrawal shall remain in effect in such territory until such tax 51074
expires or is renewed. No board may adopt a resolution withdrawing 51075
from a county school financing district that would take effect 51076
during the forty-five days preceding the date of an election at 51077
which a levy proposed under section 5705.215 of the Revised Code 51078
is to be voted upon. 51079

(E) A city, local, or exempted village school district does 51080
not lose its separate identity or legal existence by reason of 51081
joining its territory to a county school financing district under 51082
this section and an educational service center does not lose its 51083
separate identity or legal existence by reason of creating a 51084
county school financing district that accepts or loses territory 51085
under this section. 51086

Sec. 3311.52. A cooperative education school district may be 51087
established pursuant to divisions (A) to (C) of this section or 51088
pursuant to section 3311.521 of the Revised Code. 51089

(A) A cooperative education school district may be 51090
established upon the adoption of identical resolutions within a 51091
sixty-day period by a majority of the members of the board of 51092
education of each city, local, and exempted village school 51093
district that is within the territory of a county school financing 51094
district. 51095

A copy of each resolution shall be filed with the governing 51096
board of the educational service center which created the county 51097
school financing district. Upon the filing of the last such 51098
resolution, the educational service center governing board shall 51099
immediately notify each board of education filing such a 51100
resolution of the date on which the last resolution was filed. 51101

Ten days after the date on which the last resolution is filed 51102
with the educational service center governing board or ten days 51103
after the last of any notices required under division (C) of this 51104
section is received by the educational service center governing 51105
board, whichever is later, the county school financing district 51106
shall be dissolved and the new cooperative education school 51107
district and the board of education of the cooperative education 51108
school district shall be established. 51109

On the date that any county school financing district is 51110
dissolved and a cooperative education school district is 51111
established under this section, each of the following shall apply: 51112

(1) The territory of the dissolved district becomes the 51113
territory of the new district. 51114

(2) Any outstanding tax levy in force in the dissolved 51115
district shall be spread over the territory of the new district 51116

and shall remain in force in the new district until the levy 51117
expires or is renewed. 51118

(3) Any funds of the dissolved district shall be paid over in 51119
full to the new district. 51120

(4) Any net indebtedness of the dissolved district shall be 51121
assumed in full by the new district. As used in division (A)(4) of 51122
this section, "net indebtedness" means the difference between the 51123
par value of the outstanding and unpaid bonds and notes of the 51124
dissolved district and the amount held in the sinking fund and 51125
other indebtedness retirement funds for their redemption. 51126

When a county school financing district is dissolved and a 51127
cooperative education school district is established under this 51128
section, the governing board of the educational service center 51129
that created the dissolved district shall give written notice of 51130
this fact to the county auditor and the board of elections of each 51131
county having any territory in the new district. 51132

(B) The resolutions adopted under division (A) of this 51133
section shall include all of the following provisions: 51134

(1) Provision that the governing board of the educational 51135
service center which created the county school financing district 51136
shall be the board of education of the cooperative education 51137
school district, except that provision may be made for the 51138
composition, selection, and terms of office of an alternative 51139
board of education of the cooperative district, which board shall 51140
include at least one member selected from or by the members of the 51141
board of education of each city, local, and exempted village 51142
school district and at least one member selected from or by the 51143
members of the educational service center governing board within 51144
the territory of the cooperative district; 51145

(2) Provision that the treasurer and superintendent of the 51146
educational service center which created the county school 51147

financing district shall be the treasurer and superintendent of 51148
the cooperative education school district, except that provision 51149
may be made for the selection of a treasurer or superintendent of 51150
the cooperative district other than the treasurer or 51151
superintendent of the educational service center, which provision 51152
shall require one of the following: 51153

(a) The selection of one person as both the treasurer and 51154
superintendent of the cooperative district, which provision may 51155
require such person to be the treasurer or superintendent of any 51156
city, local, or exempted village school district or educational 51157
service center within the territory of the cooperative district; 51158

(b) The selection of one person as the treasurer and another 51159
person as the superintendent of the cooperative district, which 51160
provision may require either one or both such persons to be 51161
treasurers or superintendents of any city, local, or exempted 51162
village school districts or educational service center within the 51163
territory of the cooperative district. 51164

(3) A statement of the educational program the board of 51165
education of the cooperative education school district will 51166
conduct, including but not necessarily limited to the type of 51167
educational program, the grade levels proposed for inclusion in 51168
the program, the timetable for commencing operation of the 51169
program, and the facilities proposed to be used or constructed to 51170
be used by the program; 51171

(4) A statement of the annual amount, or the method for 51172
determining that amount, of funds or services or facilities that 51173
each city, local, and exempted village school district within the 51174
territory of the cooperative district is required to pay to or 51175
provide for the use of the board of education of the cooperative 51176
education school district; 51177

(5) Provision for adopting amendments to the provisions of 51178

divisions (B)(2) to (4) of this section. 51179

(C) If the resolutions adopted under division (A) of this 51180
section provide for a board of education of the cooperative 51181
education school district that is not the governing board of the 51182
educational service center that created the county school 51183
financing district, each board of education of each city, local, 51184
or exempted village school district and the governing board of the 51185
educational service center within the territory of the cooperative 51186
district shall, within thirty days after the date on which the 51187
last resolution is filed with the educational service center 51188
governing board under division (A) of this section, select one or 51189
more members of the board of education of the cooperative district 51190
as provided in the resolutions filed with the educational service 51191
center governing board. Each such board shall immediately notify 51192
the educational service center governing board of each such 51193
selection. 51194

(D) Except for the powers and duties in this chapter and 51195
Chapters 124., ~~3306.7~~ 3317., 3318., 3323., and 3331. of the 51196
Revised Code, a cooperative education school district established 51197
pursuant to divisions (A) to (C) of this section or pursuant to 51198
section 3311.521 of the Revised Code has all the powers of a city 51199
school district and its board of education has all the powers and 51200
duties of a board of education of a city school district with 51201
respect to the educational program specified in the resolutions 51202
adopted under division (A) of this section. All laws applicable to 51203
a city school district or the board of education or the members of 51204
the board of education of a city school district, except such laws 51205
in this chapter and Chapters 124., ~~3306.7~~ 3317., 3318., 3323., and 51206
3331. of the Revised Code, are applicable to a cooperative 51207
education school district and its board. 51208

The treasurer and superintendent of a cooperative education 51209
school district shall have the same respective duties and powers 51210

as a treasurer and superintendent of a city school district, 51211
except for any powers and duties in this chapter and Chapters 51212
124., ~~3306.7~~ 3317., 3318., 3323., and 3331. of the Revised Code. 51213

(E) For purposes of this title, any student included in the 51214
formula ADM certified for any city, exempted village, or local 51215
school district under section 3317.03 of the Revised Code by 51216
virtue of being counted, in whole or in part, in the average daily 51217
membership of a cooperative education school district under 51218
division (A)(2)(f) of that section shall be construed to be 51219
enrolled both in that city, exempted village, or local school 51220
district and in that cooperative education school district. This 51221
division shall not be construed to mean that any such individual 51222
student may be counted more than once for purposes of determining 51223
the average daily membership of any one school district. 51224

Sec. 3311.53. (A)(1) The board of education of any city, 51225
local, or exempted village school district that wishes to become 51226
part of a cooperative education school district established 51227
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 51228
Code may adopt a resolution proposing to become a part of the 51229
cooperative education school district. 51230

(2) The board of education of any city, local, or exempted 51231
village school district that is contiguous to a cooperative 51232
education school district established pursuant to section 3311.521 51233
of the Revised Code and that wishes to become part of that 51234
cooperative district may adopt a resolution proposing to become 51235
part of that cooperative district. 51236

(B) If, after the adoption of a resolution in accordance with 51237
division (A) of this section, the board of education of the 51238
cooperative education school district named in that resolution 51239
also adopts a resolution accepting the new district, the board of 51240
the district wishing to become part of the cooperative district 51241

shall advertise a copy of the cooperative district board's 51242
resolution in a newspaper of general circulation in the school 51243
district proposing to become a part of the cooperative education 51244
school district once each week for ~~at least~~ two weeks, or as 51245
provided in section 7.16 of the Revised Code, immediately 51246
following the date of the adoption of the resolution. The 51247
resolution shall become legally effective on the sixtieth day 51248
after its adoption, unless prior to the expiration of that 51249
sixty-day period qualified electors residing in the school 51250
district proposed to become a part of the cooperative education 51251
school district equal in number to a majority of the qualified 51252
electors voting at the last general election file with the board 51253
of education a petition of remonstrance against the transfer. If 51254
the resolution becomes legally effective, both of the following 51255
shall apply: 51256

(1) The resolution that established the cooperative education 51257
school district pursuant to divisions (A) to (C) of section 51258
3311.52 or section 3311.521 of the Revised Code shall be amended 51259
to reflect the addition of the new district to the cooperative 51260
district. 51261

(2) The board of education of the cooperative education 51262
school district shall give written notice of this fact to the 51263
county auditor and the board of elections of each county in which 51264
the school district becoming a part of the cooperative education 51265
school district has territory. Any such county auditor shall 51266
thereupon have any outstanding levy for building purposes, bond 51267
retirement, or current expenses in force in the cooperative 51268
education school district spread over the territory of the school 51269
district becoming a part of the cooperative education school 51270
district. 51271

(C) If the board of education of the cooperative education 51272
school district is not the governing board of an educational 51273

service center, the board of education of the cooperative 51274
education school district shall, on the addition of a city, local, 51275
or exempted village school district to the district pursuant to 51276
this section, submit to the state board of education a proposal to 51277
enlarge the membership of the board. In the case of a cooperative 51278
district established pursuant to divisions (A) to (C) of section 51279
3311.52 of the Revised Code, the proposal shall add one or more 51280
persons to the district's board, at least one of whom shall be a 51281
member of or selected by the board of education of the additional 51282
school district, and shall specify the term of each such 51283
additional member. In the case of a cooperative district 51284
established pursuant to section 3311.521 of the Revised Code, the 51285
proposal shall add two or more persons to the district's board, at 51286
least two of whom shall be a member of or selected by the board of 51287
education of the additional school district, and shall specify the 51288
term of each such additional member. On approval by the state 51289
board of education, the additional members shall be added to the 51290
cooperative education school district board of education. 51291

Sec. 3311.73. (A) No later than ninety days before the 51292
general election held in the first even-numbered year occurring at 51293
least four years after the date it assumed control of the 51294
municipal school district pursuant to division (B) of section 51295
3311.71 of the Revised Code, the board of education appointed 51296
under that division shall notify the board of elections of each 51297
county containing territory of the municipal school district of 51298
the referendum election required by division (B) of this section. 51299

(B) At the general election held in the first even-numbered 51300
year occurring at least four years after the date the new board 51301
assumed control of a municipal school district pursuant to 51302
division (B) of section 3311.71 of the Revised Code, the following 51303
question shall be submitted to the electors residing in the school 51304
district: 51305

"Shall the mayor of (here insert the name of the applicable municipal corporation) continue to appoint the members of the board of education of the (here insert the name of the municipal school district)?"

The board of elections of the county in which the majority of the school district's territory is located shall make all necessary arrangements for the submission of the question to the electors, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers, provided that in any such election in which only part of the electors of a precinct are qualified to vote, the board of elections may assign voters in such part to an adjoining precinct. Such an assignment may be made to an adjoining precinct in another county with the consent and approval of the board of elections of such other county. Notice of the election shall be published in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election, ~~and, if~~. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the question on which the election is being held. The ballot shall be in the form prescribed by the secretary of state. Costs of submitting the question to the electors shall be charged to the municipal school district in accordance with section 3501.17 of the Revised Code.

(C) If a majority of electors voting on the issue proposed in division (B) of this section approve the question, the mayor shall appoint a new board on the immediately following first day of July pursuant to division (F) of section 3311.71 of the Revised Code.

(D) If a majority of electors voting on the issue proposed in division (B) of this section disapprove the question, a new

seven-member board of education shall be elected at the next 51338
regular election occurring in November of an odd-numbered year. At 51339
such election, four members shall be elected for terms of four 51340
years and three members shall be elected for terms of two years. 51341
Thereafter, their successors shall be elected in the same manner 51342
and for the same terms as members of boards of education of a city 51343
school district. All members of the board of education of a 51344
municipal school district appointed pursuant to division (B) of 51345
section 3311.71 of the Revised Code shall continue to serve after 51346
the end of the terms to which they were appointed until their 51347
successors are qualified and assume office in accordance with 51348
section 3313.09 of the Revised Code. 51349

Sec. 3311.76. (A) Notwithstanding Chapters 3302., ~~3306.~~, and 51350
3317. of the Revised Code, upon written request of the district 51351
chief executive officer the state superintendent of public 51352
instruction may exempt a municipal school district from any rules 51353
adopted under Title XXXIII of the Revised Code except for any rule 51354
adopted under Chapter 3307. or 3309., sections 3319.07 to 3319.21, 51355
or Chapter 3323. of the Revised Code, and may authorize a 51356
municipal school district to apply funds allocated to the district 51357
under ~~Chapters 3306. and Chapter~~ 3317. of the Revised Code, except 51358
those specifically allocated to purposes other than current 51359
expenses, to the payment of debt charges on the district's public 51360
obligations. The request must specify the provisions from which 51361
the district is seeking exemption or the application requested and 51362
the reasons for the request. The state superintendent shall 51363
approve the request if the superintendent finds the requested 51364
exemption or application is in the best interest of the district's 51365
students. The superintendent shall approve or disapprove the 51366
request within thirty days and shall notify the district board and 51367
the district chief executive officer of approval or reasons for 51368
disapproving the request. 51369

(B) In addition to the rights, authority, and duties 51370
conferred upon a municipal school district and its board of 51371
education in sections 3311.71 to 3311.76 of the Revised Code, a 51372
municipal school district and its board shall have all of the 51373
rights, authority, and duties conferred upon a city school 51374
district and its board by law that are not inconsistent with 51375
sections 3311.71 to 3311.76 of the Revised Code. 51376

Sec. 3313.29. The treasurer of each board of education shall 51377
keep an account of all school funds of the district. The treasurer 51378
shall receive all vouchers for payments and disbursements made to 51379
and by the board and preserve such vouchers for a period of ten 51380
years unless copied or reproduced according to the procedure 51381
prescribed in section 9.01 of the Revised Code. Thereafter, such 51382
vouchers may be destroyed by the treasurer upon applying to and 51383
obtaining an order from the school district records commission in 51384
the manner prescribed by section ~~149.41~~ 149.381 of the Revised 51385
Code, except that it shall not be necessary to copy or reproduce 51386
such vouchers before their destruction. The treasurer shall render 51387
a statement to the board and to the superintendent of the school 51388
district, monthly, or more often if required, showing the revenues 51389
and receipts from whatever sources derived, the various 51390
appropriations made by the board, the expenditures and 51391
disbursements therefrom, the purposes thereof, the balances 51392
remaining in each appropriation, and the assets and liabilities of 51393
the school district. At the end of the fiscal year such statement 51394
shall be a complete exhibit of the financial affairs of the school 51395
district which may be published and distributed with the approval 51396
of the board. All monthly and yearly statements as required in 51397
this section shall be available for examination by the public. 51398

On request of the principal or other chief administrator of 51399
any nonpublic school located within the school district's 51400
territory, the treasurer shall provide such principal or 51401

administrator with an account of the moneys received by the 51402
district under division ~~(I)~~(E) of section 3317.024 of the Revised 51403
Code as reported to the district's board in the treasurer's most 51404
recent monthly statement. 51405

Sec. 3313.372. (A) As used in this section, "energy 51406
conservation measure" means an installation or modification of an 51407
installation in, or remodeling of, a building, to reduce energy 51408
consumption. It includes: 51409

(1) Insulation of the building structure and systems within 51410
the building; 51411

(2) Storm windows and doors, multiglazed windows and doors, 51412
heat absorbing or heat reflective glazed and coated window and 51413
door systems, additional glazing, reductions in glass area, and 51414
other window and door system modifications that reduce energy 51415
consumption; 51416

(3) Automatic energy control systems; 51417

(4) Heating, ventilating, or air conditioning system 51418
modifications or replacements; 51419

(5) Caulking and weatherstripping; 51420

(6) Replacement or modification of lighting fixtures to 51421
increase the energy efficiency of the system without increasing 51422
the overall illumination of a facility, unless such increase in 51423
illumination is necessary to conform to the applicable state or 51424
local building code for the proposed lighting system; 51425

(7) Energy recovery systems; 51426

(8) Cogeneration systems that produce steam or forms of 51427
energy such as heat, as well as electricity, for use primarily 51428
within a building or complex of buildings; 51429

(9) Any other modification, installation, or remodeling 51430

approved by the Ohio school facilities commission as an energy 51431
conservation measure. 51432

(B) A board of education of a city, exempted village, local, 51433
or joint vocational school district may enter into an installment 51434
payment contract for the purchase and installation of energy 51435
conservation measures. The provisions of such installment payment 51436
contracts dealing with interest charges and financing terms shall 51437
not be subject to the competitive bidding requirements of section 51438
3313.46 of the Revised Code, and shall be on the following terms: 51439

(1) Not less than one-fifteenth of the costs thereof shall be 51440
paid within two years from the date of purchase. 51441

(2) The remaining balance of the costs thereof shall be paid 51442
within fifteen years from the date of purchase. 51443

An installment payment contract entered into by a board of 51444
education under this section shall require the board to contract 51445
in accordance with division (A) of section 3313.46 of the Revised 51446
Code for the installation, modification, or remodeling of energy 51447
conservation measures unless division (A) of section 3313.46 of 51448
the Revised Code does not apply pursuant to division (B)(3) of 51449
that section. 51450

(C) The board may issue the notes of the school district 51451
signed by the president and the treasurer of the board and 51452
specifying the terms of the purchase and securing the deferred 51453
payments provided in this section, payable at the times provided 51454
and bearing interest at a rate not exceeding the rate determined 51455
as provided in section 9.95 of the Revised Code. The notes may 51456
contain an option for prepayment and shall not be subject to 51457
Chapter 133. of the Revised Code. In the resolution authorizing 51458
the notes, the board may provide, without the vote of the electors 51459
of the district, for annually levying and collecting taxes in 51460
amounts sufficient to pay the interest on and retire the notes, 51461

except that the total net indebtedness of the district without a 51462
vote of the electors incurred under this and all other sections of 51463
the Revised Code, except section 3318.052 of the Revised Code, 51464
shall not exceed one per cent of the district's tax valuation. 51465
Revenues derived from local taxes or otherwise, for the purpose of 51466
conserving energy or for defraying the current operating expenses 51467
of the district, may be applied to the payment of interest and the 51468
retirement of such notes. The notes may be sold at private sale or 51469
given to the contractor under the installment payment contract 51470
authorized by division (B) of this section. 51471

(D) Debt incurred under this section shall not be included in 51472
the calculation of the net indebtedness of a school district under 51473
section 133.06 of the Revised Code. 51474

(E) No school district board shall enter into an installment 51475
payment contract under division (B) of this section unless it 51476
first obtains a report of the costs of the energy conservation 51477
measures and the savings thereof as described under division (G) 51478
of section 133.06 of the Revised Code as a requirement for issuing 51479
energy securities, makes a finding that the amount spent on such 51480
measures is not likely to exceed the amount of money it would save 51481
in energy costs and resultant operational and maintenance costs as 51482
described in that division, except that that finding shall cover 51483
the ensuing fifteen years, and the Ohio school facilities 51484
commission determines that the district board's findings are 51485
reasonable and approves the contract as described in that 51486
division. 51487

The district board shall monitor the savings and maintain a 51488
report of those savings, which shall be ~~available~~ submitted to the 51489
commission in the same manner as required by division (G) of 51490
section 133.06 of the Revised Code in the case of energy 51491
securities. 51492

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 51493
(F), and (G) of this section, when a board of education decides to 51494
dispose of real or personal property that it owns in its corporate 51495
capacity and that exceeds in value ten thousand dollars, it shall 51496
sell the property at public auction, after giving at least thirty 51497
days' notice of the auction by publication in a newspaper of 51498
general circulation in the school district, by publication as 51499
provided in section 7.16 of the Revised Code, or by posting 51500
notices in five of the most public places in the school district 51501
in which the property, if it is real property, is situated, or, if 51502
it is personal property, in the school district of the board of 51503
education that owns the property. The board may offer real 51504
property for sale as an entire tract or in parcels. 51505

(B) When the board of education has offered real or personal 51506
property for sale at public auction at least once pursuant to 51507
division (A) of this section, and the property has not been sold, 51508
the board may sell it at a private sale. Regardless of how it was 51509
offered at public auction, at a private sale, the board shall, as 51510
it considers best, sell real property as an entire tract or in 51511
parcels, and personal property in a single lot or in several lots. 51512

(C) If a board of education decides to dispose of real or 51513
personal property that it owns in its corporate capacity and that 51514
exceeds in value ten thousand dollars, it may sell the property to 51515
the adjutant general; to any subdivision or taxing authority as 51516
respectively defined in divisions (A) and (C) of section 5705.01 51517
of the Revised Code, township park district, board of park 51518
commissioners established under Chapter 755. of the Revised Code, 51519
or park district established under Chapter 1545. of the Revised 51520
Code; to a wholly or partially tax-supported university, 51521
university branch, or college; or to the board of trustees of a 51522
school district library, upon such terms as are agreed upon. The 51523
sale of real or personal property to the board of trustees of a 51524

school district library is limited, in the case of real property, 51525
to a school district library within whose boundaries the real 51526
property is situated, or, in the case of personal property, to a 51527
school district library whose boundaries lie in whole or in part 51528
within the school district of the selling board of education. 51529

(D) When a board of education decides to trade as a part or 51530
an entire consideration, an item of personal property on the 51531
purchase price of an item of similar personal property, it may 51532
trade the same upon such terms as are agreed upon by the parties 51533
to the trade. 51534

(E) The president and the treasurer of the board of education 51535
shall execute and deliver deeds or other necessary instruments of 51536
conveyance to complete any sale or trade under this section. 51537

(F) When a board of education has identified a parcel of real 51538
property that it determines is needed for school purposes, the 51539
board may, upon a majority vote of the members of the board, 51540
acquire that property by exchanging real property that the board 51541
owns in its corporate capacity for the identified real property or 51542
by using real property that the board owns in its corporate 51543
capacity as part or an entire consideration for the purchase price 51544
of the identified real property. Any exchange or acquisition made 51545
pursuant to this division shall be made by a conveyance executed 51546
by the president and the treasurer of the board. 51547

(G)(1) When a school district board of education decides to 51548
dispose of real property ~~suitable for use as classroom space,~~ 51549
prior to disposing of that property under divisions (A) to (F) of 51550
this section, it shall first offer that property for sale to the 51551
governing authorities of the start-up community schools 51552
established under Chapter 3314. of the Revised Code located within 51553
the territory of the school district, at a price that is not 51554
higher than the appraised fair market value of that property. If 51555
more than one community school governing authority accepts the 51556

offer made by the school district board, the board shall sell the 51557
property to the governing authority that accepted the offer first 51558
in time. If no community school governing authority accepts the 51559
offer within sixty days after the offer is made by the school 51560
district board, the board may dispose of the property in the 51561
applicable manner prescribed under divisions (A) to (F) of this 51562
section. 51563

~~(2) When a school district board of education has not used 51564
real property suitable for classroom space for academic 51565
instruction, administration, storage, or any other educational 51566
purpose for one full school year and has not adopted a resolution 51567
outlining a plan for using that property for any of those purposes 51568
within the next three school years, it shall offer that property 51569
for sale to the governing authorities of the start up community 51570
schools established under Chapter 3314. of the Revised Code 51571
located within the territory of the school district, at a price 51572
that is not higher than the appraised fair market value of that 51573
property. If more than one community school governing authority 51574
accepts the offer made by the school district board, the board 51575
shall sell the property to the governing authority that accepted 51576
the offer first in time. 51577~~

(H) When a school district board of education has property 51578
that the board, by resolution, finds is not needed for school 51579
district use, is obsolete, or is unfit for the use for which it 51580
was acquired, the board may donate that property in accordance 51581
with this division if the fair market value of the property is, in 51582
the opinion of the board, two thousand five hundred dollars or 51583
less. 51584

The property may be donated to an eligible nonprofit 51585
organization that is located in this state and is exempt from 51586
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 51587
Before donating any property under this division, the board shall 51588

adopt a resolution expressing its intent to make unneeded, 51589
obsolete, or unfit-for-use school district property available to 51590
these organizations. The resolution shall include guidelines and 51591
procedures the board considers to be necessary to implement the 51592
donation program and shall indicate whether the school district 51593
will conduct the donation program or the board will contract with 51594
a representative to conduct it. If a representative is known when 51595
the resolution is adopted, the resolution shall provide contact 51596
information such as the representative's name, address, and 51597
telephone number. 51598

The resolution shall include within its procedures a 51599
requirement that any nonprofit organization desiring to obtain 51600
donated property under this division shall submit a written notice 51601
to the board or its representative. The written notice shall 51602
include evidence that the organization is a nonprofit organization 51603
that is located in this state and is exempt from federal income 51604
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 51605
the organization's primary purpose; a description of the type or 51606
types of property the organization needs; and the name, address, 51607
and telephone number of a person designated by the organization's 51608
governing board to receive donated property and to serve as its 51609
agent. 51610

After adoption of the resolution, the board shall publish, in 51611
a newspaper of general circulation in the school district or as 51612
provided in section 7.16 of the Revised Code, notice of its intent 51613
to donate unneeded, obsolete, or unfit-for-use school district 51614
property to eligible nonprofit organizations. The notice shall 51615
include a summary of the information provided in the resolution 51616
and shall be published ~~at least~~ twice. The second ~~and any~~ 51617
~~subsequent~~ notice shall be published not less than ten nor more 51618
than twenty days after the previous notice. A similar notice also 51619
shall be posted continually in the board's office, ~~and, if~~. If the 51620

school district maintains a web site on the internet, the notice 51621
shall be posted continually at that web site. 51622

The board or its representatives shall maintain a list of all 51623
nonprofit organizations that notify the board or its 51624
representative of their desire to obtain donated property under 51625
this division and that the board or its representative determines 51626
to be eligible, in accordance with the requirements set forth in 51627
this section and in the donation program's guidelines and 51628
procedures, to receive donated property. 51629

The board or its representative also shall maintain a list of 51630
all school district property the board finds to be unneeded, 51631
obsolete, or unfit for use and to be available for donation under 51632
this division. The list shall be posted continually in a 51633
conspicuous location in the board's office, and, if the school 51634
district maintains a web site on the internet, the list shall be 51635
posted continually at that web site. An item of property on the 51636
list shall be donated to the eligible nonprofit organization that 51637
first declares to the board or its representative its desire to 51638
obtain the item unless the board previously has established, by 51639
resolution, a list of eligible nonprofit organizations that shall 51640
be given priority with respect to the item's donation. Priority 51641
may be given on the basis that the purposes of a nonprofit 51642
organization have a direct relationship to specific school 51643
district purposes of programs provided or administered by the 51644
board. A resolution giving priority to certain nonprofit 51645
organizations with respect to the donation of an item of property 51646
shall specify the reasons why the organizations are given that 51647
priority. 51648

Members of the board shall consult with the Ohio ethics 51649
commission, and comply with Chapters 102. and 2921. of the Revised 51650
Code, with respect to any donation under this division to a 51651
nonprofit organization of which a board member, any member of a 51652

board member's family, or any business associate of a board member 51653
is a trustee, officer, board member, or employee. 51654

Sec. 3313.411. (A) As used in this section, "unused school 51655
facilities" means any real property that has been used by a school 51656
district for school operations, including, but not limited to, 51657
academic instruction or administration, since July 1, 1998, but 51658
has not been used in that capacity for two years. 51659

(B) On and after the effective date of this section, any 51660
school district board of education shall offer any unused school 51661
facilities it owns in its corporate capacity for lease or sale to 51662
the governing authorities of community schools established under 51663
Chapter 3314. of the Revised Code that are located within the 51664
territory of the school district. 51665

(1) If, not later than sixty days after the district board 51666
makes the offer, the governing authority of one community school 51667
located within the territory of the school district notifies the 51668
district treasurer in writing of its intention to purchase the 51669
property, the district board shall sell the property to the 51670
community school for the appraised fair market value of the 51671
property. 51672

(2) If, not later than sixty days after the district board 51673
makes the offer, the governing authorities of two or more 51674
community schools located within the territory of the school 51675
district notify the district treasurer in writing of their 51676
intention to purchase the property, the board shall conduct a 51677
public auction in the manner required for auctions of district 51678
property under division (A) of section 3313.41 of the Revised 51679
Code. Only the governing authorities of all community schools 51680
located within the territory of the school district are eligible 51681
to bid at the auction. The district board is not obligated to 51682
accept any bid for the property that is lower than the appraised 51683

fair market value of the property. 51684

(3) If the governing authorities of two or more community schools located within the territory of the school district notify the district treasurer in writing of their intention to lease the property, the district board shall conduct a lottery to select the community school to which the district board shall lease the property. 51685
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(4) The lease price offered by a district board to the governing authority of a community school under this section shall not be higher than the fair market value for such a leasehold. 51691
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(5) If no community school governing authority accepts the offer to lease or buy the property within sixty days after the offer is made, the district board may offer the property to any other entity in accordance with divisions (A) to (F) of section 3313.41 of the Revised Code. 51694
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(C) Notwithstanding division (B) of this section, a school district board may renew any agreement it originally entered into prior to the effective date of this section to lease real property to an entity other than a community school. Nothing in this section shall affect the leasehold arrangements between the district board and that other entity. 51699
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Sec. 3313.46. (A) In addition to any other law governing the bidding for contracts by the board of education of any school district, when any such board determines to build, repair, enlarge, improve, or demolish any school building, the cost of which will exceed twenty-five thousand dollars, except in cases of urgent necessity, or for the security and protection of school property, and except as otherwise provided in division (D) of section 713.23 and in section 125.04 of the Revised Code, all of the following shall apply: 51705
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(1) The board shall cause to be prepared the plans, 51714
specifications, and related information as required in divisions 51715
(A), ~~(B)~~ (1), (2), and ~~(D)~~ (3) of section 153.01 of the Revised Code 51716
unless the board determines that other information is sufficient 51717
to inform any bidders of the board's requirements. However, if the 51718
board determines that such other information is sufficient for 51719
bidding a project, the board shall not engage in the construction 51720
of any such project involving the practice of professional 51721
engineering, professional surveying, or architecture, for which 51722
plans, specifications, and estimates have not been made by, and 51723
the construction thereof inspected by, a licensed professional 51724
engineer, licensed professional surveyor, or registered architect. 51725

(2) The board shall advertise for bids once each week for a 51726
period of not less than two consecutive weeks, or as provided in 51727
section 7.16 of the Revised Code, in a newspaper of general 51728
circulation in the district before the date specified by the board 51729
for receiving bids. The board may also cause notice to be inserted 51730
in trade papers or other publications designated by it or to be 51731
distributed by electronic means, including posting the notice on 51732
the board's internet web site. If the board posts the notice on 51733
its web site, it may eliminate the second notice otherwise 51734
required to be published in a newspaper of general circulation 51735
within the school district, provided that the first notice 51736
published in such newspaper meets all of the following 51737
requirements: 51738

(a) It is published at least two weeks before the opening of 51739
bids. 51740

(b) It includes a statement that the notice is posted on the 51741
board of education's internet web site. 51742

(c) It includes the internet address of the board's internet 51743
web site. 51744

(d) It includes instructions describing how the notice may be accessed on the board's internet web site. 51745
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(3) Unless the board extends the time for the opening of bids they shall be opened at the time and place specified by the board in the advertisement for the bids. 51747
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(4) Each bid shall contain the name of every person interested therein. Each bid shall meet the requirements of section 153.54 of the Revised Code. 51750
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(5) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation. 51753
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(6) None but the lowest responsible bid shall be accepted. The board may reject all the bids, or accept any bid for both labor and material for such improvement or repair, which is the lowest in the aggregate. In all other respects, the award of contracts for improvement or repair, but not for purchases made under section 3327.08 of the Revised Code, shall be pursuant to section 153.12 of the Revised Code. 51757
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(7) The contract shall be between the board and the bidders. The board shall pay the contract price for the work pursuant to sections 153.13 and 153.14 of the Revised Code. The board shall approve and retain the estimates referred to in section 153.13 of the Revised Code and make them available to the auditor of state upon request. 51764
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(8) When two or more bids are equal, in the whole, or in any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between such bidders. 51770
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(9) When there is reason to believe there is collusion or combination among the bidders, or any number of them, the bids of 51774
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those concerned therein shall be rejected. 51776

(B) Division (A) of this section does not apply to the board 51777
of education of any school district in any of the following 51778
situations: 51779

(1) The acquisition of educational materials used in 51780
teaching. 51781

(2) If the board determines and declares by resolution 51782
adopted by two-thirds of all its members that any item is 51783
available and can be acquired only from a single source. 51784

(3) If the board declares by resolution adopted by two-thirds 51785
of all its members that division (A) of this section does not 51786
apply to any installation, modification, or remodeling involved in 51787
any energy conservation measure undertaken through an installment 51788
payment contract under section 3313.372 of the Revised Code or 51789
undertaken pursuant to division (G) of section 133.06 of the 51790
Revised Code. 51791

(4) The acquisition of computer software for instructional 51792
purposes and computer hardware for instructional purposes pursuant 51793
to division (B)(4) of section 3313.37 of the Revised Code. 51794

(C) No resolution adopted pursuant to division (B)(2) or (3) 51795
of this section shall have any effect on whether sections 153.12 51796
to 153.14 and 153.54 of the Revised Code apply to the board of 51797
education of any school district with regard to any item. 51798

Sec. ~~3314.20~~ 3313.473. This section does not apply to any 51799
school district declared to be excellent or effective pursuant to 51800
division (B)(1) or (2) of section 3302.03 of the Revised Code. 51801

(A) The state board of education shall adopt rules requiring 51802
school districts with a total student count of over five thousand, 51803
as determined pursuant to section 3317.03 of the Revised Code, to 51804
designate one school building to be operated by a site-based 51805

management council. The rules shall specify the composition of the 51806
council and the manner in which members of the council are to be 51807
selected and removed. 51808

(B) The rules adopted under division (A) of this section 51809
shall specify those powers, duties, functions, and 51810
responsibilities that shall be vested in the management council 51811
and that would otherwise be exercised by the district board of 51812
education. The rules shall also establish a mechanism for 51813
resolving any differences between the council and the district 51814
board if there is disagreement as to their respective powers, 51815
duties, functions, and responsibilities. 51816

(C) The board of education of any school district described 51817
by division (A) of this section may, in lieu of complying with the 51818
rules adopted under this section, file with the department of 51819
education an alternative structure for a district site-based 51820
management program in at least one of its school buildings. The 51821
proposal shall specify the composition of the council, which shall 51822
include an equal number of parents and teachers and the building 51823
principal, and the method of selection and removal of the council 51824
members. The proposal shall also clearly delineate the respective 51825
powers, duties, functions, and responsibilities of the district 51826
board and the council. The district's proposal shall comply 51827
substantially with the rules adopted under division (A) of this 51828
section. 51829

Sec. 3313.482. (A) Annually, prior to the first day of 51830
September, the board of education of each city, local, and 51831
exempted village school district shall adopt a resolution 51832
specifying a contingency plan under which the district's students 51833
will make up days on which it was necessary to close schools for 51834
any of the reasons specified in ~~division (A)(2) of section 3306.01~~ 51835
~~and~~ division (B) of section 3317.01 of the Revised Code, if any 51836

such days must be made up in order to comply with the requirements 51837
of sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 of the Revised 51838
Code. The plan shall provide for making up at least five school 51839
days. The plan may provide for making up some or all of the days a 51840
school is closed by increasing the length of other school days in 51841
the manner authorized in division (B) of this section. No 51842
resolution adopted pursuant to this division shall conflict with 51843
any collective bargaining agreement into which a board has entered 51844
pursuant to Chapter 4117. of the Revised Code and that is in 51845
effect in the district. 51846

(B) Notwithstanding anything to the contrary in the 51847
contingency plan it adopts under division (A) of this section, if 51848
a school district closes or evacuates any school building for any 51849
of the reasons specified in ~~division (A)(2) of section 3306.01 and~~ 51850
division (B) of section 3317.01 of the Revised Code, or as a 51851
result of a bomb threat or any other report of an alleged or 51852
impending explosion, and if, as a result of the closing or 51853
evacuation, the school district would be unable to meet the 51854
requirements of sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 51855
of the Revised Code regarding the number of days schools must be 51856
open for instruction or the requirements of the state minimum 51857
standards for the school day that are established by the 51858
department of education regarding the number of hours there must 51859
be in the school day, the school district may increase the length 51860
of one or more other school days for the school that was closed or 51861
evacuated, in increments of one-half hour, to make up the number 51862
of hours or days that the school building in question was so 51863
closed or evacuated for the purpose of satisfying the requirements 51864
of those sections. 51865

A school district that makes up, as described in this 51866
division, all of the hours or days that its school buildings were 51867
closed or evacuated for any of the reasons identified in this 51868

division shall be deemed to have complied with the requirements of 51869
sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 of the Revised 51870
Code regarding the number of days schools must be open for 51871
instruction and the requirements of the state minimum standards 51872
regarding the number of hours there must be in the school day. 51873

Sec. 3313.533. (A) The board of education of a city, exempted 51874
village, or local school district may adopt a resolution to 51875
establish and maintain an alternative school in accordance with 51876
this section. The resolution shall specify, but not necessarily be 51877
limited to, all of the following: 51878

(1) The purpose of the school, which purpose shall be to 51879
serve students who are on suspension, who are having truancy 51880
problems, who are experiencing academic failure, who have a 51881
history of class disruption, who are exhibiting other academic or 51882
behavioral problems specified in the resolution, or who have been 51883
discharged or released from the custody of the department of youth 51884
services under section 5139.51 of the Revised Code; 51885

(2) The grades served by the school, which may include any of 51886
grades kindergarten through twelve; 51887

(3) A requirement that the school be operated in accordance 51888
with this section. The board of education adopting the resolution 51889
under division (A) of this section shall be the governing board of 51890
the alternative school. The board shall develop and implement a 51891
plan for the school in accordance with the resolution establishing 51892
the school and in accordance with this section. Each plan shall 51893
include, but not necessarily be limited to, all of the following: 51894

(a) Specification of the reasons for which students will be 51895
accepted for assignment to the school and any criteria for 51896
admission that are to be used by the board to approve or 51897
disapprove the assignment of students to the school; 51898

(b) Specification of the criteria and procedures that will be used for returning students who have been assigned to the school back to the regular education program of the district;	51899 51900 51901
(c) An evaluation plan for assessing the effectiveness of the school and its educational program and reporting the results of the evaluation to the public.	51902 51903 51904
(B) Notwithstanding any provision of Title XXXVIII of the Revised Code to the contrary, the alternative school plan may include any of the following:	51905 51906 51907
(1) A requirement that on each school day students must attend school or participate in other programs specified in the plan or by the chief administrative officer of the school for a period equal to the minimum school day set by the state board of education under section 3313.48 of the Revised Code plus any additional time required in the plan or by the chief administrative officer;	51908 51909 51910 51911 51912 51913 51914
(2) Restrictions on student participation in extracurricular or interscholastic activities;	51915 51916
(3) A requirement that students wear uniforms prescribed by the district board of education.	51917 51918
(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities.	51919 51920 51921 51922 51923 51924
(D) An alternative school may be established in all or part of a school building.	51925 51926
(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code,	51927 51928

to establish an alternative school, the district board may join 51929
with the board of education of one or more other districts to form 51930
a joint alternative school by forming a cooperative education 51931
school district under section 3311.52 or 3311.521 of the Revised 51932
Code, or a joint educational program under section 3313.842 of the 51933
Revised Code. The authority to employ personnel or to contract 51934
with a nonprofit or for profit entity under division (C) of this 51935
section applies to any alternative school program established 51936
under this division. 51937

(F) Any individual employed as a teacher at an alternative 51938
school operated by a nonprofit or for profit entity under this 51939
section shall be licensed and shall be subject to background 51940
checks, as described in section 3319.39 of the Revised Code, in 51941
the same manner as an individual employed by a school district. 51942

(G) Division (G) of this section applies only to any 51943
alternative school that is operated by a nonprofit or for profit 51944
entity under contract with the school district. 51945

(1) In addition to the specifications authorized under 51946
division (B) of this section, any plan adopted under that division 51947
for an alternative school to which division (G) of this section 51948
also applies shall include the following: 51949

(a) A description of the educational program provided at the 51950
alternative school, which shall include: 51951

(i) Provisions for the school to be configured in clusters or 51952
small learning communities; 51953

(ii) Provisions for the incorporation of education technology 51954
into the curriculum; 51955

(iii) Provisions for accelerated learning programs in reading 51956
and mathematics. 51957

(b) A method to determine the reading and mathematics level 51958

of each student assigned to the alternative school and a method to 51959
continuously monitor each student's progress in those areas. The 51960
methods employed under this division shall be aligned with the 51961
curriculum adopted by the school district board of education under 51962
section 3313.60 of the Revised Code. 51963

(c) A plan for social services to be provided at the 51964
alternative school, such as, but not limited to, counseling 51965
services, psychological support services, and enrichment programs; 51966

(d) A plan for a student's transition from the alternative 51967
school back to a school operated by the school district; 51968

(e) A requirement that the alternative school maintain 51969
financial records in a manner that is compatible with the form 51970
prescribed for school districts by the auditor of state to enable 51971
the district to comply with any rules adopted by the auditor of 51972
state. 51973

(2) Notwithstanding division (A)(2) of this section, any 51974
alternative school to which division (G) of this section applies 51975
shall include only grades six through twelve. 51976

(3) Notwithstanding anything in division (A)(3)(a) of this 51977
section to the contrary, the characteristics of students who may 51978
be assigned to an alternative school to which division (G) of this 51979
section applies shall include only disruptive and low-performing 51980
students. 51981

(H) When any district board of education determines to 51982
contract with a nonprofit or for profit entity to operate an 51983
alternative school under this section, the board shall use the 51984
procedure set forth in this division. 51985

(1) The board shall publish notice of a request for proposals 51986
in a newspaper of general circulation in the district once each 51987
week for a period of ~~at least~~ two consecutive weeks, or as 51988
provided in section 7.16 of the Revised Code, prior to the date 51989

specified by the board for receiving proposals. Notices of 51990
requests for proposals shall contain a general description of the 51991
subject of the proposed contract and the location where the 51992
request for proposals may be obtained. The request for proposals 51993
shall include all of the following information: 51994

(a) Instructions and information to respondents concerning 51995
the submission of proposals, including the name and address of the 51996
office where proposals are to be submitted; 51997

(b) Instructions regarding communications, including at least 51998
the names, titles, and telephone numbers of persons to whom 51999
questions concerning a proposal may be directed; 52000

(c) A description of the performance criteria that will be 52001
used to evaluate whether a respondent to which a contract is 52002
awarded is meeting the district's educational standards or the 52003
method by which such performance criteria will be determined; 52004

(d) Factors and criteria to be considered in evaluating 52005
proposals, the relative importance of each factor or criterion, 52006
and a description of the evaluation procedures to be followed; 52007

(e) Any terms or conditions of the proposed contract, 52008
including any requirement for a bond and the amount of such bond; 52009

(f) Documents that may be incorporated by reference into the 52010
request for proposals, provided that the request for proposals 52011
specifies where such documents may be obtained and that such 52012
documents are readily available to all interested parties. 52013

(2) After the date specified for receiving proposals, the 52014
board shall evaluate the submitted proposals and may hold 52015
discussions with any respondent to ensure a complete understanding 52016
of the proposal and the qualifications of such respondent to 52017
execute the proposed contract. Such qualifications shall include, 52018
but are not limited to, all of the following: 52019

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school; 52020
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(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board; 52025
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52027

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school; 52028
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(d) Financial responsibility. 52031

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the students and the district. If fewer than three proposals are submitted, the board shall select each proposal submitted. The board may cancel a request for proposals or reject all proposals at any time prior to the execution of a contract. 52032
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The board may hold discussions with any of the three selected respondents to clarify or revise the provisions of a proposal or the proposed contract to ensure complete understanding between the board and the respondent of the terms under which a contract will be entered. Respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding clarifications or revisions. The board may terminate or discontinue any further discussion with a respondent upon written notice. 52039
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(4) Upon further review of the three proposals selected by the board, the board shall award a contract to the respondent the board considers to have the most merit, taking into consideration 52048
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the scope, complexity, and nature of the services to be performed 52051
by the respondent under the contract. 52052

(5) Except as provided in division (H)(6) of this section, 52053
the request for proposals, submitted proposals, and related 52054
documents shall become public records under section 149.43 of the 52055
Revised Code after the award of the contract. 52056

(6) Any respondent may request in writing that the board not 52057
disclose confidential or proprietary information or trade secrets 52058
contained in the proposal submitted by the respondent to the 52059
board. Any such request shall be accompanied by an offer of 52060
indemnification from the respondent to the board. The board shall 52061
determine whether to agree to the request and shall inform the 52062
respondent in writing of its decision. If the board agrees to 52063
nondisclosure of specified information in a proposal, such 52064
information shall not become a public record under section 149.43 52065
of the Revised Code. If the respondent withdraws its proposal at 52066
any time prior to the execution of a contract, the proposal shall 52067
not be a public record under section 149.43 of the Revised Code. 52068

(I) Upon a recommendation from the department and in 52069
accordance with section 3301.16 of the Revised Code, the state 52070
board of education may revoke the charter of any alternative 52071
school operated by a school district that violates this section. 52072

Sec. 3313.538. (A) No student who attends school in this 52073
state shall be denied the opportunity to participate in 52074
interscholastic athletics solely because the student's parents do 52075
not reside in this state, if the student resides in this state 52076
with the student's grandparent, uncle, aunt, or sibling who has 52077
legal or temporary custody of the student or is the guardian of 52078
the student. 52079

(B) No school district, school, interscholastic conference, 52080
or organization that regulates interscholastic conferences or 52081

events shall have a rule, bylaw, or other regulation that 52082
conflicts with this section. 52083

(C) As used in this section, "legal custody," "temporary 52084
custody," and "guardian" have the same meanings as in section 52085
2151.011 of the Revised Code. 52086

Sec. 3313.55. The board of education of any school district 52087
in which is located a state, district, county, or municipal 52088
hospital for children with epilepsy or any public institution, 52089
except state institutions for the care and treatment of 52090
delinquent, unstable, or socially maladjusted children, shall make 52091
provision for the education of all educable children therein; 52092
except that in the event another school district within the same 52093
county or an adjoining county is the source of sixty per cent or 52094
more of the children in said hospital or institution, the board of 52095
that school district shall make provision for the education of all 52096
the children therein. In any case in which a board provides 52097
educational facilities under this section, the board that provides 52098
the facilities shall be entitled to all moneys authorized for the 52099
attendance of pupils as provided in Chapter ~~3306.~~ or 3317. of the 52100
Revised Code, tuition as provided in section 3317.08 of the 52101
Revised Code, and such additional compensation as is provided for 52102
crippled children in sections 3323.01 to 3323.12 of the Revised 52103
Code. Any board that provides the educational facilities for 52104
children in county or municipal institutions established for the 52105
care and treatment of children who are delinquent, unstable, or 52106
socially maladjusted shall not be entitled to any moneys provided 52107
for crippled children in sections 3323.01 to 3323.12 of the 52108
Revised Code. 52109

Sec. 3313.603. (A) As used in this section: 52110

(1) "One unit" means a minimum of one hundred twenty hours of 52111

course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 52112
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(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 52115
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(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 52119
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(1) English language arts, four units; 52124

(2) Health, one-half unit; 52125

(3) Mathematics, three units; 52126

(4) Physical education, one-half unit; 52127

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 52128
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(a) Biological sciences, one unit; 52131

(b) Physical sciences, one unit. 52132

(6) Social studies, three units, which shall include both of the following: 52133
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(a) American history, one-half unit; 52135

(b) American government, one-half unit. 52136

(7) Elective units, seven units until September 15, 2003, and six units thereafter. 52137
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Each student's electives shall include at least one unit, or two half units, chosen from among the areas of 52139
52140

business/technology, fine arts, and/or foreign language.	52141
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:	52142
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	52148
(1) English language arts, four units;	52149
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	52150
	52151
	52152
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	52153
	52154
(4) Physical education, one-half unit;	52155
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	52156
	52157
	52158
	52159
(a) Physical sciences, one unit;	52160
(b) Life sciences, one unit;	52161
(c) Advanced study in one or more of the following sciences, one unit:	52162
	52163
(i) Chemistry, physics, or other physical science;	52164
(ii) Advanced biology or other life science;	52165
(iii) Astronomy, physical geology, or other earth or space science.	52166
	52167
(6) Social studies, three units, which shall include both of the following:	52168
	52169

(a) American history, one-half unit; 52170

(b) American government, one-half unit. 52171

Each school shall integrate the study of economics and 52172
financial literacy, as expressed in the social studies academic 52173
content standards adopted by the state board of education under 52174
division (A)(1) of section 3301.079 of the Revised Code and the 52175
academic content standards for financial literacy and 52176
entrepreneurship adopted under division (A)(2) of that section, 52177
into one or more existing social studies credits required under 52178
division (C)(6) of this section, or into the content of another 52179
class, so that every high school student receives instruction in 52180
those concepts. In developing the curriculum required by this 52181
paragraph, schools shall use available public-private partnerships 52182
and resources and materials that exist in business, industry, and 52183
through the centers for economics education at institutions of 52184
higher education in the state. 52185

(7) Five units consisting of one or any combination of 52186
foreign language, fine arts, business, career-technical education, 52187
family and consumer sciences, technology, agricultural education, 52188
a junior reserve officer training corps (JROTC) program approved 52189
by the congress of the United States under title 10 of the United 52190
States Code, or English language arts, mathematics, science, or 52191
social studies courses not otherwise required under division (C) 52192
of this section. 52193

Ohioans must be prepared to apply increased knowledge and 52194
skills in the workplace and to adapt their knowledge and skills 52195
quickly to meet the rapidly changing conditions of the 52196
twenty-first century. National studies indicate that all high 52197
school graduates need the same academic foundation, regardless of 52198
the opportunities they pursue after graduation. The goal of Ohio's 52199
system of elementary and secondary education is to prepare all 52200
students for and seamlessly connect all students to success in 52201

life beyond high school graduation, regardless of whether the next 52202
step is entering the workforce, beginning an apprenticeship, 52203
engaging in post-secondary training, serving in the military, or 52204
pursuing a college degree. 52205

The Ohio core curriculum is the standard expectation for all 52206
students entering ninth grade for the first time at a public or 52207
chartered nonpublic high school on or after July 1, 2010. A 52208
student may satisfy this expectation through a variety of methods, 52209
including, but not limited to, integrated, applied, 52210
career-technical, and traditional coursework. 52211

Whereas teacher quality is essential for student success in 52212
completing the Ohio core curriculum, the general assembly shall 52213
appropriate funds for strategic initiatives designed to strengthen 52214
schools' capacities to hire and retain highly qualified teachers 52215
in the subject areas required by the curriculum. Such initiatives 52216
are expected to require an investment of \$120,000,000 over five 52217
years. 52218

Stronger coordination between high schools and institutions 52219
of higher education is necessary to prepare students for more 52220
challenging academic endeavors and to lessen the need for academic 52221
remediation in college, thereby reducing the costs of higher 52222
education for Ohio's students, families, and the state. The state 52223
board and the chancellor of the Ohio board of regents shall 52224
develop policies to ensure that only in rare instances will 52225
students who complete the Ohio core curriculum require academic 52226
remediation after high school. 52227

School districts, community schools, and chartered nonpublic 52228
schools shall integrate technology into learning experiences 52229
~~whenever practicable~~ across the curriculum in order to maximize 52230
efficiency, enhance learning, and prepare students for success in 52231
the technology-driven twenty-first century. Districts and schools 52232
~~may~~ shall use distance and web-based course delivery as a method 52233

of providing or augmenting all instruction required under this 52234
division, including laboratory experience in science. Districts 52235
and schools shall ~~whenever practicable~~ utilize technology access 52236
and electronic learning opportunities provided by the eTech Ohio 52237
commission, the Ohio learning network, education technology 52238
centers, public television stations, and other public and private 52239
providers. 52240

(D) Except as provided in division (E) of this section, a 52241
student who enters ninth grade on or after July 1, 2010, and 52242
before July 1, 2014, may qualify for graduation from a public or 52243
chartered nonpublic high school even though the student has not 52244
completed the Ohio core curriculum prescribed in division (C) of 52245
this section if all of the following conditions are satisfied: 52246

(1) After the student has attended high school for two years, 52247
as determined by the school, the student and the student's parent, 52248
guardian, or custodian sign and file with the school a written 52249
statement asserting the parent's, guardian's, or custodian's 52250
consent to the student's graduating without completing the Ohio 52251
core curriculum and acknowledging that one consequence of not 52252
completing the Ohio core curriculum is ineligibility to enroll in 52253
most state universities in Ohio without further coursework. 52254

(2) The student and parent, guardian, or custodian fulfill 52255
any procedural requirements the school stipulates to ensure the 52256
student's and parent's, guardian's, or custodian's informed 52257
consent and to facilitate orderly filing of statements under 52258
division (D)(1) of this section. 52259

(3) The student and the student's parent, guardian, or 52260
custodian and a representative of the student's high school 52261
jointly develop an individual career plan for the student that 52262
specifies the student matriculating to a two-year degree program, 52263
acquiring a business and industry credential, or entering an 52264
apprenticeship. 52265

(4) The student's high school provides counseling and support 52266
for the student related to the plan developed under division 52267
(D)(3) of this section during the remainder of the student's high 52268
school experience. 52269

(5) The student successfully completes, at a minimum, the 52270
curriculum prescribed in division (B) of this section. 52271

The department of education, in collaboration with the 52272
chancellor, shall analyze student performance data to determine if 52273
there are mitigating factors that warrant extending the exception 52274
permitted by division (D) of this section to high school classes 52275
beyond those entering ninth grade before July 1, 2014. The 52276
department shall submit its findings and any recommendations not 52277
later than August 1, 2014, to the speaker and minority leader of 52278
the house of representatives, the president and minority leader of 52279
the senate, the chairpersons and ranking minority members of the 52280
standing committees of the house of representatives and the senate 52281
that consider education legislation, the state board of education, 52282
and the superintendent of public instruction. 52283

(E) Each school district and chartered nonpublic school 52284
retains the authority to require an even more rigorous minimum 52285
curriculum for high school graduation than specified in division 52286
(B) or (C) of this section. A school district board of education, 52287
through the adoption of a resolution, or the governing authority 52288
of a chartered nonpublic school may stipulate any of the 52289
following: 52290

(1) A minimum high school curriculum that requires more than 52291
twenty units of academic credit to graduate; 52292

(2) An exception to the district's or school's minimum high 52293
school curriculum that is comparable to the exception provided in 52294
division (D) of this section but with additional requirements, 52295
which may include a requirement that the student successfully 52296

complete more than the minimum curriculum prescribed in division 52297
(B) of this section; 52298

(3) That no exception comparable to that provided in division 52299
(D) of this section is available. 52300

(F) A student enrolled in a dropout prevention and recovery 52301
program, which program has received a waiver from the department, 52302
may qualify for graduation from high school by successfully 52303
completing a competency-based instructional program administered 52304
by the dropout prevention and recovery program in lieu of 52305
completing the Ohio core curriculum prescribed in division (C) of 52306
this section. The department shall grant a waiver to a dropout 52307
prevention and recovery program, within sixty days after the 52308
program applies for the waiver, if the program meets all of the 52309
following conditions: 52310

(1) The program serves only students not younger than sixteen 52311
years of age and not older than twenty-one years of age. 52312

(2) The program enrolls students who, at the time of their 52313
initial enrollment, either, or both, are at least one grade level 52314
behind their cohort age groups or experience crises that 52315
significantly interfere with their academic progress such that 52316
they are prevented from continuing their traditional programs. 52317

(3) The program requires students to attain at least the 52318
applicable score designated for each of the assessments prescribed 52319
under division (B)(1) of section 3301.0710 of the Revised Code or, 52320
to the extent prescribed by rule of the state board under division 52321
~~(E)~~(D)(6) of section 3301.0712 of the Revised Code, division 52322
(B)(2) of that section. 52323

(4) The program develops an individual career plan for the 52324
student that specifies the student's matriculating to a two-year 52325
degree program, acquiring a business and industry credential, or 52326
entering an apprenticeship. 52327

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience. 52328
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(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework. 52332
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(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed. 52340
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If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted. 52344
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(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both: 52348
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(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school; 52354
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(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative 52357
52358

education school district, or the governing authority of the 52359
chartered nonpublic school as meeting the high school curriculum 52360
requirements. 52361

Each high school shall record on the student's high school 52362
transcript all high school credit awarded under division (G) of 52363
this section. In addition, if the student completed a seventh- or 52364
eighth-grade fine arts course described in division (K) of this 52365
section and the course qualified for high school credit under that 52366
division, the high school shall record that course on the 52367
student's high school transcript. 52368

(H) The department shall make its individual academic career 52369
plan available through its Ohio career information system web site 52370
for districts and schools to use as a tool for communicating with 52371
and providing guidance to students and families in selecting high 52372
school courses. 52373

(I) Units earned in English language arts, mathematics, 52374
science, and social studies that are delivered through integrated 52375
academic and career-technical instruction are eligible to meet the 52376
graduation requirements of division (B) or (C) of this section. 52377

(J) The state board, in consultation with the chancellor, 52378
shall adopt a statewide plan implementing methods for students to 52379
earn units of high school credit based on a demonstration of 52380
subject area competency, instead of or in combination with 52381
completing hours of classroom instruction. The state board shall 52382
adopt the plan not later than March 31, 2009, and commence phasing 52383
in the plan during the 2009-2010 school year. The plan shall 52384
include a standard method for recording demonstrated proficiency 52385
on high school transcripts. Each school district, and community 52386
~~school, and chartered nonpublic school~~ shall comply with the state 52387
board's plan adopted under this division and award units of high 52388
school credit in accordance with the plan. The state board may 52389
adopt existing methods for earning high school credit based on a 52390

demonstration of subject area competency as necessary prior to the 52391
2009-2010 school year. 52392

(K) This division does not apply to students who qualify for 52393
graduation from high school under division (D) or (F) of this 52394
section, or to students pursuing a career-technical instructional 52395
track as determined by the school district board of education or 52396
the chartered nonpublic school's governing authority. 52397
Nevertheless, the general assembly encourages such students to 52398
consider enrolling in a fine arts course as an elective. 52399

Beginning with students who enter ninth grade for the first 52400
time on or after July 1, 2010, each student enrolled in a public 52401
or chartered nonpublic high school shall complete two semesters or 52402
the equivalent of fine arts to graduate from high school. The 52403
coursework may be completed in any of grades seven to twelve. Each 52404
student who completes a fine arts course in grade seven or eight 52405
may elect to count that course toward the five units of electives 52406
required for graduation under division (C)(7) of this section, if 52407
the course satisfied the requirements of division (G) of this 52408
section. In that case, the high school shall award the student 52409
high school credit for the course and count the course toward the 52410
five units required under division (C)(7) of this section. If the 52411
course in grade seven or eight did not satisfy the requirements of 52412
division (G) of this section, the high school shall not award the 52413
student high school credit for the course but shall count the 52414
course toward the two semesters or the equivalent of fine arts 52415
required by this division. 52416

(L) Notwithstanding anything to the contrary in this section, 52417
the board of education of each school district and the governing 52418
authority of each chartered nonpublic school may adopt a policy to 52419
excuse from the high school physical education requirement each 52420
student who, during high school, has participated in 52421
interscholastic athletics, marching band, or cheerleading for at 52422

least two full seasons or in the junior reserve officer training 52423
corps for at least two full school years. If the board or 52424
authority adopts such a policy, the board or authority shall not 52425
require the student to complete any physical education course as a 52426
condition to graduate. However, the student shall be required to 52427
complete one-half unit, consisting of at least sixty hours of 52428
instruction, in another course of study. In the case of a student 52429
who has participated in the junior reserve officer training corps 52430
for at least two full school years, credit received for that 52431
participation may be used to satisfy the requirement to complete 52432
one-half unit in another course of study. 52433

Sec. 3313.61. (A) A diploma shall be granted by the board of 52434
education of any city, exempted village, or local school district 52435
that operates a high school to any person to whom all of the 52436
following apply: 52437

(1) The person has successfully completed the curriculum in 52438
any high school or the individualized education program developed 52439
for the person by any high school pursuant to section 3323.08 of 52440
the Revised Code, or has qualified under division (D) or (F) of 52441
section 3313.603 of the Revised Code, provided that no school 52442
district shall require a student to remain in school for any 52443
specific number of semesters or other terms if the student 52444
completes the required curriculum early; 52445

(2) Subject to section 3313.614 of the Revised Code, the 52446
person has met the assessment requirements of division (A)(2)(a) 52447
or (b) of this section, as applicable. 52448

(a) If the person entered the ninth grade prior to the date 52449
prescribed by rule of the state board of education under division 52450
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person 52451
either: 52452

(i) Has attained at least the applicable scores designated 52453

under division (B)(1) of section 3301.0710 of the Revised Code on 52454
all the assessments required by that division unless the person 52455
was excused from taking any such assessment pursuant to section 52456
3313.532 of the Revised Code or unless division (H) or (L) of this 52457
section applies to the person; 52458

(ii) Has satisfied the alternative conditions prescribed in 52459
section 3313.615 of the Revised Code. 52460

(b) If the person entered the ninth grade on or after the 52461
date prescribed by rule of the state board under division 52462
~~(E)(D)~~(2) of section 3301.0712 of the Revised Code, the person has 52463
~~attained on~~ met the requirements of the entire assessment system 52464
prescribed under division (B)(2) of section 3301.0710 of the 52465
Revised Code ~~at least the required passing composite score,~~ 52466
~~designated under division (C)(1) of section 3301.0712 of the~~ 52467
~~Revised Code~~, except to the extent that the person is excused from 52468
some portion of that assessment system pursuant to section 52469
3313.532 of the Revised Code or division (H) or (L) of this 52470
section. 52471

(3) The person is not eligible to receive an honors diploma 52472
granted pursuant to division (B) of this section. 52473

Except as provided in divisions (C), (E), (J), and (L) of 52474
this section, no diploma shall be granted under this division to 52475
anyone except as provided under this division. 52476

(B) In lieu of a diploma granted under division (A) of this 52477
section, an honors diploma shall be granted, in accordance with 52478
rules of the state board, by any such district board to anyone who 52479
accomplishes all of the following: 52480

(1) Successfully completes the curriculum in any high school 52481
or the individualized education program developed for the person 52482
by any high school pursuant to section 3323.08 of the Revised 52483
Code; 52484

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to the date prescribed by rule of the state board of education under division ~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division ~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person has ~~attained on~~ met the requirements of the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code ~~at least the required passing composite score, designated under division (C)(1) of section 3301.0712 of the Revised Code.~~

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of

honors diplomas under this division. These rules may prescribe the 52516
granting of honors diplomas that recognize a student's achievement 52517
as a whole or that recognize a student's achievement in one or 52518
more specific subjects or both. The rules may prescribe the 52519
granting of an honors diploma recognizing technical expertise for 52520
a career-technical student. In any case, the rules shall designate 52521
two or more criteria for the granting of each type of honors 52522
diploma the board establishes under this division and the number 52523
of such criteria that must be met for the granting of that type of 52524
diploma. The number of such criteria for any type of honors 52525
diploma shall be at least one less than the total number of 52526
criteria designated for that type and no one or more particular 52527
criteria shall be required of all persons who are to be granted 52528
that type of diploma. 52529

(C) Any district board administering any of the assessments 52530
required by section 3301.0710 of the Revised Code to any person 52531
requesting to take such assessment pursuant to division (B)(8)(b) 52532
of section 3301.0711 of the Revised Code shall award a diploma to 52533
such person if the person attains at least the applicable scores 52534
designated under division (B)(1) of section 3301.0710 of the 52535
Revised Code on all the assessments administered and if the person 52536
has previously attained the applicable scores on all the other 52537
assessments required by division (B)(1) of that section or has 52538
been exempted or excused from attaining the applicable score on 52539
any such assessment pursuant to division (H) or (L) of this 52540
section or from taking any such assessment pursuant to section 52541
3313.532 of the Revised Code. 52542

(D) Each diploma awarded under this section shall be signed 52543
by the president and treasurer of the issuing board, the 52544
superintendent of schools, and the principal of the high school. 52545
Each diploma shall bear the date of its issue, be in such form as 52546
the district board prescribes, and be paid for out of the 52547

district's general fund. 52548

(E) A person who is a resident of Ohio and is eligible under 52549
state board of education minimum standards to receive a high 52550
school diploma based in whole or in part on credits earned while 52551
an inmate of a correctional institution operated by the state or 52552
any political subdivision thereof, shall be granted such diploma 52553
by the correctional institution operating the programs in which 52554
such credits were earned, and by the board of education of the 52555
school district in which the inmate resided immediately prior to 52556
the inmate's placement in the institution. The diploma granted by 52557
the correctional institution shall be signed by the director of 52558
the institution, and by the person serving as principal of the 52559
institution's high school and shall bear the date of issue. 52560

(F) Persons who are not residents of Ohio but who are inmates 52561
of correctional institutions operated by the state or any 52562
political subdivision thereof, and who are eligible under state 52563
board of education minimum standards to receive a high school 52564
diploma based in whole or in part on credits earned while an 52565
inmate of the correctional institution, shall be granted a diploma 52566
by the correctional institution offering the program in which the 52567
credits were earned. The diploma granted by the correctional 52568
institution shall be signed by the director of the institution and 52569
by the person serving as principal of the institution's high 52570
school and shall bear the date of issue. 52571

(G) The state board of education shall provide by rule for 52572
the administration of the assessments required by section 52573
3301.0710 of the Revised Code to inmates of correctional 52574
institutions. 52575

(H) Any person to whom all of the following apply shall be 52576
exempted from attaining the applicable score on the assessment in 52577
social studies designated under division (B)(1) of section 52578
3301.0710 of the Revised Code, any social studies end-of-course 52579

examination required under division (B)(2) of that section if such 52580
an exemption is prescribed by rule of the state board under 52581
division ~~(E)~~(D)(4) of section 3301.0712 of the Revised Code, or 52582
the test in citizenship designated under former division (B) of 52583
section 3301.0710 of the Revised Code as it existed prior to 52584
September 11, 2001: 52585

(1) The person is not a citizen of the United States; 52586

(2) The person is not a permanent resident of the United 52587
States; 52588

(3) The person indicates no intention to reside in the United 52589
States after the completion of high school. 52590

(I) Notwithstanding division (D) of section 3311.19 and 52591
division (D) of section 3311.52 of the Revised Code, this section 52592
and section 3311.611 of the Revised Code do not apply to the board 52593
of education of any joint vocational school district or any 52594
cooperative education school district established pursuant to 52595
divisions (A) to (C) of section 3311.52 of the Revised Code. 52596

(J) Upon receipt of a notice under division (D) of section 52597
3325.08 of division (D) of section 3328.25 of the Revised Code 52598
that a student has received a diploma under ~~that~~ either section, 52599
the board of education receiving the notice may grant a high 52600
school diploma under this section to the student, except that such 52601
board shall grant the student a diploma if the student meets the 52602
graduation requirements that the student would otherwise have had 52603
to meet to receive a diploma from the district. The diploma 52604
granted under this section shall be of the same type the notice 52605
indicates the student received under section 3325.08 or 3328.25 of 52606
the Revised Code. 52607

(K) As used in this division, "limited English proficient 52608
student" has the same meaning as in division (C)(3) of section 52609
3301.0711 of the Revised Code. 52610

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or ~~attained the composite score designated for~~ met the requirements of the assessments required by division (B)(2) of that section, shall be awarded a diploma under this section.

(L) Any student described by division (A)(1) of this section may be awarded a diploma without attaining the applicable scores designated on the assessments prescribed under division (B) of section 3301.0710 of the Revised Code provided an individualized education program specifically exempts the student from attaining such scores. This division does not negate the requirement for such a student to take all such assessments or alternate assessments required by division (C)(1) of section 3301.0711 of the Revised Code for the purpose of assessing student progress as required by federal law.

Sec. 3313.611. (A) The state board of education shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:

(1) Work experiences or experiences as a volunteer;

(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;

(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;

(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.

(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:

(1) The applicant is a resident of the district;

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;

(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.

(a) Prior to the date prescribed by rule of the state board under division ~~(E)~~(D)(3) of section 3301.0712 of the Revised Code, the applicant either:

(i) Has attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) On or after the date prescribed by rule of the state board under division ~~(E)~~(D)(3) of section 3301.0712 of the Revised Code, has ~~attained on~~ met the requirements of the entire assessment system prescribed under division (B)(2) of section

~~3301.0710 of the Revised Code at least the required passing~~ 52672
~~composite score, designated under division (C)(1) of section~~ 52673
~~3301.0712 of the Revised Code, except and only to the extent that~~ 52674
the applicant is excused from some portion of that assessment 52675
system pursuant to section 3313.532 of the Revised Code or 52676
division (H) or (L) of section 3313.61 of the Revised Code. 52677

(4) The district board determines, in accordance with the 52678
standards adopted under division (A) of this section, that the 52679
applicant has attained sufficient high school credits, including 52680
equivalent credits awarded under such standards, to qualify as 52681
having successfully completed the curriculum required by the 52682
district for graduation. 52683

(C) If a district board determines that an applicant is not 52684
eligible for a diploma under division (B) of this section, it 52685
shall inform the applicant of the reason the applicant is 52686
ineligible and shall provide a list of any courses required for 52687
the diploma for which the applicant has not received credit. An 52688
applicant may reapply for a diploma under this section at any 52689
time. 52690

(D) If a district board awards an adult education diploma 52691
under this section, the president and treasurer of the board and 52692
the superintendent of schools shall sign it. Each diploma shall 52693
bear the date of its issuance, be in such form as the district 52694
board prescribes, and be paid for from the district's general 52695
fund, except that the state board may by rule prescribe standard 52696
language to be included on each diploma. 52697

(E) As used in this division, "limited English proficient 52698
student" has the same meaning as in division (C)(3) of section 52699
3301.0711 of the Revised Code. 52700

Notwithstanding division (C)(3) of section 3301.0711 of the 52701
Revised Code, no limited English proficient student who has not 52702

either attained the applicable scores designated under division 52703
(B)(1) of section 3301.0710 of the Revised Code on all the 52704
assessments required by that division, or ~~attained the composite~~ 52705
~~score designated for~~ has not met the requirements of the 52706
assessments required by division (B)(2) of that section, shall be 52707
awarded a diploma under this section. 52708

Sec. 3313.612. (A) No nonpublic school chartered by the state 52709
board of education shall grant a high school diploma to any person 52710
unless, subject to section 3313.614 of the Revised Code, the 52711
person has met the assessment requirements of division (A)(1) or 52712
(2) of this section, as applicable. 52713

(1) If the person entered the ninth grade prior to the date 52714
prescribed by rule of the state board under division ~~(E)~~(D)(2) of 52715
section 3301.0712 of the Revised Code, the person has attained at 52716
least the applicable scores designated under division (B)(1) of 52717
section 3301.0710 of the Revised Code on all the assessments 52718
required by that division, or has satisfied the alternative 52719
conditions prescribed in section 3313.615 of the Revised Code. 52720

(2) If the person entered the ninth grade on or after the 52721
date prescribed by rule of the state board under division (E)(2) 52722
of section 3301.0712 of the Revised Code, the person has ~~attained~~ 52723
~~or~~ met the requirements of the entire assessment system prescribed 52724
under division (B)(2) of section 3301.0710 of the Revised Code ~~at~~ 52725
~~least the required passing composite score, designated under~~ 52726
~~division (C)(1) of section 3301.0712 of the Revised Code.~~ 52727

(B) This section does not apply to either of the following: 52728
52729

(1) Any person with regard to any assessment from which the 52730
person was excused pursuant to division (C)(1)(c) of section 52731
3301.0711 of the Revised Code; 52732

(2) Any person with regard to the social studies assessment 52733
under division (B)(1) of section 3301.0710 of the Revised Code, 52734
any social studies end-of-course examination required under 52735
division (B)(2) of that section if such an exemption is prescribed 52736
by rule of the state board of education under division ~~(E)~~(D)(4) 52737
of section 3301.0712 of the Revised Code, or the citizenship test 52738
under former division (B) of section 3301.0710 of the Revised Code 52739
as it existed prior to September 11, 2001, if all of the following 52740
apply: 52741

(a) The person is not a citizen of the United States; 52742

(b) The person is not a permanent resident of the United 52743
States; 52744

(c) The person indicates no intention to reside in the United 52745
States after completion of high school. 52746

(C) As used in this division, "limited English proficient 52747
student" has the same meaning as in division (C)(3) of section 52748
3301.0711 of the Revised Code. 52749

Notwithstanding division (C)(3) of section 3301.0711 of the 52750
Revised Code, no limited English proficient student who has not 52751
either attained the applicable scores designated under division 52752
(B)(1) of section 3301.0710 of the Revised Code on all the 52753
assessments required by that division, or ~~attained the composite~~ 52754
~~score designated for~~ met the requirements of the assessments 52755
~~required by~~ under division (B)(2) of that section, shall be 52756
awarded a diploma under this section. 52757

Sec. 3313.614. (A) As used in this section, a person 52758
"fulfills the curriculum requirement for a diploma" at the time 52759
one of the following conditions is satisfied: 52760

(1) The person successfully completes the high school 52761
curriculum of a school district, a community school, a chartered 52762

nonpublic school, or a correctional institution. 52763

(2) The person successfully completes the individualized 52764
education program developed for the person under section 3323.08 52765
of the Revised Code. 52766

(3) A board of education issues its determination under 52767
section 3313.611 of the Revised Code that the person qualifies as 52768
having successfully completed the curriculum required by the 52769
district. 52770

(B) This division specifies the assessment requirements that 52771
must be fulfilled as a condition toward granting high school 52772
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 52773
of the Revised Code. 52774

(1) A person who fulfills the curriculum requirement for a 52775
diploma before September 15, 2000, is not required to pass any 52776
proficiency test or achievement test in science as a condition to 52777
receiving a diploma. 52778

(2) A person who began ninth grade prior to July 1, 2003, is 52779
not required to pass the Ohio graduation test prescribed under 52780
division (B)(1) of section 3301.0710 or any assessment prescribed 52781
under division (B)(2) of that section in any subject as a 52782
condition to receiving a diploma once the person has passed the 52783
ninth grade proficiency test in the same subject, so long as the 52784
person passed the ninth grade proficiency test prior to September 52785
15, 2008. However, any such person who passes the Ohio graduation 52786
test in any subject prior to passing the ninth grade proficiency 52787
test in the same subject shall be deemed to have passed the ninth 52788
grade proficiency test in that subject as a condition to receiving 52789
a diploma. For this purpose, the ninth grade proficiency test in 52790
citizenship substitutes for the Ohio graduation test in social 52791
studies. If a person began ninth grade prior to July 1, 2003, but 52792
does not pass a ninth grade proficiency test or the Ohio 52793

graduation test in a particular subject before September 15, 2008, 52794
and passage of a test in that subject is a condition for the 52795
person to receive a diploma, the person must pass the Ohio 52796
graduation test instead of the ninth grade proficiency test in 52797
that subject to receive a diploma. 52798

(3) A person who begins ninth grade on or after July 1, 2003, 52799
in a school district, community school, or chartered nonpublic 52800
school is not eligible to receive a diploma based on passage of 52801
ninth grade proficiency tests. Each such person who begins ninth 52802
grade prior to the date prescribed by the state board of education 52803
under division ~~(E)~~(D)(5) of section 3301.0712 of the Revised Code 52804
must pass Ohio graduation tests to meet the assessment 52805
requirements applicable to that person as a condition to receiving 52806
a diploma. 52807

(4) A person who begins ninth grade on or after the date 52808
prescribed by the state board of education under division 52809
~~(E)~~(D)(5) of section 3301.0712 of the Revised Code is not eligible 52810
to receive a diploma based on passage of the Ohio graduation 52811
tests. Each such person must ~~attain on~~ meet the requirements of 52812
the entire assessment system prescribed under division (B)(2) of 52813
section 3301.0710 of the Revised Code ~~at least the required~~ 52814
~~passing composite score, designated under division (C)(1) of~~ 52815
~~section 3301.0712 of the Revised Code.~~ 52816

(C) This division specifies the curriculum requirement that 52817
shall be completed as a condition toward granting high school 52818
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 52819
of the Revised Code. 52820

(1) A person who is under twenty-two years of age when the 52821
person fulfills the curriculum requirement for a diploma shall 52822
complete the curriculum required by the school district or school 52823
issuing the diploma for the first year that the person originally 52824
enrolled in high school, except for a person who qualifies for 52825

graduation from high school under either division (D) or (F) of 52826
section 3313.603 of the Revised Code. 52827

(2) Once a person fulfills the curriculum requirement for a 52828
diploma, the person is never required, as a condition of receiving 52829
a diploma, to meet any different curriculum requirements that take 52830
effect pending the person's passage of proficiency tests or 52831
achievement tests or assessments, including changes mandated by 52832
section 3313.603 of the Revised Code, the state board, a school 52833
district board of education, or a governing authority of a 52834
community school or chartered nonpublic school. 52835

Sec. 3313.617. (A) When a person who is at least sixteen 52836
years of age but less than nineteen years of age applies to the 52837
department of education to take the tests of general educational 52838
development, the person shall submit with the application written 52839
approval from the superintendent of the school district in which 52840
the person was last enrolled, or the superintendent's designee, 52841
except that if the person was last enrolled in a community school 52842
established under Chapter 3314. of the Revised Code or a science, 52843
technology, engineering, and mathematics school established under 52844
Chapter 3326. of the Revised Code, the approval shall be from the 52845
principal of the school, or the principal's designee. The 52846
department may require the person also to submit written approval 52847
from the person's parent or guardian or a court official, if the 52848
person is younger than eighteen years of age. 52849

(B) For the purpose of calculating graduation rates for the 52850
school district and building report cards under section 3302.03 of 52851
the Revised Code, the department shall count any person for whom 52852
approval is obtained from the superintendent or principal, or a 52853
designee, under division (A) of this section as a dropout from the 52854
district or school in which the person was last enrolled prior to 52855
obtaining the approval. 52856

Sec. 3313.64. (A) As used in this section and in section 52857
3313.65 of the Revised Code: 52858

(1)(a) Except as provided in division (A)(1)(b) of this 52859
section, "parent" means either parent, unless the parents are 52860
separated or divorced or their marriage has been dissolved or 52861
annulled, in which case "parent" means the parent who is the 52862
residential parent and legal custodian of the child. When a child 52863
is in the legal custody of a government agency or a person other 52864
than the child's natural or adoptive parent, "parent" means the 52865
parent with residual parental rights, privileges, and 52866
responsibilities. When a child is in the permanent custody of a 52867
government agency or a person other than the child's natural or 52868
adoptive parent, "parent" means the parent who was divested of 52869
parental rights and responsibilities for the care of the child and 52870
the right to have the child live with the parent and be the legal 52871
custodian of the child and all residual parental rights, 52872
privileges, and responsibilities. 52873

(b) When a child is the subject of a power of attorney 52874
executed under sections 3109.51 to 3109.62 of the Revised Code, 52875
"parent" means the grandparent designated as attorney in fact 52876
under the power of attorney. When a child is the subject of a 52877
caretaker authorization affidavit executed under sections 3109.64 52878
to 3109.73 of the Revised Code, "parent" means the grandparent 52879
that executed the affidavit. 52880

(2) "Legal custody," "permanent custody," and "residual 52881
parental rights, privileges, and responsibilities" have the same 52882
meanings as in section 2151.011 of the Revised Code. 52883

(3) "School district" or "district" means a city, local, or 52884
exempted village school district and excludes any school operated 52885
in an institution maintained by the department of youth services. 52886

(4) Except as used in division (C)(2) of this section, "home" 52887

means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person

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pursuant to section 5103.16 of the Revised Code for the care and 52918
adoption of the child. 52919

(b) The child's natural parent places the child pursuant to 52920
section 5103.16 of the Revised Code with a person who will care 52921
for and adopt the child. 52922

(7) "Preschool child with a disability" has the same meaning 52923
as in section 3323.01 of the Revised Code. 52924

(8) "Child," unless otherwise indicated, includes preschool 52925
children with disabilities. 52926

(9) "Active duty" means active duty pursuant to an executive 52927
order of the president of the United States, an act of the 52928
congress of the United States, or section 5919.29 or 5923.21 of 52929
the Revised Code. 52930

(B) Except as otherwise provided in section 3321.01 of the 52931
Revised Code for admittance to kindergarten and first grade, a 52932
child who is at least five but under twenty-two years of age and 52933
any preschool child with a disability shall be admitted to school 52934
as provided in this division. 52935

(1) A child shall be admitted to the schools of the school 52936
district in which the child's parent resides. 52937

(2) A child who does not reside in the district where the 52938
child's parent resides shall be admitted to the schools of the 52939
district in which the child resides if any of the following 52940
applies: 52941

(a) The child is in the legal or permanent custody of a 52942
government agency or a person other than the child's natural or 52943
adoptive parent. 52944

(b) The child resides in a home. 52945

(c) The child requires special education. 52946

(3) A child who is not entitled under division (B)(2) of this 52947

section to be admitted to the schools of the district where the 52948
child resides and who is residing with a resident of this state 52949
with whom the child has been placed for adoption shall be admitted 52950
to the schools of the district where the child resides unless 52951
either of the following applies: 52952

(a) The placement for adoption has been terminated. 52953

(b) Another school district is required to admit the child 52954
under division (B)(1) of this section. 52955

Division (B) of this section does not prohibit the board of 52956
education of a school district from placing a child with a 52957
disability who resides in the district in a special education 52958
program outside of the district or its schools in compliance with 52959
Chapter 3323. of the Revised Code. 52960

(C) A district shall not charge tuition for children admitted 52961
under division (B)(1) or (3) of this section. If the district 52962
admits a child under division (B)(2) of this section, tuition 52963
shall be paid to the district that admits the child as provided in 52964
divisions (C)(1) to (3) of this section, unless division (C)(4) of 52965
this section applies to the child: 52966

(1) If the child receives special education in accordance 52967
with Chapter 3323. of the Revised Code, the school district of 52968
residence, as defined in section 3323.01 of the Revised Code, 52969
shall pay tuition for the child in accordance with section 52970
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 52971
regardless of who has custody of the child or whether the child 52972
resides in a home. 52973

(2) For a child that does not receive special education in 52974
accordance with Chapter 3323. of the Revised Code, except as 52975
otherwise provided in division (C)(2)(d) of this section, if the 52976
child is in the permanent or legal custody of a government agency 52977
or person other than the child's parent, tuition shall be paid by: 52978

(a) The district in which the child's parent resided at the 52979
time the court removed the child from home or at the time the 52980
court vested legal or permanent custody of the child in the person 52981
or government agency, whichever occurred first; 52982

(b) If the parent's residence at the time the court removed 52983
the child from home or placed the child in the legal or permanent 52984
custody of the person or government agency is unknown, tuition 52985
shall be paid by the district in which the child resided at the 52986
time the child was removed from home or placed in legal or 52987
permanent custody, whichever occurred first; 52988

(c) If a school district cannot be established under division 52989
(C)(2)(a) or (b) of this section, tuition shall be paid by the 52990
district determined as required by section 2151.362 of the Revised 52991
Code by the court at the time it vests custody of the child in the 52992
person or government agency; 52993

(d) If at the time the court removed the child from home or 52994
vested legal or permanent custody of the child in the person or 52995
government agency, whichever occurred first, one parent was in a 52996
residential or correctional facility or a juvenile residential 52997
placement and the other parent, if living and not in such a 52998
facility or placement, was not known to reside in this state, 52999
tuition shall be paid by the district determined under division 53000
(D) of section 3313.65 of the Revised Code as the district 53001
required to pay any tuition while the parent was in such facility 53002
or placement; 53003

(e) If the department of education has determined, pursuant 53004
to division (A)(2) of section 2151.362 of the Revised Code, that a 53005
school district other than the one named in the court's initial 53006
order, or in a prior determination of the department, is 53007
responsible to bear the cost of educating the child, the district 53008
so determined shall be responsible for that cost. 53009

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home or a home maintained by the department of youth services, receives educational services at the home in which the child resides pursuant to a contract between the home and the school district providing those services, and does not receive special education.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with

section 3317.08 of the Revised Code. Tuition required to be paid 53041
under division (C)(3)(b) of this section shall be computed in 53042
accordance with section 3317.081 of the Revised Code. If a home 53043
fails to pay the tuition required by division (C)(3)(b) of this 53044
section, the board of education providing the education may 53045
recover in a civil action the tuition and the expenses incurred in 53046
prosecuting the action, including court costs and reasonable 53047
attorney's fees. If the prosecuting attorney or city director of 53048
law represents the board in such action, costs and reasonable 53049
attorney's fees awarded by the court, based upon the prosecuting 53050
attorney's, director's, or one of their designee's time spent 53051
preparing and presenting the case, shall be deposited in the 53052
county or city general fund. 53053

(E) A board of education may enroll a child free of any 53054
tuition obligation for a period not to exceed sixty days, on the 53055
sworn statement of an adult resident of the district that the 53056
resident has initiated legal proceedings for custody of the child. 53057

(F) In the case of any individual entitled to attend school 53058
under this division, no tuition shall be charged by the school 53059
district of attendance and no other school district shall be 53060
required to pay tuition for the individual's attendance. 53061
Notwithstanding division (B), (C), or (E) of this section: 53062

(1) All persons at least eighteen but under twenty-two years 53063
of age who live apart from their parents, support themselves by 53064
their own labor, and have not successfully completed the high 53065
school curriculum or the individualized education program 53066
developed for the person by the high school pursuant to section 53067
3323.08 of the Revised Code, are entitled to attend school in the 53068
district in which they reside. 53069

(2) Any child under eighteen years of age who is married is 53070
entitled to attend school in the child's district of residence. 53071

(3) A child is entitled to attend school in the district in 53072
which either of the child's parents is employed if the child has a 53073
medical condition that may require emergency medical attention. 53074
The parent of a child entitled to attend school under division 53075
(F)(3) of this section shall submit to the board of education of 53076
the district in which the parent is employed a statement from the 53077
child's physician certifying that the child's medical condition 53078
may require emergency medical attention. The statement shall be 53079
supported by such other evidence as the board may require. 53080

(4) Any child residing with a person other than the child's 53081
parent is entitled, for a period not to exceed twelve months, to 53082
attend school in the district in which that person resides if the 53083
child's parent files an affidavit with the superintendent of the 53084
district in which the person with whom the child is living resides 53085
stating all of the following: 53086

(a) That the parent is serving outside of the state in the 53087
armed services of the United States; 53088

(b) That the parent intends to reside in the district upon 53089
returning to this state; 53090

(c) The name and address of the person with whom the child is 53091
living while the parent is outside the state. 53092

(5) Any child under the age of twenty-two years who, after 53093
the death of a parent, resides in a school district other than the 53094
district in which the child attended school at the time of the 53095
parent's death is entitled to continue to attend school in the 53096
district in which the child attended school at the time of the 53097
parent's death for the remainder of the school year, subject to 53098
approval of that district board. 53099

(6) A child under the age of twenty-two years who resides 53100
with a parent who is having a new house built in a school district 53101
outside the district where the parent is residing is entitled to 53102

attend school for a period of time in the district where the new 53103
house is being built. In order to be entitled to such attendance, 53104
the parent shall provide the district superintendent with the 53105
following: 53106

(a) A sworn statement explaining the situation, revealing the 53107
location of the house being built, and stating the parent's 53108
intention to reside there upon its completion; 53109

(b) A statement from the builder confirming that a new house 53110
is being built for the parent and that the house is at the 53111
location indicated in the parent's statement. 53112

(7) A child under the age of twenty-two years residing with a 53113
parent who has a contract to purchase a house in a school district 53114
outside the district where the parent is residing and who is 53115
waiting upon the date of closing of the mortgage loan for the 53116
purchase of such house is entitled to attend school for a period 53117
of time in the district where the house is being purchased. In 53118
order to be entitled to such attendance, the parent shall provide 53119
the district superintendent with the following: 53120

(a) A sworn statement explaining the situation, revealing the 53121
location of the house being purchased, and stating the parent's 53122
intent to reside there; 53123

(b) A statement from a real estate broker or bank officer 53124
confirming that the parent has a contract to purchase the house, 53125
that the parent is waiting upon the date of closing of the 53126
mortgage loan, and that the house is at the location indicated in 53127
the parent's statement. 53128

The district superintendent shall establish a period of time 53129
not to exceed ninety days during which the child entitled to 53130
attend school under division (F)(6) or (7) of this section may 53131
attend without tuition obligation. A student attending a school 53132
under division (F)(6) or (7) of this section shall be eligible to 53133

participate in interscholastic athletics under the auspices of 53134
that school, provided the board of education of the school 53135
district where the student's parent resides, by a formal action, 53136
releases the student to participate in interscholastic athletics 53137
at the school where the student is attending, and provided the 53138
student receives any authorization required by a public agency or 53139
private organization of which the school district is a member 53140
exercising authority over interscholastic sports. 53141

(8) A child whose parent is a full-time employee of a city, 53142
local, or exempted village school district, or of an educational 53143
service center, may be admitted to the schools of the district 53144
where the child's parent is employed, or in the case of a child 53145
whose parent is employed by an educational service center, in the 53146
district that serves the location where the parent's job is 53147
primarily located, provided the district board of education 53148
establishes such an admission policy by resolution adopted by a 53149
majority of its members. Any such policy shall take effect on the 53150
first day of the school year and the effective date of any 53151
amendment or repeal may not be prior to the first day of the 53152
subsequent school year. The policy shall be uniformly applied to 53153
all such children and shall provide for the admission of any such 53154
child upon request of the parent. No child may be admitted under 53155
this policy after the first day of classes of any school year. 53156

(9) A child who is with the child's parent under the care of 53157
a shelter for victims of domestic violence, as defined in section 53158
3113.33 of the Revised Code, is entitled to attend school free in 53159
the district in which the child is with the child's parent, and no 53160
other school district shall be required to pay tuition for the 53161
child's attendance in that school district. 53162

The enrollment of a child in a school district under this 53163
division shall not be denied due to a delay in the school 53164
district's receipt of any records required under section 3313.672 53165

of the Revised Code or any other records required for enrollment. 53166
Any days of attendance and any credits earned by a child while 53167
enrolled in a school district under this division shall be 53168
transferred to and accepted by any school district in which the 53169
child subsequently enrolls. The state board of education shall 53170
adopt rules to ensure compliance with this division. 53171

(10) Any child under the age of twenty-two years whose parent 53172
has moved out of the school district after the commencement of 53173
classes in the child's senior year of high school is entitled, 53174
subject to the approval of that district board, to attend school 53175
in the district in which the child attended school at the time of 53176
the parental move for the remainder of the school year and for one 53177
additional semester or equivalent term. A district board may also 53178
adopt a policy specifying extenuating circumstances under which a 53179
student may continue to attend school under division (F)(10) of 53180
this section for an additional period of time in order to 53181
successfully complete the high school curriculum for the 53182
individualized education program developed for the student by the 53183
high school pursuant to section 3323.08 of the Revised Code. 53184

(11) As used in this division, "grandparent" means a parent 53185
of a parent of a child. A child under the age of twenty-two years 53186
who is in the custody of the child's parent, resides with a 53187
grandparent, and does not require special education is entitled to 53188
attend the schools of the district in which the child's 53189
grandparent resides, provided that, prior to such attendance in 53190
any school year, the board of education of the school district in 53191
which the child's grandparent resides and the board of education 53192
of the school district in which the child's parent resides enter 53193
into a written agreement specifying that good cause exists for 53194
such attendance, describing the nature of this good cause, and 53195
consenting to such attendance. 53196

In lieu of a consent form signed by a parent, a board of 53197

education may request the grandparent of a child attending school 53198
in the district in which the grandparent resides pursuant to 53199
division (F)(11) of this section to complete any consent form 53200
required by the district, including any authorization required by 53201
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 53202
Code. Upon request, the grandparent shall complete any consent 53203
form required by the district. A school district shall not incur 53204
any liability solely because of its receipt of a consent form from 53205
a grandparent in lieu of a parent. 53206

Division (F)(11) of this section does not create, and shall 53207
not be construed as creating, a new cause of action or substantive 53208
legal right against a school district, a member of a board of 53209
education, or an employee of a school district. This section does 53210
not affect, and shall not be construed as affecting, any 53211
immunities from defenses to tort liability created or recognized 53212
by Chapter 2744. of the Revised Code for a school district, 53213
member, or employee. 53214

(12) A child under the age of twenty-two years is entitled to 53215
attend school in a school district other than the district in 53216
which the child is entitled to attend school under division (B), 53217
(C), or (E) of this section provided that, prior to such 53218
attendance in any school year, both of the following occur: 53219

(a) The superintendent of the district in which the child is 53220
entitled to attend school under division (B), (C), or (E) of this 53221
section contacts the superintendent of another district for 53222
purposes of this division; 53223

(b) The superintendents of both districts enter into a 53224
written agreement that consents to the attendance and specifies 53225
that the purpose of such attendance is to protect the student's 53226
physical or mental well-being or to deal with other extenuating 53227
circumstances deemed appropriate by the superintendents. 53228

While an agreement is in effect under this division for a 53229
student who is not receiving special education under Chapter 3323. 53230
of the Revised Code and notwithstanding Chapter 3327. of the 53231
Revised Code, the board of education of neither school district 53232
involved in the agreement is required to provide transportation 53233
for the student to and from the school where the student attends. 53234

A student attending a school of a district pursuant to this 53235
division shall be allowed to participate in all student 53236
activities, including interscholastic athletics, at the school 53237
where the student is attending on the same basis as any student 53238
who has always attended the schools of that district while of 53239
compulsory school age. 53240

(13) All school districts shall comply with the 53241
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 53242
seq., for the education of homeless children. Each city, local, 53243
and exempted village school district shall comply with the 53244
requirements of that act governing the provision of a free, 53245
appropriate public education, including public preschool, to each 53246
homeless child. 53247

When a child loses permanent housing and becomes a homeless 53248
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 53249
such a homeless person changes temporary living arrangements, the 53250
child's parent or guardian shall have the option of enrolling the 53251
child in either of the following: 53252

(a) The child's school of origin, as defined in 42 U.S.C.A. 53253
11432(g)(3)(C); 53254

(b) The school that is operated by the school district in 53255
which the shelter where the child currently resides is located and 53256
that serves the geographic area in which the shelter is located. 53257

(14) A child under the age of twenty-two years who resides 53258
with a person other than the child's parent is entitled to attend 53259

school in the school district in which that person resides if both 53260
of the following apply: 53261

(a) That person has been appointed, through a military power 53262
of attorney executed under section 574(a) of the "National Defense 53263
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 53264
U.S.C. 1044b, or through a comparable document necessary to 53265
complete a family care plan, as the parent's agent for the care, 53266
custody, and control of the child while the parent is on active 53267
duty as a member of the national guard or a reserve unit of the 53268
armed forces of the United States or because the parent is a 53269
member of the armed forces of the United States and is on a duty 53270
assignment away from the parent's residence. 53271

(b) The military power of attorney or comparable document 53272
includes at least the authority to enroll the child in school. 53273

The entitlement to attend school in the district in which the 53274
parent's agent under the military power of attorney or comparable 53275
document resides applies until the end of the school year in which 53276
the military power of attorney or comparable document expires. 53277

(G) A board of education, after approving admission, may 53278
waive tuition for students who will temporarily reside in the 53279
district and who are either of the following: 53280

(1) Residents or domiciliaries of a foreign nation who 53281
request admission as foreign exchange students; 53282

(2) Residents or domiciliaries of the United States but not 53283
of Ohio who request admission as participants in an exchange 53284
program operated by a student exchange organization. 53285

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 53286
3327.04, and 3327.06 of the Revised Code, a child may attend 53287
school or participate in a special education program in a school 53288
district other than in the district where the child is entitled to 53289
attend school under division (B) of this section. 53290

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall

continue to owe such tuition to the district for the child's 53323
attendance under division (I)(1) of this section for the lesser of 53324
the balance of the school year or the balance of the time that the 53325
child attends school in the district under division (I)(1) of this 53326
section. 53327

(4) A pupil who may attend school in the district under 53328
division (I)(1) of this section shall be entitled to 53329
transportation services pursuant to an agreement between the 53330
district and the district in which the child or child's parent has 53331
relocated unless the districts have not entered into such 53332
agreement, in which case the child shall be entitled to 53333
transportation services in the same manner as a pupil attending 53334
school in the district under interdistrict open enrollment as 53335
described in division (H) of section 3313.981 of the Revised Code, 53336
regardless of whether the district has adopted an open enrollment 53337
policy as described in division (B)(1)(b) or (c) of section 53338
3313.98 of the Revised Code. 53339

(J) This division does not apply to a child receiving special 53340
education. 53341

A school district required to pay tuition pursuant to 53342
division (C)(2) or (3) of this section or section 3313.65 of the 53343
Revised Code shall have an amount deducted under division ~~(F)~~(C) 53344
of section 3317.023 of the Revised Code equal to its own tuition 53345
rate for the same period of attendance. A school district entitled 53346
to receive tuition pursuant to division (C)(2) or (3) of this 53347
section or section 3313.65 of the Revised Code shall have an 53348
amount credited under division ~~(F)~~(C) of section 3317.023 of the 53349
Revised Code equal to its own tuition rate for the same period of 53350
attendance. If the tuition rate credited to the district of 53351
attendance exceeds the rate deducted from the district required to 53352
pay tuition, the department of education shall pay the district of 53353
attendance the difference from amounts deducted from all 53354

districts' payments under division ~~(F)~~(C) of section 3317.023 of 53355
the Revised Code but not credited to other school districts under 53356
such division and from appropriations made for such purpose. The 53357
treasurer of each school district shall, by the fifteenth day of 53358
January and July, furnish the superintendent of public instruction 53359
a report of the names of each child who attended the district's 53360
schools under divisions (C)(2) and (3) of this section or section 53361
3313.65 of the Revised Code during the preceding six calendar 53362
months, the duration of the attendance of those children, the 53363
school district responsible for tuition on behalf of the child, 53364
and any other information that the superintendent requires. 53365

Upon receipt of the report the superintendent, pursuant to 53366
division ~~(F)~~(C) of section 3317.023 of the Revised Code, shall 53367
deduct each district's tuition obligations under divisions (C)(2) 53368
and (3) of this section or section 3313.65 of the Revised Code and 53369
pay to the district of attendance that amount plus any amount 53370
required to be paid by the state. 53371

(K) In the event of a disagreement, the superintendent of 53372
public instruction shall determine the school district in which 53373
the parent resides. 53374

(L) Nothing in this section requires or authorizes, or shall 53375
be construed to require or authorize, the admission to a public 53376
school in this state of a pupil who has been permanently excluded 53377
from public school attendance by the superintendent of public 53378
instruction pursuant to sections 3301.121 and 3313.662 of the 53379
Revised Code. 53380

(M) In accordance with division (B)(1) of this section, a 53381
child whose parent is a member of the national guard or a reserve 53382
unit of the armed forces of the United States and is called to 53383
active duty, or a child whose parent is a member of the armed 53384
forces of the United States and is ordered to a temporary duty 53385
assignment outside of the district, may continue to attend school 53386

in the district in which the child's parent lived before being 53387
called to active duty or ordered to a temporary duty assignment 53388
outside of the district, as long as the child's parent continues 53389
to be a resident of that district, and regardless of where the 53390
child lives as a result of the parent's active duty status or 53391
temporary duty assignment. However, the district is not 53392
responsible for providing transportation for the child if the 53393
child lives outside of the district as a result of the parent's 53394
active duty status or temporary duty assignment. 53395

Sec. 3313.642. (A) Except as provided in division (B) of this 53396
section and notwithstanding the provisions of sections 3313.48 and 53397
3313.64 of the Revised Code, the board of education of a city, 53398
exempted village, or local school district shall not be required 53399
to furnish, free of charge, to the pupils attending the public 53400
schools any materials used in a course of instruction with the 53401
exception of the necessary textbooks or electronic textbooks 53402
required to be furnished without charge pursuant to section 53403
3329.06 of the Revised Code. The board may, however, make 53404
provision by appropriations transferred from the general fund of 53405
the district or otherwise for furnishing free of charge any 53406
materials used in a course of instruction to such pupils as it 53407
determines are in serious financial need of such materials. 53408

(B) No board of education of a school district shall charge a 53409
fee to a pupil who is eligible for a free lunch under the 53410
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 53411
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 53412
42 U.S.C. 1771, as amended, for any materials needed to enable the 53413
pupil to participate fully in a course of instruction. The 53414
prohibition in this division against charging a fee does not apply 53415
to any fee charged for any of the following: 53416

(1) Any materials needed to enable a pupil to participate 53417

fully in extracurricular activities or in any pupil enrichment 53418
program that is not a course of instruction; 53419

(2) Any tools, equipment, and materials that are necessary 53420
for workforce-readiness training within a career-technical 53421
education program that, to the extent the tools, equipment, and 53422
materials are not consumed, may be retained by the student upon 53423
course completion. 53424

(C) Boards of education may adopt rules and regulations 53425
prescribing a schedule of fees for materials used in a course of 53426
instruction and prescribing a schedule of charges which may be 53427
imposed upon pupils for the loss, damage, or destruction of school 53428
apparatus, equipment, musical instruments, library material, 53429
textbooks, or electronic textbooks required to be furnished 53430
without charge, and for damage to school buildings, and may 53431
enforce the payment of such fees and charges by withholding the 53432
grades and credits of the pupils concerned. 53433

Sec. 3313.6410. This section applies to any school that is 53434
operated by a school district and in which the enrolled students 53435
work primarily on assignments in nonclassroom-based learning 53436
opportunities provided via an internet- or other computer-based 53437
instructional method. 53438

(A) Any school to which this section applies shall withdraw 53439
from the school any student who, for two consecutive school years, 53440
has failed to participate in the spring administration of any 53441
assessment prescribed under section 3301.0710 or 3301.0712 of the 53442
Revised Code for the student's grade level and was not excused 53443
from the assessment pursuant to division (C)(1) or (3) of section 53444
3301.0711 of the Revised Code, regardless of whether a waiver was 53445
granted for the student under division (E) of section 3317.03 of 53446
the Revised Code. The school shall report any such student's data 53447
verification code, as assigned pursuant to section 3301.0714 of 53448

the Revised Code, to the department of education to be added to 53449
the list maintained by the department under section 3314.26 of the 53450
Revised Code. 53451

(B) No school to which this section applies shall receive any 53452
state funds under Chapter ~~3306.~~ or 3317. of the Revised Code for 53453
any enrolled student whose data verification code appears on the 53454
list maintained by the department under section 3314.26 of the 53455
Revised Code. Notwithstanding any provision of the Revised Code to 53456
the contrary, the parent of any such student shall pay tuition to 53457
the school district that operates the school in an amount equal to 53458
the state funds the district otherwise would receive for that 53459
student, as determined by the department. A school to which this 53460
section applies may withdraw any student for whom the parent does 53461
not pay tuition as required by this division. 53462

Sec. 3313.65. (A) As used in this section and section 3313.64 53463
of the Revised Code: 53464

(1) A person is "in a residential facility" if the person is 53465
a resident or a resident patient of an institution, home, or other 53466
residential facility that is: 53467

(a) Licensed as a nursing home, residential care facility, or 53468
home for the aging by the director of health under section 3721.02 53469
of the Revised Code; 53470

(b) Licensed as an adult care facility by the director of 53471
mental health under ~~Chapter 3722.~~ sections 5119.70 to 5119.88 of 53472
the Revised Code; 53473

(c) Maintained as a county home or district home by the board 53474
of county commissioners or a joint board of county commissioners 53475
under Chapter 5155. of the Revised Code; 53476

(d) Operated or administered by a board of alcohol, drug 53477
addiction, and mental health services under section 340.03 or 53478

340.06 of the Revised Code, or provides residential care pursuant to contracts made under section 340.03 or 340.033 of the Revised Code; 53479
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(e) Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code; 53482
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(f) Licensed by the department of mental health under section 5119.20 or 5119.22 of the Revised Code; 53484
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(g) Licensed as a residential facility by the department of developmental disabilities under section 5123.19 of the Revised Code; 53486
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(h) Operated by the veteran's administration or another agency of the United States government; 53489
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(i) ~~The Operated by the Ohio soldiers' and sailors' veterans'~~ home. 53491
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(2) A person is "in a correctional facility" if any of the following apply: 53493
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(a) The person is an Ohio resident and is: 53495

(i) Imprisoned, as defined in section 1.05 of the Revised Code; 53496
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(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility; 53498
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(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of 53500
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common pleas that established the condition or by the adult parole authority. 53509
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(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned. 53511
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(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal. 53515
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(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 53521
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(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 53523
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(B) If the circumstances described in division (C) of this section apply, the determination of what school district must admit a child to its schools and what district, if any, is liable for tuition shall be made in accordance with this section, rather than section 3313.64 of the Revised Code. 53525
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(C) A child who does not reside in the school district in which the child's parent resides and for whom a tuition obligation previously has not been established under division (C)(2) of section 3313.64 of the Revised Code shall be admitted to the schools of the district in which the child resides if at least one of the child's parents is in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, is not known to reside in this state. 53530
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(D) Regardless of who has custody or care of the child, 53539

whether the child resides in a home, or whether the child receives 53540
special education, if a district admits a child under division (C) 53541
of this section, tuition shall be paid to that district as 53542
follows: 53543

(1) If the child's parent is in a juvenile residential 53544
placement, by the district in which the child's parent resided at 53545
the time the parent became subject to the jurisdiction of the 53546
juvenile court; 53547

(2) If the child's parent is in a correctional facility, by 53548
the district in which the child's parent resided at the time the 53549
sentence was imposed; 53550

(3) If the child's parent is in a residential facility, by 53551
the district in which the parent resided at the time the parent 53552
was admitted to the residential facility, except that if the 53553
parent was transferred from another residential facility, tuition 53554
shall be paid by the district in which the parent resided at the 53555
time the parent was admitted to the facility from which the parent 53556
first was transferred; 53557

(4) In the event of a disagreement as to which school 53558
district is liable for tuition under division (C)(1), (2), or (3) 53559
of this section, the superintendent of public instruction shall 53560
determine which district shall pay tuition. 53561

(E) If a child covered by division (D) of this section 53562
receives special education in accordance with Chapter 3323. of the 53563
Revised Code, the tuition shall be paid in accordance with section 53564
3323.13 or 3323.14 of the Revised Code. Tuition for children who 53565
do not receive special education shall be paid in accordance with 53566
division (J) of section 3313.64 of the Revised Code. 53567

Sec. 3313.75. (A) The board of education of a city, exempted 53568
village, or local school district may authorize the opening of 53569

schoolhouses for any lawful purposes. ~~This~~ 53570

(B) In accordance with this section and section 3313.77 of 53571
the Revised Code, a district board may rent or lease facilities 53572
under its control to any public or nonpublic institution of higher 53573
education for the institution's use in providing evening and 53574
summer classes. 53575

(C) This section does not authorize a board to rent or lease 53576
a schoolhouse when such rental or lease interferes with the public 53577
schools in such district, or for any purpose other than is 53578
authorized by law. 53579

Sec. 3313.816. ~~(A)~~ No public or chartered nonpublic school 53580
shall permit the sale of a la carte beverage items other than the 53581
following during the regular and extended school day: 53582

~~(1)(A)~~ For a school in which the majority of grades offered 53583
are in the range from kindergarten to grade four: 53584

~~(a)(1)~~ Water; 53585

~~(b)(i)~~ Prior to January 1, 2014, eight ounces or less of 53586
~~low fat or fat free milk, including flavored milk, that contains~~ 53587
~~not more than one hundred seventy calories per eight ounces;~~ 53588

~~(ii)~~ Beginning January 1, 2014, eight ounces or less of 53589
~~low fat or fat free milk, including flavored milk, that contains~~ 53590
~~not more than one hundred fifty calories per eight ounces.~~ 53591

~~(c)(2)~~ Milk; 53592

(3) Eight ounces or less of one hundred per cent fruit juice, 53593
or a one hundred per cent fruit juice and water blend with no 53594
added sweeteners, that contains not more than one hundred sixty 53595
calories per eight ounces. 53596

~~(2)(B)~~ For a school in which the majority of grades offered 53597
are in the range from grade five to grade eight: 53598

(a)(1) Water;	53599
(b)(i) Prior to January 1, 2014, eight ounces or less of low fat or fat free milk, including flavored milk, that contains not more than one hundred seventy calories per eight ounces;	53600 53601 53602
(ii) Beginning January 1, 2014, eight ounces or less of low fat or fat free milk, including flavored milk, that contains not more than one hundred fifty calories per eight ounces.	53603 53604 53605
(e)(2) Milk;	53606
<u>(3)</u> Ten ounces or less of one hundred per cent fruit juice, or a one hundred per cent fruit juice and water blend with no added sweeteners, that contains not more than one hundred sixty calories per eight ounces.	53607 53608 53609 53610
(3)(C) For a school in which the majority of grades offered are in the range from grade nine to grade twelve:	53611 53612
(a)(1) Water;	53613
(b)(i) Prior to January 1, 2014, sixteen ounces or less of low fat or fat free milk, including flavored milk, that contains not more than one hundred seventy calories per eight ounces;	53614 53615 53616
(ii) Beginning January 1, 2014, sixteen ounces or less of low fat or fat free milk, including flavored milk, that contains not more than one hundred fifty calories per eight ounces.	53617 53618 53619
(e)(2) Milk;	53620
<u>(3)</u> Twelve ounces or less of one hundred per cent fruit juice, or a one hundred per cent fruit juice and water blend with no added sweeteners, that contains not more than one hundred sixty calories per eight ounces;	53621 53622 53623 53624
(d)(4) Twelve ounces or less of any beverage that contains not more than sixty-six calories per eight ounces;	53625 53626
(e)(5) Any size of a beverage that contains not more than ten	53627

calories per eight ounces, which may include caffeinated beverages 53628
and beverages with added sweeteners, carbonation, or artificial 53629
flavoring. 53630

~~(B)~~(D) Each public and chartered nonpublic school shall 53631
require at least fifty per cent of the a la carte beverage items 53632
available for sale from each of the following sources during the 53633
regular and extended school day to be water or other beverages 53634
that contain not more than ten calories per eight ounces: 53635

(1) A school food service program; 53636

(2) A vending machine located on school property that does 53637
not sell only milk or reimbursable meals; 53638

(3) A store operated by the school, a student association, or 53639
other school-sponsored organization. 53640

Sec. 3313.842. (A) The boards of education or governing 53641
authorities of any two or more school districts or community 53642
schools may enter into an agreement for joint or cooperative 53643
establishment and operation of any educational program including 53644
any class, course, or program that may be included in a school 53645
district's or community school's graded course of study and staff 53646
development programs for teaching and nonteaching school 53647
employees. Each school district or community school that is party 53648
to such an agreement may contribute funds of the district or 53649
school in support of the agreement and for the establishment and 53650
operation of any educational program established under the 53651
agreement. The agreement shall designate one of the districts or 53652
community schools as ~~the district~~ responsible for receiving and 53653
disbursing the funds contributed by the ~~districts that are parties~~ 53654
to the agreement. 53655

(B) Notwithstanding sections 3313.48 and 3313.64 of the 53656
Revised Code, any school district that is party to an agreement 53657

for joint or cooperative establishment and operation of an 53658
educational program may charge fees or tuition for students who 53659
participate in the program and are entitled to attend school in 53660
the district under section 3313.64 or 3313.65 of the Revised Code. 53661
Except as otherwise provided in division (H) of section 3321.01 of 53662
the Revised Code, no community school that is party to the 53663
agreement shall charge fees or tuition for students who 53664
participate in the program and are reported by the school under 53665
division (B)(2) of section 3314.08 of the Revised Code. 53666

Sec. 3313.843. (A) Notwithstanding division (D) of section 53667
3311.52 of the Revised Code, this section does not apply to either 53668
~~of the following:~~ 53669

~~(1) Any any cooperative education school district+~~ 53670

~~(2) Any city or exempted village school district with a total 53671
student count of thirteen thousand or more determined pursuant to 53672
section 3317.03 of the Revised Code that has not entered into one 53673
or more agreements pursuant to this section prior to July 1, 1993, 53674
unless the district's total student count did not exceed thirteen 53675
thousand at the time it entered into an initial agreement under 53676
this section. 53677~~

(B)(1) The board of education of a each city ~~or~~, exempted 53678
village, or local school district ~~and~~ with an average daily 53679
student enrollment of sixteen thousand or less, reported for the 53680
district on the most recent report card issued under section 53681
3302.03 of the Revised Code, shall enter into an agreement with 53682
the governing board of an educational service center ~~may enter~~ 53683
~~into an agreement, through adoption of identical resolutions,~~ 53684
under which the educational service center governing board will 53685
provide services to the ~~city or exempted village school~~ district. 53686

(2) The board of education of a city, exempted village, or 53687
local school district with an average daily student enrollment of 53688

more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(3) Services provided under the an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any one or a combination of the following: supervisory teachers; in-service and continuing education programs for city or exempted village school district personnel; curriculum services as provided to the local school districts under the supervision of the service center governing board; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; and assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. Services included in the agreement shall be provided to the ~~city or exempted village~~ district in the same manner ~~they are provided to local school districts under the governing board's supervision, unless otherwise~~ specified in the agreement. The ~~city or exempted village~~ district board of education shall reimburse the educational service center governing board pursuant to section 3317.11 of the Revised Code.

(C) ~~If an educational service center received funding under division (B) of former section 3317.11 or division (F) of section 3317.11 of the Revised Code for an agreement under this section involving a city school district whose total student count was less than thirteen thousand, the service center may continue to receive funding under that division for such an agreement in any subsequent year if the city district's total student count exceeds~~

~~thirteen thousand. However, only the first thirteen thousand
pupils in the formula ADM of such district shall be included in
determining the amount of the per pupil subsidy the service center
shall receive under division (F) of section 3317.11 of the Revised
Code.~~

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

(D)(1) An agreement for services from an educational service
center entered into under this section may be terminated by the
school district board of education, at its option, by notifying
the governing board of the service center by January 1, 2012, or
by the first day of January of any odd-numbered year thereafter,
that the district board intends to terminate the agreement in that
year, and that termination shall be effective on the thirtieth day
of June of that year. The failure of a district board to notify an
educational service center of its intent to terminate an agreement
by the first day of January of an odd-numbered year shall result
in renewal of the existing agreement for the following two school
years.

(2) If the school district that terminates an agreement for
services under division (D)(1) of this section is also subject to
the requirement of division (B)(1) of this section, the district
board shall enter into a new agreement with a different
educational service center so that the new agreement is effective
on the first day of July of that same year.

Sec. 3313.845. The board of education of a city, exempted
village, or local school district and the governing board of an
educational service center may enter into an agreement, ~~through
adoption of identical resolutions,~~ under which the educational

service center will provide services to the school district. 53752
Services provided under the agreement and the amount to be paid 53753
for such services shall be mutually agreed to by the district 53754
board of education and the service center governing board, and 53755
shall be specified in the agreement. Payment for services 53756
specified in the agreement shall be made pursuant to division (D) 53757
of section 3317.11 of the Revised Code and shall not include any 53758
deduction under division (B), (C), or (F) of that section. Any 53759
agreement entered into pursuant to this section shall be valid 53760
only if a copy is filed with the department of education by the 53761
first day of the school year for which the agreement is in effect. 53762

The authority granted under this section to the boards of 53763
education of city ~~and~~, exempted village, and local school 53764
districts is in addition to the authority granted to such boards 53765
under section 3313.843 of the Revised Code. ~~No city or exempted~~ 53766
~~village district that is eligible to receive services from an~~ 53767
~~educational service center under section 3313.843 of the Revised~~ 53768
~~Code may receive any of the services described in division (B) of~~ 53769
~~that section pursuant to an agreement entered into with an~~ 53770
~~educational service center under this section.~~ 53771

~~If a local school district enters into an agreement with an~~ 53772
~~educational service center under this section and the district is~~ 53773
~~not located within the territory of the service center, the~~ 53774
~~agreement shall not require the district to receive any~~ 53775
~~supervisory services described in division (B) of section 3317.11~~ 53776
~~of the Revised Code from the service center. The supervisory~~ 53777
~~services described in that section shall be provided to the~~ 53778
~~district by the educational service center of the territory in~~ 53779
~~which the district is located.~~ 53780

Sec. 3313.846. The governing board of an educational service 53781
center may enter into a contract with any political subdivision as 53782

defined in section 2744.01 of the Revised Code, not including 53783
school districts, community schools, or STEM schools contracting 53784
for services under section 3313.843, 3313.844, 3313.845, or 53785
3326.45 of the Revised Code, under which the educational service 53786
center will provide services to the political subdivision. 53787
Services provided under the contract and the amount to be paid for 53788
such services shall be mutually agreed to by the parties and shall 53789
be specified in the contract. The political subdivision shall 53790
directly pay an educational service center for services specified 53791
in the contract. The board of the educational service center shall 53792
file a copy of each contract entered into under this section with 53793
the department of education by the first day the contract is in 53794
effect. 53795

Sec. 3313.88. (A)(1) Prior to the first day of August of each 53796
school year, the board of education of any school district or the 53797
governing authority of any chartered nonpublic school may submit 53798
to the department of education a plan to require students to 53799
access and complete classroom lessons posted on the district's or 53800
nonpublic school's web portal or web site in order to make up days 53801
in that school year on which it is necessary to close schools for 53802
any of the reasons specified in division (B) of section 3317.01 of 53803
the Revised Code in excess of the number of days permitted under 53804
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 53805

Prior to the first day of August of each school year, the 53807
governing authority of any community school established under 53808
Chapter 3314. that is not an internet- or computer-based community 53809
school, as defined in section 3314.02 of the Revised Code, may 53810
submit to the department a plan to require students to access and 53811
complete classroom lessons posted on the school's web portal or 53812
web site in order to make up days or hours in that school year on 53813

which it is necessary to close the school for any of the reasons 53814
specified in division (L)(4) of section 3314.08 of the Revised 53815
Code so that the school is in compliance with the minimum number 53816
of hours required under Chapter 3314. of the Revised Code. 53817

A plan submitted by a school district board or chartered 53818
nonpublic school governing authority shall provide for making up 53819
any number of days, up to a maximum of three days. A plan 53820
submitted by a community school governing authority shall provide 53821
for making up any number of hours, up to a maximum of the 53822
equivalent of three days. Provided the plan meets all requirements 53823
of this section, the department shall permit the board or 53824
governing authority to implement the plan for the applicable 53825
school year. 53826

(2) Each plan submitted under this section by a school 53827
district board of education shall include the written consent of 53828
the teachers' employee representative designated under division 53829
(B) of section 4117.04 of the Revised Code. 53830

(3) Each plan submitted under this section shall provide for 53831
the following: 53832

(a) Not later than the first day of November of the school 53833
year, each classroom teacher shall develop a sufficient number of 53834
lessons for each course taught by the teacher that school year to 53835
cover the number of make-up days or hours specified in the plan. 53836
The teacher shall designate the order in which the lessons are to 53837
be posted on the district's, community school's, or nonpublic 53838
school's web portal or web site in the event of a school closure. 53839
Teachers may be granted up to one professional development day to 53840
create lesson plans for those lessons. 53841

(b) To the extent possible and necessary, a classroom teacher 53842
shall update or replace, based on current instructional progress, 53843
one or more of the lesson plans developed under division (A)(3)(a) 53844

of this section before they are posted on the web portal or web site under division (A)(3)(c) of this section or distributed under division (B) of this section. 53845
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(c) As soon as practicable after a school closure, a district or school employee responsible for web portal or web site operations shall make the designated lessons available to students on the district's, community school's, or nonpublic school's portal or site. A lesson shall be posted for each course that was scheduled to meet on the day or hours of the closure. 53848
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(d) Each student enrolled in a course for which a lesson is posted on the portal or site shall be granted a two-week period from the date of posting to complete the lesson. The student's classroom teacher shall grade the lesson in the same manner as other lessons. The student may receive an incomplete or failing grade if the lesson is not completed on time. 53854
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(e) If a student does not have access to a computer at the student's residence and the plan does not include blizzard bags under division (B) of this section, the student shall be permitted to work on the posted lessons at school after the student's school reopens. If the lessons were posted prior to the reopening, the student shall be granted a two-week period from the date of the reopening, rather than from the date of posting as otherwise required under division (A)(3)(d) of this section, to complete the lessons. The district board or community school or nonpublic school governing authority may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons. 53860
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(B)(1) In addition to posting classroom lessons online under division (A) of this section, the board of education of any school district or governing authority of any community or chartered nonpublic school may include in the plan distribution of "blizzard 53873
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bags," which are paper copies of the lessons posted online. 53877

(2) If a school opts to use blizzard bags, teachers shall 53878
prepare paper copies in conjunction with the lessons to be posted 53879
online and update the paper copies whenever the teacher updates 53880
the online lesson plans. 53881

(3) The board of education of any school district or 53882
governing authority of any community or chartered nonpublic school 53883
that opts to use blizzard bags shall specify in the plan the 53884
method of distribution of blizzard bag lessons, which may include, 53885
but not be limited to, requiring distribution by a specific 53886
deadline or requiring distribution prior to anticipated school 53887
closure as directed by the superintendent of a school district or 53888
the principal, director, chief administrative officer, or the 53889
equivalent, of a school. 53890

(4) Students shall turn in completed lessons in accordance 53891
with division (A)(3)(d) of this section. 53892

(C)(1) No school district that implements a plan in 53893
accordance with this section shall be considered to have failed to 53894
comply with division (B) of section 3317.01 of the Revised Code 53895
with respect to the number of make-up days specified in the plan. 53896

(2) No community school that implements a plan in accordance 53897
with this section shall be considered to have failed to comply 53898
with the minimum number of hours required under Chapter 3314. of 53899
the Revised Code with respect to the number of make-up hours 53900
specified in the plan. 53901

Sec. 3313.911. The state board of education may adopt a 53902
resolution assigning a city, exempted village, or local school 53903
district that is not a part of a joint vocational school district 53904
to membership in a joint vocational school district. A copy of the 53905
resolution shall be certified to the board of education of the 53906

joint vocational school district and the board of education of the 53907
district proposed to be assigned. The board of education of the 53908
joint vocational school district shall advertise a copy of the 53909
resolution in a newspaper of general circulation in the district 53910
proposed to be assigned once each week for ~~at least~~ two weeks, or 53911
as provided in section 7.16 of the Revised Code, immediately 53912
following the certification of the resolution to the board. The 53913
assignment shall take effect on the ninety-first day after the 53914
state board adopts the resolution, unless prior to that date 53915
qualified electors residing in the school district proposed for 53916
assignment, equal in number to ten per cent of the qualified 53917
electors of that district voting at the last general election, 53918
file a petition against the assignment. 53919

The petition of referendum shall be filed with the treasurer 53920
of the board of education of the district proposed to be assigned 53921
to the joint vocational school district. The treasurer shall give 53922
the person presenting the petition a receipt showing the time of 53923
day, date, and purpose of the petition. The treasurer shall cause 53924
the board of elections to determine the sufficiency of signatures 53925
on the petition and if the signatures are found to be sufficient, 53926
shall present the petition to the board of education of the 53927
district. The board of education shall promptly certify the 53928
question to the board of elections for the purpose of having the 53929
question placed on the ballot at the next general, primary, or 53930
special election not earlier than sixty days after the date of the 53931
certification. 53932

Only those qualified electors residing in the district 53933
proposed for assignment to the joint vocational school district 53934
are qualified to vote on the question. If a majority of the 53935
electors voting on the question vote against the assignment, it 53936
shall not take place, and the state board of education shall 53937
require the district to contract with the joint vocational school 53938

district or another school district as authorized by section 53939
3313.91 of the Revised Code. 53940

If a majority of the electors voting on the question do not 53941
vote against the assignment, the assignment shall take immediate 53942
effect, and the board of education of the joint vocational school 53943
district shall notify the county auditor of the county in which 53944
the school district becoming a part of the joint vocational school 53945
district is located to have any outstanding levy of the joint 53946
vocational school district spread over the territory of the school 53947
district that has become a part of the joint vocational school 53948
district. 53949

The assignment of a school district to a joint vocational 53950
school district pursuant to this section is subject to any 53951
agreements made between the board of education of the assigned 53952
school district and the board of education of the joint vocational 53953
school district. Such an agreement may include provisions for a 53954
payment by the assigned school district to the joint vocational 53955
school district of an amount to be contributed toward the cost of 53956
the existing facilities of the joint vocational school district. 53957

On the assignment of a school district to a joint vocational 53958
school district pursuant to this section, the joint vocational 53959
school district's board of education shall submit a proposal to 53960
the state board of education to enlarge or reorganize the 53961
membership of the joint vocational school district's board of 53962
education if expansion or reorganization of the board is necessary 53963
in order to comply with section 3311.19 of the Revised Code. 53964

Sec. 3313.97. Notwithstanding division (D) of section 3311.19 53965
and division (D) of section 3311.52 of the Revised Code, this 53966
section does not apply to any joint vocational or cooperative 53967
education school district. 53968

(A) As used in this section: 53969

(1) "Parent" has the same meaning as in section 3313.64 of the Revised Code. 53970
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(2) "Alternative school" means a school building other than the one to which a student is assigned by the district superintendent. 53972
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(3) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 53975
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(B) The board of education of each city, local, and exempted village school district shall adopt an open enrollment policy allowing students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code to enroll in an alternative school. Each policy shall provide for the following: 53977
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(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student's application is accepted. The policy shall require a student to apply only if the student wishes to attend an alternative school. 53983
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(2) The establishment of district capacity limits by grade level, school building, and education program; 53988
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(3) A requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants; 53990
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(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools. 53994
53995

Each policy may permit a student to permanently transfer to an alternative school so that the student need not reapply annually for permission to attend the alternative school. 53996
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53998

(C) Except as provided in section 3313.982 of the Revised 53999

Code, the procedures for admitting applicants to alternative 54000
schools shall not include: 54001

(1) Any requirement of academic ability, or any level of 54002
athletic, artistic, or other extracurricular skills; 54003

(2) Limitations on admitting applicants because of disabling 54004
conditions, except that a board may require a student receiving 54005
services under Chapter 3323. of the Revised Code to attend school 54006
where the services described in the student's IEP are available; 54007

(3) A requirement that the student be proficient in the 54008
English language; 54009

(4) Rejection of any applicant because the student has been 54010
subject to disciplinary proceedings, except that if an applicant 54011
has been suspended or expelled for ten consecutive days or more in 54012
the term for which admission is sought or in the term immediately 54013
preceding the term for which admission is sought, the procedures 54014
may include a provision denying admission of such applicant to an 54015
alternative school. 54016

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and 54017
except as provided in division (D)(2) of this section, a district 54018
board is not required to provide transportation to a nondisabled 54019
student enrolled in an alternative school unless such student can 54020
be picked up and dropped off at a regular school bus stop 54021
designated in accordance with the board's transportation policy or 54022
unless the board is required to provide additional transportation 54023
to the student in accordance with a court-approved desegregation 54024
plan. 54025

(2) A district board shall provide transportation to any 54026
student described in 20 U.S.C. 6316(b)(1)(F) to the extent 54027
required by division (E) of section 3302.04 of the Revised Code, 54028
except that no district board shall be required to provide 54029
transportation to any such student after the school in which the 54030

student was enrolled immediately prior to enrolling in the 54031
alternative school makes adequate yearly progress, as defined in 54032
section 3302.01 of the Revised Code, for two consecutive school 54033
years. 54034

(E) Each school board shall provide information about the 54035
policy adopted under this section and the application procedures 54036
and deadlines to the parent of each student in the district and to 54037
the general public. 54038

(F) The state board of education shall monitor school 54039
districts to ensure compliance with this section and the 54040
districts' policies. 54041

Sec. 3313.975. As used in this section and in sections 54042
3313.975 to 3313.979 of the Revised Code, "the pilot project 54043
school district" or "the district" means any school district 54044
included in the pilot project scholarship program pursuant to this 54045
section. 54046

(A) The superintendent of public instruction shall establish 54047
a pilot project scholarship program and shall include in such 54048
program any school districts that are or have ever been under 54049
federal court order requiring supervision and operational 54050
management of the district by the state superintendent. The 54051
program shall provide for a number of students residing in any 54052
such district to receive scholarships to attend alternative 54053
schools, and for an equal number of students to receive tutorial 54054
assistance grants while attending public school in any such 54055
district. 54056

(B) The state superintendent shall establish an application 54057
process and deadline for accepting applications from students 54058
residing in the district to participate in the scholarship 54059
program. In the initial year of the program students may only use 54060
a scholarship to attend school in grades kindergarten through 54061

third. 54062

The state superintendent shall award as many scholarships and 54063
tutorial assistance grants as can be funded given the amount 54064
appropriated for the program. In no case, however, shall more than 54065
fifty per cent of all scholarships awarded be used by students who 54066
were enrolled in a nonpublic school during the school year of 54067
application for a scholarship. 54068

(C)(1) The pilot project program shall continue in effect 54069
each year that the general assembly has appropriated sufficient 54070
money to fund scholarships and tutorial assistance grants. In each 54071
year the program continues, ~~no~~ new students may receive 54072
scholarships ~~unless they are enrolled~~ in grades kindergarten to 54073
~~eight~~ twelve. However, ~~any~~ A student who has received a 54074
scholarship ~~the preceding year~~ may continue to receive one until 54075
the student has completed grade ~~ten~~. ~~Beginning in the 2005-2006~~ 54076
~~academic year, a student who previously has received a scholarship~~ 54077
~~may receive a scholarship in grade eleven. Beginning in the~~ 54078
~~2006-2007 academic year, a student who previously has received a~~ 54079
~~scholarship may receive a scholarship in grade twelve.~~ 54080

(2) If the general assembly discontinues the scholarship 54081
program, all students who are attending an alternative school 54082
under the pilot project shall be entitled to continued admittance 54083
to that specific school through all grades that are provided in 54084
such school, under the same conditions as when they were 54085
participating in the pilot project. The state superintendent shall 54086
continue to make scholarship payments in accordance with division 54087
(A) or (B) of section 3313.979 of the Revised Code for students 54088
who remain enrolled in an alternative school under this provision 54089
in any year that funds have been appropriated for this purpose. 54090

If funds are not appropriated, the tuition charged to the 54091
parents of a student who remains enrolled in an alternative school 54092
under this provision shall not be increased beyond the amount 54093

equal to the amount of the scholarship plus any additional amount 54094
charged that student's parent in the most recent year of 54095
attendance as a participant in the pilot project, except that 54096
tuition for all the students enrolled in such school may be 54097
increased by the same percentage. 54098

(D) Notwithstanding sections 124.39, 3307.54, and 3319.17 of 54099
the Revised Code, if the pilot project school district experiences 54100
a decrease in enrollment due to participation in a state-sponsored 54101
scholarship program pursuant to sections 3313.974 to 3313.979 of 54102
the Revised Code, the district board of education may enter into 54103
an agreement with any teacher it employs to provide to that 54104
teacher severance pay or early retirement incentives, or both, if 54105
the teacher agrees to terminate the employment contract with the 54106
district board, provided any collective bargaining agreement in 54107
force pursuant to Chapter 4117. of the Revised Code does not 54108
prohibit such an agreement for termination of a teacher's 54109
employment contract. 54110

Sec. 3313.978. (A) Annually by the first day of November, the 54111
superintendent of public instruction shall notify the pilot 54112
project school district of the number of initial scholarships that 54113
the state superintendent will be awarding in each of grades 54114
kindergarten through ~~eight~~ twelve. 54115

The state superintendent shall provide information about the 54116
scholarship program to all students residing in the district, 54117
shall accept applications from any such students until such date 54118
as shall be established by the state superintendent as a deadline 54119
for applications, and shall establish criteria for the selection 54120
of students to receive scholarships from among all those applying 54121
prior to the deadline, which criteria shall give preference to 54122
students from low-income families. For each student selected, the 54123
state superintendent shall also determine whether the student 54124

qualifies for seventy-five or ninety per cent of the scholarship amount. Students whose family income is at or above two hundred per cent of the maximum income level established by the state superintendent for low-income families shall qualify for seventy-five per cent of the scholarship amount and students whose family income is below two hundred per cent of that maximum income level shall qualify for ninety per cent of the scholarship amount. The state superintendent shall notify students of their selection prior to the fifteenth day of January and whether they qualify for seventy-five or ninety per cent of the scholarship amount.

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

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

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

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

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

(ii) Within one week of the decision to admit the student if

the student is admitted pursuant to division (C) of section 54156
3313.977 of the Revised Code. 54157

(c) The student actually enrolls in the registered private 54158
school to which the student was first admitted or in another 54159
registered private school in the district or in a public school in 54160
an adjacent school district. 54161

(B) The state superintendent shall also award in any school 54162
year tutorial assistance grants to a number of students equal to 54163
the number of students who receive scholarships under division (A) 54164
of this section. Tutorial assistance grants shall be awarded 54165
solely to students who are enrolled in the public schools of the 54166
district in a grade level covered by the pilot project. Tutorial 54167
assistance grants may be used solely to obtain tutorial assistance 54168
from a provider approved pursuant to division (D) of section 54169
3313.976 of the Revised Code. 54170

All students wishing to obtain tutorial assistance grants 54171
shall make application to the state superintendent by the first 54172
day of the school year in which the assistance will be used. The 54173
state superintendent shall award assistance grants in accordance 54174
with criteria the superintendent shall establish. For each student 54175
awarded a grant, the state superintendent shall also determine 54176
whether the student qualifies for seventy-five or ninety per cent 54177
of the grant amount and so notify the student. Students whose 54178
family income is at or above two hundred per cent of the maximum 54179
income level established by the state superintendent for 54180
low-income families shall qualify for seventy-five per cent of the 54181
grant amount and students whose family income is below two hundred 54182
per cent of that maximum income level shall qualify for ninety per 54183
cent of the grant amount. 54184

(C)(1) In the case of basic scholarships for students in 54185
grades kindergarten through eight, the scholarship amount shall 54186
not exceed the lesser of the tuition charges of the alternative 54187

school the scholarship recipient attends or three thousand dollars 54188
before fiscal year 2007 ~~and~~, three thousand four hundred fifty 54189
dollars in fiscal year 2007 through fiscal year 2011, and four 54190
thousand two hundred fifty dollars in fiscal year 2012 and 54191
thereafter. 54192

In the case of basic scholarships for students in grades nine 54193
through twelve, the scholarship amount shall not exceed the lesser 54194
of the tuition charges of the alternative school the scholarship 54195
recipient attends or two thousand seven hundred dollars before 54196
fiscal year 2007 ~~and~~, three thousand four hundred fifty dollars in 54197
fiscal year 2007 through fiscal year 2011, and five thousand 54198
dollars in fiscal year 2012 and thereafter. 54199

(2) The state superintendent shall provide for an increase in 54200
the basic scholarship amount in the case of any student who is a 54201
mainstreamed student with a disability and shall further increase 54202
such amount in the case of any separately educated student with a 54203
disability. Such increases shall take into account the 54204
instruction, related services, and transportation costs of 54205
educating such students. 54206

(3) In the case of tutorial assistance grants, the grant 54207
amount shall not exceed the lesser of the provider's actual 54208
charges for such assistance or: 54209

(a) Before fiscal year 2007, a percentage established by the 54210
state superintendent, not to exceed twenty per cent, of the amount 54211
of the pilot project school district's average basic scholarship 54212
amount; 54213

(b) In fiscal year 2007 and thereafter, four hundred dollars. 54214

(4) No scholarship or tutorial assistance grant shall be 54215
awarded unless the state superintendent determines that 54216
twenty-five or ten per cent, as applicable, of the amount 54217
specified for such scholarship or grant pursuant to division 54218

(C)(1), (2), or (3) of this section will be furnished by a 54219
political subdivision, a private nonprofit or for profit entity, 54220
or another person. Only seventy-five or ninety per cent of such 54221
amounts, as applicable, shall be paid from state funds pursuant to 54222
section 3313.979 of the Revised Code. 54223

(D)(1) Annually by the first day of November, the state 54224
superintendent shall estimate the maximum per-pupil scholarship 54225
amounts for the ensuing school year. The state superintendent 54226
shall make this estimate available to the general public at the 54227
offices of the district board of education together with the forms 54228
required by division (D)(2) of this section. 54229

(2) Annually by the fifteenth day of January, the chief 54230
administrator of each registered private school located in the 54231
pilot project district and the principal of each public school in 54232
such district shall complete a parental information form and 54233
forward it to the president of the board of education. The 54234
parental information form shall be prescribed by the department of 54235
education and shall provide information about the grade levels 54236
offered, the numbers of students, tuition amounts, achievement 54237
test results, and any sectarian or other organizational 54238
affiliations. 54239

(E)(1) Only for the purpose of administering the pilot 54240
project scholarship program, the department may request from any 54241
of the following entities the data verification code assigned 54242
under division (D)(2) of section 3301.0714 of the Revised Code to 54243
any student who is seeking a scholarship under the program: 54244

(a) The school district in which the student is entitled to 54245
attend school under section 3313.64 or 3313.65 of the Revised 54246
Code; 54247

(b) If applicable, the community school in which the student 54248
is enrolled; 54249

(c) The independent contractor engaged to create and maintain data verification codes. 54250
54251

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student. 54252
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The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 54264
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(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law. 54269
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(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 54272
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(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The 54277
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54280

scores shall be aggregated as follows: 54281

(a) By school district, which shall include all scholarship 54282
students residing in the pilot project school district who are 54283
enrolled in a registered private school and were required to take 54284
an assessment pursuant to division (A)(11) of section 3313.976 of 54285
the Revised Code; 54286

(b) By registered private school, which shall include all 54287
scholarship students enrolled in that school who were required to 54288
take an assessment pursuant to division (A)(11) of section 54289
3313.976 of the Revised Code. 54290

(2) The department shall disaggregate the student performance 54291
data described in division (G)(1) of this section according to the 54292
following categories: 54293

(a) Age; 54294

(b) Race and ethnicity; 54295

(c) Gender; 54296

(d) Students who have participated in the scholarship program 54297
for three or more years; 54298

(e) Students who have participated in the scholarship program 54299
for more than one year and less than three years; 54300

(f) Students who have participated in the scholarship program 54301
for one year or less; 54302

(g) Economically disadvantaged students. 54303

(3) The department shall post the student performance data 54304
required under divisions (G)(1) and (2) of this section on its web 54305
site and shall include that data in the information about the 54306
scholarship program provided to students under division (A) of 54307
this section. In reporting student performance data under this 54308
division, the department shall not include any data that is 54309
statistically unreliable or that could result in the 54310

identification of individual students. For this purpose, the 54311
department shall not report performance data for any group that 54312
contains less than ten students. 54313

(4) The department shall provide the parent of each 54314
scholarship student enrolled in a registered private school with 54315
information comparing the student's performance on the assessments 54316
administered pursuant to division (A)(11) of section 3313.976 of 54317
the Revised Code with the average performance of similar students 54318
enrolled in the building operated by the pilot project school 54319
district that the scholarship student would otherwise attend. In 54320
calculating the performance of similar students, the department 54321
shall consider age, grade, race and ethnicity, gender, and 54322
socioeconomic status. 54323

Sec. 3313.981. (A) The state board of education shall adopt 54324
rules requiring all of the following: 54325

(1) The board of education of each city, exempted village, 54326
and local school district to annually report to the department of 54327
education all of the following: 54328

(a) The number of adjacent district or other district 54329
students, as applicable, and adjacent district or other district 54330
joint vocational students, as applicable, enrolled in the district 54331
and the number of native students enrolled in adjacent or other 54332
districts, in accordance with a policy adopted under division (B) 54333
of section 3313.98 of the Revised Code; 54334

(b) Each adjacent district or other district student's or 54335
adjacent district or other district joint vocational student's 54336
date of enrollment in the district; 54337

(c) The full-time equivalent number of adjacent district or 54338
other district students enrolled in vocational education programs 54339
or classes described in division (A) of section 3317.014 of the 54340

Revised Code and the full-time equivalent number of such students 54341
enrolled in vocational education programs or classes described in 54342
division (B) of that section; 54343

(d) Each native student's date of enrollment in an adjacent 54344
or other district. 54345

(2) The board of education of each joint vocational school 54346
district to annually report to the department all of the 54347
following: 54348

(a) The number of adjacent district or other district joint 54349
vocational students, as applicable, enrolled in the district; 54350

(b) The full-time equivalent number of adjacent district or 54351
other district joint vocational students enrolled in vocational 54352
education programs or classes described in division (A) of section 54353
3317.014 of the Revised Code and the full-time equivalent number 54354
of such students enrolled in vocational education programs or 54355
classes described in division (B) of that section; 54356

(c) For each adjacent district or other district joint 54357
vocational student, the city, exempted village, or local school 54358
district in which the student is also enrolled. 54359

(3) Prior to the first full school week in October each year, 54360
the superintendent of each city, local, or exempted village school 54361
district that admits adjacent district or other district students 54362
or adjacent district or other district joint vocational students 54363
in accordance with a policy adopted under division (B) of section 54364
3313.98 of the Revised Code to notify each adjacent or other 54365
district where those students are entitled to attend school under 54366
section 3313.64 or 3313.65 of the Revised Code of the number of 54367
the adjacent or other district's native students who are enrolled 54368
in the superintendent's district under the policy. 54369

The rules shall provide for the method of counting students 54370
who are enrolled for part of a school year in an adjacent or other 54371

district or as an adjacent district or other district joint 54372
vocational student. 54373

(B) From the payments made to a city, exempted village, or 54374
local school district under Chapter ~~3306.~~ 3317. of the Revised 54375
Code and, if necessary, from the payments made to the district 54376
under sections 321.24 and 323.156 of the Revised Code, the 54377
department of education shall annually subtract both of the 54378
following: 54379

(1) An amount equal to the number of the district's native 54380
students reported under division (A)(1) of this section who are 54381
enrolled in adjacent or other school districts pursuant to 54382
policies adopted by such districts under division (B) of section 54383
3313.98 of the Revised Code multiplied by the adjusted formula 54384
amount; 54385

(2) The excess costs computed in accordance with division (E) 54386
of this section for any such native students receiving special 54387
education and related services in adjacent or other school 54388
districts or as an adjacent district or other district joint 54389
vocational student; 54390

(3) For the full-time equivalent number of the district's 54391
native students reported under division (A)(1)(c) or (2)(b) of 54392
this section as enrolled in vocational education programs or 54393
classes described in section 3317.014 of the Revised Code, an 54394
amount equal to ~~the formula amount~~ \$5,732 times the applicable 54395
multiple prescribed by that section. 54396

(C) To the payments made to a city, exempted village, or 54397
local school district under Chapter ~~3306.~~ 3317. of the Revised 54398
Code, the department of education shall annually add all of the 54399
following: 54400

(1) An amount equal to the adjusted formula amount multiplied 54401
by the remainder obtained by subtracting the number of adjacent 54402

district or other district joint vocational students from the 54403
number of adjacent district or other district students enrolled in 54404
the district, as reported under division (A)(1) of this section; 54405

(2) The excess costs computed in accordance with division (E) 54406
of this section for any adjacent district or other district 54407
students, except for any adjacent or other district joint 54408
vocational students, receiving special education and related 54409
services in the district; 54410

(3) For the full-time equivalent number of the adjacent or 54411
other district students who are not adjacent district or other 54412
district joint vocational students and are reported under division 54413
(A)(1)(c) of this section as enrolled in vocational education 54414
programs or classes described in section 3317.014 of the Revised 54415
Code, an amount equal to ~~the formula amount~~ \$5,732 times the 54416
applicable multiple prescribed by that section; 54417

(4) An amount equal to the number of adjacent district or 54418
other district joint vocational students reported under division 54419
(A)(1) of this section multiplied by an amount equal to twenty per 54420
cent of the adjusted formula amount. 54421

(D) To the payments made to a joint vocational school 54422
district under Chapter 3317. of the Revised Code, the department 54423
of education shall add, for each adjacent district or other 54424
district joint vocational student reported under division (A)(2) 54425
of this section, both of the following: 54426

(1) The adjusted formula amount; 54427

(2) An amount equal to the full-time equivalent number of 54428
students reported pursuant to division (A)(2)(b) of this section 54429
times ~~the formula amount~~ \$5,732 times the applicable multiple 54430
prescribed by section 3317.014 of the Revised Code. 54431

(E)(1) A city, exempted village, or local school board 54432
providing special education and related services to an adjacent or 54433

other district student in accordance with an IEP shall, pursuant 54434
to rules of the state board, compute the excess costs to educate 54435
such student as follows: 54436

(a) Subtract the adjusted formula amount from the actual 54437
costs to educate the student; 54438

(b) From the amount computed under division (E)(1)(a) of this 54439
section subtract the amount of any funds received by the district 54440
under Chapter ~~3306~~, 3317, of the Revised Code to provide special 54441
education and related services to the student. 54442

(2) The board shall report the excess costs computed under 54443
this division to the department of education. 54444

(3) If any student for whom excess costs are computed under 54445
division (E)(1) of this section is an adjacent or other district 54446
joint vocational student, the department of education shall add 54447
the amount of such excess costs to the payments made under Chapter 54448
~~3306~~, 3317, of the Revised Code to the joint vocational school 54449
district enrolling the student. 54450

(F) As provided in division (D)(1)(b) of section 3317.03 of 54451
the Revised Code, no joint vocational school district shall count 54452
any adjacent or other district joint vocational student enrolled 54453
in the district in its formula ADM certified under section 3317.03 54454
of the Revised Code. 54455

(G) No city, exempted village, or local school district shall 54456
receive a payment under division (C) of this section for a 54457
student, and no joint vocational school district shall receive a 54458
payment under division (D) of this section for a student, if for 54459
the same school year that student is counted in the district's 54460
formula ADM certified under section 3317.03 of the Revised Code. 54461

(H) Upon request of a parent, and provided the board offers 54462
transportation to native students of the same grade level and 54463
distance from school under section 3327.01 of the Revised Code, a 54464

city, exempted village, or local school board enrolling an 54465
adjacent or other district student shall provide transportation 54466
for the student within the boundaries of the board's district, 54467
except that the board shall be required to pick up and drop off a 54468
nonhandicapped student only at a regular school bus stop 54469
designated in accordance with the board's transportation policy. 54470
Pursuant to rules of the state board of education, such board may 54471
reimburse the parent from funds received for pupil transportation 54472
under section ~~3306.12~~ 3317.0212 of the Revised Code, or other 54473
provisions of law, for the reasonable cost of transportation from 54474
the student's home to the designated school bus stop if the 54475
student's family has an income below the federal poverty line. 54476

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 54477
the superintendent of public instruction shall appoint 54478
representatives of the department of education, including 54479
employees who work with the education management information 54480
system ~~and employees of the office of community schools~~ 54481
~~established by section 3314.11 of the Revised Code~~, to a committee 54482
to develop report card models for community schools. ~~The director~~ 54483
~~of the legislative office of education oversight shall also~~ 54484
~~appoint representatives to the committee.~~ The committee shall 54485
design model report cards appropriate for the various types of 54486
community schools approved to operate in the state. Sufficient 54487
models shall be developed to reflect the variety of grade levels 54488
served and the missions of the state's community schools. All 54489
models shall include both financial and academic data. The initial 54490
models shall be developed by March 31, 2000. 54491

(B) The department of education shall issue an annual report 54492
card for each community school, regardless of how long the school 54493
has been in operation. The report card shall report the academic 54494
and financial performance of the school utilizing one of the 54495
models developed under division (A) of this section. The report 54496

card shall include all information applicable to school buildings 54497
under division (A) of section 3302.03 of the Revised Code. The 54498
ratings a community school receives under section 3302.03 of the 54499
Revised Code for its first two full school years shall not be 54500
considered toward automatic closure of the school under section 54501
3314.35 of the Revised Code or any other matter that is based on 54502
report card ratings. 54503

(C) Upon receipt of a copy of a contract between a sponsor 54504
and a community school entered into under this chapter, the 54505
department of education shall notify the community school of the 54506
specific model report card that will be used for that school. 54507

(D) Report cards shall be distributed to the parents of all 54508
students in the community school, to the members of the board of 54509
education of the school district in which the community school is 54510
located, and to any person who requests one from the department. 54511

Sec. 3314.013. ~~(A)(1) Until July 1, 2000, no more than 54512
seventy five contracts between start up schools and the state 54513
board of education may be in effect outside the pilot project area 54514
at any time under this chapter. 54515~~

~~(2) After July 1, 2000, and until July 1, 2001, no more than 54516
one hundred twenty five contracts between start up schools and the 54517
state board of education may be in effect outside the pilot 54518
project area at any time under this chapter. 54519~~

~~(3) This division applies only to contracts between start up 54520
schools and the state board of education and contracts between 54521
start up schools and entities described in divisions (C)(1)(b) to 54522
(f) of section 3314.02 of the Revised Code. 54523~~

~~Until July 1, 2005, not more than two hundred twenty five 54524
contracts to which this division applies may be in effect at any 54525
time under this chapter. 54526~~

~~(4) This division applies only to contracts between start-up schools and entities described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code.~~ 54527
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~~Except as otherwise provided in section 3314.014 of the Revised Code, after July 1, 2005, and until July 1, 2007, the number of contracts to which this division applies in effect at any time under this chapter shall be not more than thirty plus the number of such contracts with schools that were open for operation as of May 1, 2005.~~ 54530
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~~(5) This division applies only to contracts between a conversion school that is an internet or computer based community school or a start-up school and the board of education of the school district in which the school is or is proposed to be located.~~ 54536
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~~Except as otherwise provided in section 3314.014 of the Revised Code, until July 1, 2007, the number of contracts to which this division applies in effect at any time under this chapter shall be not more than thirty plus the number of such contracts with schools that were open for operation as of May 1, 2005.~~ 54541
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~~(6) Until the effective date of any standards enacted by the general assembly governing the operation of internet or computer based community schools January 1, 2013, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005. No entity described in division (C)(1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor an internet- or computer-based community school, including a conversion school, between May 1, 2005, and the effective date of any standards enacted by the general assembly governing the operation of internet or computer based community schools January 1, 2013, except as follows:~~ 54546
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~~(a) Any (1) The entity described in division (C)(1) of that section may renew a contract that the entity entered into with an internet- or computer-based community school prior to May 1, 2005, if the school was open for operation as of that date.~~ 54558
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~~(b) Any (2) The entity described in divisions (C)(1)(a) to (e) of that section may assume sponsorship of an existing internet- or computer-based community school that was formerly sponsored by another entity and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.~~ 54562
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~~(c) Any entity described in division (C)(1)(f) of that section may assume sponsorship of an existing internet- or computer-based community school in accordance with division (A)(7) of this section and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.~~ 54568
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If a sponsor entered into a contract with an internet- or computer-based community school, including a conversion school, but the school was not open for operation as of May 1, 2005, the contract shall be void and the entity shall not enter into another contract with the school until ~~the effective date of any standards enacted by the general assembly governing the operation of internet- or computer-based community schools~~ January 1, 2013. 54573
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~~(7) Until July 1, 2005, any entity described in division (C)(1)(f) of section 3314.02 of the Revised Code may sponsor only a community school that formerly was sponsored by the state board of education under division (C)(1)(d) of that section, as it existed prior to April 8, 2003. After July 1, 2005, any such entity may assume sponsorship of any existing community school, and may sponsor any new community school that is not an internet- or computer-based community school. Beginning on the effective date of any standards enacted by the general assembly governing the operation of internet- or computer-based community schools,~~ 54580
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~~any such entity may sponsor a new internet- or computer-based
community school.~~ 54590
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~~(8)(B) Beginning January 1, 2013, up to five new internet- or
computer-based community schools may open each year. If the
governing authorities of more than five new schools notify the
department of education under division (D) of section 3314.02 of
the Revised Code, by a deadline established by the department,
that they have signed a contract with a sponsor to open in the
following school year, the department shall hold a lottery within
thirty days after the deadline to choose the five schools that may
open in that school year. The contract signed by the governing
authority of any school not selected in the lottery shall be void,
but the school may enter into a contract with a sponsor to open in
a subsequent school year, subject to this division.~~ 54592
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~~(C) Nothing in ~~division~~ divisions (A) or (B) of this section
prohibits a an internet- or computer-based community school from
increasing the number of grade levels it offers.~~ 54604
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~~(B) Within twenty four hours of a request by any person, the
superintendent of public instruction shall indicate the number of
preliminary agreements for start-up schools currently outstanding
and the number of contracts for these schools in effect at the
time of the request.~~ 54607
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~~(C) It is the intent of the general assembly to consider
whether to provide limitations on the number of start-up community
schools after July 1, 2001, following its examination of the
results of the studies by the legislative office of education
oversight required under Section 50.39 of Am. Sub. H.B. No. 215 of
the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B.
No. 215 of the 122nd general assembly, as amended by Am. Sub. H.B.
No. 770 of the 122nd general assembly (D) Not later than July 1,
2012, the director of the governor's office of 21st century
education and the superintendent of public instruction shall~~ 54612
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develop standards for the operation of internet- or computer-based 54622
community schools. The director shall submit those standards to 54623
the speaker of the house of representatives and the president of 54624
the senate for consideration of enactment by the general assembly. 54625

Sec. 3314.015. (A) The department of education shall be 54626
responsible for the oversight of any and all sponsors of the 54627
community schools established under this chapter and shall provide 54628
technical assistance to schools and sponsors in their compliance 54629
with applicable laws and the terms of the contracts entered into 54630
under section 3314.03 of the Revised Code and in the development 54631
and start-up activities of those schools. In carrying out its 54632
duties under this section, the department shall do all of the 54633
following: 54634

(1) In providing technical assistance to proposing parties, 54635
governing authorities, and sponsors, conduct training sessions and 54636
distribute informational materials; 54637

(2) Approve entities to be sponsors of community schools; 54638

(3) Monitor the effectiveness of any and all sponsors in 54639
their oversight of the schools with which they have contracted; 54640

(4) By December thirty-first of each year, issue a report to 54641
the governor, the speaker of the house of representatives, the 54642
president of the senate, and the chairpersons of the house and 54643
senate committees principally responsible for education matters 54644
regarding the effectiveness of academic programs, operations, and 54645
legal compliance and of the financial condition of all community 54646
schools established under this chapter and on the performance of 54647
community school sponsors; 54648

(5) From time to time, make legislative recommendations to 54649
the general assembly designed to enhance the operation and 54650
performance of community schools. 54651

(B)(1) Except as provided in sections 3314.021 and 3314.027 54652
of the Revised Code, no entity listed in division (C)(1) of 54653
section 3314.02 of the Revised Code shall enter into a preliminary 54654
agreement under division (C)(2) of section 3314.02 of the Revised 54655
Code until it has received approval from the department of 54656
education to sponsor community schools under this chapter and has 54657
entered into a written agreement with the department regarding the 54658
manner in which the entity will conduct such sponsorship. The 54659
department shall adopt in accordance with Chapter 119. of the 54660
Revised Code rules containing criteria, procedures, and deadlines 54661
for processing applications for such approval, for oversight of 54662
sponsors, for revocation of the approval of sponsors, and for 54663
entering into written agreements with sponsors. The rules shall 54664
require an entity to submit evidence of the entity's ability and 54665
willingness to comply with the provisions of division (D) of 54666
section 3314.03 of the Revised Code. The rules also shall require 54667
entities approved as sponsors on and after June 30, 2005, to 54668
demonstrate a record of financial responsibility and successful 54669
implementation of educational programs. If an entity seeking 54670
approval on or after June 30, 2005, to sponsor community schools 54671
in this state sponsors or operates schools in another state, at 54672
least one of the schools sponsored or operated by the entity must 54673
be comparable to or better than the performance of Ohio schools in 54674
need of continuous improvement under section 3302.03 of the 54675
Revised Code, as determined by the department. 54676

~~An~~ Subject to section 3314.016 of the Revised Code, an entity 54677
that sponsors community schools may enter into preliminary 54678
agreements and sponsor up to one hundred schools ~~as follows,~~ 54679
provided each school and the contract for sponsorship meets the 54680
requirements of this chapter. 54681

~~(a) An entity that sponsored fifty or fewer schools that were~~ 54682
~~open for operation as of May 1, 2005, may sponsor not more than~~ 54683

~~fifty schools.~~ 54684

~~(b) An entity that sponsored more than fifty but not more than seventy five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005.~~ 54685
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~~(c) Until June 30, 2006, an entity that sponsored more than seventy five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005. After June 30, 2006, such an entity may sponsor not more than seventy five schools.~~ 54689
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~~Upon approval of an entity to be a sponsor under this division, the department shall notify the entity of the number of schools the entity may sponsor.~~ 54695
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~~The limit imposed on an entity to which division (B)(1) of this section applies shall be decreased by one for each school sponsored by the entity that permanently closes.~~ 54698
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~~If at any time an entity exceeds the number of schools it may sponsor under this division, the department shall assist the schools in excess of the entity's limit in securing new sponsors. If a school is unable to secure a new sponsor, the department shall assume sponsorship of the school in accordance with division (C) of this section. Those schools for which another sponsor or the department assumes sponsorship shall be the schools that most recently entered into contracts with the entity under section 3314.03 of the Revised Code.~~ 54701
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(2) The department of education shall determine, pursuant to criteria adopted by rule of the department, whether the mission proposed to be specified in the contract of a community school to be sponsored by a state university board of trustees or the board's designee under division (C)(1)(e) of section 3314.02 of 54710
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the Revised Code complies with the requirements of that division. 54715
Such determination of the department is final. 54716

(3) The department of education shall determine, pursuant to 54717
criteria adopted by rule of the department, if any tax-exempt 54718
entity under section 501(c)(3) of the Internal Revenue Code that 54719
is proposed to be a sponsor of a community school is an 54720
education-oriented entity for purpose of satisfying the condition 54721
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 54722
Revised Code. Such determination of the department is final. 54723

(C) If at any time the state board of education finds that a 54724
sponsor is not in compliance or is no longer willing to comply 54725
with its contract with any community school or with the 54726
department's rules for sponsorship, the state board or designee 54727
shall conduct a hearing in accordance with Chapter 119. of the 54728
Revised Code on that matter. If after the hearing, the state board 54729
or designee has confirmed the original finding, the department of 54730
education may revoke the sponsor's approval to sponsor community 54731
schools and may assume the sponsorship of any schools with which 54732
the sponsor has contracted until the earlier of the expiration of 54733
two school years or until a new sponsor as described in division 54734
(C)(1) of section 3314.02 of the Revised Code is secured by the 54735
school's governing authority. The department may extend the term 54736
of the contract in the case of a school for which it has assumed 54737
sponsorship under this division as necessary to accommodate the 54738
term of the department's authorization to sponsor the school 54739
specified in this division. 54740

(D) The decision of the department to disapprove an entity 54741
for sponsorship of a community school or to revoke approval for 54742
such sponsorship under division (C) of this section, may be 54743
appealed by the entity in accordance with section 119.12 of the 54744
Revised Code. 54745

(E) The department shall adopt procedures for use by a 54746

community school governing authority and sponsor when the school 54747
permanently closes and ceases operation, which shall include at 54748
least procedures for data reporting to the department, handling of 54749
student records, distribution of assets in accordance with section 54750
3314.074 of the Revised Code, and other matters related to ceasing 54751
operation of the school. 54752

(F) In carrying out its duties under this chapter, the 54753
department shall not impose requirements on community schools or 54754
their sponsors that are not permitted by law or duly adopted 54755
rules. 54756

Sec. 3314.016. This section applies to any entity that 54757
sponsors a community school, regardless of whether section 54758
3314.021 or 3314.027 of the Revised Code exempts the entity from 54759
the requirement to be approved for sponsorship under divisions 54760
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. 54761

(A) An entity that sponsors a community school shall be 54762
permitted to enter into contracts under section 3314.03 of the 54763
Revised Code to sponsor additional community schools only if the 54764
entity meets both of the following criteria: 54765

(1) The entity is in compliance with all provisions of this 54766
chapter requiring sponsors of community schools to report data or 54767
information to the department of education. 54768

(2) The entity is not ranked in the lowest twenty per cent of 54769
community school sponsors on the ranking prescribed by division 54770
(B) of this section. 54771

(B) For purposes of this section, the department shall 54772
develop a composite performance index score, as defined in section 54773
3302.01 of the Revised Code, that measures the academic 54774
performance of students enrolled in community schools sponsored by 54775
the same entity. In calculating the composite performance index 54776

score, the department shall exclude all community schools 54777
described in division (A)(3) of section 3314.35 of the Revised 54778
Code, but the department shall cease to exclude those schools 54779
beginning January 1, 2013, if the general assembly does not enact 54780
by that date separate performance standards for community schools 54781
that operate dropout prevention and recovery programs and for 54782
community schools that serve students with disabilities. The 54783
department annually shall rank all entities that sponsor community 54784
schools from highest to lowest according to the entities' 54785
composite performance index scores. 54786

(C) If the governing authority of a community school enters 54787
into a contract with a sponsor prior to the date on which the 54788
sponsor is prohibited from sponsoring additional schools under 54789
division (A) of this section and the school has not opened for 54790
operation as of that date, that contract shall be void and the 54791
school shall not open until the governing authority secures a new 54792
sponsor by entering into a contract with the new sponsor under 54793
section 3314.03 of the Revised Code. 54794

Sec. 3314.02. (A) As used in this chapter: 54795

(1) "Sponsor" means an entity listed in division (C)(1) of 54796
this section, which has been approved by the department of 54797
education to sponsor community schools and with which the 54798
governing authority of the proposed community school enters into a 54799
contract pursuant to this section. 54800

(2) "Pilot project area" means the school districts included 54801
in the territory of the former community school pilot project 54802
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 54803
the 122nd general assembly. 54804

(3) "Challenged school district" means any of the following: 54805

(a) A school district that is part of the pilot project area; 54806

(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code; 54807
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(c) A big eight school district; 54810

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code. 54811
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(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 54814
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(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; 54816
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(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 54820
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(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code. 54823
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(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998. 54828
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(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that 54832
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does not rely on regular classroom instruction or via 54837
comprehensive instructional methods that include internet-based, 54838
other computer-based, and noncomputer-based learning 54839
opportunities. 54840

(8) "Operator" means either of the following: 54841

(a) An individual or organization that manages the daily 54842
operations of a community school pursuant to a contract between 54843
the operator and the school's governing authority; 54844

(b) A nonprofit organization that provides programmatic 54845
oversight and support to a community school under a contract with 54846
the school's governing authority and that retains the right to 54847
terminate its affiliation with the school if the school fails to 54848
meet the organization's quality standards. 54849

(B) Any person or group of individuals may initially propose 54850
under this division the conversion of all or a portion of a public 54851
school or a building operated by an educational service center to 54852
a community school. The proposal shall be made to the board of 54853
education of the city, local, exempted village, or joint 54854
vocational school district in which the public school is proposed 54855
to be converted or, in the case of the conversion of a building 54856
operated by an educational service center, to the governing board 54857
of the service center. Upon receipt of a proposal, a board may 54858
enter into a preliminary agreement with the person or group 54859
proposing the conversion of the public school or service center 54860
building, indicating the intention of the board to support the 54861
conversion to a community school. A proposing person or group that 54862
has a preliminary agreement under this division may proceed to 54863
finalize plans for the school, establish a governing authority for 54864
the school, and negotiate a contract with the board. Provided the 54865
proposing person or group adheres to the preliminary agreement and 54866
all provisions of this chapter, the board shall negotiate in good 54867
faith to enter into a contract in accordance with section 3314.03 54868

of the Revised Code and division (C) of this section. 54869

(C)(1) Any person or group of individuals may propose under 54870
this division the establishment of a new start-up school to be 54871
located in a challenged school district. The proposal may be made 54872
to any of the following entities: 54873

(a) The board of education of the district in which the 54874
school is proposed to be located; 54875

(b) The board of education of any joint vocational school 54876
district with territory in the county in which is located the 54877
majority of the territory of the district in which the school is 54878
proposed to be located; 54879

(c) The board of education of any other city, local, or 54880
exempted village school district having territory in the same 54881
county where the district in which the school is proposed to be 54882
located has the major portion of its territory; 54883

(d) The governing board of any educational service center, as 54884
long as the proposed school will be located in a county within the 54885
territory of the service center or in a county contiguous to such 54886
county; 54887

(e) A sponsoring authority designated by the board of 54888
trustees of any of the thirteen state universities listed in 54889
section 3345.011 of the Revised Code or the board of trustees 54890
itself as long as a mission of the proposed school to be specified 54891
in the contract under division (A)(2) of section 3314.03 of the 54892
Revised Code and as approved by the department of education under 54893
division (B)(2) of section 3314.015 of the Revised Code will be 54894
the practical demonstration of teaching methods, educational 54895
technology, or other teaching practices that are included in the 54896
curriculum of the university's teacher preparation program 54897
approved by the state board of education; 54898

(f) Any qualified tax-exempt entity under section 501(c)(3) 54899

of the Internal Revenue Code as long as all of the following 54900
conditions are satisfied: 54901

(i) The entity has been in operation for at least five years 54902
prior to applying to be a community school sponsor. 54903

(ii) The entity has assets of at least five hundred thousand 54904
dollars and a demonstrated record of financial responsibility. 54905

(iii) The department of education has determined that the 54906
entity is an education-oriented entity under division (B)(3) of 54907
section 3314.015 of the Revised Code and the entity has a 54908
demonstrated record of successful implementation of educational 54909
programs. 54910

(iv) The entity is not a community school. 54911

Any entity described in division (C)(1) of this section may 54912
enter into a preliminary agreement pursuant to division (C)(2) of 54913
this section with the proposing person or group. 54914

(2) A preliminary agreement indicates the intention of an 54915
entity described in division (C)(1) of this section to sponsor the 54916
community school. A proposing person or group that has such a 54917
preliminary agreement may proceed to finalize plans for the 54918
school, establish a governing authority as described in division 54919
(E) of this section for the school, and negotiate a contract with 54920
the entity. Provided the proposing person or group adheres to the 54921
preliminary agreement and all provisions of this chapter, the 54922
entity shall negotiate in good faith to enter into a contract in 54923
accordance with section 3314.03 of the Revised Code. 54924

(3) A new start-up school that is established in a school 54925
district while that district is either in a state of academic 54926
emergency or in a state of academic watch under section 3302.03 of 54927
the Revised Code or ranked in the lowest five per cent according 54928
to performance index score under section 3302.21 of the Revised 54929
Code may continue in existence once the school district is no 54930

longer in a state of academic emergency or academic watch or 54931
ranked in the lowest five per cent according to performance index 54932
score, provided there is a valid contract between the school and a 54933
sponsor. 54934

(4) A copy of every preliminary agreement entered into under 54935
this division shall be filed with the superintendent of public 54936
instruction. 54937

(D) A majority vote of the board of a sponsoring entity and a 54938
majority vote of the members of the governing authority of a 54939
community school shall be required to adopt a contract and convert 54940
the public school or educational service center building to a 54941
community school or establish the new start-up school. Beginning 54942
September 29, 2005, adoption of the contract shall occur not later 54943
than the fifteenth day of March, and signing of the contract shall 54944
occur not later than the fifteenth day of May, prior to the school 54945
year in which the school will open. The governing authority shall 54946
notify the department of education when the contract has been 54947
signed. Subject to sections 3314.013, ~~3314.014~~, and 3314.016, ~~and~~ 54948
~~3314.017~~ of the Revised Code, an unlimited number of community 54949
schools may be established in any school district provided that a 54950
contract is entered into for each community school pursuant to 54951
this chapter. 54952

(E)(1) As used in this division, "immediate relatives" are 54953
limited to spouses, children, parents, grandparents, siblings, and 54954
in-laws. 54955

Each new start-up community school established under this 54956
chapter shall be under the direction of a governing authority 54957
which shall consist of a board of not less than five individuals. 54958

No person shall serve on the governing authority or operate 54959
the community school under contract with the governing authority 54960
so long as the person owes the state any money or is in a dispute 54961

over whether the person owes the state any money concerning the 54962
operation of a community school that has closed. 54963

(2) No person shall serve on the governing authorities of 54964
more than two start-up community schools at the same time. 54965

(3) No present or former member, or immediate relative of a 54966
present or former member, of the governing authority of any 54967
community school established under this chapter shall be an owner, 54968
employee, or consultant of any ~~nonprofit~~ sponsor or ~~for-profit~~ 54969
operator of a community school, unless at least one year has 54970
elapsed since the conclusion of the person's membership. 54971

(4) The governing authority of a start-up community school 54972
may provide by resolution for the compensation of its members. 54973
However, no individual who serves on the governing authority of a 54974
start-up community school shall be compensated more than four 54975
hundred twenty-five dollars per meeting of that governing 54976
authority and no such individual shall be compensated more than a 54977
total amount of five thousand dollars per year for all governing 54978
authorities upon which the individual serves. 54979

(F)(1) A new start-up school that is established prior to 54980
August 15, 2003, in an urban school district that is not also a 54981
big-eight school district may continue to operate after that date 54982
and the contract between the school's governing authority and the 54983
school's sponsor may be renewed, as provided under this chapter, 54984
after that date, but no additional new start-up schools may be 54985
established in such a district unless the district is a challenged 54986
school district as defined in this section as it exists on and 54987
after that date. 54988

(2) A community school that was established prior to June 29, 54989
1999, and is located in a county contiguous to the pilot project 54990
area and in a school district that is not a challenged school 54991
district may continue to operate after that date, provided the 54992

school complies with all provisions of this chapter. The contract 54993
between the school's governing authority and the school's sponsor 54994
may be renewed, but no additional start-up community school may be 54995
established in that district unless the district is a challenged 54996
school district. 54997

(3) Any educational service center that, on June 30, 2007, 54998
sponsors a community school that is not located in a county within 54999
the territory of the service center or in a county contiguous to 55000
such county may continue to sponsor that community school on and 55001
after June 30, 2007, and may renew its contract with the school. 55002
However, the educational service center shall not enter into a 55003
contract with any additional community school unless the school is 55004
located in a county within the territory of the service center or 55005
in a county contiguous to such county. 55006

Sec. 3314.021. (A) This section applies to any entity that is 55007
exempt from taxation under section 501(c)(3) of the Internal 55008
Revenue Code and that satisfies the conditions specified in 55009
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 55010
Revised Code but does not satisfy the condition specified in 55011
division (C)(1)(f)(i) of that section. 55012

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 55013
of the Revised Code, an entity described in division (A) of this 55014
section may do both of the following without obtaining the 55015
department of education's initial approval of its sponsorship 55016
under divisions (A)(2) and (B)(1) of section 3314.015 of the 55017
Revised Code: 55018

(1) Succeed the board of trustees of a state university 55019
located in the pilot project area or that board's designee as the 55020
sponsor of a community school established under this chapter; 55021

(2) Continue to sponsor that school in conformance with the 55022
terms of the contract between the board of trustees or its 55023

designee and the governing authority of the community school and 55024
renew that contract as provided in division (E) of section 3314.03 55025
of the Revised Code. 55026

(C) The entity that succeeds the board of trustees or the 55027
board's designee as sponsor of a community school under division 55028
(B) of this section also may enter into contracts to sponsor other 55029
community schools located in any challenged school district, 55030
without obtaining the department's initial approval of its 55031
sponsorship of those schools under divisions (A)(2) and (B)(1) of 55032
section 3314.015 of the Revised Code, ~~and not subject to the~~ 55033
~~restriction of division (A)(7) of section 3314.013 of the Revised~~ 55034
~~Code,~~ as long as the contracts conform with and the entity 55035
complies with all other requirements of this chapter. 55036

(D) Regardless of the entity's authority to sponsor community 55037
schools without the initial approval of the department, the entity 55038
is under the continuing oversight of the department in accordance 55039
with rules adopted under section 3314.015 of the Revised Code. 55040

Sec. 3314.023. In order to provide monitoring and technical 55041
assistance, ~~the sponsor of a community school shall be located or~~ 55042
~~have representatives located within fifty miles of the location of~~ 55043
~~the community school, or in the case of an internet or~~ 55044
~~computer based community school, within fifty miles of the~~ 55045
~~school's base of operation. A~~ a representative of the sponsor of a 55046
community school shall meet with the governing authority or 55047
treasurer of the school and shall review the financial and 55048
enrollment records of the school at least once every ~~two months~~ 55049
month. 55050

Sec. 3314.029. This section establishes the Ohio school 55051
sponsorship program. The department of education shall establish 55052
an office of Ohio school sponsorship to perform the department's 55053

duties prescribed by this section. 55054

(A)(1) Notwithstanding anything to the contrary in this 55055
chapter, but subject to section 3314.20 of the Revised Code, any 55056
person, group of individuals, or entity may apply to the 55057
department for direct authorization to establish a community 55058
school and, upon approval of the application, may establish the 55059
school. Notwithstanding anything to the contrary in this chapter, 55060
the governing authority of an existing community school, upon the 55061
expiration or termination of its contract with the school's 55062
sponsor entered into under section 3314.03 of the Revised Code, 55063
may apply to the department for direct authorization to continue 55064
operating the school and, upon approval of the application, may 55065
continue to operate the school. 55066

Each application submitted to the department shall include 55067
the following: 55068

(a) Evidence that the applicant will be able to comply with 55069
division (C) of this section; 55070

(b) A statement indicating that the applicant agrees to 55071
comply with all applicable provisions of this chapter, including 55072
the requirement to be established as a nonprofit corporation or 55073
public benefit corporation in accordance with division (A)(1) of 55074
section 3314.03 of the Revised Code; 55075

(c) A statement attesting that no unresolved finding of 55076
recovery has been issued by the auditor of state against any 55077
person, group of individuals, or entity that is a party to the 55078
application and that no person who is party to the application has 55079
been a member of the governing authority of any community school 55080
that has permanently closed and against which an unresolved 55081
finding of recovery has been issued by the auditor of state. In 55082
the case of an application submitted by the governing authority of 55083
an existing community school, a person who is party to the 55084

application shall include each individual member of that governing authority. 55085
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(d) A statement that the school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution; 55087
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(e) A statement of whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school. If it is a converted public school or service center building, the statement shall include a specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees, provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees. 55091
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(f) A statement that the school's teachers will be licensed in the manner prescribed by division (A)(10) of section 3314.03 of the Revised Code; 55103
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(g) A statement that the school will comply with all of the provisions of law enumerated in divisions (A)(11)(d) and (e) of section 3314.03 of the Revised Code and of division (A)(11)(h) of that section, if applicable; 55106
55107
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(h) A statement that the school's graduation and curriculum requirements will comply with division (A)(11)(f) of section 3314.03 of the Revised Code; 55110
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55112

(i) A description of each of the following: 55113

(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, 55114
55115

<u>the ages and grade levels of students, and the focus of the</u>	55116
<u>curriculum;</u>	55117
<u>(ii) The school's governing authority, which shall be in</u>	55118
<u>compliance with division (E) of section 3314.02 of the Revised</u>	55119
<u>Code;</u>	55120
<u>(iii) The school's admission and dismissal policies, which</u>	55121
<u>shall be in compliance with divisions (A)(5) and (6) of section</u>	55122
<u>3314.03 of the Revised Code;</u>	55123
<u>(iv) The school's business plan, including a five-year</u>	55124
<u>financial forecast;</u>	55125
<u>(v) In the case of an application to establish a community</u>	55126
<u>school, the applicant's resources and capacity to establish and</u>	55127
<u>operate the school;</u>	55128
<u>(vi) The school's academic goals to be achieved and the</u>	55129
<u>method of measurement that will be used to determine progress</u>	55130
<u>toward those goals, which shall include the statewide achievement</u>	55131
<u>assessments;</u>	55132
<u>(vii) The facilities to be used by the school and their</u>	55133
<u>locations;</u>	55134
<u>(viii) A description of the learning opportunities that will</u>	55135
<u>be offered to students including both classroom-based and</u>	55136
<u>nonclassroom-based learning opportunities that are in compliance</u>	55137
<u>with criteria for student participation established by the</u>	55138
<u>department under division (L)(2) of section 3314.08 of the Revised</u>	55139
<u>Code.</u>	55140
<u>(2) Subject to division (A)(3) of this section, the</u>	55141
<u>department shall approve each application, unless, within thirty</u>	55142
<u>days after receipt of the application, the department determines</u>	55143
<u>that the application does not satisfy the requirements of division</u>	55144
<u>(A)(1) of this section and provides the applicant a written</u>	55145

explanation of the reasons for the determination. In that case, 55146
the department shall grant the applicant thirty days to correct 55147
the insufficiencies in the application. If the department 55148
determines that the insufficiencies have been corrected, it shall 55149
approve the application. If the department determines that the 55150
insufficiencies have not been corrected, it shall deny the 55151
application and provide the applicant with a written explanation 55152
of the reasons for the denial. The denial of an application may be 55153
appealed in accordance with section 119.12 of the Revised Code. 55154

(3) For each of five school years, beginning with the school 55155
year that begins in the calendar year in which this section takes 55156
effect, the department may approve up to twenty applications for 55157
community schools to be established or to continue operation under 55158
division (A) of this section; however, of the twenty applications 55159
that may be approved each school year, only up to five may be for 55160
the establishment of new schools. 55161

(B) The department and the governing authority of each 55162
community school authorized under this section shall enter into a 55163
contract under section 3314.03 of the Revised Code. 55164
Notwithstanding division (A)(13) of that section, the contract 55165
with an existing community school may begin at any time during the 55166
academic year. The length of the initial contract of any community 55167
school under this section may be for any term up to five years. 55168
The contract may be renewed in accordance with division (E) of 55169
that section. The contract may provide for the school's governing 55170
authority to pay a fee for oversight and monitoring of the school 55171
that does not exceed three per cent of the total amount of 55172
payments for operating expenses that the school receives from the 55173
state. 55174

(C) The department may require a community school authorized 55175
under this section to post and file with the superintendent of 55176
public instruction a bond payable to the state or to file with the 55177

state superintendent a guarantee, which shall be used to pay the 55178
state any moneys owed by the community school in the event the 55179
school closes. 55180

(D) Except as otherwise provided in this section, a community 55181
school authorized under this section shall comply with all 55182
applicable provisions of this chapter. The department may take any 55183
action that a sponsor may take under this chapter to enforce the 55184
school's compliance with this division and the terms of the 55185
contract entered into under division (B) of this section. 55186

(E) Not later than December 31, 2012, and annually 55187
thereafter, the department shall issue a report on the program, 55188
including information about the number of community schools 55189
participating in the program and their compliance with the 55190
provisions of this chapter. In its fifth report, the department 55191
shall include a complete evaluation of the program and 55192
recommendations regarding the program's continuation. Each report 55193
shall be provided to the general assembly, in accordance with 55194
section 101.68 of the Revised Code, and to the governor. 55195

Sec. 3314.03. A copy of every contract entered into under 55196
this section shall be filed with the superintendent of public 55197
instruction. 55198

(A) Each contract entered into between a sponsor and the 55199
governing authority of a community school shall specify the 55200
following: 55201

(1) That the school shall be established as either of the 55202
following: 55203

(a) A nonprofit corporation established under Chapter 1702. 55204
of the Revised Code, if established prior to April 8, 2003; 55205

(b) A public benefit corporation established under Chapter 55206
1702. of the Revised Code, if established after April 8, 2003. 55207

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	55208 55209 55210 55211
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	55212 55213 55214
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	55215 55216
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	55217 55218
(6)(a) Dismissal procedures;	55219
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	55220 55221 55222 55223 55224 55225
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	55226 55227
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	55228 55229 55230 55231 55232 55233
(9) The facilities to be used and their locations;	55234
(10) Qualifications of teachers, including the following:	55235
(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the	55236 55237

Revised Code, except that a community school may engage 55238
noncertificated persons to teach up to twelve hours per week 55239
pursuant to section 3319.301 of the Revised Code; 55240

(b) A requirement that each classroom teacher initially hired 55241
by the school on or after July 1, 2013, and employed to provide 55242
instruction in physical education hold a valid license issued 55243
pursuant to section 3319.22 of the Revised Code for teaching 55244
physical education. 55245

(11) That the school will comply with the following 55246
requirements: 55247

(a) The school will provide learning opportunities to a 55248
minimum of twenty-five students for a minimum of nine hundred 55249
twenty hours per school year. 55250

(b) The governing authority will purchase liability 55251
insurance, or otherwise provide for the potential liability of the 55252
school. 55253

(c) The school will be nonsectarian in its programs, 55254
admission policies, employment practices, and all other 55255
operations, and will not be operated by a sectarian school or 55256
religious institution. 55257

(d) The school will comply with sections 9.90, 9.91, 109.65, 55258
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 55259
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 55260
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 55261
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 55262
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 55263
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, ~~3314.817~~ 55264
3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 55265
3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 55266
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 55267
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 55268

and 4167. of the Revised Code as if it were a school district and 55269
will comply with section 3301.0714 of the Revised Code in the 55270
manner specified in section 3314.17 of the Revised Code. 55271

(e) The school shall comply with Chapter 102. and section 55272
2921.42 of the Revised Code. 55273

(f) The school will comply with sections 3313.61, 3313.611, 55274
and 3313.614 of the Revised Code, except that for students who 55275
enter ninth grade for the first time before July 1, 2010, the 55276
requirement in sections 3313.61 and 3313.611 of the Revised Code 55277
that a person must successfully complete the curriculum in any 55278
high school prior to receiving a high school diploma may be met by 55279
completing the curriculum adopted by the governing authority of 55280
the community school rather than the curriculum specified in Title 55281
XXXVIII of the Revised Code or any rules of the state board of 55282
education. Beginning with students who enter ninth grade for the 55283
first time on or after July 1, 2010, the requirement in sections 55284
3313.61 and 3313.611 of the Revised Code that a person must 55285
successfully complete the curriculum of a high school prior to 55286
receiving a high school diploma shall be met by completing the 55287
Ohio core curriculum prescribed in division (C) of section 55288
3313.603 of the Revised Code, unless the person qualifies under 55289
division (D) or (F) of that section. Each school shall comply with 55290
the plan for awarding high school credit based on demonstration of 55291
subject area competency, adopted by the state board of education 55292
under division (J) of section 3313.603 of the Revised Code. 55293

(g) The school governing authority will submit within four 55294
months after the end of each school year a report of its 55295
activities and progress in meeting the goals and standards of 55296
divisions (A)(3) and (4) of this section and its financial status 55297
to the sponsor and the parents of all students enrolled in the 55298
school. 55299

(h) The school, unless it is an internet- or computer-based 55300

community school, will comply with ~~sections 3313.674~~ and section 55301
3313.801 of the Revised Code as if it were a school district. 55302

(i) If the school is the recipient of moneys from a grant 55303
awarded under the federal race to the top program, Division (A), 55304
Title XIV, Sections 14005 and 14006 of the "American Recovery and 55305
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 55306
school will pay teachers based upon performance in accordance with 55307
section 3317.141 and will comply with section 3319.111 of the 55308
Revised Code as if it were a school district. 55309

(12) Arrangements for providing health and other benefits to 55310
employees; 55311

(13) The length of the contract, which shall begin at the 55312
beginning of an academic year. No contract shall exceed five years 55313
unless such contract has been renewed pursuant to division (E) of 55314
this section. 55315

(14) The governing authority of the school, which shall be 55316
responsible for carrying out the provisions of the contract; 55317

(15) A financial plan detailing an estimated school budget 55318
for each year of the period of the contract and specifying the 55319
total estimated per pupil expenditure amount for each such year. 55320
The plan shall specify for each year the base formula amount that 55321
will be used for purposes of funding calculations under section 55322
3314.08 of the Revised Code. This base formula amount for any year 55323
shall not exceed the formula amount defined under section 3317.02 55324
of the Revised Code. The plan may also specify for any year a 55325
percentage figure to be used for reducing the per pupil amount of 55326
the subsidy calculated pursuant to section 3317.029 of the Revised 55327
Code the school is to receive that year under section 3314.08 of 55328
the Revised Code. 55329

(16) Requirements and procedures regarding the disposition of 55330
employees of the school in the event the contract is terminated or 55331

not renewed pursuant to section 3314.07 of the Revised Code; 55332

(17) Whether the school is to be created by converting all or 55333
part of an existing public school or educational service center 55334
building or is to be a new start-up school, and if it is a 55335
converted public school or service center building, specification 55336
of any duties or responsibilities of an employer that the board of 55337
education or service center governing board that operated the 55338
school or building before conversion is delegating to the 55339
governing authority of the community school with respect to all or 55340
any specified group of employees provided the delegation is not 55341
prohibited by a collective bargaining agreement applicable to such 55342
employees; 55343

(18) Provisions establishing procedures for resolving 55344
disputes or differences of opinion between the sponsor and the 55345
governing authority of the community school; 55346

(19) A provision requiring the governing authority to adopt a 55347
policy regarding the admission of students who reside outside the 55348
district in which the school is located. That policy shall comply 55349
with the admissions procedures specified in sections 3314.06 and 55350
3314.061 of the Revised Code and, at the sole discretion of the 55351
authority, shall do one of the following: 55352

(a) Prohibit the enrollment of students who reside outside 55353
the district in which the school is located; 55354

(b) Permit the enrollment of students who reside in districts 55355
adjacent to the district in which the school is located; 55356

(c) Permit the enrollment of students who reside in any other 55357
district in the state. 55358

(20) A provision recognizing the authority of the department 55359
of education to take over the sponsorship of the school in 55360
accordance with the provisions of division (C) of section 3314.015 55361
of the Revised Code; 55362

(21) A provision recognizing the sponsor's authority to 55363
assume the operation of a school under the conditions specified in 55364
division (B) of section 3314.073 of the Revised Code; 55365

(22) A provision recognizing both of the following: 55366

(a) The authority of public health and safety officials to 55367
inspect the facilities of the school and to order the facilities 55368
closed if those officials find that the facilities are not in 55369
compliance with health and safety laws and regulations; 55370

(b) The authority of the department of education as the 55371
community school oversight body to suspend the operation of the 55372
school under section 3314.072 of the Revised Code if the 55373
department has evidence of conditions or violations of law at the 55374
school that pose an imminent danger to the health and safety of 55375
the school's students and employees and the sponsor refuses to 55376
take such action; 55377

(23) A description of the learning opportunities that will be 55378
offered to students including both classroom-based and 55379
non-classroom-based learning opportunities that is in compliance 55380
with criteria for student participation established by the 55381
department under division (L)(2) of section 3314.08 of the Revised 55382
Code; 55383

(24) The school will comply with sections 3302.04 and 55384
3302.041 of the Revised Code, except that any action required to 55385
be taken by a school district pursuant to those sections shall be 55386
taken by the sponsor of the school. However, the sponsor shall not 55387
be required to take any action described in division (F) of 55388
section 3302.04 of the Revised Code. 55389

(25) Beginning in the 2006-2007 school year, the school will 55390
open for operation not later than the thirtieth day of September 55391
each school year, unless the mission of the school as specified 55392
under division (A)(2) of this section is solely to serve dropouts. 55393

In its initial year of operation, if the school fails to open by 55394
the thirtieth day of September, or within one year after the 55395
adoption of the contract pursuant to division (D) of section 55396
3314.02 of the Revised Code if the mission of the school is solely 55397
to serve dropouts, the contract shall be void. 55398

(B) The community school shall also submit to the sponsor a 55399
comprehensive plan for the school. The plan shall specify the 55400
following: 55401

(1) The process by which the governing authority of the 55402
school will be selected in the future; 55403

(2) The management and administration of the school; 55404

(3) If the community school is a currently existing public 55405
school or educational service center building, alternative 55406
arrangements for current public school students who choose not to 55407
attend the converted school and for teachers who choose not to 55408
teach in the school or building after conversion; 55409

(4) The instructional program and educational philosophy of 55410
the school; 55411

(5) Internal financial controls. 55412

(C) A contract entered into under section 3314.02 of the 55413
Revised Code between a sponsor and the governing authority of a 55414
community school may provide for the community school governing 55415
authority to make payments to the sponsor, which is hereby 55416
authorized to receive such payments as set forth in the contract 55417
between the governing authority and the sponsor. The total amount 55418
of such payments for oversight and monitoring of the school shall 55419
not exceed three per cent of the total amount of payments for 55420
operating expenses that the school receives from the state. 55421

(D) The contract shall specify the duties of the sponsor 55422
which shall be in accordance with the written agreement entered 55423

into with the department of education under division (B) of 55424
section 3314.015 of the Revised Code and shall include the 55425
following: 55426

(1) Monitor the community school's compliance with all laws 55427
applicable to the school and with the terms of the contract; 55428

(2) Monitor and evaluate the academic and fiscal performance 55429
and the organization and operation of the community school on at 55430
least an annual basis; 55431

(3) Report on an annual basis the results of the evaluation 55432
conducted under division (D)(2) of this section to the department 55433
of education and to the parents of students enrolled in the 55434
community school; 55435

(4) Provide technical assistance to the community school in 55436
complying with laws applicable to the school and terms of the 55437
contract; 55438

(5) Take steps to intervene in the school's operation to 55439
correct problems in the school's overall performance, declare the 55440
school to be on probationary status pursuant to section 3314.073 55441
of the Revised Code, suspend the operation of the school pursuant 55442
to section 3314.072 of the Revised Code, or terminate the contract 55443
of the school pursuant to section 3314.07 of the Revised Code as 55444
determined necessary by the sponsor; 55445

(6) Have in place a plan of action to be undertaken in the 55446
event the community school experiences financial difficulties or 55447
closes prior to the end of a school year. 55448

(E) Upon the expiration of a contract entered into under this 55449
section, the sponsor of a community school may, with the approval 55450
of the governing authority of the school, renew that contract for 55451
a period of time determined by the sponsor, but not ending earlier 55452
than the end of any school year, if the sponsor finds that the 55453
school's compliance with applicable laws and terms of the contract 55454

and the school's progress in meeting the academic goals prescribed 55455
in the contract have been satisfactory. Any contract that is 55456
renewed under this division remains subject to the provisions of 55457
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 55458

(F) If a community school fails to open for operation within 55459
one year after the contract entered into under this section is 55460
adopted pursuant to division (D) of section 3314.02 of the Revised 55461
Code or permanently closes prior to the expiration of the 55462
contract, the contract shall be void and the school shall not 55463
enter into a contract with any other sponsor. A school shall not 55464
be considered permanently closed because the operations of the 55465
school have been suspended pursuant to section 3314.072 of the 55466
Revised Code. ~~Any contract that becomes void under this division~~ 55467
~~shall not count toward any statewide limit on the number of such~~ 55468
~~contracts prescribed by section 3314.013 of the Revised Code.~~ 55469

Sec. 3314.05. (A) The contract between the community school 55470
and the sponsor shall specify the facilities to be used for the 55471
community school and the method of acquisition. Except as provided 55472
in ~~division~~ divisions (B)(3) and (4) of this section, no community 55473
school shall be established in more than one school district under 55474
the same contract. 55475

(B) Division (B) of this section shall not apply to internet- 55476
or computer-based community schools. 55477

(1) A community school may be located in multiple facilities 55478
under the same contract only if the limitations on availability of 55479
space prohibit serving all the grade levels specified in the 55480
contract in a single facility or ~~division~~ division (B)(2) ~~or~~, (3), or (4) 55481
of this section applies to the school. The school shall not offer 55482
the same grade level classrooms in more than one facility. 55483

(2) A community school may be located in multiple facilities 55484
under the same contract and, notwithstanding division (B)(1) of 55485

this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:

(a) The governing authority of the community school filed a copy of its contract with the school's sponsor under section 3314.03 of the Revised Code with the superintendent of public instruction on or before May 15, 2008.

(b) The school was not open for operation prior to July 1, 2008.

(c) The governing authority has entered into and maintains a contract with an operator of the type described in division (A)~~(2)~~(8)~~(b)~~ of section ~~3314.014~~ 3314.02 of the Revised Code.

(d) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(e) The school's rating under section 3302.03 of the Revised Code does not fall below "in need of continuous improvement" for two or more consecutive years.

(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply:

(a) At least one of the school districts in which the school is established is a challenged school district;

(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

In the case of a community school to which division (B)(3) of

this section applies, if only one of the school districts in which 55516
the school is established is a challenged school district, that 55517
district shall be considered the school's primary location and the 55518
district in which the school is located for the purposes of 55519
division (A)(19) of section 3314.03 and divisions (C) and (H) of 55520
section 3314.06 of the Revised Code and for all other purposes of 55521
this chapter. If both of the school districts in which the school 55522
is established are challenged school districts, the school's 55523
governing authority shall designate one of those districts to be 55524
considered the school's primary location and the district in which 55525
the school is located for the purposes of those divisions and all 55526
other purposes of this chapter and shall notify the department of 55527
education of that designation. 55528

(4) A community school may be located in multiple facilities 55529
under the same contract and, notwithstanding division (B)(1) of 55530
this section, may assign students in the same grade level to 55531
multiple facilities, as long as both of the following apply: 55532

(a) The facilities are all located in the same county. 55533

(b) The governing authority has entered into and maintains a 55534
contract with an operator. 55535

In the case of a community school to which division (B)(4) of 55536
this section applies and that maintains facilities in more than 55537
one school district, the school's governing authority shall 55538
designate one of those districts to be considered the school's 55539
primary location and the district in which the school is located 55540
for the purposes of division (A)(19) of section 3314.03 and 55541
divisions (C) and (H) of section 3314.06 of the Revised Code and 55542
for all other purposes of this chapter and shall notify the 55543
department of that designation. 55544

(5) Any facility used for a community school shall meet all 55545
health and safety standards established by law for school 55546

buildings. 55547

(C) In the case where a community school is proposed to be 55548
located in a facility owned by a school district or educational 55549
service center, the facility may not be used for such community 55550
school unless the district or service center board owning the 55551
facility enters into an agreement for the community school to 55552
utilize the facility. Use of the facility may be under any terms 55553
and conditions agreed to by the district or service center board 55554
and the school. 55555

(D) Two or more separate community schools may be located in 55556
the same facility. 55557

(E) In the case of a community school that is located in 55558
multiple facilities, beginning July 1, 2012, the department shall 55559
assign a unique identification number to the school and to each 55560
facility maintained by the school. Each number shall be used for 55561
identification purposes only. Nothing in this division shall be 55562
construed to require the department to calculate the amount of 55563
funds paid under this chapter, or to compute any data required for 55564
the report cards issued under section 3314.012 of the Revised 55565
Code, for each facility separately. The department shall make all 55566
such calculations or computations for the school as a whole. 55567

Sec. 3314.051. (A) When the governing authority of a 55568
community school that acquired real property from a school 55569
district pursuant to former division (G)(2) of section 3313.41 of 55570
the Revised Code decides to dispose of that property, it first 55571
shall offer that property for sale to the school district board of 55572
education from which it acquired the property, at a price that is 55573
not higher than the appraised fair market value of that property. 55574
If the district board does not accept the offer within sixty days 55575
after the offer is made, the community school may dispose of the 55576
property in another lawful manner. 55577

(B) When a community school that acquired real property from a school district pursuant to former division (G)(2) of section 3313.41 of the Revised Code permanently closes, in distributing the school's assets under section 3314.074 of the Revised Code, that property first shall be offered for sale to the school district board of education from which the community school acquired the property, at a price that is not higher than the appraised fair market value of that property. If the district board does not accept the offer within sixty days after the offer is made, the property may be disposed in another lawful manner.

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

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

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

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

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

(d) Other good cause.

(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code.

~~(3) At least ninety days prior to the termination or~~

~~nonrenewal of a~~ Not later than the first day of February in the 55608
year in which the sponsor intends to terminate or take actions not 55609
to renew the community school's contract, the sponsor shall notify 55610
the school of the proposed action in writing. The notice shall 55611
include the reasons for the proposed action in detail, the 55612
effective date of the termination or nonrenewal, and a statement 55613
that the school may, within fourteen days of receiving the notice, 55614
request an informal hearing before the sponsor. Such request must 55615
be in writing. The informal hearing shall be held within ~~seventy~~ 55616
fourteen days of the receipt of a request for the hearing. 55617
~~Promptly following~~ Not later than fourteen days after the informal 55618
hearing, the sponsor shall issue a written decision either 55619
affirming or rescinding the decision to terminate or not renew the 55620
contract. 55621

(4) A decision by the sponsor to terminate a contract may be 55622
appealed to the state board of education. The notice of appeal 55623
shall be filed with the state board not later than fourteen days 55624
following receipt of the sponsor's written decision to terminate 55625
the contract. Within sixty days of receipt of the notice of 55626
appeal, the state board shall conduct a hearing and issue a 55627
written decision on the appeal. The written decision of the state 55628
board shall include the reasons for affirming or rescinding the 55629
decision of the sponsor. The decision by the state board 55630
pertaining to an appeal under this division is final. If the 55631
sponsor is the state board, its decision to terminate a contract 55632
under division (B)(3) of this section shall be final. 55633

(5) The termination of a contract under this section shall be 55634
effective upon the occurrence of the later of the following 55635
events: 55636

(a) ~~Ninety days following the~~ The date the sponsor notifies 55637
the school of its decision to terminate the contract as prescribed 55638
in division (B)(3) of this section; 55639

(b) If an informal hearing is requested under division (B)(3) 55640
of this section and as a result of that hearing the sponsor 55641
affirms its decision to terminate the contract, the effective date 55642
of the termination specified in the notice issued under division 55643
(B)(3) of this section, or if that decision is appealed to the 55644
state board under division (B)(4) of this section and the state 55645
board affirms that decision, the date established in the 55646
resolution of the state board affirming the sponsor's decision. 55647

(6) Any community school whose contract is terminated under 55648
division (B) of this section shall close permanently at the end of 55649
the current school year or on a date specified in the notification 55650
of termination under (B)(3) of this section. Any community school 55651
whose contract is terminated under this division shall not enter 55652
into a contract with any other sponsor. 55653

(C) A child attending a community school whose contract has 55654
been terminated, nonrenewed, or suspended or that closes for any 55655
reason shall be admitted to the schools of the district in which 55656
the child is entitled to attend under section 3313.64 or 3313.65 55657
of the Revised Code. Any deadlines established for the purpose of 55658
admitting students under section 3313.97 or 3313.98 of the Revised 55659
Code shall be waived for students to whom this division pertains. 55660

(D) If a community school does not intend to renew a contract 55661
with its sponsor, the community school shall notify its sponsor in 55662
writing of that fact at least one hundred eighty days prior to the 55663
expiration of the contract. Such a community school may enter into 55664
a contract with a new sponsor in accordance with section 3314.03 55665
of the Revised Code upon the expiration of the previous contract. 55666

(E) A sponsor of a community school and the officers, 55667
directors, or employees of such a sponsor are immune from civil 55668
liability for any action authorized under this chapter or the 55669
contract entered into with the school under section 3314.03 of the 55670
Revised Code that is taken to fulfill the sponsor's responsibility 55671

to oversee and monitor the school. The sponsor and its officers, 55672
directors, or employees are not liable in damages in a tort or 55673
other civil action for harm allegedly arising from either of the 55674
following: 55675

(1) A failure of the community school or any of its officers, 55676
directors, or employees to perform any statutory or common law 55677
duty or responsibility or any other legal obligation; 55678

(2) An action or omission of the community school or any of 55679
its officers, directors, or employees that results in harm. 55680

(F) As used in this section: 55681

(1) "Harm" means injury, death, or loss to person or 55682
property. 55683

(2) "Tort action" means a civil action for damages for 55684
injury, death, or loss to person or property other than a civil 55685
action for damages for a breach of contract or another agreement 55686
between persons. 55687

Sec. 3314.08. The deductions under division (C) and the 55688
payments under division (D) of this section for fiscal years ~~2010~~ 55689
2012 and ~~2011~~ 2013 shall be made in accordance with section 55690
3314.088 of the Revised Code. 55691

(A) As used in this section: 55692

(1) "Base formula amount" means the amount specified as such 55693
in a community school's financial plan for a school year pursuant 55694
to division (A)(15) of section 3314.03 of the Revised Code. 55695

(2) "IEP" has the same meaning as in section 3323.01 of the 55696
Revised Code. 55697

(3) "Applicable special education weight" means the multiple 55698
specified in section 3317.013 of the Revised Code for a disability 55699
described in that section. 55700

- (4) "Applicable vocational education weight" means: 55701
- (a) For a student enrolled in vocational education programs 55702
or classes described in division (A) of section 3317.014 of the 55703
Revised Code, the multiple specified in that division; 55704
- (b) For a student enrolled in vocational education programs 55705
or classes described in division (B) of section 3317.014 of the 55706
Revised Code, the multiple specified in that division. 55707
- (5) "Entitled to attend school" means entitled to attend 55708
school in a district under section 3313.64 or 3313.65 of the 55709
Revised Code. 55710
- (6) A community school student is "included in the poverty 55711
student count" of a school district if the student is entitled to 55712
attend school in the district and the student's family receives 55713
assistance under the Ohio works first program. 55714
- (7) "Poverty-based assistance reduction factor" means the 55715
percentage figure, if any, for reducing the per pupil amount of 55716
poverty-based assistance a community school is entitled to receive 55717
pursuant to divisions (D)(5) to (9) of this section in any year, 55718
as specified in the school's financial plan for the year pursuant 55719
to division (A)(15) of section 3314.03 of the Revised Code. 55720
- (8) "All-day kindergarten" has the same meaning as in section 55721
~~3317.029~~ 3321.05 of the Revised Code. 55722
- (9) "State education aid" has the same meaning as in section 55723
5751.20 of the Revised Code. 55724
- (B) The state board of education shall adopt rules requiring 55725
both of the following: 55726
- (1) The board of education of each city, exempted village, 55727
and local school district to annually report the number of 55728
students entitled to attend school in the district who are 55729
enrolled in grades one through twelve in a community school 55730

established under this chapter, the number of students entitled to 55731
attend school in the district who are enrolled in kindergarten in 55732
a community school, the number of those kindergartners who are 55733
enrolled in all-day kindergarten in their community school, and 55734
for each child, the community school in which the child is 55735
enrolled. 55736

(2) The governing authority of each community school 55737
established under this chapter to annually report all of the 55738
following: 55739

(a) The number of students enrolled in grades one through 55740
twelve and the number of students enrolled in kindergarten in the 55741
school who are not receiving special education and related 55742
services pursuant to an IEP; 55743

(b) The number of enrolled students in grades one through 55744
twelve and the number of enrolled students in kindergarten, who 55745
are receiving special education and related services pursuant to 55746
an IEP; 55747

(c) The number of students reported under division (B)(2)(b) 55748
of this section receiving special education and related services 55749
pursuant to an IEP for a disability described in each of divisions 55750
(A) to (F) of section 3317.013 of the Revised Code; 55751

(d) The full-time equivalent number of students reported 55752
under divisions (B)(2)(a) and (b) of this section who are enrolled 55753
in vocational education programs or classes described in each of 55754
divisions (A) and (B) of section 3317.014 of the Revised Code that 55755
are provided by the community school; 55756

(e) Twenty per cent of the number of students reported under 55757
divisions (B)(2)(a) and (b) of this section who are not reported 55758
under division (B)(2)(d) of this section but who are enrolled in 55759
vocational education programs or classes described in each of 55760
divisions (A) and (B) of section 3317.014 of the Revised Code at a 55761

joint vocational school district under a contract between the 55762
community school and the joint vocational school district and are 55763
entitled to attend school in a city, local, or exempted village 55764
school district whose territory is part of the territory of the 55765
joint vocational school district; 55766

(f) The number of enrolled preschool children with 55767
disabilities receiving special education services in a 55768
state-funded unit; 55769

(g) The community school's base formula amount; 55770

(h) For each student, the city, exempted village, or local 55771
school district in which the student is entitled to attend school; 55772

(i) Any poverty-based assistance reduction factor that 55773
applies to a school year. 55774

(C) From the state education aid calculated for a city, 55775
exempted village, or local school district and, if necessary, from 55776
the payment made to the district under sections 321.24 and 323.156 55777
of the Revised Code, the department of education shall annually 55778
subtract the sum of the amounts described in divisions (C)(1) to 55779
(9) of this section. However, when deducting payments on behalf of 55780
students enrolled in internet- or computer-based community 55781
schools, the department shall deduct only those amounts described 55782
in divisions (C)(1) and (2) of this section. Furthermore, the 55783
aggregate amount deducted under this division shall not exceed the 55784
sum of the district's state education aid and its payment under 55785
sections 321.24 and 323.156 of the Revised Code. 55786

(1) An amount equal to the sum of the amounts obtained when, 55787
for each community school where the district's students are 55788
enrolled, the number of the district's students reported under 55789
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 55790
in grades one through twelve, and one-half the number of students 55791
reported under those divisions who are enrolled in kindergarten, 55792

in that community school is multiplied by the sum of the base 55793
formula amount of that community school plus the per pupil amount 55794
of the base funding supplements specified in divisions (C)(1) to 55795
(4) of section 3317.012 of the Revised Code. 55796

(2) The sum of the amounts calculated under divisions 55797
(C)(2)(a) and (b) of this section: 55798

(a) For each of the district's students reported under 55799
division (B)(2)(c) of this section as enrolled in a community 55800
school in grades one through twelve and receiving special 55801
education and related services pursuant to an IEP for a disability 55802
described in section 3317.013 of the Revised Code, the product of 55803
the applicable special education weight times the community 55804
school's base formula amount; 55805

(b) For each of the district's students reported under 55806
division (B)(2)(c) of this section as enrolled in kindergarten in 55807
a community school and receiving special education and related 55808
services pursuant to an IEP for a disability described in section 55809
3317.013 of the Revised Code, one-half of the amount calculated as 55810
prescribed in division (C)(2)(a) of this section. 55811

(3) For each of the district's students reported under 55812
division (B)(2)(d) of this section for whom payment is made under 55813
division (D)(4) of this section, the amount of that payment; 55814

(4) An amount equal to the sum of the amounts obtained when, 55815
for each community school where the district's students are 55816
enrolled, the number of the district's students enrolled in that 55817
community school who are included in the district's poverty 55818
student count is multiplied by the per pupil amount of 55819
poverty-based assistance the school district receives that year 55820
pursuant to division (C) of section 3317.029 of the Revised Code, 55821
as adjusted by any poverty-based assistance reduction factor of 55822
that community school. The per pupil amount of that aid for the 55823

district shall be calculated by the department. 55824

(5) An amount equal to the sum of the amounts obtained when, 55825
for each community school where the district's students are 55826
enrolled, the district's per pupil amount of aid received under 55827
division (E) of section 3317.029 of the Revised Code, as adjusted 55828
by any poverty-based assistance reduction factor of the community 55829
school, is multiplied by the sum of the following: 55830

(a) The number of the district's students reported under 55831
division (B)(2)(a) of this section who are enrolled in grades one 55832
to three in that community school and who are not receiving 55833
special education and related services pursuant to an IEP; 55834

(b) One-half of the district's students who are enrolled in 55835
all-day or any other kindergarten class in that community school 55836
and who are not receiving special education and related services 55837
pursuant to an IEP; 55838

(c) One-half of the district's students who are enrolled in 55839
all-day kindergarten in that community school and who are not 55840
receiving special education and related services pursuant to an 55841
IEP. 55842

The district's per pupil amount of aid under division (E) of 55843
section 3317.029 of the Revised Code is the quotient of the amount 55844
the district received under that division divided by the 55845
district's kindergarten through third grade ADM, as defined in 55846
that section. 55847

(6) An amount equal to the sum of the amounts obtained when, 55848
for each community school where the district's students are 55849
enrolled, the district's per pupil amount received under division 55850
(F) of section 3317.029 of the Revised Code, as adjusted by any 55851
poverty-based assistance reduction factor of that community 55852
school, is multiplied by the number of the district's students 55853
enrolled in the community school who are identified as 55854

limited-English proficient. 55855

(7) An amount equal to the sum of the amounts obtained when, 55856
for each community school where the district's students are 55857
enrolled, the district's per pupil amount received under division 55858
(G) of section 3317.029 of the Revised Code, as adjusted by any 55859
poverty-based assistance reduction factor of that community 55860
school, is multiplied by the sum of the following: 55861

(a) The number of the district's students enrolled in grades 55862
one through twelve in that community school; 55863

(b) One-half of the number of the district's students 55864
enrolled in kindergarten in that community school. 55865

The district's per pupil amount under division (G) of section 55866
3317.029 of the Revised Code is the district's amount per teacher 55867
calculated under division (G)(1) or (2) of that section divided by 55868
17. 55869

(8) An amount equal to the sum of the amounts obtained when, 55870
for each community school where the district's students are 55871
enrolled, the district's per pupil amount received under divisions 55872
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 55873
by any poverty-based assistance reduction factor of that community 55874
school, is multiplied by the sum of the following: 55875

(a) The number of the district's students enrolled in grades 55876
one through twelve in that community school; 55877

(b) One-half of the number of the district's students 55878
enrolled in kindergarten in that community school. 55879

The district's per pupil amount under divisions (H) and (I) 55880
of section 3317.029 of the Revised Code is the amount calculated 55881
under each division divided by the district's formula ADM, as 55882
defined in section 3317.02 of the Revised Code. 55883

(9) An amount equal to the per pupil state parity aid funding 55884

calculated for the school district under either division (C) or 55885
(D) of section 3317.0217 of the Revised Code multiplied by the sum 55886
of the number of students in grades one through twelve, and 55887
one-half of the number of students in kindergarten, who are 55888
entitled to attend school in the district and are enrolled in a 55889
community school as reported under division (B)(1) of this 55890
section. 55891

(D) The department shall annually pay to a community school 55892
established under this chapter the sum of the amounts described in 55893
divisions (D)(1) to (10) of this section. However, the department 55894
shall calculate and pay to each internet- or computer-based 55895
community school only the amounts described in divisions (D)(1) to 55896
(3) of this section. Furthermore, the sum of the payments to all 55897
community schools under divisions (D)(1), (2), and (4) to (10) of 55898
this section for the students entitled to attend school in any 55899
particular school district shall not exceed the sum of that 55900
district's state education aid and its payment under sections 55901
321.24 and 323.156 of the Revised Code. If the sum of the payments 55902
calculated under those divisions for the students entitled to 55903
attend school in a particular school district exceeds the sum of 55904
that district's state education aid and its payment under sections 55905
321.24 and 323.156 of the Revised Code, the department shall 55906
calculate and apply a proration factor to the payments to all 55907
community schools under those divisions for the students entitled 55908
to attend school in that district. 55909

(1) ~~Subject to section 3314.085 of the Revised Code, an~~ An 55910
amount equal to the sum of the amounts obtained when the number of 55911
students enrolled in grades one through twelve, plus one-half of 55912
the kindergarten students in the school, reported under divisions 55913
(B)(2)(a), (b), and (e) of this section who are not receiving 55914
special education and related services pursuant to an IEP for a 55915
disability described in section 3317.013 of the Revised Code is 55916

multiplied by the sum of the community school's base formula 55917
amount plus the per pupil amount of the base funding supplements 55918
specified in divisions (C)(1) to (4) of section 3317.012 of the 55919
Revised Code. 55920

~~(2) Prior to fiscal year 2007, the greater of the amount 55921
calculated under division (D)(2)(a) or (b) of this section, and in 55922
fiscal year 2007 and thereafter, the amount calculated under 55923
division (D)(2)(b) of this section:~~ 55924

~~(a) The aggregate amount that the department paid to the 55925
community school in fiscal year 1999 for students receiving 55926
special education and related services pursuant to IEPs, excluding 55927
federal funds and state disadvantaged pupil impact aid funds;~~ 55928

~~(b) The sum of the following amounts calculated under 55929
divisions (D)(2)(b)(i) and (ii) of this section:~~ 55930

~~(i)(a) For each student reported under division (B)(2)(c) of 55931
this section as enrolled in the school in grades one through 55932
twelve and receiving special education and related services 55933
pursuant to an IEP for a disability described in section 3317.013 55934
of the Revised Code, the following amount:~~ 55935

~~(the school's base formula amount plus 55936
the per pupil amount of the base funding supplements specified in 55937
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 55938
+ (the applicable special education weight X the 55939
community school's base formula amount); 55940~~

~~(ii)(b) For each student reported under division (B)(2)(c) of 55941
this section as enrolled in kindergarten and receiving special 55942
education and related services pursuant to an IEP for a disability 55943
described in section 3317.013 of the Revised Code, one-half of the 55944
amount calculated under the formula prescribed in division 55945
(D)(2)(b)(i)(a) of this section. 55946~~

(3) An amount received from federal funds to provide special 55947

education and related services to students in the community 55948
school, as determined by the superintendent of public instruction. 55949

(4) For each student reported under division (B)(2)(d) of 55950
this section as enrolled in vocational education programs or 55951
classes that are described in section 3317.014 of the Revised 55952
Code, are provided by the community school, and are comparable as 55953
determined by the superintendent of public instruction to school 55954
district vocational education programs and classes eligible for 55955
state weighted funding under section 3317.014 of the Revised Code, 55956
an amount equal to the applicable vocational education weight 55957
times the community school's base formula amount times the 55958
percentage of time the student spends in the vocational education 55959
programs or classes. 55960

(5) An amount equal to the sum of the amounts obtained when, 55961
for each school district where the community school's students are 55962
entitled to attend school, the number of that district's students 55963
enrolled in the community school who are included in the 55964
district's poverty student count is multiplied by the per pupil 55965
amount of poverty-based assistance that school district receives 55966
that year pursuant to division (C) of section 3317.029 of the 55967
Revised Code, as adjusted by any poverty-based assistance 55968
reduction factor of the community school. The per pupil amount of 55969
aid shall be determined as described in division (C)(4) of this 55970
section. 55971

(6) An amount equal to the sum of the amounts obtained when, 55972
for each school district where the community school's students are 55973
entitled to attend school, the district's per pupil amount of aid 55974
received under division (E) of section 3317.029 of the Revised 55975
Code, as adjusted by any poverty-based assistance reduction factor 55976
of the community school, is multiplied by the sum of the 55977
following: 55978

(a) The number of the district's students reported under 55979

division (B)(2)(a) of this section who are enrolled in grades one 55980
to three in that community school and who are not receiving 55981
special education and related services pursuant to an IEP; 55982

(b) One-half of the district's students who are enrolled in 55983
all-day or any other kindergarten class in that community school 55984
and who are not receiving special education and related services 55985
pursuant to an IEP; 55986

(c) One-half of the district's students who are enrolled in 55987
all-day kindergarten in that community school and who are not 55988
receiving special education and related services pursuant to an 55989
IEP. 55990

The district's per pupil amount of aid under division (E) of 55991
section 3317.029 of the Revised Code shall be determined as 55992
described in division (C)(5) of this section. 55993

(7) An amount equal to the sum of the amounts obtained when, 55994
for each school district where the community school's students are 55995
entitled to attend school, the number of that district's students 55996
enrolled in the community school who are identified as 55997
limited-English proficient is multiplied by the district's per 55998
pupil amount received under division (F) of section 3317.029 of 55999
the Revised Code, as adjusted by any poverty-based assistance 56000
reduction factor of the community school. 56001

(8) An amount equal to the sum of the amounts obtained when, 56002
for each school district where the community school's students are 56003
entitled to attend school, the district's per pupil amount 56004
received under division (G) of section 3317.029 of the Revised 56005
Code, as adjusted by any poverty-based assistance reduction factor 56006
of the community school, is multiplied by the sum of the 56007
following: 56008

(a) The number of the district's students enrolled in grades 56009
one through twelve in that community school; 56010

(b) One-half of the number of the district's students 56011
enrolled in kindergarten in that community school. 56012

The district's per pupil amount under division (G) of section 56013
3317.029 of the Revised Code shall be determined as described in 56014
division (C)(7) of this section. 56015

(9) An amount equal to the sum of the amounts obtained when, 56016
for each school district where the community school's students are 56017
entitled to attend school, the district's per pupil amount 56018
received under divisions (H) and (I) of section 3317.029 of the 56019
Revised Code, as adjusted by any poverty-based assistance 56020
reduction factor of the community school, is multiplied by the sum 56021
of the following: 56022

(a) The number of the district's students enrolled in grades 56023
one through twelve in that community school; 56024

(b) One-half of the number of the district's students 56025
enrolled in kindergarten in that community school. 56026

The district's per pupil amount under divisions (H) and (I) 56027
of section 3317.029 of the Revised Code shall be determined as 56028
described in division (C)(8) of this section. 56029

(10) An amount equal to the sum of the amounts obtained when, 56030
for each school district where the community school's students are 56031
entitled to attend school, the district's per pupil amount of 56032
state parity aid funding calculated under either division (C) or 56033
(D) of section 3317.0217 of the Revised Code is multiplied by the 56034
sum of the number of that district's students enrolled in grades 56035
one through twelve, and one-half of the number of that district's 56036
students enrolled in kindergarten, in the community school as 56037
reported under ~~division~~ divisions (B)(2)(a) and (b) of this 56038
section. 56039

(E)(1) If a community school's costs for a fiscal year for a 56040
student receiving special education and related services pursuant 56041

to an IEP for a disability described in divisions (B) to (F) of 56042
section 3317.013 of the Revised Code exceed the threshold 56043
catastrophic cost for serving the student as specified in division 56044
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 56045
submit to the superintendent of public instruction documentation, 56046
as prescribed by the superintendent, of all its costs for that 56047
student. Upon submission of documentation for a student of the 56048
type and in the manner prescribed, the department shall pay to the 56049
community school an amount equal to the school's costs for the 56050
student in excess of the threshold catastrophic costs. 56051

(2) The community school shall only report under division 56052
(E)(1) of this section, and the department shall only pay for, the 56053
costs of educational expenses and the related services provided to 56054
the student in accordance with the student's individualized 56055
education program. Any legal fees, court costs, or other costs 56056
associated with any cause of action relating to the student may 56057
not be included in the amount. 56058

(F) A community school may apply to the department of 56059
education for preschool children with disabilities ~~or gifted~~ unit 56060
funding the school would receive if it were a school district. 56061
Upon request of its governing authority, a community school that 56062
received such unit funding as a school district-operated school 56063
before it became a community school shall retain any units awarded 56064
to it as a school district-operated school provided the school 56065
continues to meet eligibility standards for the unit. 56066

A community school shall be considered a school district and 56067
its governing authority shall be considered a board of education 56068
for the purpose of applying to any state or federal agency for 56069
grants that a school district may receive under federal or state 56070
law or any appropriations act of the general assembly. The 56071
governing authority of a community school may apply to any private 56072
entity for additional funds. 56073

(G) A board of education sponsoring a community school may 56074
utilize local funds to make enhancement grants to the school or 56075
may agree, either as part of the contract or separately, to 56076
provide any specific services to the community school at no cost 56077
to the school. 56078

(H) A community school may not levy taxes or issue bonds 56079
secured by tax revenues. 56080

(I) No community school shall charge tuition for the 56081
enrollment of any student. 56082

(J)(1)(a) A community school may borrow money to pay any 56083
necessary and actual expenses of the school in anticipation of the 56084
receipt of any portion of the payments to be received by the 56085
school pursuant to division (D) of this section. The school may 56086
issue notes to evidence such borrowing. The proceeds of the notes 56087
shall be used only for the purposes for which the anticipated 56088
receipts may be lawfully expended by the school. 56089

(b) A school may also borrow money for a term not to exceed 56090
fifteen years for the purpose of acquiring facilities. 56091

(2) Except for any amount guaranteed under section 3318.50 of 56092
the Revised Code, the state is not liable for debt incurred by the 56093
governing authority of a community school. 56094

(K) For purposes of determining the number of students for 56095
which divisions (D)(5) and (6) of this section applies in any 56096
school year, a community school may submit to the department of 56097
job and family services, no later than the first day of March, a 56098
list of the students enrolled in the school. For each student on 56099
the list, the community school shall indicate the student's name, 56100
address, and date of birth and the school district where the 56101
student is entitled to attend school. Upon receipt of a list under 56102
this division, the department of job and family services shall 56103
determine, for each school district where one or more students on 56104

the list is entitled to attend school, the number of students 56105
residing in that school district who were included in the 56106
department's report under section 3317.10 of the Revised Code. The 56107
department shall make this determination on the basis of 56108
information readily available to it. Upon making this 56109
determination and no later than ninety days after submission of 56110
the list by the community school, the department shall report to 56111
the state department of education the number of students on the 56112
list who reside in each school district who were included in the 56113
department's report under section 3317.10 of the Revised Code. In 56114
complying with this division, the department of job and family 56115
services shall not report to the state department of education any 56116
personally identifiable information on any student. 56117

(L) The department of education shall adjust the amounts 56118
subtracted and paid under divisions (C) and (D) of this section to 56119
reflect any enrollment of students in community schools for less 56120
than the equivalent of a full school year. The state board of 56121
education within ninety days after April 8, 2003, shall adopt in 56122
accordance with Chapter 119. of the Revised Code rules governing 56123
the payments to community schools under this section and section 56124
3314.13 of the Revised Code including initial payments in a school 56125
year and adjustments and reductions made in subsequent periodic 56126
payments to community schools and corresponding deductions from 56127
school district accounts as provided under divisions (C) and (D) 56128
of this section and section 3314.13 of the Revised Code. For 56129
purposes of this section and section 3314.13 of the Revised Code: 56130

(1) A student shall be considered enrolled in the community 56131
school for any portion of the school year the student is 56132
participating at a college under Chapter 3365. of the Revised 56133
Code. 56134

(2) A student shall be considered to be enrolled in a 56135
community school ~~during a school year~~ for the period of time 56136

beginning on the later of the date on which the school both has 56137
received documentation of the student's enrollment from a parent 56138
and the student has commenced participation in learning 56139
opportunities as defined in the contract with the sponsor, or 56140
thirty days prior to the date on which the student is entered into 56141
the education management information system established under 56142
section 3301.0714 of the Revised Code. For purposes of applying 56143
this division and divisions (L)(3) and (4) of this section to a 56144
community school student, "learning opportunities" shall be 56145
defined in the contract, which shall describe both classroom-based 56146
and non-classroom-based learning opportunities and shall be in 56147
compliance with criteria and documentation requirements for 56148
student participation which shall be established by the 56149
department. Any student's instruction time in non-classroom-based 56150
learning opportunities shall be certified by an employee of the 56151
community school. A student's enrollment shall be considered to 56152
cease on the date on which any of the following occur: 56153

(a) The community school receives documentation from a parent 56154
terminating enrollment of the student. 56155

(b) The community school is provided documentation of a 56156
student's enrollment in another public or private school. 56157

(c) The community school ceases to offer learning 56158
opportunities to the student pursuant to the terms of the contract 56159
with the sponsor or the operation of any provision of this 56160
chapter. 56161

Except as otherwise specified in this paragraph, beginning in 56162
the 2011-2012 school year, any student who completed the prior 56163
school year in an internet- or computer-based community school 56164
shall be considered to be enrolled in the same school in the 56165
subsequent school year until the student's enrollment has ceased 56166
as specified in division (L)(2) of this section. The department 56167
shall continue subtracting and paying amounts for the student 56168

under divisions (C) and (D) of this section without interruption 56169
at the start of the subsequent school year. However, if the 56170
student without a legitimate excuse fails to participate in the 56171
first one hundred five consecutive hours of learning opportunities 56172
offered to the student in that subsequent school year, the student 56173
shall be considered not to have re-enrolled in the school for that 56174
school year and the department shall recalculate the payments to 56175
the school for that school year to account for the fact that the 56176
student is not enrolled. 56177

(3) The department shall determine each community school 56178
student's percentage of full-time equivalency based on the 56179
percentage of learning opportunities offered by the community 56180
school to that student, reported either as number of hours or 56181
number of days, is of the total learning opportunities offered by 56182
the community school to a student who attends for the school's 56183
entire school year. However, no internet- or computer-based 56184
community school shall be credited for any time a student spends 56185
participating in learning opportunities beyond ten hours within 56186
any period of twenty-four consecutive hours. Whether it reports 56187
hours or days of learning opportunities, each community school 56188
shall offer not less than nine hundred twenty hours of learning 56189
opportunities during the school year. 56190

(4) With respect to the calculation of full-time equivalency 56191
under division (L)(3) of this section, the department shall waive 56192
the number of hours or days of learning opportunities not offered 56193
to a student because the community school was closed during the 56194
school year due to disease epidemic, hazardous weather conditions, 56195
inoperability of school buses or other equipment necessary to the 56196
school's operation, damage to a school building, or other 56197
temporary circumstances due to utility failure rendering the 56198
school building unfit for school use, so long as the school was 56199
actually open for instruction with students in attendance during 56200

that school year for not less than the minimum number of hours 56201
required by this chapter. The department shall treat the school as 56202
if it were open for instruction with students in attendance during 56203
the hours or days waived under this division. 56204

(M) The department of education shall reduce the amounts paid 56205
under division (D) of this section to reflect payments made to 56206
colleges under division (B) of section 3365.07 of the Revised Code 56207
or through alternative funding agreements entered into under rules 56208
adopted under section 3365.12 of the Revised Code. 56209

(N)(1) No student shall be considered enrolled in any 56210
internet- or computer-based community school or, if applicable to 56211
the student, in any community school that is required to provide 56212
the student with a computer pursuant to division (C) of section 56213
3314.22 of the Revised Code, unless both of the following 56214
conditions are satisfied: 56215

(a) The student possesses or has been provided with all 56216
required hardware and software materials and all such materials 56217
are operational so that the student is capable of fully 56218
participating in the learning opportunities specified in the 56219
contract between the school and the school's sponsor as required 56220
by division (A)(23) of section 3314.03 of the Revised Code; 56221

(b) The school is in compliance with division (A) of section 56222
3314.22 of the Revised Code, relative to such student. 56223

(2) In accordance with policies adopted jointly by the 56224
superintendent of public instruction and the auditor of state, the 56225
department shall reduce the amounts otherwise payable under 56226
division (D) of this section to any community school that includes 56227
in its program the provision of computer hardware and software 56228
materials to any student, if such hardware and software materials 56229
have not been delivered, installed, and activated for each such 56230
student in a timely manner or other educational materials or 56231

services have not been provided according to the contract between 56232
the individual community school and its sponsor. 56233

The superintendent of public instruction and the auditor of 56234
state shall jointly establish a method for auditing any community 56235
school to which this division pertains to ensure compliance with 56236
this section. 56237

The superintendent, auditor of state, and the governor shall 56238
jointly make recommendations to the general assembly for 56239
legislative changes that may be required to assure fiscal and 56240
academic accountability for such schools. 56241

(O)(1) If the department determines that a review of a 56242
community school's enrollment is necessary, such review shall be 56243
completed and written notice of the findings shall be provided to 56244
the governing authority of the community school and its sponsor 56245
within ninety days of the end of the community school's fiscal 56246
year, unless extended for a period not to exceed thirty additional 56247
days for one of the following reasons: 56248

(a) The department and the community school mutually agree to 56249
the extension. 56250

(b) Delays in data submission caused by either a community 56251
school or its sponsor. 56252

(2) If the review results in a finding that additional 56253
funding is owed to the school, such payment shall be made within 56254
thirty days of the written notice. If the review results in a 56255
finding that the community school owes moneys to the state, the 56256
following procedure shall apply: 56257

(a) Within ten business days of the receipt of the notice of 56258
findings, the community school may appeal the department's 56259
determination to the state board of education or its designee. 56260

(b) The board or its designee shall conduct an informal 56261

hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(P) The department shall not subtract from a school district's state aid account under division (C) of this section and shall not pay to a community school under division (D) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

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

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, 56293
except for veterans of the armed services whose attendance was 56294
interrupted before completing the recognized twelve-year course of 56295
the public schools by reason of induction or enlistment in the 56296
armed forces and who apply for enrollment in a community school 56297
not later than four years after termination of war or their 56298
honorable discharge. If, however, any such veteran elects to 56299
enroll in special courses organized for veterans for whom tuition 56300
is paid under federal law, or otherwise, the department shall not 56301
subtract from a school district's state aid account under division 56302
(C) of this section and shall not pay to a community school under 56303
division (D) of this section any amount for that veteran. 56304

Sec. 3314.087. (A) As used in this section: 56305

(1) "Career-technical program" means vocational programs or 56306
classes described in division (A) or (B) of section 3317.014 of 56307
the Revised Code in which a student is enrolled. 56308

(2) "Formula ADM," "category one or two vocational education 56309
ADM," and "FTE basis" have the same meanings as in section 3317.02 56310
of the Revised Code. 56311

(3) "Resident school district" means the city, exempted 56312
village, or local school district in which a student is entitled 56313
to attend school under section 3313.64 or 3313.65 of the Revised 56314
Code. 56315

(B) Notwithstanding anything to the contrary in this chapter 56316
or Chapter ~~3306~~ or 3317. of the Revised Code, a student enrolled 56317
in a community school may simultaneously enroll in the 56318
career-technical program operated by the student's resident school 56319
district. On an FTE basis, the student's resident school district 56320
shall count the student in the category one or two vocational 56321
education ADM for the proportion of the time the student is 56322
enrolled in the district's career-technical program and, 56323

accordingly, the department of education shall calculate funds 56324
under ~~Chapters 3306.~~ and Chapter 3317. for the district 56325
attributable to the student for the proportion of time the student 56326
attends the career-technical program. The community school shall 56327
count the student in its enrollment report under section 3314.08 56328
of the Revised Code and shall report to the department the 56329
proportion of time that the student attends classes at the 56330
community school. The department shall pay the community school 56331
and deduct from the student's resident school district the amount 56332
computed for the student under section 3314.08 of the Revised Code 56333
in proportion to the fraction of the time on an FTE basis that the 56334
student attends classes at the community school. "Full-time 56335
equivalency" for a community school student, as defined in 56336
division (L) of section 3314.08 of the Revised Code, does not 56337
apply to the student. 56338

Sec. 3314.088. ~~(A)~~ For purposes of applying sections 3314.08 56339
and 3314.13 of the Revised Code to fiscal years ~~2010~~ 2012 and ~~2011~~ 56340
2013: 56341

~~(1)~~(A) The base formula amount for community schools for each 56342
of fiscal year 2010 is \$5,718 and for fiscal year 2011 is \$5,703. 56343
~~These respective amounts~~ years 2012 and 2013 is \$5,653. That 56344
amount shall be applied wherein sections 3314.08 and 3314.13 of 56345
the Revised Code the base formula amount is specified, except for 56346
deducting and paying amounts for special education weighted 56347
funding and vocational education weighted funding. 56348

~~(2)~~(B) The base funding supplements under section 3317.012 of 56349
the Revised Code shall be deemed in each year to be the amounts 56350
specified in that section for fiscal year 2009. Accordingly, when 56351
computing the per-pupil base funding supplements for a community 56352
school under that section for fiscal years 2012 and 2013, the 56353
department of education shall substitute \$5,732 for the "formula 56354

amount" as used in divisions (C)(2), (3), and (4) of that section. 56355

~~(3)(C)~~ Special education additional weighted funding shall be 56356
calculated by first grouping children with disabilities into the 56357
appropriate disability categories prescribed by section 3317.013 56358
of the Revised Code as that section existed for fiscal year 2009, 56359
and then by multiplying the applicable weight respective multiple 56360
specified for that same fiscal year in that same version of that 56361
section 3317.013 of the Revised Code for fiscal year 2009, times 56362
\$5,732. 56363

~~(4)(D)~~ Vocational education additional weighted funding shall 56364
be calculated by multiplying the applicable weight specified in 56365
section 3317.014 of the Revised Code for fiscal year 2009 times 56366
\$5,732. 56367

~~(5)(E)~~ The per pupil amounts paid to a school district under 56368
sections 3317.029 and 3317.0217 of the Revised Code shall be 56369
deemed to be the respective per pupil amounts paid under those 56370
sections to that district for fiscal year 2009. 56371

~~(6)(F)~~ A community school may receive all-day kindergarten 56372
payments under section 3314.13 of the Revised Code only for 56373
all-day kindergarten students who are entitled to attend school in 56374
school districts that, for fiscal year 2009, met the eligibility 56375
requirements of division (D) of section 3317.029 of the Revised 56376
Code. For students entitled to attend school in such school 56377
districts that actually received payment for all-day kindergarten 56378
for fiscal year 2009, the payments to community schools under 56379
section 3314.13 of the Revised Code shall be deducted from the 56380
school district's state education aid. For students entitled to 56381
attend school in such school districts that did not receive 56382
payment for all-day kindergarten for fiscal year 2009, the 56383
payments to community schools under section 3314.13 of the Revised 56384
Code shall be paid out of the funds appropriated under 56385
appropriation item 200550, foundation funding, ~~as appropriated in~~ 56386

~~section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly.~~ 56387
As used in this division, "entitled to attend school" has the same 56388
meaning as in section 3314.08 of the Revised Code. 56389

~~(B) For purposes of applying section 3314.085 of the Revised~~ 56390
~~Code to fiscal years 2010 and 2011, the minimum per pupil~~ 56391
~~expenditure required for pupil instruction under that section is~~ 56392
~~\$2,931, which equals the minimum amount required by that section~~ 56393
~~for fiscal year 2009.~~ 56394

Sec. 3314.091. (A) A school district is not required to 56395
provide transportation for any native student enrolled in a 56396
community school if the district board of education has entered 56397
into an agreement with the community school's governing authority 56398
that designates the community school as responsible for providing 56399
or arranging for the transportation of the district's native 56400
students to and from the community school. For any such agreement 56401
to be effective, it must be certified by the superintendent of 56402
public instruction as having met all of the following 56403
requirements: 56404

(1) It is submitted to the department of education by a 56405
deadline which shall be established by the department. 56406

(2) In accordance with divisions (C)(1) and (2) of this 56407
section, it specifies qualifications, such as residing a minimum 56408
distance from the school, for students to have their 56409
transportation provided or arranged. 56410

(3) The transportation provided by the community school is 56411
subject to all provisions of the Revised Code and all rules 56412
adopted under the Revised Code pertaining to pupil transportation. 56413

(4) The sponsor of the community school also has signed the 56414
agreement. 56415

(B)(1) For the school year that begins on July 1, 2007, a 56416

school district is not required to provide transportation for any 56417
native student enrolled in a community school, if the community 56418
school during the previous school year transported the students 56419
enrolled in the school or arranged for the students' 56420
transportation, even if that arrangement consisted of having 56421
parents transport their children to and from the school, but did 56422
not enter into an agreement to transport or arrange for 56423
transportation for those students under division (A) of this 56424
section, and if the governing authority of the community school by 56425
July 15, 2007, submits written notification to the district board 56426
of education stating that the governing authority is accepting 56427
responsibility for providing or arranging for the transportation 56428
of the district's native students to and from the community 56429
school. 56430

(2) For any school year subsequent to the school year that 56431
begins on July 1, 2007, a school district is not required to 56432
provide transportation for any native student enrolled in a 56433
community school if the governing authority of the community 56434
school, by the thirty-first day of January of the previous school 56435
year, submits written notification to the district board of 56436
education stating that the governing authority is accepting 56437
responsibility for providing or arranging for the transportation 56438
of the district's native students to and from the community 56439
school. If the governing authority of the community school has 56440
previously accepted responsibility for providing or arranging for 56441
the transportation of a district's native students to and from the 56442
community school, under division (B)(1) or (2) of this section, 56443
and has since relinquished that responsibility under division 56444
(B)(3) of this section, the governing authority shall not accept 56445
that responsibility again unless the district board consents to 56446
the governing authority's acceptance of that responsibility. 56447

(3) A governing authority's acceptance of responsibility 56448

under division (B)(1) or (2) of this section shall cover an entire 56449
school year, and shall remain in effect for subsequent school 56450
years unless the governing authority submits written notification 56451
to the district board that the governing authority is 56452
relinquishing the responsibility. However, a governing authority 56453
shall not relinquish responsibility for transportation before the 56454
end of a school year, and shall submit the notice relinquishing 56455
responsibility by the thirty-first day of January, in order to 56456
allow the school district reasonable time to prepare 56457
transportation for its native students enrolled in the school. 56458

(C)(1) A community school governing authority that enters 56459
into an agreement under division (A) of this section, or that 56460
accepts responsibility under division (B) of this section, shall 56461
provide or arrange transportation free of any charge for each of 56462
its enrolled students who is required to be transported under 56463
section 3327.01 of the Revised Code or who would otherwise be 56464
transported by the school district under the district's 56465
transportation policy. The governing authority shall report to the 56466
department of education the number of students transported or for 56467
whom transportation is arranged under this section in accordance 56468
with rules adopted by the state board of education. 56469

(2) The governing authority may provide or arrange 56470
transportation for any other enrolled student who is not eligible 56471
for transportation in accordance with division (C)(1) of this 56472
section and may charge a fee for such service up to the actual 56473
cost of the service. 56474

(3) Notwithstanding anything to the contrary in division 56475
(C)(1) or (2) of this section, a community school governing 56476
authority shall provide or arrange transportation free of any 56477
charge for any disabled student enrolled in the school for whom 56478
the student's individualized education program developed under 56479
Chapter 3323. of the Revised Code specifies transportation. 56480

(D)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of this section, the department of education shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of this section.

If a community school governing authority accepts transportation responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as reported under division (B)(13) of section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section ~~3306.12~~ 3317.0212 of the Revised Code and any rules of the state board of education

implementing that section, the payment to the community school 56512
shall be the amount so calculated that otherwise would be paid to 56513
the school district in which the student is entitled to attend 56514
school by the method of transportation the district would have 56515
used. The community school, however, is not required to use the 56516
same method to transport that student. 56517

(c) Divisions (D)(1)(a) and (b) of this section do not apply 56518
to fiscal years 2012 and 2013. Rather, for each of those fiscal 56519
years, the per pupil payment to a community school for 56520
transporting a student shall be the total amount paid under former 56521
section 3306.12 of the Revised Code for fiscal year 2011 to the 56522
school district in which the child is entitled to attend school 56523
divided by that district's "qualifying ridership," as defined in 56524
that section for fiscal year 2011. 56525

As used in this division "entitled to attend school" means 56526
entitled to attend school under section 3313.64 or 3313.65 of the 56527
Revised Code. 56528

(2) The department shall deduct the payment under division 56529
(D)(1) of this section from the state education aid, as defined in 56530
section 3314.08 of the Revised Code, and, if necessary, the 56531
payment under sections 321.14 and 323.156 of the Revised Code, 56532
that is otherwise paid to the school district in which the student 56533
enrolled in the community school is entitled to attend school. The 56534
department shall include the number of the district's native 56535
students for whom payment is made to a community school under 56536
division (D)(1) of this section in the calculation of the 56537
district's transportation payment under section ~~3306.12~~ 3317.0212 56538
of the Revised Code and the operating appropriations act. 56539

(3) A community school shall be paid under division (D)(1) of 56540
this section only for students who are eligible as specified in 56541
section 3327.01 of the Revised Code and division (C)(1) of this 56542
section, and whose transportation to and from school is actually 56543

provided, who actually utilized transportation arranged, or for 56544
whom a payment in lieu of transportation is made by the community 56545
school's governing authority. To qualify for the payments, the 56546
community school shall report to the department, in the form and 56547
manner required by the department, data on the number of students 56548
transported or whose transportation is arranged, the number of 56549
miles traveled, cost to transport, and any other information 56550
requested by the department. 56551

(4) A community school shall use payments received under this 56552
section solely to pay the costs of providing or arranging for the 56553
transportation of students who are eligible as specified in 56554
section 3327.01 of the Revised Code and division (C)(1) of this 56555
section, which may include payments to a parent, guardian, or 56556
other person in charge of a child in lieu of transportation. 56557

(E) Except when arranged through payment to a parent, 56558
guardian, or person in charge of a child, transportation provided 56559
or arranged for by a community school pursuant to an agreement 56560
under this section is subject to all provisions of the Revised 56561
Code, and all rules adopted under the Revised Code, pertaining to 56562
the construction, design, equipment, and operation of school buses 56563
and other vehicles transporting students to and from school. The 56564
drivers and mechanics of the vehicles are subject to all 56565
provisions of the Revised Code, and all rules adopted under the 56566
Revised Code, pertaining to drivers and mechanics of such 56567
vehicles. The community school also shall comply with sections 56568
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 56569
of section 3327.16 of the Revised Code and, subject to division 56570
(C)(1) of this section, sections 3327.01 and 3327.02 of the 56571
Revised Code, as if it were a school district. 56572

Sec. 3314.10. (A)(1) The governing authority of any community 56573
school established under this chapter may employ teachers and 56574

nonteaching employees necessary to carry out its mission and 56575
fulfill its contract. 56576

(2) Except as provided under division (A)(3) of this section, 56577
employees hired under this section may organize and collectively 56578
bargain pursuant to Chapter 4117. of the Revised Code. 56579
Notwithstanding division (D)(1) of section 4117.06 of the Revised 56580
Code, a unit containing teaching and nonteaching employees 56581
employed under this section shall be considered an appropriate 56582
unit. As applicable, employment under this section is subject to 56583
either Chapter 3307. or 3309. of the Revised Code. 56584

(3) If a school is created by converting all or part of an 56585
existing public school rather than by establishment of a new 56586
start-up school, at the time of conversion, the employees of the 56587
community school shall remain part of any collective bargaining 56588
unit in which they were included immediately prior to the 56589
conversion and shall remain subject to any collective bargaining 56590
agreement for that unit in effect on the first day of July of the 56591
year in which the community school initially begins operation and 56592
shall be subject to any subsequent collective bargaining agreement 56593
for that unit, unless a petition is certified as sufficient under 56594
division (A)(6) of this section with regard to those employees. 56595
Any new employees of the community school shall also be included 56596
in the unit to which they would have been assigned had not the 56597
conversion taken place and shall be subject to the collective 56598
bargaining agreement for that unit unless a petition is certified 56599
as sufficient under division (A)(6) of this section with regard to 56600
those employees. 56601

Notwithstanding division (B) of section 4117.01 of the 56602
Revised Code, the board of education of a school district and not 56603
the governing authority of a community school shall be regarded, 56604
for purposes of Chapter 4117. of the Revised Code, as the "public 56605
employer" of the employees of a conversion community school 56606

subject to a collective bargaining agreement pursuant to division 56607
(A)(3) of this section unless a petition is certified under 56608
division (A)(6) of this section with regard to those employees. 56609
Only on and after the effective date of a petition certified as 56610
sufficient under division (A)(6) of this section shall division 56611
(A)(2) of this section apply to those employees of that community 56612
school and only on and after the effective date of that petition 56613
shall Chapter 4117. of the Revised Code apply to the governing 56614
authority of that community school with regard to those employees. 56615

(4) Notwithstanding sections 4117.03 to 4117.18 of the 56616
Revised Code and Section 4 of Amended Substitute Senate Bill No. 56617
133 of the 115th general assembly, the employees of a conversion 56618
community school who are subject to a collective bargaining 56619
agreement pursuant to division (A)(3) of this section shall cease 56620
to be subject to that agreement and all subsequent agreements 56621
pursuant to that division and shall cease to be part of the 56622
collective bargaining unit that is subject to that and all 56623
subsequent agreements, if a majority of the employees of that 56624
community school who are subject to that collective bargaining 56625
agreement sign and submit to the state employment relations board 56626
a petition requesting all of the following: 56627

(a) That all the employees of the community school who are 56628
subject to that agreement be removed from the bargaining unit that 56629
is subject to that agreement and be designated by the state 56630
employment relations board as a new and separate bargaining unit 56631
for purposes of Chapter 4117. of the Revised Code; 56632

(b) That the employee organization certified as the exclusive 56633
representative of the employees of the bargaining unit from which 56634
the employees are to be removed be certified as the exclusive 56635
representative of the new and separate bargaining unit for 56636
purposes of Chapter 4117. of the Revised Code; 56637

(c) That the governing authority of the community school be 56638

regarded as the "public employer" of these employees for purposes 56639
of Chapter 4117. of the Revised Code. 56640

(5) Notwithstanding sections 4117.03 to 4117.18 of the 56641
Revised Code and Section 4 of Amended Substitute Senate Bill No. 56642
133 of the 115th general assembly, the employees of a conversion 56643
community school who are subject to a collective bargaining 56644
agreement pursuant to division (A)(3) of this section shall cease 56645
to be subject to that agreement and all subsequent agreements 56646
pursuant to that division, shall cease to be part of the 56647
collective bargaining unit that is subject to that and all 56648
subsequent agreements, and shall cease to be represented by any 56649
exclusive representative of that collective bargaining unit, if a 56650
majority of the employees of the community school who are subject 56651
to that collective bargaining agreement sign and submit to the 56652
state employment relations board a petition requesting all of the 56653
following: 56654

(a) That all the employees of the community school who are 56655
subject to that agreement be removed from the bargaining unit that 56656
is subject to that agreement; 56657

(b) That any employee organization certified as the exclusive 56658
representative of the employees of that bargaining unit be 56659
decertified as the exclusive representative of the employees of 56660
the community school who are subject to that agreement; 56661

(c) That the governing authority of the community school be 56662
regarded as the "public employer" of these employees for purposes 56663
of Chapter 4117. of the Revised Code. 56664

(6) Upon receipt of a petition under division (A)(4) or (5) 56665
of this section, the state employment relations board shall check 56666
the sufficiency of the signatures on the petition. If the 56667
signatures are found sufficient, the board shall certify the 56668
sufficiency of the petition and so notify the parties involved, 56669

including the board of education, the governing authority of the community school, and any exclusive representative of the bargaining unit. The changes requested in a certified petition shall take effect on the first day of the month immediately following the date on which the sufficiency of the petition is certified under division (A)(6) of this section.

(B)(1) The board of education of each city, local, and exempted village school district sponsoring a community school and the governing board of each educational service center in which a community school is located shall adopt a policy that provides a leave of absence of at least three years to each teacher or nonteaching employee of the district or service center who is employed by a conversion or new start-up community school sponsored by the district or located in the district or center for the period during which the teacher or employee is continuously employed by the community school. The policy shall also provide that any teacher or nonteaching employee may return to employment by the district or service center if the teacher or employee leaves or is discharged from employment with the community school for any reason, unless, in the case of a teacher, the board of the district or service center determines that the teacher was discharged for a reason for which the board would have sought to discharge the teacher under section 3319.16 of the Revised Code, in which case the board may proceed to discharge the teacher utilizing the procedures of that section. Upon termination of such a leave of absence, any seniority that is applicable to the person shall be calculated to include all of the following: all employment by the district or service center prior to the leave of absence; all employment by the community school during the leave of absence; and all employment by the district or service center after the leave of absence. The policy shall also provide that if any teacher holding valid certification returns to employment by the district or service center upon termination of such a leave of

absence, the teacher shall be restored to the previous position 56703
and salary or to a position and salary similar thereto. If, as a 56704
result of teachers returning to employment upon termination of 56705
such leaves of absence, a school district or educational service 56706
center reduces the number of teachers it employs, it shall make 56707
such reductions in accordance with section ~~3319.17~~ or, if 56708
~~applicable,~~ 3319.171 of the Revised Code. 56709

Unless a collective bargaining agreement providing otherwise 56710
is in effect for an employee of a conversion community school 56711
pursuant to division (A)(3) of this section, an employee on a 56712
leave of absence pursuant to this division shall remain eligible 56713
for any benefits that are in addition to benefits under Chapter 56714
3307. or 3309. of the Revised Code provided by the district or 56715
service center to its employees provided the employee pays the 56716
entire cost associated with such benefits, except that personal 56717
leave and vacation leave cannot be accrued for use as an employee 56718
of a school district or service center while in the employ of a 56719
community school unless the district or service center board 56720
adopts a policy expressly permitting this accrual. 56721

(2) While on a leave of absence pursuant to division (B)(1) 56722
of this section, a conversion community school shall permit a 56723
teacher to use sick leave accrued while in the employ of the 56724
school district from which the leave of absence was taken and 56725
prior to commencing such leave. If a teacher who is on such a 56726
leave of absence uses sick leave so accrued, the cost of any 56727
salary paid by the community school to the teacher for that time 56728
shall be reported to the department of education. The cost of 56729
employing a substitute teacher for that time shall be paid by the 56730
community school. The department of education shall add amounts to 56731
the payments made to a community school under this chapter as 56732
necessary to cover the cost of salary reported by a community 56733
school as paid to a teacher using sick leave so accrued pursuant 56734

to this section. The department shall subtract the amounts of any 56735
payments made to community schools under this division from 56736
payments made to such sponsoring school district under ~~Chapters~~ 56737
~~3306.~~ and Chapter 3317. of the Revised Code. 56738

A school district providing a leave of absence and employee 56739
benefits to a person pursuant to this division is not liable for 56740
any action of that person while the person is on such leave and 56741
employed by a community school. 56742

Sec. 3314.102. As used in this section, "municipal school 56743
district" and "mayor" have the same meanings as in section 3311.71 56744
of the Revised Code. 56745

Notwithstanding section 3314.10 and sections 4117.03 to 56746
4117.18 of the Revised Code and Section 4 of Amended Substitute 56747
Senate Bill No. 133 of the 115th general assembly, the employees 56748
of a conversion community school that is sponsored by the board of 56749
education of a municipal school district shall cease to be subject 56750
to any future collective bargaining agreement, if the mayor 56751
submits to the board of education sponsoring the school and to the 56752
state employment relations board a statement requesting that all 56753
employees of the community school be removed from a collective 56754
bargaining unit. The employees of the community school who are 56755
covered by a collective bargaining agreement in effect on the date 56756
the mayor submits the statement shall remain subject to that 56757
collective bargaining agreement until the collective bargaining 56758
agreement expires on its terms. Upon expiration of that collective 56759
bargaining agreement, the employees of that school are not subject 56760
to Chapter 4117. of the Revised Code and may not organize or 56761
collectively bargain pursuant to that chapter. 56762

Sec. 3314.13. Payments and deductions under this section for 56763
fiscal years ~~2010~~ 2012 and ~~2011~~ 2013 shall be made in accordance 56764

with section 3314.088 of the Revised Code. 56765

(A) As used in this section: 56766

(1) "All-day kindergarten" has the same meaning as in section 56767
3317.029 of the Revised Code. 56768

(2) "Formula amount" has the same meaning as in section 56769
3317.02 of the Revised Code. 56770

(B) Except as provided in division (C) of this section, the 56771
department of education annually shall pay each community school 56772
established under this chapter one-half of the formula amount for 56773
each student to whom both of the following apply: 56774

(1) The student is entitled to attend school under section 56775
3313.64 or 3313.65 of the Revised Code in a school district that 56776
is eligible to receive a payment under division (D) of section 56777
3317.029 of the Revised Code if it provides all-day kindergarten; 56778

(2) The student is reported by the community school as 56779
enrolled in all-day kindergarten at the community school. 56780

(C) The department shall make no payments under this section 56781
to any internet- or computer-based community school. 56782

(D) If a student for whom payment is made under division (B) 56783
of this section is entitled to attend school in a district that 56784
receives any payment for all-day kindergarten under division (D) 56785
of section 3317.029 of the Revised Code, the department shall 56786
deduct the payment to the community school under this section from 56787
the amount paid that school district under that division. If that 56788
school district does not receive payment for all-day kindergarten 56789
under that division because it does not provide all-day 56790
kindergarten, the department shall pay the community school from 56791
state funds appropriated generally for poverty-based assistance to 56792
school districts. 56793

(E) The department shall adjust the amounts deducted from 56794

school districts and paid to community schools under this section 56795
to reflect any enrollments of students in all-day kindergarten in 56796
community schools for less than the equivalent of a full school 56797
year. 56798

Sec. 3314.19. The sponsor of each community school annually 56799
shall provide the following assurances in writing to the 56800
department of education not later than ten business days prior to 56801
the opening of the school: 56802

(A) That a current copy of the contract between the sponsor 56803
and the governing authority of the school entered into under 56804
section 3314.03 of the Revised Code has been filed with the ~~state~~ 56805
~~office of community schools established under section 3314.11 of~~ 56806
~~the Revised Code~~ department and that any subsequent modifications 56807
to that contract will be filed with the ~~office~~ department; 56808

(B) That the school has submitted to the sponsor a plan for 56809
providing special education and related services to students with 56810
disabilities and has demonstrated the capacity to provide those 56811
services in accordance with Chapter 3323. of the Revised Code and 56812
federal law; 56813

(C) That the school has a plan and procedures for 56814
administering the achievement and diagnostic assessments 56815
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 56816
Revised Code; 56817

(D) That school personnel have the necessary training, 56818
knowledge, and resources to properly use and submit information to 56819
all databases maintained by the department for the collection of 56820
education data, including the education management information 56821
system established under section 3301.0714 of the Revised Code in 56822
accordance with methods and timelines established under section 56823
3314.17 of the Revised Code; 56824

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;	56825 56826 56827
(F) That the school will enroll at least the minimum number of students required by division (A)(11)(a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;	56828 56829 56830 56831
(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	56832 56833 56834 56835
(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;	56836 56837
(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;	56838 56839 56840 56841
(J) That the school holds all of the following:	56842
(1) Proof of property ownership or a lease for the facilities used by the school;	56843 56844
(2) A certificate of occupancy;	56845
(3) Liability insurance for the school, as required by division (A)(11)(b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	56846 56847 56848 56849
(4) A satisfactory health and safety inspection;	56850
(5) A satisfactory fire inspection;	56851
(6) A valid food permit, if applicable.	56852
(K) That the sponsor has conducted a pre-opening site visit	56853

to the school for the school year for which the assurances are 56854
provided; 56855

(L) That the school has designated a date it will open for 56856
the school year for which the assurances are provided that is in 56857
compliance with division (A)(25) of section 3314.03 of the Revised 56858
Code; 56859

(M) That the school has met all of the sponsor's requirements 56860
for opening and any other requirements of the sponsor. 56861

Sec. 3314.22. (A)(1) Each child enrolled in an internet- or 56862
computer-based community school is entitled to a computer supplied 56863
by the school; however, the parent of any child enrolled in the 56864
school may waive this entitlement in the manner specified in 56865
division (A)(3) of this section. In no case shall an internet- or 56866
computer-based community school provide a stipend or other 56867
substitute to an enrolled child or the child's parent in lieu of 56868
supplying a computer to the child. The prohibition contained in 56869
the preceding sentence is intended to clarify the meaning of this 56870
division as it existed prior to September 29, 2005, and is not 56871
intended to change that meaning in any way. 56872

(2) Notwithstanding division (A)(1) of this section, if more 56873
than one child living in a single residence is enrolled in an 56874
internet- or computer-based community school, at the option of the 56875
parent of those children, the school may supply less than one 56876
computer per child, as long as at least one computer is supplied 56877
to the residence. An internet- or computer-based community school 56878
may supply no computer at all only if the parent has waived the 56879
entitlement prescribed in division (A)(1) of this section in the 56880
manner specified in division (A)(3) of this section. The parent 56881
may amend the decision to accept less than one computer per child 56882
anytime during the school year, and, in such case, within thirty 56883
days after the parent notifies the school of such amendment, the 56884

school shall provide any additional computers requested by the 56885
parent up to the number necessary to comply with division (A)(1) 56886
of this section. 56887

(3) The parent of any child enrolled in an internet- or 56888
computer-based community school may waive the entitlement to one 56889
computer per child, and have no computer at all supplied by the 56890
school, if the school and parent set forth that waiver in writing 56891
with both parties attesting that there is a computer available to 56892
the child in the child's residence with sufficient hardware, 56893
software, programming, and connectivity so that the child may 56894
fully participate in all of the learning opportunities offered to 56895
the child by the school. The parent may amend the decision to 56896
waive the entitlement at any time during the school year and, in 56897
such case, within thirty days after the parent notifies the school 56898
of that decision, the school shall provide any additional 56899
computers requested by the parent up to the number necessary to 56900
comply with division (A)(1) of this section, regardless of whether 56901
there is any change in the conditions attested to in the waiver. 56902

(4) A copy of a waiver executed under division (A)(3) of this 56903
section shall be retained by the internet- or computer-based 56904
community school and the parent who attested to the conditions 56905
prescribed in that division. The school shall submit a copy of the 56906
waiver to the ~~office of community schools, established under~~ 56907
~~section 3314.11 of the Revised Code, department of education~~ 56908
immediately upon execution of the waiver. 56909

(5) The school shall notify the ~~office of community schools~~ 56910
department of education, in the manner specified by the ~~office~~ 56911
department, of any parent's decision under division (A)(2) of this 56912
section to accept less than one computer per child or the parent's 56913
amendment to that decision, and of any parent's decision to amend 56914
the waiver executed under division (A)(3) of this section. 56915

(B) Each internet- or computer-based community school shall 56916

provide to each parent who is considering enrolling the parent's 56917
child in the school and to the parent of each child already 56918
enrolled in the school a written notice of the provisions 56919
prescribed in division (A) of this section. 56920

(C) If a community school that is not an internet- or 56921
computer-based community school provides any of its enrolled 56922
students with nonclassroom-based learning opportunities provided 56923
via an internet- or other computer-based instructional method and 56924
requires such students to participate in any of those learning 56925
opportunities from their residences, the school shall be subject 56926
to this section and division (C)(1) of section 3314.21 of the 56927
Revised Code relative to each such student in the same manner as 56928
an internet- or computer-based community school, unless both of 56929
the following conditions apply to the student: 56930

(1) The nonclassroom-based learning opportunities in which 56931
the student is required to participate from the student's 56932
residence are supplemental in nature or do not constitute a 56933
significant portion of the total classroom-based and 56934
nonclassroom-based learning opportunities provided to the student 56935
by the school; 56936

(2) The student's residence is equipped with a computer 56937
available for the student's use. 56938

Sec. 3314.23. (A) Subject to division (B) of this section, 56939
each internet- or computer-based community school shall do the 56940
applicable one of the following: 56941

(1) If the general assembly has enacted standards for the 56942
operation of internet- or computer-based community schools by 56943
January 1, 2013, comply with the standards so enacted; 56944

(2) If the general assembly has not enacted such standards by 56945
that date, comply with the standards developed by the 56946

international association for K-12 online learning. 56947

(B) Each internet- or computer-based community school that 56948
initially opens for operation on or after January 1, 2013, shall 56949
comply with the standards required by division (A) of this section 56950
at the time it opens. Each internet- or computer-based community 56951
school that initially opened for operation prior to January 1, 56952
2013, shall comply with the standards required by division (A) of 56953
this section not later than July 1, 2013. 56954

~~Sec. 3314.35. (A)(1) Except as provided in division (A)(3) of~~ 56955
~~this section, this section applies to any community school that~~ 56956
~~meets one of the following criteria after July 1, 2008, but before~~ 56957
~~July 1, 2009:~~ 56958

~~(a) The school does not offer a grade level higher than three~~ 56959
~~and has been declared to be in a state of academic emergency under~~ 56960
~~section 3302.03 of the Revised Code for four consecutive school~~ 56961
~~years.~~ 56962

~~(b) The school satisfies all of the following conditions:~~ 56963

~~(i) The school offers any of grade levels four to eight but~~ 56964
~~does not offer a grade level higher than nine.~~ 56965

~~(ii) The school has been declared to be in a state of~~ 56966
~~academic emergency under section 3302.03 of the Revised Code for~~ 56967
~~three consecutive school years.~~ 56968

~~(iii) For two of those school years, the school showed less~~ 56969
~~than one standard year of academic growth in either reading or~~ 56970
~~mathematics, as determined by the department of education in~~ 56971
~~accordance with rules adopted under division (A) of section~~ 56972
~~3302.021 of the Revised Code.~~ 56973

~~(c) The school satisfies all of the following conditions:~~ 56974

~~(i) The school offers any of grade levels ten to twelve.~~ 56975

~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three consecutive school years.~~ 56976
56977
56978

~~(iii) For two of those school years, the school showed less than two standard years of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~ 56979
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56981
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~~(2) Except as provided in division (A)(3) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:~~ 56984
56985
56986

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years. 56987
56988
56989
56990

(b) The school satisfies all of the following conditions: 56991

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine. 56992
56993

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years. 56994
56995
56996

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 56997
56998
56999
57000
57001

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years. 57002
57003
57004
57005

(2) Except as provided in division (A)(3) of this section, 57006
this section applies to any community school that meets one of the 57007
following criteria after July 1, 2011: 57008

(a) The school does not offer a grade level higher than three 57009
and has been declared to be in a state of academic emergency under 57010
section 3302.03 of the Revised Code for two of the three most 57011
recent school years. 57012

(b) The school satisfies all of the following conditions: 57013

(i) The school offers any of grade levels four to eight but 57014
does not offer a grade level higher than nine. 57015

(ii) The school has been declared to be in a state of 57016
academic emergency under section 3302.03 of the Revised Code for 57017
two of the three most recent school years. 57018

(iii) In at least two of the three most recent school years, 57019
the school showed less than one standard year of academic growth 57020
in either reading or mathematics, as determined by the department 57021
in accordance with rules adopted under division (A) of section 57022
3302.021 of the Revised Code. 57023

(c) The school offers any of grade levels ten to twelve and 57024
has been declared to be in a state of academic emergency under 57025
section 3302.03 of the Revised Code for two of the three most 57026
recent school years. 57027

(3) This section does not apply to either of the following: 57028

(a) Any community school in which a majority of the students 57029
are enrolled in a dropout prevention and recovery program that is 57030
operated by the school and that has been granted a waiver under 57031
section 3314.36 of the Revised Code; 57032

(b) Any community school in which a majority of the enrolled 57033
students are children with disabilities receiving special 57034
education and related services in accordance with Chapter 3323. of 57035

the Revised Code. 57036

(B) Any community school to which this section applies shall 57037
permanently close at the conclusion of the school year in which 57038
the school first becomes subject to this section. The sponsor and 57039
governing authority of the school shall comply with all procedures 57040
for closing a community school adopted by the department under 57041
division (E) of section 3314.015 of the Revised Code. The 57042
governing authority of the school shall not enter into a contract 57043
with any other sponsor under section 3314.03 of the Revised Code 57044
after the school closes. 57045

~~(C) Not later than July 1, 2008, the department shall 57046
determine the feasibility of using the value added progress 57047
dimension, as defined in section 3302.01 of the Revised Code, as a 57048
factor in evaluating the academic performance of community schools 57049
described in division (A)(1)(c)(i) of this section. 57050
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section,
if the department determines that using the value added progress 57052
dimension to evaluate community schools described in division 57053
(A)(1)(c)(i) of this section is not feasible, a community school 57054
described in that division shall be required to permanently close 57055
under this section only if it has been declared to be in a state 57056
of academic emergency under section 3302.03 of the Revised Code 57057
for four consecutive school years. 57058~~

~~(D) In accordance with division (B) of section 3314.012 of 57059
the Revised Code, the department shall not consider the 57060
performance ratings assigned to a community school for its first 57061
two years of operation when determining whether the school meets 57062
the criteria prescribed by division (A)(1) or (2) of this section. 57063
The department shall reevaluate each community school that the 57064
department directed to close at the conclusion of the 2009-2010 57065
school year to determine if the school still meets the criteria 57066
prescribed by division (A)(2) of this section when the school's 57067~~

~~performance ratings for its first two years of operation are not 57068
considered and, if the school no longer meets those criteria, the 57069
department shall not require the school to close at the conclusion 57070
of that school year. 57071~~

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 57072
not apply to any community school in which a majority of the 57073
students are enrolled in a dropout prevention and recovery program 57074
that is operated by the school and that has been granted a waiver 57075
by the department of education. The department shall grant a 57076
waiver to a dropout prevention and recovery program, within sixty 57077
days after the program applies for the waiver, if the program 57078
meets all of the following conditions: 57079

(1) The program serves only students not younger than sixteen 57080
years of age and not older than twenty-one years of age. 57081

(2) The program enrolls students who, at the time of their 57082
initial enrollment, either, or both, are at least one grade level 57083
behind their cohort age groups or experience crises that 57084
significantly interfere with their academic progress such that 57085
they are prevented from continuing their traditional programs. 57086

(3) The program requires students to attain at least the 57087
applicable score designated for each of the assessments prescribed 57088
under division (B)(1) of section 3301.0710 of the Revised Code or, 57089
to the extent prescribed by rule of the state board of education 57090
under division ~~(E)~~(D)(6) of section 3301.0712 of the Revised Code, 57091
division (B)(2) of that section. 57092

(4) The program develops an individual career plan for the 57093
student that specifies the student's matriculating to a two-year 57094
degree program, acquiring a business and industry credential, or 57095
entering an apprenticeship. 57096

(5) The program provides counseling and support for the 57097

student related to the plan developed under division (A)(4) of 57098
this section during the remainder of the student's high school 57099
experience. 57100

(6) Prior to receiving the waiver, the program has submitted 57101
to the department an instructional plan that demonstrates how the 57102
academic content standards adopted by the state board of education 57103
under section 3301.079 of the Revised Code will be taught and 57104
assessed. 57105

If the department does not act either to grant the waiver or 57106
to reject the program application for the waiver within sixty days 57107
as required under this section, the waiver shall be considered to 57108
be granted. 57109

(B) Notwithstanding division (A) of this section, the 57110
department shall not grant a waiver to any community school that 57111
did not qualify for a waiver under this section when it initially 57112
began operations, unless the state board of education approves the 57113
waiver. 57114

Sec. 3315.01. (A) Except as provided in division (B) of this 57115
section and notwithstanding sections 3315.12 and 3315.14 of the 57116
Revised Code, the board of education of any school district may 57117
adopt a resolution requiring the treasurer of the district to 57118
credit the earnings made on the investment of the principal of the 57119
moneys specified in the resolution to the fund from which the 57120
earnings arose or any other fund of the district as the board 57121
specifies in its resolution. 57122

(B) This section does not apply to the earnings made on the 57123
investment of the bond retirement fund, the sinking fund, a 57124
project construction fund established pursuant to sections 3318.01 57125
to 3318.20 of the Revised Code, or the payments received by school 57126
districts pursuant to division ~~(I)~~(E) of section 3317.024 of the 57127
Revised Code. 57128

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 57129
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 57130
subject to the approval of the superintendent of public 57131
instruction, a school district that is in a state of fiscal watch 57132
declared under section 3316.03 of the Revised Code may restructure 57133
or refinance loans obtained or in the process of being obtained 57134
under section 3313.483 of the Revised Code if all of the following 57135
requirements are met: 57136

(1) The operating deficit certified for the school district 57137
for the current or preceding fiscal year under section 3313.483 of 57138
the Revised Code exceeds fifteen per cent of the district's 57139
general revenue fund for the fiscal year preceding the year for 57140
which the certification of the operating deficit is made. 57141

(2) The school district voters have, during the period of the 57142
fiscal watch, approved the levy of a tax under section 718.09, 57143
718.10, 5705.194, 5705.21, ~~or 5748.02,~~ or 5748.09 of the Revised 57144
Code that is not a renewal or replacement levy, or a levy under 57145
section 5705.199 of the Revised Code, and that will provide new 57146
operating revenue. 57147

(3) The board of education of the school district has adopted 57148
or amended the financial plan required by section 3316.04 of the 57149
Revised Code to reflect the restructured or refinanced loans, and 57150
sets forth the means by which the district will bring projected 57151
operating revenues and expenditures, and projected debt service 57152
obligations, into balance for the life of any such loan. 57153

(B) Subject to the approval of the superintendent of public 57154
instruction, the school district may issue securities to evidence 57155
the restructuring or refinancing authorized by this section. Such 57156
securities may extend the original period for repayment not to 57157
exceed ten years, and may alter the frequency and amount of 57158
repayments, interest or other financing charges, and other terms 57159

or agreements under which the loans were originally contracted, 57160
provided the loans received under sections 3313.483 of the Revised 57161
Code are repaid from funds the district would otherwise receive 57162
under Chapter ~~3306~~. 3317. of the Revised Code, as required under 57163
division (E)(3) of section 3313.483 of the Revised Code. 57164
Securities issued for the purpose of restructuring or refinancing 57165
under this section shall be repaid in equal payments and at equal 57166
intervals over the term of the debt and are not eligible to be 57167
included in any subsequent proposal to restructure or refinance. 57168

(C) Unless the district is declared to be in a state of 57169
fiscal emergency under division (D) of section 3316.04 of the 57170
Revised Code, a school district shall remain in a state of fiscal 57171
watch for the duration of the repayment period of any loan 57172
restructured or refinanced under this section. 57173

Sec. 3316.06. (A) Within one hundred twenty days after the 57174
first meeting of a school district financial planning and 57175
supervision commission, the commission shall adopt a financial 57176
recovery plan regarding the school district for which the 57177
commission was created. During the formulation of the plan, the 57178
commission shall seek appropriate input from the school district 57179
board and from the community. This plan shall contain the 57180
following: 57181

(1) Actions to be taken to: 57182

(a) Eliminate all fiscal emergency conditions declared to 57183
exist pursuant to division (B) of section 3316.03 of the Revised 57184
Code; 57185

(b) Satisfy any judgments, past-due accounts payable, and all 57186
past-due and payable payroll and fringe benefits; 57187

(c) Eliminate the deficits in all deficit funds, except that 57188
any prior year deficits in the capital and maintenance fund 57189

established pursuant to section 3315.18 of the Revised Code shall 57190
be forgiven; 57191

(d) Restore to special funds any moneys from such funds that 57192
were used for purposes not within the purposes of such funds, or 57193
borrowed from such funds by the purchase of debt obligations of 57194
the school district with the moneys of such funds, or missing from 57195
the special funds and not accounted for, if any; 57196

(e) Balance the budget, avoid future deficits in any funds, 57197
and maintain on a current basis payments of payroll, fringe 57198
benefits, and all accounts; 57199

(f) Avoid any fiscal emergency condition in the future; 57200

(g) Restore the ability of the school district to market 57201
long-term general obligation bonds under provisions of law 57202
applicable to school districts generally. 57203

(2) The management structure that will enable the school 57204
district to take the actions enumerated in division (A)(1) of this 57205
section. The plan shall specify the level of fiscal and management 57206
control that the commission will exercise within the school 57207
district during the period of fiscal emergency, and shall 57208
enumerate respectively, the powers and duties of the commission 57209
and the powers and duties of the school board during that period. 57210
The commission may elect to assume any of the powers and duties of 57211
the school board it considers necessary, including all powers 57212
related to personnel, curriculum, and legal issues in order to 57213
successfully implement the actions described in division (A)(1) of 57214
this section. 57215

(3) The target dates for the commencement, progress upon, and 57216
completion of the actions enumerated in division (A)(1) of this 57217
section and a reasonable period of time expected to be required to 57218
implement the plan. The commission shall prepare a reasonable time 57219
schedule for progress toward and achievement of the requirements 57220

for the plan, and the plan shall be consistent with that time 57221
schedule. 57222

(4) The amount and purpose of any issue of debt obligations 57223
that will be issued, together with assurances that any such debt 57224
obligations that will be issued will not exceed debt limits 57225
supported by appropriate certifications by the fiscal officer of 57226
the school district and the county auditor. Debt obligations 57227
issued pursuant to section 133.301 of the Revised Code shall 57228
include assurances that such debt shall be in an amount not to 57229
exceed the amount certified under division (B) of such section. If 57230
the commission considers it necessary in order to maintain or 57231
improve educational opportunities of pupils in the school 57232
district, the plan may include a proposal to restructure or 57233
refinance outstanding debt obligations incurred by the board under 57234
section 3313.483 of the Revised Code contingent upon the approval, 57235
during the period of the fiscal emergency, by district voters of a 57236
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 57237
5748.02, ~~or 5748.08~~, or 5748.09 of the Revised Code that is not a 57238
renewal or replacement levy, or a levy under section 5705.199 of 57239
the Revised Code, and that will provide new operating revenue. 57240
Notwithstanding any provision of Chapter 133. or sections 3313.483 57241
to 3313.4811 of the Revised Code, following the required approval 57242
of the district voters and with the approval of the commission, 57243
the school district may issue securities to evidence the 57244
restructuring or refinancing. Those securities may extend the 57245
original period for repayment, not to exceed ten years, and may 57246
alter the frequency and amount of repayments, interest or other 57247
financing charges, and other terms of agreements under which the 57248
debt originally was contracted, at the discretion of the 57249
commission, provided that any loans received pursuant to section 57250
3313.483 of the Revised Code shall be paid from funds the district 57251
would otherwise receive under Chapter ~~3306~~. 3317. of the Revised 57252
Code, as required under division (E)(3) of section 3313.483 of the 57253

Revised Code. The securities issued for the purpose of 57254
restructuring or refinancing the debt shall be repaid in equal 57255
payments and at equal intervals over the term of the debt and are 57256
not eligible to be included in any subsequent proposal for the 57257
purpose of restructuring or refinancing debt under this section. 57258

(B) Any financial recovery plan may be amended subsequent to 57259
its adoption. Each financial recovery plan shall be updated 57260
annually. 57261

(C) Each school district financial planning and supervision 57262
commission shall submit the financial recovery plan it adopts or 57263
updates under this section to the state superintendent of public 57264
instruction for approval immediately following its adoption or 57265
updating. The state superintendent shall evaluate the plan and 57266
either approve or disapprove it within thirty calendar days from 57267
the date of its submission. If the plan is disapproved, the state 57268
superintendent shall recommend modifications that will render it 57269
acceptable. No financial planning and supervision commission shall 57270
implement a financial recovery plan that is adopted or updated on 57271
or after April 10, 2001, unless the state superintendent has 57272
approved it. 57273

Sec. 3316.08. During a school district's fiscal emergency 57274
period, the auditor of state shall determine annually, or at any 57275
other time upon request of the financial planning and supervision 57276
commission, whether the school district will incur an operating 57277
deficit. If the auditor of state determines that a school district 57278
will incur an operating deficit, the auditor of state shall 57279
certify that determination to the superintendent of public 57280
instruction, the financial planning and supervision commission, 57281
and the board of education of the school district. Upon receiving 57282
the auditor of state's certification, the commission shall adopt a 57283
resolution requesting that the board of education work with the 57284

county auditor or tax commissioner to estimate the amount and rate 57285
of a tax levy that is needed under section 5705.194, 5709.199, or 57286
5705.21 or Chapter 5748. of the Revised Code to produce a positive 57287
fund balance not later than the fifth year of the five-year 57288
forecast submitted under section 5705.391 of the Revised Code. 57289

The board of education shall recommend to the commission 57290
whether the board supports or opposes a tax levy under section 57291
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 57292
Code and shall provide supporting documentation to the commission 57293
of its recommendation. 57294

After considering the board of education's recommendation and 57295
supporting documentation, the commission shall adopt a resolution 57296
to either submit a ballot question proposing a tax levy or not to 57297
submit such a question. 57298

Except as otherwise provided in this division, the tax shall 57299
be levied in the manner prescribed for a tax levied under section 57300
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 57301
Revised Code. If the commission decides that a tax should be 57302
levied, the tax shall be levied for the purpose of paying current 57303
operating expenses of the school district. The rate of a property 57304
tax levied under section 5705.194, 5709.199, ~~or~~ 5705.21, or 57305
5748.09 of the Revised Code shall be determined by the county 57306
auditor, and the rate of a an income tax levied under section 57307
5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised Code shall be 57308
determined by the tax commissioner, upon the request of the 57309
commission. The commission, in consultation with the board of 57310
education, shall determine the election at which the question of 57311
the tax shall appear on the ballot, and the commission shall 57312
submit a copy of its resolution to the board of elections not 57313
later than ninety days prior to the day of that election. The 57314
board of elections conducting the election shall certify the 57315
results of the election to the board of education and to the 57316

financial planning and supervision commission. 57317

Sec. 3316.20. (A)(1) The school district solvency assistance 57318
fund is hereby created in the state treasury, to consist of such 57319
amounts designated for the purposes of the fund by the general 57320
assembly. The fund shall be used to provide assistance and grants 57321
to school districts to enable them to remain solvent and to pay 57322
unforeseeable expenses of a temporary or emergency nature that 57323
they are unable to pay from existing resources. 57324

(2) There is hereby created within the fund an account known 57325
as the school district shared resource account, which shall 57326
consist of money appropriated to it by the general assembly. The 57327
money in the account shall be used solely for solvency assistance 57328
to school districts that have been declared under division (B) of 57329
section 3316.03 of the Revised Code to be in a state of fiscal 57330
emergency. 57331

(3) There is hereby created within the fund an account known 57332
as the catastrophic expenditures account, which shall consist of 57333
money appropriated to the account by the general assembly plus all 57334
investment earnings of the fund. Money in the account shall be 57335
used solely for the following: 57336

(a) Solvency assistance to school districts that have been 57337
declared under division (B) of section 3316.03 of the Revised Code 57338
to be in a state of fiscal emergency, in the event that all money 57339
in the shared resource account is utilized for solvency 57340
assistance; 57341

(b) Grants to school districts under division (C) of this 57342
section. 57343

(B) Solvency assistance payments under division (A)(2) or 57344
(3)(a) of this section shall be made from the fund by the 57345
superintendent of public instruction in accordance with rules 57346

adopted by the director of budget and management, after consulting 57347
with the superintendent, specifying approval criteria and 57348
procedures necessary for administering the fund. 57349

The fund shall be reimbursed for any solvency assistance 57350
amounts paid under division (A)(2) or (3)(a) of this section not 57351
later than the end of the second fiscal year following the fiscal 57352
year in which the solvency assistance payment was made, except 57353
that, upon the approval of the director of budget and management 57354
and the superintendent of public instruction, the fund may be 57355
reimbursed in another fiscal year designated by the director and 57356
superintendent that is not later than the end of the tenth fiscal 57357
year following the fiscal year in which the solvency assistance 57358
payment was made. If not made directly by the school district, 57359
such reimbursement shall be made by the director of budget and 57360
management from the amounts the school district would otherwise 57361
receive pursuant to Chapter ~~3306~~. 3317. of the Revised Code, or 57362
from any other funds appropriated for the district by the general 57363
assembly. Reimbursements shall be credited to the respective 57364
account from which the solvency assistance paid to the district 57365
was deducted. 57366

(C) The superintendent of public instruction may make 57367
recommendations, and the controlling board may grant money from 57368
the catastrophic expenditures account to any school district that 57369
suffers an unforeseen catastrophic event that severely depletes 57370
the district's financial resources. The superintendent shall make 57371
recommendations for the grants in accordance with rules adopted by 57372
the director of budget and management, after consulting with the 57373
superintendent. A school district shall not be required to repay 57374
any grant awarded to the district under this division, unless the 57375
district receives money from this state or a third party, 57376
including an agency of the government of the United States, 57377
specifically for the purpose of compensating the district for 57378

revenue lost or expenses incurred as a result of the unforeseen 57379
catastrophic event. If a school district receives a grant from the 57380
catastrophic expenditures account on the basis of the same 57381
circumstances for which an adjustment or recomputation is 57382
authorized under section 3317.025, 3317.026, 3317.027, 3317.028,
3317.0210, or 3317.0211 of the Revised Code, the department of 57383
education shall reduce the adjustment or recomputation by an 57384
amount not to exceed the total amount of the grant, and an amount 57385
equal to the reduction shall be transferred, from the funding 57386
source from which the adjustment or recomputation would be paid, 57387
to the catastrophic expenditures account. Any adjustment or 57388
recomputation under such sections that is in excess of the total 57389
amount of the grant shall be paid to the school district. 57390
57391

Sec. 3317.01. As used in this section ~~and section 3317.011 of~~ 57392
~~the Revised Code~~, "school district," unless otherwise specified, 57393
means any city, local, exempted village, joint vocational, or 57394
cooperative education school district and any educational service 57395
center. 57396

This chapter shall be administered by the state board of 57397
education. The superintendent of public instruction shall 57398
calculate the amounts payable to each school district and shall 57399
certify the amounts payable to each eligible district to the 57400
treasurer of the district as provided by this chapter. As soon as 57401
possible after such amounts are calculated, the superintendent 57402
shall certify to the treasurer of each school district the 57403
district's adjusted charge-off increase, as defined in section 57404
5705.211 of the Revised Code. No moneys shall be distributed 57405
pursuant to this chapter without the approval of the controlling 57406
board. 57407

The state board of education shall, in accordance with 57408
appropriations made by the general assembly, meet the financial 57409

obligations of this chapter. 57410

Moneys distributed pursuant to this chapter shall be 57411
calculated and paid on a fiscal year basis, beginning with the 57412
first day of July and extending through the thirtieth day of June. 57413
The moneys appropriated for each fiscal year shall be distributed 57414
periodically to each school district unless otherwise provided 57415
for. The state board, in June of each year, shall submit ~~a yearly~~ 57416
~~distribution plan~~ to the controlling board ~~at its first meeting in~~ 57417
~~July. The state board shall submit any proposed midyear revision~~ 57418
~~of the plan to the controlling board in January. Any year end~~ 57419
~~revision of the plan shall be submitted to the controlling board~~ 57420
~~in June. If moneys appropriated for each fiscal year are~~ 57421
~~distributed other than monthly, such distribution shall be on the~~ 57422
~~same basis for each school district~~ the state board's year-end 57423
distributions pursuant to this chapter. 57424

Except as otherwise provided, payments under this chapter 57425
shall be made only to those school districts in which: 57426

(A) The school district, except for any educational service 57427
center and any joint vocational or cooperative education school 57428
district, levies for current operating expenses at least twenty 57429
mills. Levies for joint vocational or cooperative education school 57430
districts or county school financing districts, limited to or to 57431
the extent apportioned to current expenses, shall be included in 57432
this qualification requirement. School district income tax levies 57433
under Chapter 5748. of the Revised Code, limited to or to the 57434
extent apportioned to current operating expenses, shall be 57435
included in this qualification requirement to the extent 57436
determined by the tax commissioner under division (D) of section 57437
3317.021 of the Revised Code. 57438

(B) The school year next preceding the fiscal year for which 57439
such payments are authorized meets the requirement of section 57440
3313.48 or 3313.481 of the Revised Code, with regard to the 57441

minimum number of days or hours school must be open for 57442
instruction with pupils in attendance, for individualized 57443
parent-teacher conference and reporting periods, and for 57444
professional meetings of teachers. This requirement shall be 57445
waived by the superintendent of public instruction if it had been 57446
necessary for a school to be closed because of disease epidemic, 57447
hazardous weather conditions, inoperability of school buses or 57448
other equipment necessary to the school's operation, damage to a 57449
school building, or other temporary circumstances due to utility 57450
failure rendering the school building unfit for school use, 57451
provided that for those school districts operating pursuant to 57452
section 3313.48 of the Revised Code the number of days the school 57453
was actually open for instruction with pupils in attendance and 57454
for individualized parent-teacher conference and reporting periods 57455
is not less than one hundred seventy-five, or for those school 57456
districts operating on a trimester plan the number of days the 57457
school was actually open for instruction with pupils in attendance 57458
not less than seventy-nine days in any trimester, for those school 57459
districts operating on a quarterly plan the number of days the 57460
school was actually open for instruction with pupils in attendance 57461
not less than fifty-nine days in any quarter, or for those school 57462
districts operating on a pentamester plan the number of days the 57463
school was actually open for instruction with pupils in attendance 57464
not less than forty-four days in any pentamester. 57465

A school district shall not be considered to have failed to 57466
comply with this division or section 3313.481 of the Revised Code 57467
because schools were open for instruction but either twelfth grade 57468
students were excused from attendance for up to three days or only 57469
a portion of the kindergarten students were in attendance for up 57470
to three days in order to allow for the gradual orientation to 57471
school of such students. 57472

The superintendent of public instruction shall waive the 57473

requirements of this section with reference to the minimum number 57474
of days or hours school must be in session with pupils in 57475
attendance for the school year succeeding the school year in which 57476
a board of education initiates a plan of operation pursuant to 57477
section 3313.481 of the Revised Code. The minimum requirements of 57478
this section shall again be applicable to such a district 57479
beginning with the school year commencing the second July 57480
succeeding the initiation of one such plan, and for each school 57481
year thereafter. 57482

A school district shall not be considered to have failed to 57483
comply with this division or section 3313.48 or 3313.481 of the 57484
Revised Code because schools were open for instruction but the 57485
length of the regularly scheduled school day, for any number of 57486
days during the school year, was reduced by not more than two 57487
hours due to hazardous weather conditions. 57488

~~(C) The school district has on file, and is paying in 57489
accordance with, a teachers' salary schedule which complies with 57490
section 3317.13 of the Revised Code. 57491~~

A board of education or governing board of an educational 57492
service center which has not conformed with other law and the 57493
rules pursuant thereto, shall not participate in the distribution 57494
of funds authorized by ~~sections 3317.022 to 3317.0211, 3317.11,~~ 57495
~~3317.16, 3317.17, and 3317.19 of the Revised Code~~ this chapter, 57496
except for good and sufficient reason established to the 57497
satisfaction of the state board of education and the state 57498
controlling board. 57499

All funds allocated to school districts under this chapter, 57500
except those specifically allocated for other purposes, shall be 57501
used to pay current operating expenses only. 57502

Sec. 3317.013. Except for a preschool child with a disability 57503
for whom a scholarship has been awarded under section 3310.41 of 57504

the Revised Code, this section does not apply to preschool 57505
children with disabilities. 57506

Analysis of special education cost data has resulted in a 57507
finding that the average special education additional cost per 57508
pupil, including the costs of related services, can be expressed 57509
as a multiple of the ~~base cost per pupil calculated under section~~ 57510
~~3317.012 of the Revised Code~~ formula amount. The multiples for the 57511
following categories of special education programs, as these 57512
programs are defined for purposes of Chapter 3323. of the Revised 57513
Code, and adjusted as provided in this section, are as follows: 57514

(A) A multiple of ~~0.2892~~ 0.2906 for students whose primary or 57515
only identified disability is a speech and language disability, as 57516
this term is defined pursuant to Chapter 3323. of the Revised 57517
Code; 57518

(B) A multiple of ~~0.3691~~ 0.7374 for students identified as 57519
specific learning disabled or developmentally disabled, as these 57520
terms are defined pursuant to Chapter 3323. of the Revised Code, 57521
or as having an other health impairment-minor; 57522

(C) A multiple of ~~1.7695~~ 1.7716 for students identified as 57523
hearing disabled, ~~vision impaired~~, or severe behavior disabled, as 57524
these terms are defined pursuant to Chapter 3323. of the Revised 57525
Code; 57526

(D) A multiple of ~~2.3646~~ 2.3643 for students identified as 57527
~~orthopedically disabled~~ vision impaired, as this term is defined 57528
pursuant to Chapter 3323. of the Revised Code, or as having an 57529
other health impairment-major; 57530

(E) A multiple of ~~3.1129~~ 3.2022 for students identified as 57531
orthopedically disabled or as having multiple disabilities, as 57532
~~this term is~~ these terms are defined pursuant to Chapter 3323. of 57533
the Revised Code; 57534

(F) A multiple of ~~4.7342~~ 4.7205 for students identified as 57535

autistic, having traumatic brain injuries, or as both visually and 57536
hearing impaired, as these terms are defined pursuant to Chapter 57537
3323. of the Revised Code. 57538

In fiscal years 2008, 2009, 2010, ~~and 2011,~~ 2012, and 2013, 57539
the multiples specified in divisions (A) to (F) of this section 57540
shall be adjusted by multiplying them by 0.90. 57541

~~Not later than the thirtieth day of December in 2007, 2008,~~ 57542
~~and 2009, the department of education shall submit to the office~~ 57543
~~of budget and management a report that specifies for each city,~~ 57544
~~local, exempted village, and joint vocational school district the~~ 57545
~~fiscal year allocation of the state and local shares of special~~ 57546
~~education and related services additional weighted funding and~~ 57547
~~federal special education funds passed through to the district.~~ 57548

Sec. 3317.014. The ~~average~~ vocational education additional 57549
cost per pupil can be expressed as a multiple of the ~~base cost per~~ 57550
~~pupil calculated under section 3317.012 of the Revised Code~~ 57551
formula amount. The multiples for the following categories of 57552
vocational education programs are as follows: 57553

(A) A multiple of 0.57 for students enrolled in vocational 57554
education job-training and workforce development programs approved 57555
by the department of education in accordance with rules adopted 57556
under section 3313.90 of the Revised Code. 57557

(B) A multiple of 0.28 for students enrolled in vocational 57558
education classes other than job-training and workforce 57559
development programs. 57560

Vocational education associated services costs can be 57561
expressed as a multiple of 0.05 of the ~~base cost per pupil~~ 57562
~~calculated under section 3317.012 of the Revised Code~~ formula 57563
amount. 57564

~~By the thirtieth day of each December, the department of~~ 57565

~~education shall report to the office of budget and management and 57566
the general assembly the amount of weighted funding for vocational 57567
education and associated services that was spent by each city, 57568
local, exempted village, and joint vocational school district 57569
specifically for vocational educational and associated services 57570
during the previous fiscal year. 57571~~

Sec. 3317.018. (A) The department of education shall make no 57572
calculations or payments under ~~Chapter 3317. of the Revised Code~~ 57573
this chapter for any fiscal year except as prescribed in this 57574
section. The payments authorized under this section are in 57575
addition to payments computed and paid for fiscal years 2012 and 57576
2013 under the section of H.B. 153 of the 129th general assembly 57577
entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL 57578
DISTRICTS." 57579

(B) School districts shall report student enrollment data as 57580
prescribed by section 3317.03 of the Revised Code, which data the 57581
department shall use to make payments under ~~Chapters 3306. and~~ 57582
~~3317. of the Revised Code.~~ this chapter and the section of H.B. 57583
153 of the 129th general assembly entitled "FUNDING FOR CITY, 57584
EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS." 57585

(C) The tax commissioner shall report data regarding tax 57586
valuation and receipts for school districts as prescribed by 57587
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 57588
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division ~~(M)~~(K) 57589
of section 3317.02 of the Revised Code, which data the department 57590
shall use to make payments under ~~Chapters 3306. and 3317. of the~~ 57591
~~Revised Code.~~ this chapter and the section of H.B. 153 of the 57592
129th general assembly entitled "FUNDING FOR CITY, EXEMPTED 57593
VILLAGE, AND LOCAL SCHOOL DISTRICTS." 57594

(D) Unless otherwise specified by another provision of law, 57595
~~in addition to the payments prescribed by Chapter 3306. of the~~ 57596

~~Revised Code~~, the department shall continue to make payments to or 57597
adjustments for school districts in fiscal years after fiscal year 57598
2009 under the following provisions of ~~Chapter 3317. of the~~ 57599
~~Revised Code~~ this chapter: 57600

(1) The catastrophic cost reimbursement under division (C)(3) 57601
of section 3317.022 of the Revised Code; however, when computing 57602
that payment, the department shall use the disability categories 57603
and multiples specified in section 3317.013 of the Revised Code as 57604
that section existed prior to the effective date of this 57605
amendment. No other payments shall be made under ~~that~~ section 57606
3317.022 of the Revised Code. 57607

(2) All payments or adjustments under section 3317.023 of the 57608
Revised Code, ~~except no payments or adjustments shall be made~~ 57609
~~under divisions (B), (C), and (D) of that section.~~ 57610

(3) All payments or adjustments under section 3317.024 of the 57611
Revised Code, ~~except no payments or adjustments shall be made~~ 57612
~~under divisions (F) and (N) of that section for fiscal years after~~ 57613
~~fiscal year 2009 or under division (L) of that section for fiscal~~ 57614
~~years 2010 and 2011.~~ 57615

(4) All payments and adjustments under sections 3317.025, 57616
3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the 57617
Revised Code; 57618

(5) ~~Payments under section 3317.04 of the Revised Code;~~ 57619

~~(6)~~ Unit payments under sections 3317.05, 3317.051, 3317.052, 57620
and 3317.053 of the Revised Code, except that no units for gifted 57621
funding are authorized ~~for~~ after fiscal years ~~2010 and 2011~~ year 57622
2009. 57623

~~(7)~~(6) Payments under sections 3317.06, 3317.063, and 57624
3317.064 of the Revised Code; 57625

~~(8)~~ Payments under section 3317.07 of the Revised Code; 57626

(9) (7) Payments to educational service centers under section 3317.11 of the Revised Code;	57627 57628
(10) (8) The catastrophic cost reimbursement under division (E) of section 3317.16 of the Revised Code and excess cost reimbursements under division (G) of that section; <u>however, when computing that payment, the department shall use the disability categories and multiples specified in section 3317.013 of the Revised Code as that section existed prior to the effective date of this amendment.</u> No other payments shall be made under that section 3317.16 of the Revised Code.	57629 57630 57631 57632 57633 57634 57635 57636
(11) Payments under section 3317.17 of the Revised Code;	57637
(12) (9) Adjustments under section 3317.18 of the Revised Code;	57638 57639
(13) (10) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	57640 57641
(14) (11) Payments to county MR/DD <u>DD</u> boards under section 3317.20 of the Revised Code;	57642 57643
(15) (12) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.	57644 57645
(E) Sections 3317.016 and 3317.017 shall not apply to fiscal years after fiscal year 2009.	57646 57647
(F) This section does not affect the provisions of sections 3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, <u>3317.141</u> , 3317.15, 3317.50, <u>and</u> 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised Code.	57648 57649 57650 57651 57652
(F) <u>The department shall make no payments for fiscal years 2012 or 2013 under section 3317.0212 of the Revised Code.</u>	57653 57654
Sec. 3317.02. As used in this chapter:	57655

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means ~~\$5,732~~ \$5,653 for fiscal year ~~2010~~ 2012 and fiscal year ~~2011~~ 2013.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D)(1) "Formula ADM" means, for a city, local, or exempted village school district, ~~"formula ADM" as defined in section 3306.02 of the Revised Code.~~ the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical educational compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. ~~For purposes of~~

~~the calculation of payments to or adjustments for a city, exempted village, local, or joint vocational school district under this chapter or under Chapter 3306. of the Revised Code, calculations required under Chapter 3318. of the Revised Code, or adjustments required under Chapter 3365. of the Revised Code, the department of education shall use the district's formula ADM for the previous fiscal year, unless the district's average daily membership reported and verified for the current fiscal year is at least two per cent greater than the formula ADM reported for the previous fiscal year, in which case the department shall use the district's formula ADM for the current fiscal year.~~

(E) "Three-year average formula ADM" means the average of formula ADMs for the preceding three fiscal years.

(F)(1) "Category one special education ADM" means the average daily membership of children with disabilities receiving special education services for the disability specified in division ~~(D)(1)(A)~~ of section ~~3306.02~~ 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.

(2) "Category two special education ADM" means the average daily membership of children with disabilities receiving special education services for those disabilities specified in division ~~(D)(2)(B)~~ of section ~~3306.02~~ 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.

(3) "Category three special education ADM" means the average daily membership of students receiving special education services for those disabilities specified in division ~~(D)(3)(C)~~ of section ~~3306.02~~ 3317.013 of the Revised Code, and reported under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

(4) "Category four special education ADM" means the average

daily membership of students receiving special education services 57718
for those disabilities specified in division (D)~~(4)~~ of section 57719
~~3306.02~~ 3317.013 of the Revised Code and reported under division 57720
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 57721

(5) "Category five special education ADM" means the average 57722
daily membership of students receiving special education services 57723
for the disabilities specified in division ~~(D)(5)~~(E) of section 57724
~~3306.02~~ 3317.013 of the Revised Code and reported under division 57725
(B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 57726

(6) "Category six special education ADM" means the average 57727
daily membership of students receiving special education services 57728
for the disabilities specified in division ~~(D)(6)~~(F) of section 57729
~~3306.02~~ 3317.013 of the Revised Code and reported under division 57730
(B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 57731

(7) "Category one vocational education ADM" means the average 57732
daily membership of students receiving vocational education 57733
services described in division (A) of section 3317.014 of the 57734
Revised Code and reported under division (B)(11) or (D)(2)(h) of 57735
section 3317.03 of the Revised Code. 57736

(8) "Category two vocational education ADM" means the average 57737
daily membership of students receiving vocational education 57738
services described in division (B) of section 3317.014 of the 57739
Revised Code and reported under division (B)(12) or (D)(2)(i) of 57740
section 3317.03 of the Revised Code. 57741

(G) "Preschool child with a disability" means a child with a 57742
disability, as defined in section 3323.01 of the Revised Code, who 57743
is at least age three but is not of compulsory school age, as 57744
defined in section 3321.01 of the Revised Code, and who is not 57745
currently enrolled in kindergarten. 57746

(H) "County DD board" means a county board of developmental 57747
disabilities. 57748

(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code. 57749
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~~(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.~~ 57751
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~~(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code.~~ 57754
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~~(L)~~ "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 57758
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~~(M)~~(K) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 57762
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~~(N)~~(L) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code. 57766
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~~(O)~~(M) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district. 57769
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~~(P)~~(N) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents 57772
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of the district. 57780

~~(Q)~~(O) "Statewide median income" means the median district 57781
median income of all city, exempted village, and local school 57782
districts in the state. 57783

~~(R)~~(P) "Income factor" for a city, exempted village, or local 57784
school district means the quotient obtained by dividing that 57785
district's median income by the statewide median income. 57786

~~(S)~~(Q) "Medically fragile child" means a child to whom all of 57787
the following apply: 57788

(1) The child requires the services of a doctor of medicine 57789
or osteopathic medicine at least once a week due to the 57790
instability of the child's medical condition. 57791

(2) The child requires the services of a registered nurse on 57792
a daily basis. 57793

(3) The child is at risk of institutionalization in a 57794
hospital, skilled nursing facility, or intermediate care facility 57795
for the mentally retarded. 57796

~~(T)~~(R) A child may be identified as having an "other health 57797
impairment-major" if the child's condition meets the definition of 57798
"other health impaired" established in rules adopted by the state 57799
board of education prior to July 1, 2001, and if either of the 57800
following apply: 57801

(1) The child is identified as having a medical condition 57802
that is among those listed by the superintendent of public 57803
instruction as conditions where a substantial majority of cases 57804
fall within the definition of "medically fragile child." The 57805
superintendent of public instruction shall issue an initial list 57806
no later than September 1, 2001. 57807

(2) The child is determined by the superintendent of public 57808
instruction to be a medically fragile child. A school district 57809

superintendent may petition the superintendent of public 57810
instruction for a determination that a child is a medically 57811
fragile child. 57812

~~(U)~~(S) A child may be identified as having an "other health 57813
impairment-minor" if the child's condition meets the definition of 57814
"other health impaired" established in rules adopted by the state 57815
board of education prior to July 1, 2001, but the child's 57816
condition does not meet either of the conditions specified in 57817
division ~~(T)~~(R)(1) or (2) of this section. 57818

~~(V)~~(T) "State education aid" has the same meaning as in 57819
section 5751.20 of the Revised Code. 57820

~~(W)~~(U) "Property exemption value" means zero in fiscal year 57821
2006, and in fiscal year 2007 and each fiscal year thereafter, the 57822
amount certified for a school district under divisions (A)(6) and 57823
(7) of section 3317.021 of the Revised Code. 57824

~~(X)~~(V) "Internet- or computer-based community school" has the 57825
same meaning as in section 3314.02 of the Revised Code. 57826

~~(Y)~~(W) "State share percentage" has the same meaning as in," 57827
for a city, exempted village, or local school district, for fiscal 57828
years 2012 and 2013, means the district's state share percentage 57829
as computed for fiscal year 2011 under former section 3306.02 of 57830
the Revised Code. "State share percentage," for a joint vocational 57831
school district, for fiscal years 2012 and 2013, means the 57832
district's state share percentage as computed for fiscal year 2009 57833
under section 3317.16 of the Revised Code as that section existed 57834
for that fiscal year. 57835

Sec. 3317.021. ~~The information certified under this section 57836
shall be used to calculate payments under this chapter and Chapter 57837
3306. of the Revised Code.~~ 57838

(A) On or before the first day of June of each year, the tax 57839

commissioner shall certify to the department of education and the 57840
office of budget and management the information described in 57841
divisions (A)(1) to (7) of this section for each city, exempted 57842
village, and local school district, and the information required 57843
by divisions (A)(1) and (2) of this section for each joint 57844
vocational school district, and it shall be used, along with the 57845
information certified under division (B) of this section, in 57846
making the computations for the district under this chapter ~~and~~ 57847
~~Chapter 3306. of the Revised Code.~~ 57848

(1) The taxable value of real and public utility real 57849
property in the school district subject to taxation in the 57850
preceding tax year, by class and by county of location. 57851

(2) The taxable value of tangible personal property, 57852
including public utility personal property, subject to taxation by 57853
the district for the preceding tax year. 57854

(3)(a) The total property tax rate and total taxes charged 57855
and payable for the current expenses for the preceding tax year 57856
and the total property tax rate and the total taxes charged and 57857
payable to a joint vocational district for the preceding tax year 57858
that are limited to or to the extent apportioned to current 57859
expenses. 57860

(b) The portion of the amount of taxes charged and payable 57861
reported for each city, local, and exempted village school 57862
district under division (A)(3)(a) of this section attributable to 57863
a joint vocational school district. 57864

(4) The value of all real and public utility real property in 57865
the school district exempted from taxation minus both of the 57866
following: 57867

(a) The value of real and public utility real property in the 57868
district owned by the United States government and used 57869
exclusively for a public purpose; 57870

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available.

(6) The sum of the school district compensation value as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code as if such property had been assessed for taxation that year and the other compensation value for the school district, minus the amounts described in divisions (A)(6)(c) to (i) of this section. The portion of school district compensation value or other compensation value attributable to an incentive district exemption may be subtracted only once even if that incentive district satisfies more than one of the criteria in divisions (A)(6)(c) to (i) of this section.

(a) "School district compensation value" means the aggregate value of real property in the school district exempted from taxation pursuant to an ordinance or resolution adopted under division (C) of section 5709.40, division (C) of section 5709.73, or division (B) of section 5709.78 of the Revised Code to the extent that the exempted value results in the charging of payments in lieu of taxes required to be paid to the school district under division (D)(1) or (2) of section 5709.40, division (D) of section 5709.73, or division (C) of section 5709.78 of the Revised Code.

(b) "Other compensation value" means the quotient that results from dividing (i) the dollar value of compensation received by the school district during the preceding tax year pursuant to division (B), (C), or (D) of section 5709.82 of the

Revised Code and the amounts received pursuant to an agreement as 57903
specified in division (D)(2) of section 5709.40, division (D) of 57904
section 5709.73, or division (C) of section 5709.78 of the Revised 57905
Code to the extent those amounts were not previously reported or 57906
included in division (A)(6)(a) of this section, and so that any 57907
such amount is reported only once under division (A)(6)(b) of this 57908
section, in relation to exemptions from taxation granted pursuant 57909
to an ordinance or resolution adopted under division (C) of 57910
section 5709.40, division (C) of section 5709.73, or division (B) 57911
of section 5709.78 of the Revised Code, by (ii) the real property 57912
tax rate in effect for the preceding tax year for 57913
nonresidential/agricultural real property after making the 57914
reductions required by section 319.301 of the Revised Code. 57915

(c) The portion of school district compensation value or 57916
other compensation value that was exempted from taxation pursuant 57917
to such an ordinance or resolution for the preceding tax year, if 57918
the ordinance or resolution is adopted prior to January 1, 2006, 57919
and the legislative authority or board of township trustees or 57920
county commissioners, prior to January 1, 2006, executes a 57921
contract or agreement with a developer, whether for-profit or 57922
not-for-profit, with respect to the development of a project 57923
undertaken or to be undertaken and identified in the ordinance or 57924
resolution, and upon which parcels such project is being, or will 57925
be, undertaken; 57926

(d) The portion of school district compensation value that 57927
was exempted from taxation for the preceding tax year and for 57928
which payments in lieu of taxes for the preceding tax year were 57929
provided to the school district under division (D)(1) of section 57930
5709.40 of the Revised Code. 57931

(e) The portion of school district compensation value that 57932
was exempted from taxation for the preceding tax year pursuant to 57933
such an ordinance or resolution, if and to the extent that, on or 57934

before April 1, 2006, the fiscal officer of the municipal 57935
corporation that adopted the ordinance, or of the township or 57936
county that adopted the resolution, certifies and provides 57937
appropriate supporting documentation to the tax commissioner and 57938
the director of development that, based on hold-harmless 57939
provisions in any agreement between the school district and the 57940
legislative authority of the municipal corporation, board of 57941
township trustees, or board of county commissioners that was 57942
entered into on or before June 1, 2005, the ability or obligation 57943
of the municipal corporation, township, or county to repay bonds, 57944
notes, or other financial obligations issued or entered into prior 57945
to January 1, 2006, will be impaired, including obligations to or 57946
of any other body corporate and politic with whom the legislative 57947
authority of the municipal corporation or board of township 57948
trustees or county commissioners has entered into an agreement 57949
pertaining to the use of service payments derived from the 57950
improvements exempted; 57951

(f) The portion of school district compensation value that 57952
was exempted from taxation for the preceding tax year pursuant to 57953
such an ordinance or resolution, if the ordinance or resolution is 57954
adopted prior to January 1, 2006, in a municipal corporation with 57955
a population that exceeds one hundred thousand, as shown by the 57956
most recent federal decennial census, that includes a major 57957
employment center and that is adjacent to historically distressed 57958
neighborhoods, if the legislative authority of the municipal 57959
corporation that exempted the property prepares an economic 57960
analysis that demonstrates that all taxes generated within the 57961
incentive district accruing to the state by reason of improvements 57962
constructed within the district during its existence exceed the 57963
amount the state pays the school district under section 3317.022 57964
of the Revised Code attributable to such property exemption from 57965
the school district's recognized valuation. The analysis shall be 57966
submitted to and approved by the department of development prior 57967

to January 1, 2006, and the department shall not unreasonably withhold approval. 57968
57969

(g) The portion of school district compensation value that 57970
was exempted from taxation for the preceding tax year under such 57971
an ordinance or resolution, if the ordinance or resolution is 57972
adopted prior to January 1, 2006, and if service payments have 57973
been pledged to be used for mixed-use riverfront entertainment 57974
development in any county with a population that exceeds six 57975
hundred thousand, as shown by the most recent federal decennial 57976
census; 57977

(h) The portion of school district compensation value that 57978
was exempted from taxation for the preceding tax year under such 57979
an ordinance or resolution, if, prior to January 1, 2006, the 57980
legislative authority of a municipal corporation, board of 57981
township trustees, or board of county commissioners has pledged 57982
service payments for a designated transportation capacity project 57983
approved by the transportation review advisory council under 57984
Chapter 5512. of the Revised Code; 57985

(i) The portion of school district compensation value that 57986
was exempted from taxation for the preceding tax year under such 57987
an ordinance or resolution if the legislative authority of a 57988
municipal corporation, board of township trustees, or board of 57989
county commissioners have, by January 1, 2006, pledged proceeds 57990
for designated transportation improvement projects that involve 57991
federal funds for which the proceeds are used to meet a local 57992
share match requirement for such funding. 57993

As used in division (A)(6) of this section, "project" has the 57994
same meaning as in section 5709.40 of the Revised Code. 57995

(7) The aggregate value of real property in the school 57996
district for which an exemption from taxation is granted by an 57997
ordinance or resolution adopted on or after January 1, 2006, under 57998

Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 57999
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 58000
Code, as indicated on the list of exempted property for the 58001
preceding tax year under section 5713.08 of the Revised Code and 58002
as if such property had been assessed for taxation that year, 58003
minus the product determined by multiplying (a) the aggregate 58004
value of the real property in the school district exempted from 58005
taxation for the preceding tax year under any of the chapters or 58006
sections specified in this division, by (b) a fraction, the 58007
numerator of which is the difference between (i) the amount of 58008
anticipated revenue such school district would have received for 58009
the preceding tax year if the real property exempted from taxation 58010
had not been exempted from taxation and (ii) the aggregate amount 58011
of payments in lieu of taxes on the exempt real property for the 58012
preceding tax year and other compensation received for the 58013
preceding tax year by the school district pursuant to any 58014
agreements entered into on or after January 1, 2006, under section 58015
5709.82 of the Revised Code between the school district and the 58016
legislative authority of a political subdivision that acted under 58017
the authority of a chapter or statute specified in this division, 58018
that were entered into in relation to such exemption, and the 58019
denominator of which is the amount of anticipated revenue such 58020
school district would have received in the preceding fiscal year 58021
if the real property exempted from taxation had not been exempted. 58022

(B) On or before the first day of May each year, the tax 58023
commissioner shall certify to the department of education and the 58024
office of budget and management the total taxable real property 58025
value of railroads and, separately, the total taxable tangible 58026
personal property value of all public utilities for the preceding 58027
tax year, by school district and by county of location. 58028

(C) If a public utility has properly and timely filed a 58029
petition for reassessment under section 5727.47 of the Revised 58030

Code with respect to an assessment issued under section 5727.23 of 58031
the Revised Code affecting taxable property apportioned by the tax 58032
commissioner to a school district, the taxable value of public 58033
utility tangible personal property included in the certification 58034
under divisions (A)(2) and (B) of this section for the school 58035
district shall include only the amount of taxable value on the 58036
basis of which the public utility paid tax for the preceding year 58037
as provided in division (B)(1) or (2) of section 5727.47 of the 58038
Revised Code. 58039

(D) If on the basis of the information certified under 58040
division (A) of this section, the department determines that any 58041
district fails in any year to meet the qualification requirement 58042
specified in ~~division (A)(1) of section 3306.01~~ and division (A) 58043
of section 3317.01 of the Revised Code, the department shall 58044
immediately request the tax commissioner to determine the extent 58045
to which any school district income tax levied by the district 58046
under Chapter 5748. of the Revised Code shall be included in 58047
meeting that requirement. Within five days of receiving such a 58048
request from the department, the tax commissioner shall make the 58049
determination required by this division and report the quotient 58050
obtained under division (D)(3) of this section to the department 58051
and the office of budget and management. This quotient represents 58052
the number of mills that the department shall include in 58053
determining whether the district meets the qualification 58054
requirement of ~~division (A)(1) of section 3306.01~~ and division (A) 58055
of section 3317.01 of the Revised Code. 58056

The tax commissioner shall make the determination required by 58057
this division as follows: 58058

(1) Multiply one mill times the total taxable value of the 58059
district as determined in divisions (A)(1) and (2) of this 58060
section; 58061

(2) Estimate the total amount of tax liability for the 58062

current tax year under taxes levied by Chapter 5748. of the 58063
Revised Code that are apportioned to current operating expenses of 58064
the district, excluding any income tax receipts allocated for the 58065
project cost, debt service, or maintenance set-aside associated 58066
with a state-assisted classroom facilities project as authorized 58067
by section 3318.052 of the Revised Code; 58068

(3) Divide the amount estimated under division (D)(2) of this 58069
section by the product obtained under division (D)(1) of this 58070
section. 58071

(E)(1) On or before June 1, 2006, and the first day of April 58072
of each year thereafter, the director of development shall report 58073
to the department of education, the tax commissioner, and the 58074
director of budget and management the total amounts of payments 58075
received by each city, local, exempted village, or joint 58076
vocational school district for the preceding tax year pursuant to 58077
division (D) of section 5709.40, division (D) of section 5709.73, 58078
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 58079
or (D) of section 5709.82 of the Revised Code in relation to 58080
exemptions from taxation granted pursuant to an ordinance adopted 58081
by the legislative authority of a municipal corporation under 58082
division (C) of section 5709.40 of the Revised Code, or a 58083
resolution adopted by a board of township trustees or board of 58084
county commissioners under division (C) of section 5709.73 or 58085
division (B) of section 5709.78 of the Revised Code, respectively. 58086
On or before April 1, 2006, and the first day of March of each 58087
year thereafter, the treasurer of each city, local, exempted 58088
village, or joint vocational school district that has entered into 58089
such an agreement shall report to the director of development the 58090
total amounts of such payments the district received for the 58091
preceding tax year as provided in this section. The state board of 58092
education, in accordance with sections 3319.31 and 3319.311 of the 58093
Revised Code, may suspend or revoke the license of a treasurer 58094

found to have willfully reported erroneous, inaccurate, or 58095
incomplete data under this division. 58096

(2) On or before April 1, 2007, and the first day of April of 58097
each year thereafter, the director of development shall report to 58098
the department of education, the tax commissioner, and the 58099
director of budget and management the total amounts of payments 58100
received by each city, local, exempted village, or joint 58101
vocational school district for the preceding tax year pursuant to 58102
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 58103
in relation to exemptions from taxation granted pursuant to 58104
ordinances or resolutions adopted on or after January 1, 2006, 58105
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 58106
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 58107
Revised Code. On or before March 1, 2007, and the first day of 58108
March of each year thereafter, the treasurer of each city, local, 58109
exempted village, or joint vocational school district that has 58110
entered into such an agreement shall report to the director of 58111
development the total amounts of such payments the district 58112
received for the preceding tax year as provided by this section. 58113
The state board of education, in accordance with sections 3319.31 58114
and 3319.311 of the Revised Code, may suspend or revoke the 58115
license of a treasurer found to have willfully reported erroneous, 58116
inaccurate, or incomplete data under this division. 58117

Sec. 3317.022. (A)(1) The department of education shall 58118
compute and distribute state base cost funding to each eligible 58119
school district for the fiscal year, using the information 58120
obtained under section 3317.021 of the Revised Code in the 58121
calendar year in which the fiscal year begins, according to the 58122
following formula: 58123

{[the formula amount X (formula ADM + 58124
preschool scholarship ADM)] + 58125

the sum of the base funding supplements 58126
prescribed in divisions (C)(1) to (4) 58127
of section 3317.012 of the Revised Code} - 58128
[.023 x (the sum of recognized valuation 58129
and property exemption value)] + 58130
the amounts calculated for the district under 58131
sections 3317.029 and 3317.0217 of the Revised Code 58132

If the difference obtained is a negative number, the 58133
district's computation shall be zero. 58134

(2)(a) For each school district for which the tax exempt 58135
value of the district equals or exceeds twenty-five per cent of 58136
the potential value of the district, the department of education 58137
shall calculate the difference between the district's tax exempt 58138
value and twenty-five per cent of the district's potential value. 58139

(b) For each school district to which division (A)(2)(a) of 58140
this section applies, the department shall adjust the recognized 58141
valuation used in the calculation under division (A)(1) of this 58142
section by subtracting from it the amount calculated under 58143
division (A)(2)(a) of this section. 58144

(B) As used in this section: 58145

(1) The "total special education weight" for a district means 58146
the sum of the following amounts: 58147

(a) The district's category one special education ADM 58148
multiplied by the multiple specified in division (A) of section 58149
3317.013 of the Revised Code; 58150

(b) The district's category two special education ADM 58151
multiplied by the multiple specified in division (B) of section 58152
3317.013 of the Revised Code; 58153

(c) The district's category three special education ADM 58154
multiplied by the multiple specified in division (C) of section 58155
3317.013 of the Revised Code; 58156

(d) The district's category four special education ADM	58157
multiplied by the multiple specified in division (D) of section	58158
3317.013 of the Revised Code;	58159
(e) The district's category five special education ADM	58160
multiplied by the multiple specified in division (E) of section	58161
3317.013 of the Revised Code;	58162
(f) The district's category six special education ADM	58163
multiplied by the multiple specified in division (F) of section	58164
3317.013 of the Revised Code.	58165
(2) "Related services" includes:	58166
(a) Child study, special education supervisors and	58167
coordinators, speech and hearing services, adaptive physical	58168
development services, occupational or physical therapy, teacher	58169
assistants for children with disabilities whose disabilities are	58170
described in division (B) of section 3317.013 or division (F)(3)	58171
of section 3317.02 of the Revised Code, behavioral intervention,	58172
interpreter services, work study, nursing services, and	58173
specialized integrative services as those terms are defined by the	58174
department;	58175
(b) Speech and language services provided to any student with	58176
a disability, including any student whose primary or only	58177
disability is a speech and language disability;	58178
(c) Any related service not specifically covered by other	58179
state funds but specified in federal law, including but not	58180
limited to, audiology and school psychological services;	58181
(d) Any service included in units funded under former	58182
division (O)(1) of section 3317.024 of the Revised Code;	58183
(e) Any other related service needed by children with	58184
disabilities in accordance with their individualized education	58185
programs.	58186

(3) The "total vocational education weight" for a district means the sum of the following amounts:	58187 58188
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	58189 58190 58191
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	58192 58193 58194
(4) "Preschool scholarship ADM" means the number of preschool children with disabilities reported under division (B)(3)(h) of section 3317.03 of the Revised Code.	58195 58196 58197
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	58198 58199 58200 58201
The district's state share percentage X	58202
the formula amount for the year for which	58203
the aid is calculated X the district's	58204
total special education weight	58205
(2) The attributed local share of special education and related services additional weighted costs equals:	58206 58207
(1 - the district's state share percentage) X the district's total special education weight X the formula amount	58208 58209
(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its	58210 58211 58212 58213 58214 58215 58216 58217

costs for that student. Upon submission of documentation for a 58218
student of the type and in the manner prescribed, the department 58219
shall pay to the district an amount equal to the sum of the 58220
following: 58221

(i) One-half of the district's costs for the student in 58222
excess of the threshold catastrophic cost; 58223

(ii) The product of one-half of the district's costs for the 58224
student in excess of the threshold catastrophic cost multiplied by 58225
the district's state share percentage. 58226

(b) For purposes of division (C)(3)(a) of this section, the 58227
threshold catastrophic cost for serving a student equals: 58228

(i) For a student in the school district's category two, 58229
three, four, or five special education ADM, twenty-seven thousand 58230
three hundred seventy-five dollars; 58231

(ii) For a student in the district's category six special 58232
education ADM, thirty-two thousand eight hundred fifty dollars. 58233

(c) The district shall only report under division (C)(3)(a) 58234
of this section, and the department shall only pay for, the costs 58235
of educational expenses and the related services provided to the 58236
student in accordance with the student's individualized education 58237
program. Any legal fees, court costs, or other costs associated 58238
with any cause of action relating to the student may not be 58239
included in the amount. 58240

(4)(a) As used in this division, the "personnel allowance" 58241
means thirty thousand dollars in fiscal years 2008 and 2009. 58242

(b) For the provision of speech language pathology services 58243
to students, including students who do not have individualized 58244
education programs prepared for them under Chapter 3323. of the 58245
Revised Code, and for no other purpose, the department of 58246
education shall pay each school district an amount calculated 58247

under the following formula: 58248
 (formula ADM divided by 2000) X 58249
 the personnel allowance X 58250
 the state share percentage 58251

(5) In any fiscal year, a school district shall spend for 58252
purposes that the department designates as approved for special 58253
education and related services expenses at least the amount 58254
calculated as follows: 58255
 (formula amount X the sum of categories 58256
 one through six special education ADM) + 58257
 (total special education weight X formula amount) 58258

The purposes approved by the department for special education 58259
expenses shall include, but shall not be limited to, 58260
identification of children with disabilities, compliance with 58261
state rules governing the education of children with disabilities 58262
and prescribing the continuum of program options for children with 58263
disabilities, provision of speech language pathology services, and 58264
the portion of the school district's overall administrative and 58265
overhead costs that are attributable to the district's special 58266
education student population. 58267

The scholarships deducted from the school district's account 58268
under section 3310.41 of the Revised Code shall be considered to 58269
be an approved special education and related services expense for 58270
the purpose of the school district's compliance with division 58271
(C)(5) of this section. 58272

The department shall require school districts to report data 58273
annually to allow for monitoring compliance with division (C)(5) 58274
of this section. The department shall annually report to the 58275
governor and the general assembly the amount of money spent by 58276
each school district for special education and related services. 58277

(6) In any fiscal year, a school district shall spend for the 58278

provision of speech language pathology services not less than the 58279
sum of the amount calculated under division (C)(1) of this section 58280
for the students in the district's category one special education 58281
ADM and the amount calculated under division (C)(4) of this 58282
section. 58283

~~(D)(1) As used in this division:~~ 58284

~~(a) "Daily bus miles per student" equals the number of bus 58285
miles traveled per day, divided by transportation base. 58286~~

~~(b) "Transportation base" equals total student count as 58287
defined in section 3301.011 of the Revised Code, minus the number 58288
of students enrolled in units for preschool children with 58289
disabilities, plus the number of nonpublic school students 58290
included in transportation ADM. 58291~~

~~(c) "Transported student percentage" equals transportation 58292
ADM divided by transportation base. 58293~~

~~(d) "Transportation cost per student" equals total operating 58294
costs for board owned or contractor operated school buses divided 58295
by transportation base. 58296~~

~~(2) Analysis of student transportation cost data has resulted 58297
in a finding that an average efficient transportation use cost per 58298
student can be calculated by means of a regression formula that 58299
has as its two independent variables the number of daily bus miles 58300
per student and the transported student percentage. For fiscal 58301
year 1998 transportation cost data, the average efficient 58302
transportation use cost per student is expressed as follows: 58303~~

~~$51.79027 + (139.62626 \times \text{daily bus miles per student}) +$ 58304~~

~~$(116.25573 \times \text{transported student percentage})$ 58305~~

~~The department of education shall annually determine the 58306
average efficient transportation use cost per student in 58307
accordance with the principles stated in division (D)(2) of this 58308
section, updating the intercept and regression coefficients of the 58309~~

~~regression formula modeled in this division, based on an annual
statewide analysis of each school district's daily bus miles per
student, transported student percentage, and transportation cost
per student data. The department shall conduct the annual update
using data, including daily bus miles per student, transported
student percentage, and transportation cost per student data, from
the prior fiscal year. The department shall notify the office of
budget and management of such update by the fifteenth day of
February of each year.~~

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

FISCAL YEAR	PERCENTAGE	
2000	52.5%	58330
2001	55%	58331
2002	57.5%	58332
2003 and thereafter	The greater of 60% or the district's state share percentage	58333

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

~~(4) In addition to funds paid under divisions (D)(2) and (3)
of this section, a school district shall receive a rough road~~

~~subsidy if both of the following apply:~~ 58340

~~(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;~~ 58341
58342
58343

~~(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.~~ 58344
58345

~~(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:~~ 58346
58347
58348

~~(per rough mile subsidy X total rough road miles)
X density multiplier~~ 58349
58350

~~where:~~ 58351

~~(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:~~ 58352
58353

~~$0.75 \left[0.75 \times \left[\frac{\text{maximum rough road percentage} - \text{county rough road percentage}}{\text{maximum rough road percentage} - \text{statewide rough road percentage}} \right] \right]$~~ 58354
58355
58356

~~(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.~~ 58357
58358

~~(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost of doing business factor.~~ 58359
58360
58361
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~~(iii) "Statewide rough road percentage" means the percentage of the statewide total mileage of state, municipal, county, and township roads that is rated as type A, B, C, E2, or F by the department of transportation.~~ 58366
58367
58368
58369

~~(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage.~~ 58370
58371
58372

~~(c) "Density multiplier" means a figure calculated in accordance with the following formula:~~ 58373
58374

~~1 — [(minimum student density — district student density)/(minimum student density — statewide student density)]~~ 58375
58376
58377

~~(i) "Minimum student density" means the lowest district student density in the state.~~ 58378
58379

~~(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.~~ 58380
58381
58382

~~(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts.~~ 58383
58384
58385

~~(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board owned or contractor operated buses and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.~~ 58386
58387
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~~(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula:~~ 58394
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58396

~~state share percentage X~~ 58397

~~the formula amount X~~ 58398

~~total vocational education weight~~ 58399

~~In any fiscal year, a school district receiving funds under~~ 58400

division ~~(E)~~(D)(1) of this section shall spend those funds only 58401
for the purposes that the department designates as approved for 58402
vocational education expenses. Vocational educational expenses 58403
approved by the department shall include only expenses connected 58404
to the delivery of career-technical programming to 58405
career-technical students. The department shall require the school 58406
district to report data annually so that the department may 58407
monitor the district's compliance with the requirements regarding 58408
the manner in which funding received under division ~~(E)~~(D)(1) of 58409
this section may be spent. 58410

(2) The department shall compute for each school district 58411
state funds for vocational education associated services in 58412
accordance with the following formula: 58413

state share percentage X .05 X the formula amount X 58414
the sum of categories one and two vocational education ADM 58415

In any fiscal year, a school district receiving funds under 58416
division ~~(E)~~(D)(2) of this section, or through a transfer of funds 58417
pursuant to division ~~(L)~~(I) of section 3317.023 of the Revised 58418
Code, shall spend those funds only for the purposes that the 58419
department designates as approved for vocational education 58420
associated services expenses, which may include such purposes as 58421
apprenticeship coordinators, coordinators for other vocational 58422
education services, vocational evaluation, and other purposes 58423
designated by the department. The department may deny payment 58424
under division ~~(E)~~(D)(2) of this section to any district that the 58425
department determines is not operating those services or is using 58426
funds paid under division ~~(E)~~(D)(2) of this section, or through a 58427
transfer of funds pursuant to division ~~(L)~~(I) of section 3317.023 58428
of the Revised Code, for other purposes. 58429

~~(F)~~(E) The actual local share in any fiscal year for the 58430
combination of special education and related services additional 58431
weighted costs funding calculated under division (C)(1) of this 58432

section, transportation ~~funding~~ base payment calculated under 58433
divisions ~~(D)(2) and (3)~~ division (E) of ~~this~~ section 3317.0212 of 58434
the Revised Code, and vocational education and associated services 58435
additional weighted costs funding calculated under divisions 58436
~~(E)(D)~~(1) and (2) of this section shall not exceed for any school 58437
district the product of three and three-tenths mills times the 58438
district's recognized valuation. The department annually shall pay 58439
each school district as an excess cost supplement any amount by 58440
which the sum of the district's attributed local shares for that 58441
funding exceeds that product. For purposes of calculating the 58442
excess cost supplement: 58443

(1) The attributed local share for special education and 58444
related services additional weighted costs funding is the amount 58445
specified in division (C)(2) of this section. 58446

(2) The attributed local share of the district's 58447
transportation ~~funding~~ base payment equals the difference of the 58448
total amount calculated for the district ~~using the formula~~ 58449
~~developed~~ under division ~~(D)(2)(E)~~ of ~~this~~ section 3317.0212 of 58450
the Revised Code minus the actual amount paid to the district 58451
after applying the percentage specified in division ~~(D)(E)~~(3) of 58452
~~this~~ that section. 58453

(3) The attributed local share of vocational education and 58454
associated services additional weighted costs funding is the 58455
amount determined as follows: 58456

(1 - state share percentage) X 58457
[(total vocational education weight X 58458
the formula amount) + the payment under 58459
division ~~(E)(D)~~(2) of this section] 58460

Sec. 3317.023. (A) The amounts required to be paid to a 58461
district under this chapter ~~and Chapter 3306. of the Revised Code~~ 58462
shall be adjusted by the amount of the computations made under 58463

divisions (B) to ~~(N)~~(K) of this section. The department of 58464
education shall not make payments or adjustments under divisions 58465
~~(B), (C), and (D) of this section for any fiscal year after fiscal~~ 58466
~~year 2009.~~ 58467

As used in this section: 58468

(1) ~~"Classroom teacher" means a licensed employee who~~ 58469
~~provides direct instruction to pupils, excluding teachers funded~~ 58470
~~from money paid to the district from federal sources; educational~~ 58471
~~service personnel; and vocational and special education teachers.~~ 58472

~~(2) "Educational service personnel" shall not include such~~ 58473
~~specialists funded from money paid to the district from federal~~ 58474
~~sources or assigned full time to vocational or special education~~ 58475
~~students and classes and may only include those persons employed~~ 58476
~~in the eight specialist areas in a pattern approved by the~~ 58477
~~department of education under guidelines established by the state~~ 58478
~~board of education.~~ 58479

~~(3) "Annual salary" means the annual base salary stated in~~ 58480
~~the state minimum salary schedule for the performance of the~~ 58481
~~teacher's regular teaching duties that the teacher earns for~~ 58482
~~services rendered for the first full week of October of the fiscal~~ 58483
~~year for which the adjustment is made under division (C) of this~~ 58484
~~section. It shall not include any salary payments for supplemental~~ 58485
~~teachers contracts.~~ 58486

~~(4) "Regular student population" means the formula ADM plus~~ 58487
~~the number of students reported as enrolled in the district~~ 58488
~~pursuant to division (A)(1) of section 3313.981 of the Revised~~ 58489
~~Code; minus the number of students reported under division (A)(2)~~ 58490
~~of section 3317.03 of the Revised Code; minus the FTE of students~~ 58491
~~reported under division (B)(6), (7), (8), (9), (10), (11), or (12)~~ 58492
~~of that section who are enrolled in a vocational education class~~ 58493
~~or receiving special education; and minus twenty per cent of the~~ 58494

~~students enrolled concurrently in a joint vocational school district.~~ 58495
58496

~~(5) "VEPD" means a school district or group of school districts designated by the department of education as being responsible for the planning for and provision of vocational education services to students within the district or group.~~ 58497
58498
58499
58500

~~(6)(2) "Lead district" means a school district, including a joint vocational school district, designated by the department as a VEPD, or designated to provide primary vocational education leadership within a VEPD composed of a group of districts.~~ 58501
58502
58503
58504

~~(B) If the district employs less than one full-time equivalent classroom teacher for each twenty-five pupils in the regular student population in any school district, deduct the sum of the amounts obtained from the following computations:~~ 58505
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58507
58508

~~(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth;~~ 58509
58510

~~(2) Subtract the quotient in (1) from the district's regular student population;~~ 58511
58512

~~(3) Multiply the difference in (2) by seven hundred fifty-two dollars.~~ 58513
58514

~~(C) If a positive amount, add one-half of the amount obtained by multiplying the number of full-time equivalent classroom teachers by:~~ 58515
58516
58517

~~(1) The mean annual salary of all full-time equivalent classroom teachers employed by the district at their respective training and experience levels minus;~~ 58518
58519
58520

~~(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section.~~ 58521
58522
58523

~~The number of full-time equivalent classroom teachers used in~~ 58524

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

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

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

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

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

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

~~(F)(C)(1) If the district is required to pay to or entitled~~

to receive tuition from another school district under division 58556
(C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised 58557
Code, or if the superintendent of public instruction is required 58558
to determine the correct amount of tuition and make a deduction or 58559
credit under section 3317.08 of the Revised Code, deduct and 58560
credit such amounts as provided in division (J) of section 3313.64 58561
or section 3317.08 of the Revised Code. 58562

(2) For each child for whom the district is responsible for 58563
tuition or payment under division (A)(1) of section 3317.082 or 58564
section 3323.091 of the Revised Code, deduct the amount of tuition 58565
or payment for which the district is responsible. 58566

~~(G)~~(D) If the district has been certified by the 58567
superintendent of public instruction under section 3313.90 of the 58568
Revised Code as not in compliance with the requirements of that 58569
section, deduct an amount equal to ten per cent of the amount 58570
computed for the district under ~~Chapter 3306. of the Revised Code~~ 58571
this chapter. 58572

~~(H)~~(E) If the district has received a loan from a commercial 58573
lending institution for which payments are made by the 58574
superintendent of public instruction pursuant to division (E)(3) 58575
of section 3313.483 of the Revised Code, deduct an amount equal to 58576
such payments. 58577

~~(I)~~(F)(1) If the district is a party to an agreement entered 58578
into under division (D), (E), or (F) of section 3311.06 or 58579
division (B) of section 3311.24 of the Revised Code and is 58580
obligated to make payments to another district under such an 58581
agreement, deduct an amount equal to such payments if the district 58582
school board notifies the department in writing that it wishes to 58583
have such payments deducted. 58584

(2) If the district is entitled to receive payments from 58585
another district that has notified the department to deduct such 58586

payments under division ~~(I)~~(F)(1) of this section, add the amount 58587
of such payments. 58588

~~(J)~~(G) If the district is required to pay an amount of funds 58589
to a cooperative education district pursuant to a provision 58590
described by division (B)(4) of section 3311.52 or division (B)(8) 58591
of section 3311.521 of the Revised Code, deduct such amounts as 58592
provided under that provision and credit those amounts to the 58593
cooperative education district for payment to the district under 58594
division (B)(1) of section 3317.19 of the Revised Code. 58595

~~(K)~~(H)(1) If a district is educating a student entitled to 58596
attend school in another district pursuant to a shared education 58597
contract, compact, or cooperative education agreement other than 58598
an agreement entered into pursuant to section 3313.842 of the 58599
Revised Code, credit to that educating district on an FTE basis 58600
both of the following: 58601

(a) An amount equal to the formula amount. 58602

(b) An amount equal to ~~the current formula amount~~ \$5,732 58603
times the state share percentage times any multiple applicable to 58604
the student for fiscal year 2009 pursuant to section ~~3306.11~~ 58605
3317.013 or 3317.014 of the Revised Code, as those sections 58606
existed for that fiscal year. 58607

(2) Deduct any amount credited pursuant to division ~~(K)~~(H)(1) 58608
of this section from amounts paid to the school district in which 58609
the student is entitled to attend school pursuant to section 58610
3313.64 or 3313.65 of the Revised Code. 58611

(3) If the district is required by a shared education 58612
contract, compact, or cooperative education agreement to make 58613
payments to an educational service center, deduct the amounts from 58614
payments to the district and add them to the amounts paid to the 58615
service center pursuant to section 3317.11 of the Revised Code. 58616

~~(I)~~(I)(1) If a district, including a joint vocational school 58617

district, is a lead district of a VEPD, credit to that district 58618
the following amounts calculated for all the school districts 58619
within that VEPD ~~pursuant to:~~ 58620

(a) In any fiscal year except fiscal year 2012 or 2013, the 58621
amount computed under division ~~(E)~~(D)(2) of section 3317.022 of 58622
the Revised Code~~;~~ 58623

(b) In fiscal years 2012 and 2013, an amount equal to the 58624
following: 58625

state share percentage X .05 X \$5,732 X 58626

the sum of categories one 58627

and two vocational education ADM 58628

(2) Deduct from each appropriate district that is not a lead 58629
district, the amount attributable to that district that is 58630
credited to a lead district under division ~~(L)~~(I)(1) of this 58631
section. 58632

~~(M)~~(J) If the department pays a joint vocational school 58633
district under division (G)(4) of section 3317.16 of the Revised 58634
Code for excess costs of providing special education and related 58635
services to a student with a disability, as calculated under 58636
division (G)(2) of that section, the department shall deduct the 58637
amount of that payment from the city, local, or exempted village 58638
school district that is responsible as specified in that section 58639
for the excess costs. 58640

~~(N)~~(K)(1) If the district reports an amount of excess cost 58641
for special education services for a child under division (C) of 58642
section 3323.14 of the Revised Code, the department shall pay that 58643
amount to the district. 58644

(2) If the district reports an amount of excess cost for 58645
special education services for a child under division (C) of 58646
section 3323.14 of the Revised Code, the department shall deduct 58647
that amount from the district of residence of that child. 58648

Sec. 3317.024. The following shall be distributed monthly, 58649
quarterly, or annually as may be determined by the state board of 58650
education, ~~except that the department of education shall not make~~ 58651
~~payments under divisions (F) and (N) of this section for any~~ 58652
~~fiscal year after fiscal year 2009 or under division (L) of this~~ 58653
~~section for fiscal year 2010 or 2011:~~ 58654

(A) An amount for each island school district and each joint 58655
state school district for the operation of each high school and 58656
each elementary school maintained within such district and for 58657
capital improvements for such schools. Such amounts shall be 58658
determined on the basis of standards adopted by the state board of 58659
education. However, for fiscal years 2012 and 2013, an island 58660
district shall receive the lesser of its actual cost of operation, 58661
as certified to the department of education, or ninety-three per 58662
cent of the amount the district received in state operating 58663
funding for fiscal year 2011. If an island district received no 58664
funding for fiscal year 2011, it shall receive no funding for 58665
either of fiscal year 2012 or 2013. 58666

~~(B) An amount for each school district operating classes for~~ 58667
~~children of migrant workers who are unable to be in attendance in~~ 58668
~~an Ohio school during the entire regular school year. The amounts~~ 58669
~~shall be determined on the basis of standards adopted by the state~~ 58670
~~board of education, except that payment shall be made only for~~ 58671
~~subjects regularly offered by the school district providing the~~ 58672
~~classes.~~ 58673

~~(C) An amount for each school district with guidance,~~ 58674
~~testing, and counseling programs approved by the state board of~~ 58675
~~education. The amount shall be determined on the basis of~~ 58676
~~standards adopted by the state board of education.~~ 58677

~~(D) An amount for the emergency purchase of school buses as~~ 58678
~~provided for in section 3317.07 of the Revised Code;~~ 58679

~~(E)~~ An amount for each school district required to pay 58680
tuition for a child in an institution maintained by the department 58681
of youth services pursuant to section 3317.082 of the Revised 58682
Code, provided the child was not included in the calculation of 58683
the district's average daily membership for the preceding school 58684
year. 58685

~~(F)~~ An amount for adult basic literacy education for each 58686
district participating in programs approved by the state board of 58687
education. The amount shall be determined on the basis of 58688
standards adopted by the state board of education. 58689

~~(G)~~(C) An amount for the approved cost of transporting 58690
eligible pupils with disabilities attending a special education 58691
program approved by the department of education whom it is 58692
impossible or impractical to transport by regular school bus in 58693
the course of regular route transportation provided by the school 58694
district or educational service center. No district or service 58695
center is eligible to receive a payment under this division for 58696
the cost of transporting any pupil whom it transports by regular 58697
school bus and who is included in the district's transportation 58698
ADM. The state board of education shall establish standards and 58699
guidelines for use by the department of education in determining 58700
the approved cost of such transportation for each district or 58701
service center. 58702

~~(H)~~(D) An amount to each school district, including each 58703
cooperative education school district, pursuant to section 3313.81 58704
of the Revised Code to assist in providing free lunches to needy 58705
children ~~and an amount to assist needy school districts in~~ 58706
~~purchasing necessary equipment for food preparation.~~ The amounts 58707
shall be determined on the basis of rules adopted by the state 58708
board of education. 58709

~~(I)~~(E) An amount to each school district, for each pupil 58710
attending a chartered nonpublic elementary or high school within 58711

the district. The amount shall equal the amount appropriated for 58712
the implementation of section 3317.06 of the Revised Code divided 58713
by the average daily membership in grades kindergarten through 58714
twelve in nonpublic elementary and high schools within the state 58715
as determined during the first full week in October of each school 58716
year. 58717

~~(J)~~(F) An amount for each county DD board, distributed on the 58718
basis of standards adopted by the state board of education, for 58719
the approved cost of transportation required for children 58720
attending special education programs operated by the county DD 58721
board under section 3323.09 of the Revised Code; 58722

~~(K)~~ An amount for each school district that establishes a 58723
mentor teacher program that complies with rules of the state board 58724
of education. No school district shall be required to establish or 58725
maintain such a program in any year unless sufficient funds are 58726
appropriated to cover the district's total costs for the program. 58727

~~(L)~~ An amount to each school district or educational service 58728
center for the total number of gifted units approved pursuant to 58729
section 3317.05 of the Revised Code. The amount for each such unit 58730
shall be the sum of the minimum salary for the teacher of the 58731
unit, calculated on the basis of the teacher's training level and 58732
years of experience pursuant to the salary schedule prescribed in 58733
the version of section 3317.13 of the Revised Code in effect prior 58734
to July 1, 2001, plus fifteen per cent of that minimum salary 58735
amount, plus two thousand six hundred seventy eight dollars. 58736

~~(M)~~(G) An amount to each institution defined under section 58737
3317.082 of the Revised Code providing elementary or secondary 58738
education to children other than children receiving special 58739
education under section 3323.091 of the Revised Code. This amount 58740
for any institution in any fiscal year shall equal the total of 58741
all tuition amounts required to be paid to the institution under 58742
division (A)(1) of section 3317.082 of the Revised Code. 58743

~~(N) 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 2008 and 2009. The GRADS program shall include instruction on adoption as an option for unintended pregnancies.~~

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. 3317.025. On or before the first day of June of each year, the tax commissioner shall certify the following information to the department of education and the office of budget and management, for each school district in which the value of the property described under division (A) of this section exceeds one per cent of the taxable value of all real and tangible personal property in the district or in which is located tangible personal property designed for use or used in strip mining operations, whose taxable value exceeds five million dollars, and the taxes upon which the district is precluded from collecting by virtue of legal proceedings to determine the value of such property:

(A) The total taxable value of all property in the district

owned by a public utility or railroad that has filed a petition 58775
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 58776
(1898), 11 U.S.C. 205, as amended, and all tangible personal 58777
property in the district designed for use or used in strip mining 58778
operations whose taxable value exceeds five million dollars upon 58779
which have not been paid in full on or before the first day of 58780
April of that calendar year all real and tangible personal 58781
property taxes levied for the preceding calendar year and which 58782
the district was precluded from collecting by virtue of 58783
proceedings under section 205 of said act or by virtue of legal 58784
proceedings to determine the tax liability of such strip mining 58785
equipment; 58786

(B) The percentage of the total operating taxes charged and 58787
payable for school district purposes levied against such valuation 58788
for the preceding calendar year that have not been paid by such 58789
date; 58790

(C) The product obtained by multiplying the value certified 58791
under division (A) of this section by the percentage certified 58792
under division (B) of this section. If the value certified under 58793
division (A) of this section includes taxable property owned by a 58794
public utility or railroad that has filed a petition for 58795
reorganization under the bankruptcy act, the amount used in making 58796
the calculation under this division shall be reduced by one per 58797
cent of the total value of all real and tangible personal property 58798
in the district or the value of the utility's or railroad's 58799
property, whichever is less. 58800

Upon receipt of the certification, the department shall 58801
recompute the payments required under ~~Chapter 3306. of the Revised~~ 58802
~~Code~~ this chapter in the manner the payments would have been 58803
computed if: 58804

(1) The amount certified under division (C) of this section 58805
was not subject to taxation by the district and was not included 58806

in the certification made under division (A)(1), (A)(2), or (D) of 58807
section 3317.021 of the Revised Code. 58808

(2) The amount of taxes charged and payable and unpaid and 58809
used to make the computation under division (B) of this section 58810
had not been levied and had not been used in the computation 58811
required by division (B) of section 3317.021 of the Revised Code. 58812
The department shall pay the district that amount in the ensuing 58813
fiscal year in lieu of the amounts computed under ~~Chapter 3306. of~~ 58814
~~the Revised Code~~ this chapter. 58815

If a school district received a grant from the catastrophic 58816
expenditures account pursuant to division (C) of section 3316.20 58817
of the Revised Code on the basis of the same circumstances for 58818
which a recomputation is made under this section, the amount of 58819
the recomputation shall be reduced and transferred in accordance 58820
with division (C) of section 3316.20 of the Revised Code. 58821

Sec. 3317.0210. (A) As used in this section: 58822

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 58823
of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 58824

(2) "Chapter 11 corporation" means a corporation, company, or 58825
other business organization that has filed a petition for 58826
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 58827
Stat. 2626, 11 U.S.C. 1101, as amended. 58828

(3) "Uncollectable taxes" means property taxes payable in a 58829
calendar year by a Chapter 11 corporation on its property that a 58830
school district is precluded from collecting by virtue of 58831
proceedings under the Bankruptcy Reform Act. 58832

(4) "Basic state aid" means ~~the a school district's state~~ 58833
~~education aid calculated for a school district under Chapter 3306.~~ 58834
~~of the Revised Code.~~ 58835

(5) "Effective value" means the amount obtained by 58836

multiplying the total taxable value certified in a calendar year 58837
under section 3317.021 of the Revised Code by a fraction, the 58838
numerator of which is the total taxes charged and payable in that 58839
calendar year exclusive of the uncollectable taxes payable in that 58840
year, and the denominator of which is the total taxes charged and 58841
payable in that year. 58842

(6) "Total taxes charged and payable" has the same meaning 58843
given "taxes charged and payable" in section 3317.02 of the 58844
Revised Code. 58845

(B)(1) Between the first day of January and the first day of 58846
February of any year, a school district shall notify the 58847
department of education if it has uncollectable taxes payable in 58848
the preceding calendar year from one Chapter 11 corporation. 58849

(2) The department shall verify whether the district has such 58850
uncollectable taxes from such a corporation, and if the district 58851
does, shall immediately request the tax commissioner to certify 58852
the district's total taxes charged and payable in the preceding 58853
calendar year, and the tax commissioner shall certify that 58854
information to the department within thirty days after receiving 58855
the request. For the purposes of this section, taxes are payable 58856
in the calendar year that includes the day prescribed by law for 58857
their payment, including any lawful extension thereof. 58858

(C) Upon receiving the certification from the tax 58859
commissioner, the department shall determine whether the amount of 58860
uncollectable taxes from the corporation equals at least one per 58861
cent of the total taxes charged and payable as certified by the 58862
tax commissioner. If it does, the department shall compute the 58863
district's effective value and shall recompute the basic state aid 58864
payable to the district for the current fiscal year using the 58865
effective value in lieu of the total taxable value used to compute 58866
the basic state aid for the current fiscal year. The difference 58867
between the basic state aid amount originally computed for the 58868

district for the current fiscal year and the recomputed amount 58869
shall be paid to the district from the lottery profits education 58870
fund before the end of the current fiscal year. 58871

(D) Except as provided in division (E) of this section, 58872
amounts received by a school district under division (C) of this 58873
section shall be repaid to the department of education in any 58874
future year to the extent the district receives payments of 58875
uncollectable taxes in such future year. The district shall notify 58876
the department of any amount owed under this division. 58877

(E) If a school district received a grant from the 58878
catastrophic expenditures account pursuant to division (C) of 58879
section 3316.20 of the Revised Code on the basis of the same 58880
circumstances for which a recomputation is made under this 58881
section, the amount of the recomputation shall be reduced and 58882
transferred in accordance with division (C) of section 3316.20 of 58883
the Revised Code. 58884

Sec. 3317.0211. (A) As used in this section: 58885

(1) "Port authority" means any port authority as defined in 58886
section 4582.01 or 4582.21 of the Revised Code. 58887

(2) "Real property" includes public utility real property and 58888
"personal property" includes public utility personal property. 58889

(3) "Uncollected taxes" means property taxes charged and 58890
payable against the property of a port authority for a tax year 58891
that a school district has not collected. 58892

(4) "Basic state aid" means ~~the a school district's state~~ 58893
~~education aid calculated for a school district under Chapter 3306.~~ 58894
~~of the Revised Code.~~ 58895

(5) "Effective value" means the sum of the effective 58896
residential/agricultural real property value, the effective 58897
nonresidential/agricultural real property value, and the effective 58898

personal value. 58899

(6) "Effective residential/agricultural real property value" 58900
means, for a tax year, the amount obtained by multiplying the 58901
value for that year of residential/agricultural real property 58902
subject to taxation in the district by a fraction, the numerator 58903
of which is the total taxes charged and payable for that year 58904
against the residential/agricultural real property subject to 58905
taxation in the district, exclusive of the uncollected taxes for 58906
that year on all real property subject to taxation in the 58907
district, and the denominator of which is the total taxes charged 58908
and payable for that year against the residential/agricultural 58909
real property subject to taxation in the district. 58910

(7) "Effective nonresidential/agricultural real property 58911
value" means, for a tax year, the amount obtained by multiplying 58912
the value for that year of nonresidential/agricultural real 58913
property subject to taxation in the district by a fraction, the 58914
numerator of which is the total taxes charged and payable for that 58915
year against the nonresidential/agricultural real property subject 58916
to taxation in the district, exclusive of the uncollected taxes 58917
for that year on all real property subject to taxation in the 58918
district, and the denominator of which is the total taxes charged 58919
and payable for that year against the nonresidential/agricultural 58920
real property subject to taxation in the district. 58921

(8) "Effective personal value" means, for a tax year, the 58922
amount obtained by multiplying the value for that year certified 58923
under division (A)(2) of section 3317.021 of the Revised Code by a 58924
fraction, the numerator of which is the total taxes charged and 58925
payable for that year against personal property subject to 58926
taxation in the district, exclusive of the uncollected taxes for 58927
that year on that property, and the denominator of which is the 58928
total taxes charged and payable for that year against personal 58929
property subject to taxation in the district. 58930

(9) "Nonresidential/agricultural real property value" means, 58931
for a tax year, the sum of the values certified for a school 58932
district for that year under division (B)(2)(a) of this section, 58933
and "residential/agricultural real property value" means, for a 58934
tax year, the sum of the values certified for a school district 58935
under division (B)(2)(b) of this section. 58936

(10) "Taxes charged and payable against real property" means 58937
the taxes charged and payable against that property after making 58938
the reduction required by section 319.301 of the Revised Code. 58939

(11) "Total taxes charged and payable" has the same meaning 58940
given "taxes charged and payable" in section 3317.02 of the 58941
Revised Code. 58942

(B)(1) By the first day of August of any calendar year, a 58943
school district shall notify the department of education if it has 58944
any uncollected taxes from one port authority for the second 58945
preceding tax year whose taxes charged and payable represent at 58946
least one-half of one per cent of the district's total taxes 58947
charged and payable for that tax year. 58948

(2) The department shall verify whether the district has such 58949
uncollected taxes by the first day of September, and if the 58950
district does, shall immediately request the county auditor of 58951
each county in which the school district has territory to certify 58952
the following information concerning the district's property 58953
values and taxes for the second preceding tax year, and each such 58954
auditor shall certify that information to the department within 58955
thirty days of receiving the request: 58956

(a) The value of the property subject to taxation in the 58957
district that was classified as nonresidential/agricultural real 58958
property pursuant to section 5713.041 of the Revised Code, and the 58959
taxes charged and payable on that property; and 58960

(b) The value of the property subject to taxation in the 58961

district that was classified as residential/agricultural real 58962
property under section 5713.041 of the Revised Code. 58963

(C) By the fifteenth day of November, the department shall 58964
compute the district's effective nonresidential/agricultural real 58965
property value, effective residential/agricultural real property 58966
value, effective personal value, and effective value, and shall 58967
determine whether the school district's effective value for the 58968
second preceding tax year is at least one per cent less than its 58969
total value for that year certified under divisions (A)(1) and (2) 58970
of section 3317.021 of the Revised Code. If it is, the department 58971
shall recompute the basic state aid payable to the district for 58972
the immediately preceding fiscal year using the effective value in 58973
lieu of the amounts previously certified under section 3317.021 of 58974
the Revised Code. The difference between the original basic state 58975
aid amount computed for the district for the preceding fiscal year 58976
and the recomputed amount shall be paid to the district from the 58977
lottery profits education fund before the end of the current 58978
fiscal year. 58979

(D) Except as provided in division (E) of this section, 58980
amounts received by a school district under division (C) of this 58981
section shall be repaid to the department of education in any 58982
future year to the extent the district receives payments of 58983
uncollectable taxes in such future year. The department shall 58984
notify a district of any amount owed under this division. 58985

(E) If a school district received a grant from the 58986
catastrophic expenditures account pursuant to division (C) of 58987
section 3316.20 of the Revised Code on the basis of the same 58988
circumstances for which a recomputation is made under this 58989
section, the amount of the recomputation shall be reduced and 58990
transferred in accordance with division (C) of section 3316.20 of 58991
the Revised Code. 58992

<u>Sec. 3306.12 3317.0212.</u> (A) <u>The department of education shall</u>	58993
<u>make no payments under this section for fiscal year 2012 or 2013.</u>	58994
<u>(A)</u> As used in this section:	58995
(1) "Assigned bus" means a school bus used to transport	58996
qualifying riders.	58997
(2) "Nontraditional ridership" means the average number of	58998
qualifying riders who are enrolled in a community school	58999
established under Chapter 3314. of the Revised Code, in a STEM	59000
school established under Chapter 3326. of the Revised Code, or in	59001
a nonpublic school and are provided school bus service by a school	59002
district during the first full week of October.	59003
(3) "Qualifying riders" means resident students enrolled in	59004
regular education in grades kindergarten to twelve who are	59005
provided school bus service by a school district and who live more	59006
than one mile from the school they attend, including students with	59007
dual enrollment in a joint vocational school district or a	59008
cooperative education school district, and students enrolled in a	59009
community school, STEM school, or nonpublic school.	59010
(4) "Qualifying ridership" means the average number of	59011
qualifying riders who are provided school bus service by a school	59012
district during the first full week of October.	59013
(5) "Rider density" means the number of qualifying riders per	59014
square mile of a school district.	59015
(6) "School bus service" means a school district's	59016
transportation of qualifying riders in any of the following types	59017
of vehicles:	59018
(a) School buses owned or leased by the district;	59019
(b) School buses operated by a private contractor hired by	59020
the district;	59021

(c) School buses operated by another school district or 59022
entity with which the district has contracted, either as part of a 59023
consortium for the provision of transportation or otherwise. 59024

(B) Not later than the fifteenth day of October each year, 59025
each city, local, and exempted village school district shall 59026
report to the department of education its qualifying ridership, 59027
nontraditional ridership, number of qualifying riders per assigned 59028
bus, and any other information requested by the department. 59029
Subsequent adjustments to the reported numbers shall be made only 59030
in accordance with rules adopted by the department. 59031

(C) The department shall calculate the statewide 59032
transportation cost per student as follows: 59033

(1) Determine each city, local, and exempted village school 59034
district's transportation cost per student by dividing the 59035
district's total costs for school bus service in the previous 59036
fiscal year by its qualifying ridership in the previous fiscal 59037
year. 59038

(2) After excluding districts that do not provide school bus 59039
service and the ten districts with the highest transportation 59040
costs per student and the ten districts with the lowest 59041
transportation costs per student, divide the aggregate cost for 59042
school bus service for the remaining districts in the previous 59043
fiscal year by the aggregate qualifying ridership of those 59044
districts in the previous fiscal year. 59045

(D) The department shall calculate the statewide 59046
transportation cost per mile as follows: 59047

(1) Determine each city, local, and exempted village school 59048
district's transportation cost per mile by dividing the district's 59049
total costs for school bus service in the previous fiscal year by 59050
its total number of miles driven for school bus service in the 59051
previous fiscal year. 59052

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows:

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the greater of sixty per cent or the district's state share percentage, as defined in section 3317.02 of the Revised Code.

(F) The department shall calculate each city, local, and exempted village school district's nontraditional ridership adjustment according to the following formula:

(nontraditional ridership for the current fiscal year / qualifying ridership for the current fiscal year) X 0.1 X transportation base payment

(G) If a city, local, ~~and~~ or exempted village school district offers school bus service to all resident students who are enrolled in regular education in district schools in grades nine to twelve and who live more than one mile from the school they attend, the department shall calculate the district's high school ridership adjustment according to the following formula:

0.025 X transportation base payment 59084

(H) If a city, local, ~~and~~ or exempted village school district 59085
offers school bus service to students enrolled in grades 59086
kindergarten to eight who live more than one mile, but two miles 59087
or less, from the school they attend, the department shall 59088
calculate an additional adjustment according to the following 59089
formula: 59090

0.025 X transportation base payment 59091

(I)(1) The department annually shall establish a target 59092
number of qualifying riders per assigned bus for each city, local, 59093
and exempted village school district. The department shall use the 59094
most recently available data in establishing the target number. 59095
The target number shall be based on the statewide median number of 59096
qualifying riders per assigned bus as adjusted to reflect the 59097
district's rider density in comparison to the rider density of all 59098
other districts. The department shall post on the department's web 59099
site each district's target number of qualifying riders per 59100
assigned bus and a description of how the target number was 59101
determined. 59102

(2) The department shall determine each school district's 59103
efficiency index by dividing the district's median number of 59104
qualifying riders per assigned bus by its target number of 59105
qualifying riders per assigned bus. 59106

(3) The department shall determine each city, local, and 59107
exempted village school district's efficiency adjustment as 59108
follows: 59109

(a) If the district's efficiency index is equal to or greater 59110
than 1.5, the efficiency adjustment shall be calculated according 59111
to the following formula: 59112

0.1 X transportation base payment 59113

(b) If the district's efficiency index is less than 1.5 but 59114

equal to or greater than 1.0, the efficiency adjustment shall be 59115
calculated according to the following formula: 59116

[(efficiency index - 1) / 5] X transportation base payment 59117

(c) If the district's efficiency index is less than 1.0, the 59118
efficiency adjustment shall be zero. 59119

(J) The department shall pay each city, local, and exempted 59120
village school district the lesser of the following: 59121

(1) The sum of the amounts calculated under divisions (E) to 59122
(H) and (I)(3) of this section; 59123

(2) The district's total costs for school bus service for the 59124
prior fiscal year. 59125

(K) In addition to funds paid under division (J) of this 59126
section, each city, local, and exempted village district shall 59127
receive in accordance with rules adopted by the state board of 59128
education a payment for students transported by means other than 59129
school bus service and whose transportation is not funded under 59130
division ~~(G)~~(C) of section 3317.024 of the Revised Code. The rules 59131
shall include provisions for school district reporting of such 59132
students. 59133

~~(L)(1) In fiscal years 2010 and 2011, the department shall 59134
pay each district a pro rata portion of the amounts calculated 59135
under division (J) of this section and described in division (K) 59136
of this section, based on state appropriations. 59137~~

~~(2) In addition to the prorated payment under division (L)(1) 59138
of this section, in fiscal years 2010 and 2011, the department 59139
shall pay each school district that meets the conditions 59140
prescribed in division (L)(3) of this section an additional amount 59141
equal to the following product: 59142~~

~~(a) The difference of (i) the amounts calculated under 59143
division (J) of this section and prescribed in division (K) of 59144~~

~~this section minus (ii) that prorated payment; times 59145~~

~~(b) 0.30 in fiscal year 2010 and 0.70 in fiscal year 2011. 59146~~

~~(3) Division (L)(2) of this section applies to each school 59147~~
~~district that meets all of the following conditions: 59148~~

~~(a) The district qualifies for the calculation of a payment 59149~~
~~under division (J) of this section because it transports students 59150~~
~~on board owned or contractor owned school buses. 59151~~

~~(b) The district's local wealth per pupil, calculated as 59152~~
~~prescribed in section 3317.0217 of the Revised Code, is at or 59153~~
~~below the median local wealth per pupil of all districts that 59154~~
~~qualify for calculation of a payment under division (J) of this 59155~~
~~section. 59156~~

~~(c) The district's rider density is at or below the median 59157~~
~~rider density of all districts that qualify for calculation of a 59158~~
~~payment under division (J) of this section. 59159~~

~~**Sec. 3317.03.** The information certified and verified under 59160~~
~~this section shall be used to calculate payments under this 59161~~
~~chapter and Chapter 3306. of the Revised Code. 59162~~

~~(A) The superintendent of each city, local, and exempted 59163~~
~~village school district and of each educational service center 59164~~
~~shall, for the schools under the superintendent's supervision, 59165~~
~~certify to the state board of education on or before the fifteenth 59166~~
~~day of October in each year for the first full school week in 59167~~
~~October the average daily membership of students receiving 59168~~
~~services from schools under the superintendent's supervision, and 59169~~
~~the numbers of other students entitled to attend school in the 59170~~
~~district under section 3313.64 or 3313.65 of the Revised Code the 59171~~
~~superintendent is required to report under this section, so that 59172~~
~~the department of education can calculate the district's formula 59173~~
~~ADM. If a school under the superintendent's supervision is closed 59174~~

for one or more days during that week due to hazardous weather 59175
conditions or other circumstances described in the first paragraph 59176
of division (B) of section 3317.01 of the Revised Code, the 59177
superintendent may apply to the superintendent of public 59178
instruction for a waiver, under which the superintendent of public 59179
instruction may exempt the district superintendent from certifying 59180
the average daily membership for that school for that week and 59181
specify an alternate week for certifying the average daily 59182
membership of that school. 59183

The average daily membership during such week shall consist 59184
of the sum of the following: 59185

(1) On an FTE basis, the number of students in grades 59186
kindergarten through twelve receiving any educational services 59187
from the district, except that the following categories of 59188
students shall not be included in the determination: 59189

(a) Students enrolled in adult education classes; 59190

(b) Adjacent or other district students enrolled in the 59191
district under an open enrollment policy pursuant to section 59192
3313.98 of the Revised Code; 59193

(c) Students receiving services in the district pursuant to a 59194
compact, cooperative education agreement, or a contract, but who 59195
are entitled to attend school in another district pursuant to 59196
section 3313.64 or 3313.65 of the Revised Code; 59197

(d) Students for whom tuition is payable pursuant to sections 59198
3317.081 and 3323.141 of the Revised Code; 59199

(e) Students receiving services in the district through a 59200
scholarship awarded under either section 3310.41 or sections 59201
3310.51 to 3310.64 of the Revised Code. 59202

(2) On an FTE basis, the number of students entitled to 59203
attend school in the district pursuant to section 3313.64 or 59204

3313.65 of the Revised Code, but receiving educational services in 59205
grades kindergarten through twelve from one or more of the 59206
following entities: 59207

(a) A community school pursuant to Chapter 3314. of the 59208
Revised Code, including any participation in a college pursuant to 59209
Chapter 3365. of the Revised Code while enrolled in such community 59210
school; 59211

(b) An alternative school pursuant to sections 3313.974 to 59212
3313.979 of the Revised Code as described in division (I)(2)(a) or 59213
(b) of this section; 59214

(c) A college pursuant to Chapter 3365. of the Revised Code, 59215
except when the student is enrolled in the college while also 59216
enrolled in a community school pursuant to Chapter 3314. or a 59217
science, technology, engineering, and mathematics school 59218
established under Chapter 3326. of the Revised Code; 59219

(d) An adjacent or other school district under an open 59220
enrollment policy adopted pursuant to section 3313.98 of the 59221
Revised Code; 59222

(e) An educational service center or cooperative education 59223
district; 59224

(f) Another school district under a cooperative education 59225
agreement, compact, or contract; 59226

(g) A chartered nonpublic school with a scholarship paid 59227
under section 3310.08 of the Revised Code; 59228

(h) An alternative public provider or a registered private 59229
provider with a scholarship awarded under either section 3310.41 59230
or sections 3310.51 to 3310.64 of the Revised Code. 59231

As used in this section, "alternative public provider" and 59232
"registered private provider" have the same meanings as in section 59233
3310.41 or 3310.51 of the Revised Code, as applicable. 59234

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	59235 59236 59237 59238
<u>(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code.</u>	59239 59240
(3) The number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	59241 59242 59243 59244 59245 59246 59247 59248
(4) The number of children with disabilities, other than preschool children with disabilities, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county DD board, minus the number of such children placed with a county DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.	59249 59250 59251 59252 59253 59254 59255 59256
(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter and Chapter 3306. of the Revised Code , in addition to the average daily membership, each superintendent shall report separately the following student counts for the same week for which average daily membership is certified:	59257 59258 59259 59260 59261 59262
(1) The total average daily membership in regular learning day classes included in the report under division (A)(1) or (2) of this section for each of the individual grades kindergarten	59263 59264 59265

through twelve in schools under the superintendent's supervision;	59266
(2) The number of all preschool children with disabilities enrolled as of the first day of December in classes in the district that are eligible for approval under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under that section;	59267 59268 59269 59270 59271 59272
(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:	59273 59274 59275
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	59276 59277 59278
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	59279 59280 59281 59282 59283
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	59284 59285
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	59286 59287 59288 59289 59290 59291
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	59292 59293 59294 59295

(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	59296 59297
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	59298 59299 59300
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	59301 59302 59303
(i) Participating in a program operated by a county DD board or a state institution;	59304 59305
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	59306 59307 59308 59309
<u>(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code.</u>	59310 59311
(4) The number of pupils enrolled in joint vocational schools;	59312 59313
(5) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (D)(1)(A) of section 3306.02 <u>3317.013</u> of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;</u>	59314 59315 59316 59317 59318 59319 59320 59321
(6) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (D)(2)(B) of section 3306.02 <u>3317.013</u> of the	59322 59323 59324 59325

Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code; 59326
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(7) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division ~~(D)(3)~~(C) of section ~~3306.02~~ 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code; 59330
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(8) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D)~~(4)~~ of section ~~3306.02~~ 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code; 59338
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(9) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category five disabilities described in division ~~(D)(5)~~(E) of section ~~3306.02~~ 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code; 59346
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(10) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six disabilities described in division 59354
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~~(D)(6)(F)~~ of section ~~3306.02~~ 3317.013 of the Revised Code, 59358
including children attending a special education program operated 59359
by an alternative public provider or a registered private provider 59360
with a scholarship awarded under either section 3310.41 or 59361
sections 3310.51 to 3310.64 of the Revised Code; 59362

(11) The average daily membership of pupils reported under 59363
division (A)(1) or (2) of this section enrolled in category one 59364
vocational education programs or classes, described in division 59365
(A) of section 3317.014 of the Revised Code, operated by the 59366
school district or by another district, other than a joint 59367
vocational school district, or by an educational service center, 59368
excluding any student reported under division (B)(3)(e) of this 59369
section as enrolled in an internet- or computer-based community 59370
school, notwithstanding division (C) of section 3317.02 of the 59371
Revised Code and division (C)(3) of this section; 59372

(12) The average daily membership of pupils reported under 59373
division (A)(1) or (2) of this section enrolled in category two 59374
vocational education programs or services, described in division 59375
(B) of section 3317.014 of the Revised Code, operated by the 59376
school district or another school district, other than a joint 59377
vocational school district, or by an educational service center, 59378
excluding any student reported under division (B)(3)(e) of this 59379
section as enrolled in an internet- or computer-based community 59380
school, notwithstanding division (C) of section 3317.02 of the 59381
Revised Code and division (C)(3) of this section; 59382

Beginning with fiscal year 2010, vocational education ADM 59383
shall not be used to calculate a district's funding but shall be 59384
reported under divisions (B)(11) and (12) of this section for 59385
statistical purposes. 59386

(13) The average number of children transported by the school 59387
district on board-owned or contractor-owned and -operated buses, 59388
reported in accordance with rules adopted by the department of 59389

education;	59390
(14)(a) The number of children, other than preschool children with disabilities, the district placed with a county DD board in fiscal year 1998;	59391 59392 59393
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category one disability described in division (D)(1)(A) of section 3306.02 <u>3317.013</u> of the Revised Code;	59394 59395 59396 59397 59398
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category two disabilities described in division (D)(2)(B) of section 3306.02 <u>3317.013</u> of the Revised Code;	59399 59400 59401 59402 59403
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category three disabilities described in division (D)(3)(C) of section 3306.02 <u>3317.013</u> of the Revised Code;	59404 59405 59406 59407 59408
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category four disabilities described in division (D)(4) of section 3306.02 <u>3317.013</u> of the Revised Code;	59409 59410 59411 59412 59413
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category five disabilities described in division (D)(5)(E) of section 3306.02 <u>3317.013</u> of the Revised Code;	59414 59415 59416 59417 59418
(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD	59419 59420

board in the current fiscal year to receive special education 59421
services for category six disabilities described in division 59422
~~(D)(6)(F)~~ of section ~~3306.02~~ 3317.013 of the Revised Code. 59423

(C)(1) The average daily membership in divisions (B)(1) to 59424
(12) of this section shall be based upon the number of full-time 59425
equivalent students. The state board of education shall adopt 59426
rules defining full-time equivalent students and for determining 59427
the average daily membership therefrom for the purposes of 59428
divisions (A), (B), and (D) of this section. Each student enrolled 59429
in kindergarten shall be counted as one full-time equivalent 59430
student regardless of whether the student is enrolled in a 59431
part-day or all-day kindergarten class. 59432

(2) A student enrolled in a community school established 59433
under Chapter 3314. ~~or~~ a science, technology, engineering, and 59434
mathematics school established under Chapter 3326., or a 59435
college-preparatory boarding school established under Chapter 59436
3328. of the Revised Code shall be counted in the formula ADM and, 59437
if applicable, the category one, two, three, four, five, or six 59438
special education ADM of the school district in which the student 59439
is entitled to attend school under section 3313.64 or 3313.65 of 59440
the Revised Code for the same proportion of the school year that 59441
the student is counted in the enrollment of the community school 59442
~~or~~ the science, technology, engineering, and mathematics school, 59443
or the college-preparatory boarding school for purposes of section 59444
3314.08 ~~or~~ 3326.33, or 3328.24 of the Revised Code. 59445

Notwithstanding the number of students reported pursuant to 59446
division (B)(3)(d), (e), ~~or~~ (j), or (k) of this section, the 59447
department may adjust the formula ADM of a school district to 59448
account for students entitled to attend school in the district 59449
under section 3313.64 or 3313.65 of the Revised Code who are 59450
enrolled in a community school ~~or~~ a science, technology, 59451
engineering, and mathematics school, or a college-preparatory 59452

boarding school for only a portion of the school year. 59453

(3) No child shall be counted as more than a total of one 59454
child in the sum of the average daily memberships of a school 59455
district under division (A), divisions (B)(1) to (12), or division 59456
(D) of this section, except as follows: 59457

(a) A child with a disability described in ~~division (D) of~~ 59458
section ~~3306.02~~ 3317.013 of the Revised Code may be counted both 59459
in formula ADM and in category one, two, three, four, five, or six 59460
special education ADM and, if applicable, in category one or two 59461
vocational education ADM. As provided in division (C) of section 59462
3317.02 of the Revised Code, such a child shall be counted in 59463
category one, two, three, four, five, or six special education ADM 59464
in the same proportion that the child is counted in formula ADM. 59465

(b) A child enrolled in vocational education programs or 59466
classes described in section 3317.014 of the Revised Code may be 59467
counted both in formula ADM and category one or two vocational 59468
education ADM and, if applicable, in category one, two, three, 59469
four, five, or six special education ADM. Such a child shall be 59470
counted in category one or two vocational education ADM in the 59471
same proportion as the percentage of time that the child spends in 59472
the vocational education programs or classes. 59473

(4) Based on the information reported under this section, the 59474
department of education shall determine the total student count, 59475
as defined in section 3301.011 of the Revised Code, for each 59476
school district. 59477

(D)(1) The superintendent of each joint vocational school 59478
district shall certify to the superintendent of public instruction 59479
on or before the fifteenth day of October in each year for the 59480
first full school week in October the formula ADM, for purposes of 59481
section 3318.42 of the Revised Code and for any other purpose 59482
prescribed by law for which "formula ADM" of the joint vocational 59483

district is a factor. If a school operated by the joint vocational 59484
school district is closed for one or more days during that week 59485
due to hazardous weather conditions or other circumstances 59486
described in the first paragraph of division (B) of section 59487
3317.01 of the Revised Code, the superintendent may apply to the 59488
superintendent of public instruction for a waiver, under which the 59489
superintendent of public instruction may exempt the district 59490
superintendent from certifying the formula ADM for that school for 59491
that week and specify an alternate week for certifying the formula 59492
ADM of that school. 59493

The formula ADM, except as otherwise provided in this 59494
division, shall consist of the average daily membership during 59495
such week, on an FTE basis, of the number of students receiving 59496
any educational services from the district, including students 59497
enrolled in a community school established under Chapter 3314. or 59498
a science, technology, engineering, and mathematics school 59499
established under Chapter 3326. of the Revised Code who are 59500
attending the joint vocational district under an agreement between 59501
the district board of education and the governing authority of the 59502
community school or the governing body of the science, technology, 59503
engineering, and mathematics school and are entitled to attend 59504
school in a city, local, or exempted village school district whose 59505
territory is part of the territory of the joint vocational 59506
district. 59507

The following categories of students shall not be included in 59508
the determination made under division (D)(1) of this section: 59509

(a) Students enrolled in adult education classes; 59510

(b) Adjacent or other district joint vocational students 59511
enrolled in the district under an open enrollment policy pursuant 59512
to section 3313.98 of the Revised Code; 59513

(c) Students receiving services in the district pursuant to a 59514

compact, cooperative education agreement, or a contract, but who 59515
are entitled to attend school in a city, local, or exempted 59516
village school district whose territory is not part of the 59517
territory of the joint vocational district; 59518

(d) Students for whom tuition is payable pursuant to sections 59519
3317.081 and 3323.141 of the Revised Code. 59520

(2) ~~In~~ To enable the department of education to obtain the 59521
data needed to complete the calculation of payments pursuant to 59522
this chapter, in addition to the formula ADM, each superintendent 59523
shall report separately the average daily membership included in 59524
the report under division (D)(1) of this section for each of the 59525
following categories of students for the same week for which 59526
formula ADM is certified: 59527

(a) Students enrolled in each individual grade included in 59528
the joint vocational district schools; 59529

(b) Children with disabilities receiving special education 59530
services for the category one disability described in division 59531
~~(D)(1)(A)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 59532

(c) Children with disabilities receiving special education 59533
services for the category two disabilities described in division 59534
~~(D)(2)(B)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 59535

(d) Children with disabilities receiving special education 59536
services for category three disabilities described in division 59537
~~(D)(3)(C)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 59538

(e) Children with disabilities receiving special education 59539
services for category four disabilities described in division 59540
~~(D)(4)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 59541

(f) Children with disabilities receiving special education 59542
services for the category five disabilities described in division 59543
~~(D)(5)(E)~~ of section ~~3306.02~~ 3317.013 of the Revised Code; 59544

(g) Children with disabilities receiving special education services for category six disabilities described in division (D)(6)(F) of section 3306.02 <u>3317.013</u> of the Revised Code;	59545 59546 59547
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	59548 59549 59550
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	59551 59552 59553
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	59554 59555 59556 59557 59558
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:	59559 59560 59561 59562 59563 59564 59565 59566 59567 59568 59569 59570 59571 59572 59573
(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;	59574 59575

(2) Any pupil who is not a resident of the state; 59576

(3) Any pupil who was enrolled in the schools of the district 59577
during the previous school year when assessments were administered 59578
under section 3301.0711 of the Revised Code but did not take one 59579
or more of the assessments required by that section and was not 59580
excused pursuant to division (C)(1) or (3) of that section; 59581

(4) Any pupil who has attained the age of twenty-two years, 59582
except for veterans of the armed services whose attendance was 59583
interrupted before completing the recognized twelve-year course of 59584
the public schools by reason of induction or enlistment in the 59585
armed forces and who apply for reenrollment in the public school 59586
system of their residence not later than four years after 59587
termination of war or their honorable discharge. 59588

If, however, any veteran described by division (E)(4) of this 59589
section elects to enroll in special courses organized for veterans 59590
for whom tuition is paid under the provisions of federal laws, or 59591
otherwise, that veteran shall not be included in average daily 59592
membership. 59593

Notwithstanding division (E)(3) of this section, the 59594
membership of any school may include a pupil who did not take an 59595
assessment required by section 3301.0711 of the Revised Code if 59596
the superintendent of public instruction grants a waiver from the 59597
requirement to take the assessment to the specific pupil and a 59598
parent is not paying tuition for the pupil pursuant to section 59599
3313.6410 of the Revised Code. The superintendent may grant such a 59600
waiver only for good cause in accordance with rules adopted by the 59601
state board of education. 59602

Except as provided in divisions (B)(2) and (F) of this 59603
section, the average daily membership figure of any local, city, 59604
exempted village, or joint vocational school district shall be 59605
determined by dividing the figure representing the sum of the 59606

number of pupils enrolled during each day the school of attendance 59607
is actually open for instruction during the week for which the 59608
average daily membership is being certified by the total number of 59609
days the school was actually open for instruction during that 59610
week. For purposes of state funding, "enrolled" persons are only 59611
those pupils who are attending school, those who have attended 59612
school during the current school year and are absent for 59613
authorized reasons, and those children with disabilities currently 59614
receiving home instruction. 59615

The average daily membership figure of any cooperative 59616
education school district shall be determined in accordance with 59617
rules adopted by the state board of education. 59618

(F)(1) If the formula ADM for the first full school week in 59619
February is at least three per cent greater than that certified 59620
for the first full school week in the preceding October, the 59621
superintendent of schools of any city, exempted village, or joint 59622
vocational school district or educational service center shall 59623
certify such increase to the superintendent of public instruction. 59624
Such certification shall be submitted no later than the fifteenth 59625
day of February. For the balance of the fiscal year, beginning 59626
with the February payments, the superintendent of public 59627
instruction shall use the increased formula ADM in calculating or 59628
recalculating the amounts to be allocated in accordance with 59629
section 3317.022 or 3317.16 of the Revised Code. In no event shall 59630
the superintendent use an increased membership certified to the 59631
superintendent after the fifteenth day of February. Division 59632
(F)(1) of this section does not apply after fiscal year 2006. 59633

(2) If on the first school day of April the total number of 59634
classes or units for preschool children with disabilities that are 59635
eligible for approval under division (B) of section 3317.05 of the 59636
Revised Code exceeds the number of units that have been approved 59637
for the year under that division, the superintendent of schools of 59638

any city, exempted village, or cooperative education school 59639
district or educational service center shall make the 59640
certifications required by this section for that day. If the 59641
department determines additional units can be approved for the 59642
fiscal year within any limitations set forth in the acts 59643
appropriating moneys for the funding of such units, the department 59644
shall approve additional units for the fiscal year on the basis of 59645
such average daily membership. For each unit so approved, the 59646
department shall pay an amount computed in the manner prescribed 59647
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 59648
Code. 59649

(3) If a student attending a community school under Chapter 59650
3314. ~~or~~, a science, technology, engineering, and mathematics 59651
school established under Chapter 3326., or a college-preparatory 59652
boarding school established under Chapter 3328. of the Revised 59653
Code is not included in the formula ADM certified for the school 59654
district in which the student is entitled to attend school under 59655
section 3313.64 or 3313.65 of the Revised Code, the department of 59656
education shall adjust the formula ADM of that school district to 59657
include the student in accordance with division (C)(2) of this 59658
section, and shall recalculate the school district's payments 59659
under this chapter ~~and Chapter 3306. of the Revised Code~~ for the 59660
entire fiscal year on the basis of that adjusted formula ADM. This 59661
requirement applies regardless of whether the student was 59662
enrolled, as defined in division (E) of this section, in the 59663
community school ~~or~~, the science, technology, engineering, and 59664
mathematics school, or the college-preparatory boarding school 59665
during the week for which the formula ADM is being certified. 59666

(4) If a student awarded an educational choice scholarship is 59667
not included in the formula ADM of the school district from which 59668
the department deducts funds for the scholarship under section 59669
3310.08 of the Revised Code, the department shall adjust the 59670

formula ADM of that school district to include the student to the 59671
extent necessary to account for the deduction, and shall 59672
recalculate the school district's payments under this chapter ~~and~~ 59673
~~Chapter 3306. of the Revised Code~~ for the entire fiscal year on 59674
the basis of that adjusted formula ADM. This requirement applies 59675
regardless of whether the student was enrolled, as defined in 59676
division (E) of this section, in the chartered nonpublic school, 59677
the school district, or a community school during the week for 59678
which the formula ADM is being certified. 59679

(5) If a student awarded a scholarship under the Jon Peterson 59680
special needs scholarship program is not included in the formula 59681
ADM of the school district from which the department deducts funds 59682
for the scholarship under section 3310.55 of the Revised Code, the 59683
department shall adjust the formula ADM of that school district to 59684
include the student to the extent necessary to account for the 59685
deduction, and shall recalculate the school district's payments 59686
under this chapter for the entire fiscal year on the basis of that 59687
adjusted formula ADM. This requirement applies regardless of 59688
whether the student was enrolled, as defined in division (E) of 59689
this section, in an alternative public provider, a registered 59690
private provider, or the school district during the week for which 59691
the formula ADM is being certified. 59692

(G)(1)(a) The superintendent of an institution operating a 59693
special education program pursuant to section 3323.091 of the 59694
Revised Code shall, for the programs under such superintendent's 59695
supervision, certify to the state board of education, in the 59696
manner prescribed by the superintendent of public instruction, 59697
both of the following: 59698

(i) The average daily membership of all children with 59699
disabilities other than preschool children with disabilities 59700
receiving services at the institution for each category of 59701
disability described in divisions ~~(D)(1) to (6)(A)~~ (F) of 59702

section ~~3306.02~~ 3317.013 of the Revised Code; 59703

(ii) The average daily membership of all preschool children 59704
with disabilities in classes or programs approved annually by the 59705
department of education for unit funding under section 3317.05 of 59706
the Revised Code. 59707

(b) The superintendent of an institution with vocational 59708
education units approved under division (A) of section 3317.05 of 59709
the Revised Code shall, for the units under the superintendent's 59710
supervision, certify to the state board of education the average 59711
daily membership in those units, in the manner prescribed by the 59712
superintendent of public instruction. 59713

(2) The superintendent of each county DD board that maintains 59714
special education classes under section 3317.20 of the Revised 59715
Code or units approved pursuant to section 3317.05 of the Revised 59716
Code shall do both of the following: 59717

(a) Certify to the state board, in the manner prescribed by 59718
the board, the average daily membership in classes under section 59719
3317.20 of the Revised Code for each school district that has 59720
placed children in the classes; 59721

(b) Certify to the state board, in the manner prescribed by 59722
the board, the number of all preschool children with disabilities 59723
enrolled as of the first day of December in classes eligible for 59724
approval under division (B) of section 3317.05 of the Revised 59725
Code, and the number of those classes. 59726

(3)(a) If on the first school day of April the number of 59727
classes or units maintained for preschool children with 59728
disabilities by the county DD board that are eligible for approval 59729
under division (B) of section 3317.05 of the Revised Code is 59730
greater than the number of units approved for the year under that 59731
division, the superintendent shall make the certification required 59732
by this section for that day. 59733

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

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

(K) If the superintendent of public instruction determines that a component of the average daily membership certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

Sec. 3317.031. A membership record shall be kept by grade level in each city, local, exempted village, joint vocational, and cooperative education school district and such a record shall be kept by grade level in each educational service center that provides academic instruction to pupils, classes for pupils with disabilities, or any other direct instructional services to pupils. Such membership record shall show the following information for each pupil enrolled: Name, date of birth, name of

parent, date entered school, date withdrawn from school, days 59797
present, days absent, and the number of days school was open for 59798
instruction while the pupil was enrolled. At the end of the school 59799
year this membership record shall show the total days present, the 59800
total days absent, and the total days due for all pupils in each 59801
grade. Such membership record shall show the pupils that are 59802
transported to and from school and it shall also show the pupils 59803
that are transported living within one mile of the school 59804
attended. This membership record shall also show any other 59805
information prescribed by the state board of education. 59806

This membership record shall be kept intact for at least five 59807
years and shall be made available to the state board of education 59808
or its representative in making an audit of the average daily 59809
membership or the transportation of the district or educational 59810
service center. ~~The membership records of local school districts~~ 59811
~~shall be filed at the close of each school year in the office of~~ 59812
~~the educational service center superintendent.~~ 59813

The state board of education may withhold any money due any 59814
school district or educational service center under this chapter 59815
~~and Chapter 3306. of the Revised Code~~ until it has satisfactory 59816
evidence that the board of education or educational service center 59817
governing board has fully complied with all of the provisions of 59818
this section. 59819

Nothing in this section shall require any person to release, 59820
or to permit access to, public school records in violation of 59821
section 3319.321 of the Revised Code. 59822

Sec. 3317.05. (A) For the purpose of calculating payments 59823
under sections 3317.052 and 3317.053 of the Revised Code, the 59824
department of education shall determine for each institution, by 59825
the last day of January of each year and based on information 59826
certified under section 3317.03 of the Revised Code, the number of 59827

vocational education units or fractions of units approved by the 59828
department on the basis of standards and rules adopted by the 59829
state board of education. As used in this division, "institution" 59830
means an institution operated by a department specified in section 59831
3323.091 of the Revised Code and that provides vocational 59832
education programs under the supervision of the division of 59833
vocational education of the department that meet the standards and 59834
rules for these programs, including licensure of professional 59835
staff involved in the programs, as established by the state board. 59836

(B) For the purpose of calculating payments under sections 59837
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 59838
department shall determine, based on information certified under 59839
section 3317.03 of the Revised Code, the following by the last day 59840
of January of each year for each educational service center, for 59841
each school district, including each cooperative education school 59842
district, for each institution eligible for payment under section 59843
3323.091 of the Revised Code, and for each county DD board: the 59844
number of classes operated by the school district, service center, 59845
institution, or county DD board for preschool children with 59846
disabilities, or fraction thereof, including in the case of a 59847
district or service center that is a funding agent, classes taught 59848
by a licensed teacher employed by that district or service center 59849
under section 3313.841 of the Revised Code, approved annually by 59850
the department on the basis of standards and rules adopted by the 59851
state board. 59852

(C) For the purpose of calculating payments under sections 59853
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 59854
department shall determine, based on information certified under 59855
section 3317.03 of the Revised Code, the following by the last day 59856
of January of each year for each school district, including each 59857
cooperative education school district, for each institution 59858
eligible for payment under section 3323.091 of the Revised Code, 59859

and for each county DD board: the number of units for related 59860
services, as defined in section 3323.01 of the Revised Code, for 59861
preschool children with disabilities approved annually by the 59862
department on the basis of standards and rules adopted by the 59863
state board. 59864

(D) All of the arithmetical calculations made under this 59865
section shall be carried to the second decimal place. The total 59866
number of units for school districts, service centers, and 59867
institutions approved annually under this section shall not exceed 59868
the number of units included in the estimate of cost for these 59869
units and appropriations made for them by the general assembly. 59870

In the case of units for preschool children with disabilities 59871
described in division (B) of this section, the department shall 59872
approve only preschool units for children who are under age six on 59873
the thirtieth day of September of the academic year, or on the 59874
first day of August of the academic year if the school district in 59875
which the child is enrolled has adopted a resolution under 59876
division (A)(3) of section 3321.01 of the Revised Code, but not 59877
less than age three on the first day of December of the academic 59878
year, except that such a unit may include one or more children who 59879
are under age three or are age six or over on the applicable date, 59880
as reported under division (B)(2) or (G)(2)(b) of section 3317.03 59881
of the Revised Code, if such children have been admitted to the 59882
unit pursuant to rules of the state board. The number of units for 59883
county DD boards and institutions eligible for payment under 59884
section 3323.091 of the Revised Code approved under this section 59885
shall not exceed the number that can be funded with appropriations 59886
made for such purposes by the general assembly. 59887

No unit shall be approved under divisions (B) and (C) of this 59888
section unless a plan has been submitted and approved under 59889
Chapter 3323. of the Revised Code. 59890

~~(E) The department shall approve units or fractions thereof 59891~~

~~for gifted children on the basis of standards and rules adopted by
the state board.~~ 59892
59893

Sec. 3317.051. ~~(A)(1) Notwithstanding sections 3317.05 and
3317.11 of the Revised Code, a unit funded pursuant to division
(L) of section 3317.024 or division (A)(2) of section 3317.052 of
the Revised Code shall not be approved for state funding in one
school district, including any cooperative education school
district or any educational service center, to the extent that
such unit provides programs in or services to another district
which receives payment pursuant to section 3317.04 of the Revised
Code.~~ 59894
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~~(2) Any city, local, exempted village, or cooperative
education school district or any educational service center may
combine partial unit eligibility for programs for preschool
children with disabilities pursuant to section 3317.05 of the
Revised Code, and such combined partial units may be approved for
state funding in one school district or service center.~~ 59903
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~~(B) After units have been initially approved for any fiscal
year under section 3317.05 of the Revised Code, no unit shall be
subsequently transferred from a school district or educational
service center to another city, exempted village, local, or
cooperative education school district or educational service
center or to an institution or county DD board solely for the
purpose of reducing the financial obligations of the school
district in a fiscal year it receives payment pursuant to section
3317.04 of the Revised Code.~~ 59909
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Sec. 3317.053. (A) As used in this section: 59918

(1) "State share percentage" has the same meaning as in 59919
section 3317.022 of the Revised Code. 59920

(2) "Dollar amount" means the amount shown in the following 59921

table for the corresponding type of unit: 59922

TYPE OF UNIT	DOLLAR AMOUNT	59923
Division (B) of section 3317.05		59924
of the Revised Code	\$8,334	59925
Division (C) of that section	\$3,234	59926
Division (E) of that section	\$5,550	59927

(3) "Average unit amount" means the amount shown in the 59928
following table for the corresponding type of unit: 59929

TYPE OF UNIT	AVERAGE UNIT AMOUNT	59930
Division (B) of section 3317.05		59931
of the Revised Code	\$7,799	59932
Division (C) of that section	\$2,966	59933
Division (E) of that section	\$5,251	59934

(B) In the case of each unit described in division (B) ~~or~~ or 59935
(C) ~~or (E)~~ of section 3317.05 of the Revised Code and allocated 59936
to a city, local, or exempted village school district, the 59937
department of education, in addition to the amounts specified in 59938
~~division (E) of section 3317.024 and~~ sections 3317.052 and 3317.19 59939
of the Revised Code, shall pay a supplemental unit allowance equal 59940
to the sum of the following amounts: 59941

(1) An amount equal to 50% of the average unit amount for the 59942
unit; 59943

(2) An amount equal to the percentage of the dollar amount 59944
for the unit that equals the district's state share percentage. 59945

If, prior to the fifteenth day of May of a fiscal year, a 59946
school district's aid computed under section 3317.022 of the 59947
Revised Code is recomputed pursuant to section 3317.027 or 59948
3317.028 of the Revised Code, the department shall also recompute 59949
the district's entitlement to payment under this section utilizing 59950
a new state share percentage. Such new state share percentage 59951
shall be determined using the district's recomputed basic aid 59952

amount pursuant to section 3317.027 or 3317.028 of the Revised Code. During the last six months of the fiscal year, the department shall pay the district a sum equal to one-half of the recomputed payment in lieu of one-half the payment otherwise calculated under this section.

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

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

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

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

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

(A) To purchase such secular textbooks or electronic 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~~ any book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based provider of course content, or any other material that contributes 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. 60015

(C) To provide physician, nursing, dental, and optometric 60016
services to pupils attending nonpublic schools within the 60017
district. Such services shall be provided in the school attended 60018
by the nonpublic school pupil receiving the service. 60019

(D) To provide diagnostic psychological services to pupils 60020
attending nonpublic schools within the district. Such services 60021
shall be provided in the school attended by the pupil receiving 60022
the service. 60023

(E) To provide therapeutic psychological and speech and 60024
hearing services to pupils attending nonpublic schools within the 60025
district. Such services shall be provided in the public school, in 60026
nonpublic schools, in public centers, or in mobile units located 60027
on or off of the nonpublic premises. If such services are provided 60028
in the public school or in public centers, transportation to and 60029
from such facilities shall be provided by the school district in 60030
which the nonpublic school is located. 60031

(F) To provide guidance, counseling, and social work services 60032
to pupils attending nonpublic schools within the district. Such 60033
services shall be provided in the public school, in nonpublic 60034
schools, in public centers, or in mobile units located on or off 60035
of the nonpublic premises. If such services are provided in the 60036
public school or in public centers, transportation to and from 60037
such facilities shall be provided by the school district in which 60038
the nonpublic school is located. 60039

(G) To provide remedial services to pupils attending 60040
nonpublic schools within the district. Such services shall be 60041
provided in the public school, in nonpublic schools, in public 60042
centers, or in mobile units located on or off of the nonpublic 60043
premises. If such services are provided in the public school or in 60044
public centers, transportation to and from such facilities shall 60045

be provided by the school district in which the nonpublic school 60046
is located. 60047

(H) To supply for use by pupils attending nonpublic schools 60048
within the district such standardized tests and scoring services 60049
as are in use in the public schools of the state; 60050

(I) To provide programs for children who attend nonpublic 60051
schools within the district and are children with disabilities as 60052
defined in section 3323.01 of the Revised Code or gifted children. 60053
Such programs shall be provided in the public school, in nonpublic 60054
schools, in public centers, or in mobile units located on or off 60055
of the nonpublic premises. If such programs are provided in the 60056
public school or in public centers, transportation to and from 60057
such facilities shall be provided by the school district in which 60058
the nonpublic school is located. 60059

(J) To hire clerical personnel to assist in the 60060
administration of programs pursuant to divisions (B), (C), (D), 60061
(E), (F), (G), and (I) of this section and to hire supervisory 60062
personnel to supervise the providing of services and textbooks 60063
pursuant to this section. 60064

(K) To purchase or lease any secular, neutral, and 60065
nonideological computer application software ~~(including designed~~ 60066
to assist students in performing a single task or multiple related 60067
tasks, device management software, learning management software, 60068
site-licensing), ~~prerecorded video laserdiscs,~~ digital video on 60069
demand (DVD), ~~compact discs, and video cassette cartridges,~~ wide 60070
area connectivity and related technology as it relates to internet 60071
access, mathematics or science equipment and materials, 60072
instructional materials, and school library materials that are in 60073
general use in the public schools of the state and loan such items 60074
to pupils attending nonpublic schools within the district or to 60075
their parents, and to hire clerical personnel to administer the 60076
lending program. Only such items that are incapable of diversion 60077

to religious use and that are susceptible of loan to individual 60078
pupils and are furnished for the use of individual pupils shall be 60079
purchased and loaned under this division. As used in this section, 60080
"instructional materials" means prepared learning materials that 60081
are secular, neutral, and nonideological in character and are of 60082
benefit to the instruction of school children, and may include 60083
educational resources and services developed by the eTech Ohio 60084
commission. 60085

(L) To purchase or lease instructional equipment, including 60086
computer hardware and related equipment in general use in the 60087
public schools of the state, for use by pupils attending nonpublic 60088
schools within the district and to loan such items to pupils 60089
attending nonpublic schools within the district or to their 60090
parents, and to hire clerical personnel to administer the lending 60091
program. "Computer hardware and related equipment" includes 60092
desktop computers and workstations; laptop computers, computer 60093
tablets, and other mobile handheld devices; and their operating 60094
systems and accessories. 60095

(M) To purchase mobile units to be used for the provision of 60096
services pursuant to divisions (E), (F), (G), and (I) of this 60097
section and to pay for necessary repairs and operating costs 60098
associated with these units. 60099

(N) To reimburse costs the district incurred to store the 60100
records of a chartered nonpublic school that closes. 60101
Reimbursements under this division shall be made one time only for 60102
each chartered nonpublic school that closes. 60103

(O) To purchase life-saving medical or other emergency 60104
equipment for placement in nonpublic schools within the district 60105
or to maintain such equipment. 60106

Clerical and supervisory personnel hired pursuant to division 60107
(J) of this section shall perform their services in the public 60108

schools, in nonpublic schools, public centers, or mobile units 60109
where the services are provided to the nonpublic school pupil, 60110
except that such personnel may accompany pupils to and from the 60111
service sites when necessary to ensure the safety of the children 60112
receiving the services. 60113

All services provided pursuant to this section may be 60114
provided under contract with educational service centers, the 60115
department of health, city or general health districts, or private 60116
agencies whose personnel are properly licensed by an appropriate 60117
state board or agency. 60118

Transportation of pupils provided pursuant to divisions (E), 60119
(F), (G), and (I) of this section shall be provided by the school 60120
district from its general funds and not from moneys paid to it 60121
under division ~~(I)~~(E) of section 3317.024 of the Revised Code 60122
unless a special transportation request is submitted by the parent 60123
of the child receiving service pursuant to such divisions. If such 60124
an application is presented to the school district, it may pay for 60125
the transportation from moneys paid to it under division ~~(I)~~(E) of 60126
section 3317.024 of the Revised Code. 60127

No school district shall provide health or remedial services 60128
to nonpublic school pupils as authorized by this section unless 60129
such services are available to pupils attending the public schools 60130
within the district. 60131

Materials, equipment, computer hardware or software, 60132
textbooks, electronic textbooks, and health and remedial services 60133
provided for the benefit of nonpublic school pupils pursuant to 60134
this section and the admission of pupils to such nonpublic schools 60135
shall be provided without distinction as to race, creed, color, or 60136
national origin of such pupils or of their teachers. 60137

No school district shall provide services, materials, or 60138
equipment that contain religious content for use in religious 60139

courses, devotional exercises, religious training, or any other 60140
religious activity. 60141

As used in this section, "parent" includes a person standing 60142
in loco parentis to a child. 60143

Notwithstanding section 3317.01 of the Revised Code, payments 60144
shall be made under this section to any city, local, or exempted 60145
village school district within which is located one or more 60146
nonpublic elementary or high schools and any payments made to 60147
school districts under division ~~(I)~~(E) of section 3317.024 of the 60148
Revised Code for purposes of this section may be disbursed without 60149
submission to and approval of the controlling board. 60150

The allocation of payments for materials, equipment, 60151
textbooks, electronic textbooks, health services, and remedial 60152
services to city, local, and exempted village school districts 60153
shall be on the basis of the state board of education's estimated 60154
annual average daily membership in nonpublic elementary and high 60155
schools located in the district. 60156

Payments made to city, local, and exempted village school 60157
districts under this section shall be equal to specific 60158
appropriations made for the purpose. All interest earned by a 60159
school district on such payments shall be used by the district for 60160
the same purposes and in the same manner as the payments may be 60161
used. 60162

The department of education shall adopt guidelines and 60163
procedures under which such programs and services shall be 60164
provided, under which districts shall be reimbursed for 60165
administrative costs incurred in providing such programs and 60166
services, and under which any unexpended balance of the amounts 60167
appropriated by the general assembly to implement this section may 60168
be transferred to the auxiliary services personnel unemployment 60169
compensation fund established pursuant to section 4141.47 of the 60170

Revised Code. The department shall also adopt guidelines and 60171
procedures limiting the purchase and loan of the items described 60172
in division (K) of this section to items that are in general use 60173
in the public schools of the state, that are incapable of 60174
diversion to religious use, and that are susceptible to individual 60175
use rather than classroom use. Within thirty days after the end of 60176
each biennium, each board of education shall remit to the 60177
department all moneys paid to it under division ~~(I)~~(E) of section 60178
3317.024 of the Revised Code and any interest earned on those 60179
moneys that are not required to pay expenses incurred under this 60180
section during the biennium for which the money was appropriated 60181
and during which the interest was earned. If a board of education 60182
subsequently determines that the remittal of moneys leaves the 60183
board with insufficient money to pay all valid expenses incurred 60184
under this section during the biennium for which the remitted 60185
money was appropriated, the board may apply to the department of 60186
education for a refund of money, not to exceed the amount of the 60187
insufficiency. If the department determines the expenses were 60188
lawfully incurred and would have been lawful expenditures of the 60189
refunded money, it shall certify its determination and the amount 60190
of the refund to be made to the director of job and family 60191
services who shall make a refund as provided in section 4141.47 of 60192
the Revised Code. 60193

Each school district shall label materials, equipment, 60194
computer hardware or software, textbooks, and electronic textbooks 60195
purchased or leased for loan to a nonpublic school under this 60196
section, acknowledging that they were purchased or leased with 60197
state funds under this section. However, a district need not label 60198
materials, equipment, computer hardware or software, textbooks, or 60199
electronic textbooks that the district determines are consumable 60200
in nature or have a value of less than two hundred dollars. 60201

Sec. 3317.061. The superintendent of each school district, 60202

including each cooperative education and joint vocational school 60203
district and the superintendent of each educational service 60204
center, shall, on forms prescribed and furnished by the state 60205
board of education, certify to the state board of education, on or 60206
before the fifteenth day of October of each year, the name of each 60207
licensed employee employed, on an annual salary, in each school 60208
under such superintendent's supervision during the first full 60209
school week of said month of October, the number of years of 60210
recognized college training such licensed employee has completed, 60211
the college degrees from a recognized college earned by such 60212
licensed employee, the type of teaching license held by such 60213
licensed employee, the number of months such licensed employee is 60214
employed in the school district, the annual salary of such 60215
licensed employee, and such other information as the state board 60216
of education may request. For the purposes of ~~Chapters 3306. and~~ 60217
Chapter 3317. of the Revised Code, a licensed employee is any 60218
employee in a position that requires a license issued pursuant to 60219
sections 3319.22 to 3319.31 of the Revised Code. 60220

Pursuant to standards adopted by the state board of 60221
education, experience of vocational teachers in trade and industry 60222
shall be recognized by such board for the purpose of complying 60223
with the requirements of recognized college training provided by 60224
~~Chapters 3306. and~~ Chapter 3317. of the Revised Code. 60225

Sec. 3317.07. ~~The state board of education shall establish 60226
rules for the purpose of distributing subsidies for the purchase 60227
of school buses under division (D) of section 3317.024 of the 60228
Revised Code. 60229~~

~~No school bus subsidy payments shall be paid to any district 60230
unless such district can demonstrate that pupils residing more 60231
than one mile from the school could not be transported without 60232
such additional aid. 60233~~

~~The amount paid to a county DD board for buses purchased for transportation of children in special education programs operated by the board shall be based on a per pupil allocation for eligible students.~~ 60234
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~~The amount paid to a school district for buses purchased for transportation of pupils with disabilities and nonpublic school pupils shall be determined by a per pupil allocation based on the number of special education and nonpublic school pupils for whom transportation is provided.~~ 60238
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~~The state board of education shall adopt a formula to determine the amount of payments that shall be distributed to school districts to purchase school buses for pupils other than pupils with disabilities or nonpublic school pupils.~~ 60243
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~~If any district or county DD board obtains bus services for pupil transportation pursuant to a contract, such district or board may use payments received under this section to defray the costs of contracting for bus services in lieu of for purchasing buses.~~ 60247
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If the department of education determines that a county DD board no longer needs a school bus because the board no longer transports children to a special education program operated by the board, or if the department determines that a school district no longer needs a school bus to transport pupils to a nonpublic school or special education program, the department may reassign a bus that was funded with payments provided pursuant to the version of this section in effect prior to the effective date of this amendment for the purpose of transporting such pupils. The department may reassign a bus to a county 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. 60252
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Sec. 3317.08. A board of education may admit to its schools a child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child.

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following:

(A) For any child, except a preschool child with a disability described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A)(1) and (2) of this section by the district's formula ADM.

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in which the school year begins as certified under division (A)(3) of section 3317.021 of the Revised Code.

(2) The district's total taxes collected for current expenses under a school district income tax adopted pursuant to section 5748.03 ~~or~~, 5748.08, or 5748.09 of the Revised Code that are disbursed to the district during the fiscal year, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code. On or before the first day of June of each year, the tax commissioner shall certify the amount to be used in the calculation under this division for the next fiscal year to the department of education and the office of budget and management for each city, local, and exempted village school district that levies a school district income tax.

(B) For any preschool child with a disability not included in a unit approved under division (B) of section 3317.05 of the Revised Code, an amount computed for the school year as follows:

(1) For each type of special education service provided to the child for whom tuition is being calculated, determine the amount of the district's operating expenses in providing that type of service to all preschool children with disabilities not included in units approved under division (B) of section 3317.05 of the Revised Code;

(2) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, determine the amount of such operating expenses that was paid from any state funds received under this chapter;

(3) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, divide the difference between the amount determined under division (B)(1) of this section and the amount determined under division (B)(2) of this section by the total number of preschool children with disabilities not included in units approved under division (B) of section 3317.05 of the Revised Code who received that type of service;

(4) Determine the sum of the quotients obtained under division (B)(3) of this section for all types of special education services provided to the child for whom tuition is being calculated.

The state board of education shall adopt rules defining the types of special education services and specifying the operating expenses to be used in the computation under this section.

If any child for whom a tuition charge is computed under this section for any school year is enrolled in a district for only part of that school year, the amount of the district's tuition charge for the child for the school year shall be computed in proportion to the number of school days the child is enrolled in the district during the school year.

Except as otherwise provided in division (J) of section 60327
3313.64 of the Revised Code, whenever a district admits a child to 60328
its schools for whom tuition computed in accordance with this 60329
section is an obligation of another school district, the amount of 60330
the tuition shall be certified by the treasurer of the board of 60331
education of the district of attendance, to the board of education 60332
of the district required to pay tuition for its approval and 60333
payment. If agreement as to the amount payable or the district 60334
required to pay the tuition cannot be reached, or the board of 60335
education of the district required to pay the tuition refuses to 60336
pay that amount, the board of education of the district of 60337
attendance shall notify the superintendent of public instruction. 60338
The superintendent shall determine the correct amount and the 60339
district required to pay the tuition and shall deduct that amount, 60340
if any, under division ~~(G)~~(D) of section 3317.023 of the Revised 60341
Code, from the district required to pay the tuition and add that 60342
amount to the amount allocated to the district attended under such 60343
division. The superintendent of public instruction shall send to 60344
the district required to pay the tuition an itemized statement 60345
showing such deductions at the time of such deduction. 60346

When a political subdivision owns and operates an airport, 60347
welfare, or correctional institution or other project or facility 60348
outside its corporate limits, the territory within which the 60349
facility is located is exempt from taxation by the school district 60350
within which such territory is located, and there are school age 60351
children residing within such territory, the political subdivision 60352
owning such tax exempt territory shall pay tuition to the district 60353
in which such children attend school. The tuition for these 60354
children shall be computed as provided for in this section. 60355

Sec. 3317.081. (A) Tuition shall be computed in accordance 60356
with this section if: 60357

(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 in state education aid that district would have received for the child ~~pursuant to Chapter 3306. and sections 3317.023 and 3317.025 to 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. 3317.082. As used in this section, "institution" means a residential facility that receives and cares for children maintained by the department of youth services and that operates a school chartered by the state board of education under section 3301.16 of the Revised Code.

(A) On or before the thirty-first day of each January and July, the superintendent of each institution that during the six-month period immediately preceding each January or July provided an elementary or secondary education for any child, other than a child receiving special education under section 3323.091 of the Revised Code, shall prepare and submit to the department of education, a statement for each such child indicating the child's name, any school district responsible to pay tuition for the child as determined by the superintendent in accordance with division (C)(2) or (3) of section 3313.64 of the Revised Code, and the period of time during that six-month period that the child received an elementary or secondary education. If any school

district is responsible to pay tuition for any such child, the 60389
department of education, no later than the immediately succeeding 60390
last day of February or August, as applicable, shall calculate the 60391
amount of the tuition of the district under section 3317.08 of the 60392
Revised Code for the period of time indicated on the statement and 60393
do one of the following: 60394

(1) If the tuition amount is equal to or less than the ~~amount~~ 60395
~~of state basic aid funds payable to the district under Chapter~~ 60396
~~3306. and section 3317.023 of the Revised Code~~ district's state 60397
education aid, pay to the institution submitting the statement an 60398
amount equal to the tuition amount, as provided under division 60399
(M)(G) of section 3317.024 of the Revised Code, and deduct the 60400
tuition amount from the state basic aid funds payable to the 60401
district, as provided under division (F)(C)(2) of section 3317.023 60402
of the Revised Code; 60403

(2) If the tuition amount is greater than the ~~amount of state~~ 60404
~~basic aid funds payable to the district under Chapter 3306. and~~ 60405
~~section 3317.023 of the Revised Code~~ district's state education 60406
aid, require the district to pay to the institution submitting the 60407
statement an amount equal to the tuition amount. 60408

(B) In the case of any disagreement about the school district 60409
responsible to pay tuition for a child pursuant to this section, 60410
the superintendent of public instruction shall make the 60411
determination in any such case in accordance with division (C)(2) 60412
or (3) of section 3313.64 of the Revised Code. 60413

Sec. 3317.09. All moneys distributed to a school district, 60414
including any cooperative education or joint vocational school 60415
district and all moneys distributed to any educational service 60416
center, by the state whether from a state or federal source, shall 60417
be accounted for by the division of school finance of the 60418
department of education. All moneys distributed shall be coded as 60419

to county, school district or educational service center, source, 60420
and other pertinent information, and at the end of each month, a 60421
report of such distribution shall be made by such division of 60422
school finance to each school district and educational service 60423
center. If any board of education fails to make the report 60424
required in section 3319.33 of the Revised Code, the 60425
superintendent of public instruction shall be without authority to 60426
distribute funds to that school district or educational service 60427
center ~~pursuant to sections 3317.022 to 3317.0211, 3317.11,~~ 60428
~~3317.16, 3317.17, or 3317.19 of the Revised Code~~ under this 60429
chapter until such time as the required reports are filed with all 60430
specified officers, boards, or agencies. 60431

Sec. 3317.11. (A) As used in this section: 60432

(1) "Client school district" means a city or exempted village 60433
school district that has entered into an agreement under section 60434
3313.843 of the Revised Code to receive any services from an 60435
educational service center. 60436

(2) "Service center ADM" means the sum of the total student 60437
counts of all local school districts within an educational service 60438
center's territory and all of the service center's client school 60439
districts. 60440

(3) "STEM school" means a science, technology, engineering, 60441
and mathematics school established under Chapter 3326. of the 60442
Revised Code. 60443

(4) "Total student count" has the same meaning as in section 60444
3301.011 of the Revised Code. 60445

(B)(1) The governing board of each educational service center 60446
shall provide supervisory services to each local school district 60447
within the service center's territory. Each city or exempted 60448
village school district that enters into an agreement under 60449

section 3313.843 of the Revised Code for a governing board to 60450
provide any services also is considered to be provided supervisory 60451
services by the governing board. Except as provided in division 60452
(B)(2) of this section, the supervisory services shall not exceed 60453
one supervisory teacher for the first fifty classroom teachers 60454
required to be employed in the districts, as calculated in the 60455
manner prescribed under former division (B) of section 3317.023 of 60456
the Revised Code, as that division existed prior to the effective 60457
date of this amendment, and one for each additional one hundred 60458
required classroom teachers, as so calculated. 60459

The supervisory services shall be financed annually through 60460
supervisory units. Except as provided in division (B)(2) of this 60461
section, the number of supervisory units assigned to each district 60462
shall not exceed one unit for the first fifty classroom teachers 60463
required to be employed in the district, as calculated in the 60464
manner prescribed under former division (B) of section 3317.023 of 60465
the Revised Code, as that division existed prior to the effective 60466
date of this amendment, and one for each additional one hundred 60467
required classroom teachers, as so calculated. The cost of each 60468
supervisory unit shall be the sum of: 60469

(a) The minimum salary prescribed by section 3317.13 of the 60470
Revised Code for the licensed supervisory employee of the 60471
governing board; 60472

(b) An amount equal to fifteen per cent of ~~the~~ that salary 60473
~~prescribed by section 3317.13 of the Revised Code;~~ 60474

(c) An allowance for necessary travel expenses, limited to 60475
the lesser of two hundred twenty-three dollars and sixteen cents 60476
per month or two thousand six hundred seventy-eight dollars per 60477
year. 60478

(2) If a majority of the boards of education, or 60479
superintendents acting on behalf of the boards, of the local and 60480

client school districts receiving services from the educational 60481
service center agree to receive additional supervisory services 60482
and to pay the cost of a corresponding number of supervisory units 60483
in excess of the services and units specified in division (B)(1) 60484
of this section, the service center shall provide the additional 60485
services as agreed to by the majority of districts to, and the 60486
department of education shall apportion the cost of the 60487
corresponding number of additional supervisory units pursuant to 60488
division (B)(3) of this section among, all of the service center's 60489
local and client school districts. 60490

(3) The department shall apportion the total cost for all 60491
supervisory units among the service center's local and client 60492
school districts based on each district's total student count. The 60493
department shall deduct each district's apportioned share pursuant 60494
to division ~~(E)~~(B) of section 3317.023 of the Revised Code and pay 60495
the apportioned share to the service center. 60496

(C) The department annually shall deduct from each local and 60497
client school district of each educational service center, 60498
pursuant to division ~~(E)~~(B) of section 3317.023 of the Revised 60499
Code, and pay to the service center an amount equal to six dollars 60500
and fifty cents times the school district's total student count. 60501
The board of education, or the superintendent acting on behalf of 60502
the board, of any local or client school district may agree to pay 60503
an amount in excess of six dollars and fifty cents per student in 60504
total student count. If a majority of the boards of education, or 60505
superintendents acting on behalf of the boards, of the local 60506
school districts within a service center's territory approve an 60507
amount in excess of six dollars and fifty cents per student in 60508
total student count, the department shall deduct the approved 60509
excess per student amount from all of the local school districts 60510
within the service center's territory and pay the excess amount to 60511
the service center. 60512

(D) The department shall pay each educational service center 60513
the amounts due to it from school districts pursuant to contracts, 60514
compacts, or agreements under which the service center furnishes 60515
services to the districts or their students. In order to receive 60516
payment under this division, an educational service center shall 60517
furnish either a copy of the contract, compact, or agreement 60518
clearly indicating the amounts of the payments, or a written 60519
statement that clearly indicates the payments owed and is signed 60520
by the superintendent or treasurer of the responsible school 60521
district. The amounts paid to service centers under this division 60522
shall be deducted from payments to school districts pursuant to 60523
division ~~(K)~~(H)(3) of section 3317.023 of the Revised Code. 60524

(E) Each school district's deduction under this section and 60525
divisions ~~(E)~~(B) and ~~(K)~~(H)(3) of section 3317.023 of the Revised 60526
Code shall be made from the total payment computed for the 60527
district under this chapter, after making any other adjustments in 60528
that payment required by law. 60529

(F)(1) Except as provided in division (F)(2) of this section, 60530
the department annually shall pay the governing board of each 60531
educational service center state funds equal to thirty-seven 60532
dollars times its service center ADM. 60533

(2) The department annually shall pay state funds equal to 60534
forty dollars and fifty-two cents times the service center ADM to 60535
each educational service center comprising territory that was 60536
included in the territory of at least three former service centers 60537
or county school districts, which former centers or districts 60538
engaged in one or more mergers under section 3311.053 of the 60539
Revised Code to form the present center. 60540

(G) Each city, exempted village, local, joint vocational, or 60541
cooperative education school district shall pay to the governing 60542
board of an educational service center any amounts agreed to for 60543
each child enrolled in the district who receives special education 60544

and related services or career-technical education from the 60545
educational service center, unless these educational services are 60546
provided pursuant to a contract, compact, or agreement for which 60547
the department deducts and transfers payments under division (D) 60548
of this section and division ~~(K)~~(H)(3) of section 3317.023 of the 60549
Revised Code. 60550

(H) The department annually shall pay the governing board of 60551
each educational service center that has entered into a contract 60552
with a STEM school for the provision of services described in 60553
division (B) of section 3326.45 of the Revised Code state funds 60554
equal to the per-pupil amount specified in the contract for the 60555
provision of those services times the number of students enrolled 60556
in the STEM school. 60557

(I) An educational service center: 60558

(1) May provide special education and career-technical 60559
education to students in its local or client school districts; 60560

(2) Is eligible for transportation funding under division 60561
~~(G)~~(C) of section 3317.024 of the Revised Code ~~and for state~~ 60562
~~subsidies for the purchase of school buses under section 3317.07~~ 60563
~~of the Revised Code;~~ 60564

(3) May apply for and receive gifted education units and 60565
provide gifted education services to students in its local or 60566
client school districts; 60567

(4) May conduct driver education for high school students in 60568
accordance with Chapter 4508. of the Revised Code. 60569

Sec. 3317.12. Any board of education participating in funds 60570
distributed under ~~Chapters 3306. and Chapter~~ Chapter 3317. of the Revised 60571
Code shall annually adopt a salary schedule for nonteaching school 60572
employees based upon training, experience, and qualifications with 60573
initial salaries no less than the salaries in effect on October 60574

13, 1967. Each board of education shall prepare and may amend from 60575
time to time, specifications descriptive of duties, 60576
responsibilities, requirements, and desirable qualifications of 60577
the classifications of employees required to perform the duties 60578
specified in the salary schedule. All nonteaching school employees 60579
are to be notified of the position classification to which they 60580
are assigned and the salary for the classification. The 60581
compensation of all employees working for a particular school 60582
board shall be uniform for like positions except as compensation 60583
would be affected by salary increments based upon length of 60584
service. 60585

On the fifteenth day of October each year the salary schedule 60586
and the list of job classifications and salaries in effect on that 60587
date shall be filed by each board of education with the 60588
superintendent of public instruction. If such salary schedule and 60589
classification plan is not filed the superintendent of public 60590
instruction shall order the board to file such schedules 60591
forthwith. If this condition is not corrected within ten days 60592
after receipt of the order from the superintendent of public 60593
instruction, no money shall be distributed to the district under 60594
~~Chapters 3306. and Chapter~~ 3317. of the Revised Code until the 60595
superintendent has satisfactory evidence of the board of 60596
education's full compliance with such order. 60597

Sec. 3317.14. Any school district board of education or 60598
educational service center governing board participating in funds 60599
distributed under Chapter 3317. of the Revised Code shall annually 60600
adopt a teachers' salary schedule with provision for increments 60601
based upon training and years of service. Notwithstanding sections 60602
3317.13 and 3319.088 of the Revised Code, the board may establish 60603
its own service requirements and may grant service credit for such 60604
activities as teaching in public or nonpublic schools in this 60605
state or in another state, for service as an educational assistant 60606

other than as a classroom aide employed in accordance with section 60607
5107.541 of the Revised Code, and for service in the military or 60608
in an appropriate state or federal governmental agency, provided 60609
no teacher receives less than the amount required to be paid 60610
pursuant to section 3317.13 of the Revised Code and provided full 60611
credit for a minimum of five years of actual teaching and military 60612
experience as defined in division (A) of section 3317.13 of the 60613
Revised Code is given to each teacher. 60614

On the fifteenth day of October of each year ~~the salary~~ 60615
~~schedule in effect on that date in each school district and each~~ 60616
~~educational service center shall be filed with the superintendent~~ 60617
~~of public instruction. A, a copy of such~~ the salary schedule in 60618
effect on that date shall also annually be filed by the board of 60619
education of each local school district with the educational 60620
service center superintendent, who thereupon shall certify to the 60621
treasurer of such local district the correct salary to be paid to 60622
each teacher in accordance with the adopted schedule. 60623

Each teacher who has completed training which would qualify 60624
such teacher for a higher salary bracket pursuant to this section 60625
shall file by the fifteenth day of September with the treasurer of 60626
the board of education or educational service center satisfactory 60627
evidence of the completion of such additional training. The 60628
treasurer shall then immediately place the teacher, pursuant to 60629
this section and section 3317.13 of the Revised Code, in the 60630
proper salary bracket in accordance with training and years of 60631
service before certifying such salary, training, and years of 60632
service to the superintendent of public instruction. No teacher 60633
shall be paid less than the salary to which such teacher is 60634
entitled pursuant to section 3317.13 of the Revised Code. 60635

Sec. 3317.141. The board of education of any city, exempted 60636
village, local, or joint vocational school district that is the 60637

recipient of moneys from a grant awarded under the federal race to 60638
the top program, Division (A), Title XIV, Sections 14005 and 14006 60639
of the "American Recovery and Reinvestment Act of 2009," Pub. L. 60640
No. 111-5, 123 Stat. 115, shall comply with this section in 60641
accordance with the timeline contained in the board's scope of 60642
work, as approved by the superintendent of public instruction, and 60643
shall not be subject to sections 3317.13 and 3317.14 of the 60644
Revised Code. The board of education of any other school district, 60645
and the governing board of each educational service center, shall 60646
comply with either this section or sections 3317.13 and 3317.14 of 60647
the Revised Code. 60648

(A) The board annually shall adopt a salary schedule for 60649
teachers based upon performance as described in division (B) of 60650
this section. 60651

(B) For purposes of the schedule, a board shall measure a 60652
teacher's performance by considering all of the following: 60653

(1) The level of license issued under section 3319.22 of the 60654
Revised Code that the teacher holds; 60655

(2) Whether the teacher is a highly qualified teacher, as 60656
defined in section 3319.074 of the Revised Code; 60657

(3) Ratings received by the teacher on performance 60658
evaluations conducted under section 3319.111 of the Revised Code. 60659

(C) The schedule shall provide for annual adjustments based 60660
on performance on the evaluations conducted under section 3319.111 60661
of the Revised Code. The annual performance-based adjustment for a 60662
teacher rated as accomplished shall be greater than the annual 60663
performance-based adjustment for a teacher rated as proficient. 60664

(D) The salary schedule adopted under this section may 60665
provide for additional compensation for teachers who agree to 60666
perform duties, not contracted for under a supplemental contract, 60667

that the employing board determines warrant additional 60668
compensation. Those duties may include, but are not limited to, 60669
assignment to a school building eligible for funding under Title I 60670
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 60671
6301 et seq.; assignment to a building in "school improvement" 60672
status under the "No Child Left Behind Act of 2001," as defined in 60673
section 3302.01 of the Revised Code; teaching in a grade level or 60674
subject area in which the board has determined there is a shortage 60675
within the district or service center; or assignment to a 60676
hard-to-staff school, as determined by the board. 60677

Sec. 3317.16. (A) As used in this section: 60678

(1) The "total special education weight" for a joint 60679
vocational school district shall be calculated in the same manner 60680
as prescribed in section 3317.022 of the Revised Code. 60681

(2) The "total vocational education weight" for a joint 60682
vocational school district shall be calculated in the same manner 60683
as prescribed in section 3317.022 of the Revised Code. 60684

(3) The "total recognized valuation" of a joint vocational 60685
school district shall be determined by adding the recognized 60686
valuations of all its constituent school districts that were 60687
subject to the joint vocational school district's tax levies for 60688
both the current and preceding tax years. 60689

(4) "Resident district" means the city, local, or exempted 60690
village school district in which a student is entitled to attend 60691
school under section 3313.64 or 3313.65 of the Revised Code. 60692

(5) "Community school" means a community school established 60693
under Chapter 3314. of the Revised Code. 60694

(B) The department of education shall compute and distribute 60695
state base cost funding to each joint vocational school district 60696
for the fiscal year in accordance with the following formula: 60697

(formula amount X formula ADM) - 60698
(.0005 X total recognized valuation) 60699

If the difference obtained under this division is a negative 60700
number, the district's computation shall be zero. 60701

(C)(1) The department shall compute and distribute state 60702
vocational education additional weighted costs funds to each joint 60703
vocational school district in accordance with the following 60704
formula: 60705

state share percentage X formula amount X 60706
total vocational education weight 60707

In each fiscal year, a joint vocational school district 60708
receiving funds under division (C)(1) of this section shall spend 60709
those funds only for the purposes the department designates as 60710
approved for vocational education expenses. Vocational educational 60711
expenses approved by the department shall include only expenses 60712
connected to the delivery of career-technical programming to 60713
career-technical students. The department shall require the joint 60714
vocational school district to report data annually so that the 60715
department may monitor the district's compliance with the 60716
requirements regarding the manner in which funding received under 60717
division (C)(1) of this section may be spent. 60718

(2) The department shall compute for each joint vocational 60719
school district state funds for vocational education associated 60720
services costs in accordance with the following formula: 60721

state share percentage X .05 X 60722
the formula amount X the sum of 60723
categories one and two vocational 60724
education ADM 60725

In any fiscal year, a joint vocational school district 60726
receiving funds under division (C)(2) of this section, or through 60727
a transfer of funds pursuant to division ~~(H)~~(I) of section 60728
3317.023 of the Revised Code, shall spend those funds only for the 60729

purposes that the department designates as approved for vocational 60730
education associated services expenses, which may include such 60731
purposes as apprenticeship coordinators, coordinators for other 60732
vocational education services, vocational evaluation, and other 60733
purposes designated by the department. The department may deny 60734
payment under division (C)(2) of this section to any district that 60735
the department determines is not operating those services or is 60736
using funds paid under division (C)(2) of this section, or through 60737
a transfer of funds pursuant to division ~~(H)~~(I) of section 60738
3317.023 of the Revised Code, for other purposes. 60739

(D)(1) The department shall compute and distribute state 60740
special education and related services additional weighted costs 60741
funds to each joint vocational school district in accordance with 60742
the following formula: 60743

state share percentage X formula amount X 60744
total special education weight 60745

(2)(a) As used in this division, the "personnel allowance" 60746
means thirty thousand dollars in fiscal years 2008 and 2009. 60747

(b) For the provision of speech language pathology services 60748
to students, including students who do not have individualized 60749
education programs prepared for them under Chapter 3323. of the 60750
Revised Code, and for no other purpose, the department shall pay 60751
each joint vocational school district an amount calculated under 60752
the following formula: 60753

(formula ADM divided by 2000) X the personnel 60754
allowance X state share percentage 60755

(3) In any fiscal year, a joint vocational school district 60756
shall spend for purposes that the department designates as 60757
approved for special education and related services expenses at 60758
least the amount calculated as follows: 60759

(formula amount X 60760

the sum of categories one through 60761
six special education ADM) + 60762
(total special education weight X 60763
formula amount) 60764

The purposes approved by the department for special education 60765
expenses shall include, but shall not be limited to, compliance 60766
with state rules governing the education of children with 60767
disabilities, providing services identified in a student's 60768
individualized education program as defined in section 3323.01 of 60769
the Revised Code, provision of speech language pathology services, 60770
and the portion of the district's overall administrative and 60771
overhead costs that are attributable to the district's special 60772
education student population. 60773

The department shall require joint vocational school 60774
districts to report data annually to allow for monitoring 60775
compliance with division (D)(3) of this section. The department 60776
shall annually report to the governor and the general assembly the 60777
amount of money spent by each joint vocational school district for 60778
special education and related services. 60779

(4) In any fiscal year, a joint vocational school district 60780
shall spend for the provision of speech language pathology 60781
services not less than the sum of the amount calculated under 60782
division (D)(1) of this section for the students in the district's 60783
category one special education ADM and the amount calculated under 60784
division (D)(2) of this section. 60785

(E)(1) If a joint vocational school district's costs for a 60786
fiscal year for a student in its categories two through six 60787
special education ADM exceed the threshold catastrophic cost for 60788
serving the student, as specified in division (C)(3)(b) of section 60789
3317.022 of the Revised Code, the district may submit to the 60790
superintendent of public instruction documentation, as prescribed 60791
by the superintendent, of all of its costs for that student. Upon 60792

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:

(1 - state share percentage) X
Total special education weight X
~~the formula amount~~ \$5,732

(2) For each student with a disability 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 60824
attributable to that student under divisions (B), (D), (E), and 60825
(G)(1) of this section. 60826

Those excess costs shall be calculated by subtracting the sum 60827
of the following from the actual cost to provide special education 60828
and related services to the student: 60829

(a) The formula amount; 60830

(b) The product of ~~the formula amount~~ \$5,732 times the 60831
applicable multiple specified in section ~~3306.11~~ 3317.013 of the 60832
Revised Code as that section existed prior to the effective date
of this amendment; 60833
60834

(c) Any funds paid under division (E) of this section for the 60835
student; 60836

(d) Any other funds received by the joint vocational school 60837
district under this chapter to provide special education and 60838
related services to the student, not including the amount 60839
calculated under division (G)(2) of this section. 60840

(3) The board of education of the joint vocational school 60841
district may report the excess costs calculated under division 60842
(G)(2) of this section to the department of education. 60843

(4) If the board of education of the joint vocational school 60844
district reports excess costs under division (G)(3) of this 60845
section, the department shall pay the amount of excess cost 60846
calculated under division (G)(2) of this section to the joint 60847
vocational school district and shall deduct that amount as 60848
provided in division (G)(4)(a) or (b) of this section, as 60849
applicable: 60850

(a) If the student is not enrolled in a community school, the 60851
department shall deduct the amount from the account of the 60852
student's resident district pursuant to division ~~(M)~~(J) of section 60853

3317.023 of the Revised Code. 60854

(b) If the student is enrolled in a community school, the 60855
department shall deduct the amount from the account of the 60856
community school pursuant to section 3314.083 of the Revised Code. 60857

Sec. 3317.18. (A) As used in this section, the terms "Chapter 60858
133. securities," "credit enhancement facilities," "debt charges," 60859
"general obligation," "legislation," "public obligations," and 60860
"securities" have the same meanings as in section 133.01 of the 60861
Revised Code. 60862

(B) The board of education of any school district authorizing 60863
the issuance of securities under section 133.10, 133.301, or 60864
3313.372 of the Revised Code or general obligation Chapter 133. 60865
securities may adopt legislation requesting the state department 60866
of education to approve, and enter into an agreement with the 60867
school district and the primary paying agent or fiscal agent for 60868
such securities providing for, the withholding and deposit of 60869
funds, otherwise due the district under ~~Chapters 3306. and Chapter~~ 60870
3317. of the Revised Code, for the payment of debt service charges 60871
on such securities. 60872

The board of education shall deliver to the state department 60873
a copy of such resolution and any additional pertinent information 60874
the state department may require. 60875

The department of education and the office of budget and 60876
management shall evaluate each request received from a school 60877
district under this section and the department, with the advice 60878
and consent of the director of budget and management, shall 60879
approve or deny each request based on all of the following: 60880

(1) Whether approval of the request will enhance the 60881
marketability of the securities for which the request is made; 60882

(2) Any other pertinent factors or limitations established in 60883

rules made under division (I) of this section, including: 60884

(a) Current and projected obligations of funds due to the 60885
requesting school district under ~~Chapters 3306.~~ and Chapter 3317. 60886
of the Revised Code including obligations of those funds to public 60887
obligations or relevant credit enhancement facilities under this 60888
section, Chapter 133. and section 3313.483 of the Revised Code, 60889
and under any other similar provisions of law; 60890

(b) Whether the department of education or the office of 60891
budget and management has any reason to believe the requesting 60892
school district will be unable to pay when due the debt charges on 60893
the securities for which the request is made. 60894

The department may require a school district to establish 60895
schedules for the payment of all debt charges that take into 60896
account the amount and timing of anticipated distributions of 60897
funds to the district under Chapter 3317. of the Revised Code. 60898

(C) If the department approves the request of a school 60899
district to withhold and deposit funds pursuant to this section, 60900
the department shall enter into a written agreement with the 60901
district and the primary paying agent or fiscal agent for the 60902
securities which shall provide for the withholding of funds 60903
pursuant to this section for the payment of debt charges on those 60904
securities, and may include both of the following: 60905

(1) Provisions for certification by the district to the 60906
department, at a time prior to any date for the payment of 60907
applicable debt charges, whether the district is able to pay those 60908
debt charges when due; 60909

(2) Requirements that the district deposit amounts for the 60910
payment of debt charges on the securities with the primary paying 60911
agent or fiscal agent for the securities prior to the date on 60912
which those debt charge payments are due to the owners or holders 60913
of the securities. 60914

(D) Whenever a district notifies the department of education 60915
that it will be unable to pay debt charges when they are due, 60916
subject to the withholding provisions of this section, or whenever 60917
the applicable paying agent or fiscal agent notifies the 60918
department that it has not timely received from a school district 60919
the full amount needed for the payment when due of those debt 60920
charges to the holders or owners of such securities, the 60921
department shall immediately contact the school district and the 60922
paying agent or fiscal agent to confirm or determine whether the 60923
district is unable to make the required payment by the date on 60924
which it is due. 60925

Upon demand of the treasurer of state while holding a school 60926
district obligation purchased under division (G)(1) of section 60927
135.143 of the Revised Code, the state department of education, 60928
without a request of the school district, shall withhold and 60929
deposit funds pursuant to this section for payment of debt service 60930
charges on that obligation. 60931

If the department confirms or determines that the district 60932
will be unable to make such payment and payment will not be made 60933
pursuant to a credit enhancement facility, the department shall 60934
promptly pay to the applicable primary paying agent or fiscal 60935
agent the lesser of the amount due for debt charges or the amount 60936
due the district for the remainder of the fiscal year under 60937
Chapter 3317. of the Revised Code. If this amount is insufficient 60938
to pay the total amount then due the agent for the payment of debt 60939
charges, the department shall pay to the agent each fiscal year 60940
thereafter, and until the full amount due the agent for unpaid 60941
debt charges is paid in full, the lesser of the remaining amount 60942
due the agent for debt charges or the amount due the district for 60943
the fiscal year under Chapter 3317. of the Revised Code. 60944

(E) The state department may make any payments under this 60945
division by direct deposit of funds by electronic transfer. 60946

Any amount received by a paying agent or fiscal agent under 60947
this section shall be applied only to the payment of debt charges 60948
on the securities of the school district subject to this section 60949
or to the reimbursement to the provider of a credit enhancement 60950
facility that has paid such debt charges. 60951

(F) To the extent a school district whose securities are 60952
subject to this section is unable to pay applicable debt charges 60953
because of the failure to collect property taxes levied for the 60954
payment of those debt charges, the district may transfer to or 60955
deposit into any fund that would have received payments under 60956
~~3306.~~ Chapter 3317. of the Revised Code that were withheld 60957
under this section any such delinquent property taxes when later 60958
collected, provided that transfer or deposit shall be limited to 60959
the amounts withheld from that fund under this section. 60960

(G) The department may make payments under this section to 60961
paying agents or fiscal agents only from and to the extent that 60962
money is appropriated by the general assembly for Chapter 3317. of 60963
the Revised Code or for the purposes of this section. No 60964
securities of a school district to which this section is made 60965
applicable constitute an obligation or a debt or a pledge of the 60966
faith, credit, or taxing power of the state, and the holders or 60967
owners of such securities have no right to have taxes levied or 60968
appropriations made by the general assembly for the payment of 60969
debt charges on those securities, and those securities, if the 60970
department requires, shall contain a statement to that effect. The 60971
agreement for or the actual withholding and payment of moneys 60972
under this section does not constitute the assumption by the state 60973
of any debt of a school district. 60974

(H) In the case of securities subject to the withholding 60975
provisions of this section, the issuing board of education shall 60976
appoint a paying agent or fiscal agent who is not an officer or 60977
employee of the school district. 60978

(I) The department of education, with the advice of the office of budget and management, may adopt reasonable rules not inconsistent with this section for the implementation of this section and division (B) of section 133.25 of the Revised Code as it relates to the withholding and depositing of payments under ~~Chapters 3306.~~ and Chapter 3317. of the Revised Code to secure payment of debt charges on school district securities. Those rules shall include criteria for the evaluation and approval or denial of school district requests for withholding under this section and limits on the obligation for the purpose of paying debt charges or reimbursing credit enhancement facilities of funds otherwise to be paid to school districts under Chapter 3317. of the Revised Code.

(J) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law for the same or similar purposes.

Sec. 3317.19. (A) As used in this section, "total unit allowance" means an amount equal to the sum of the following:

(1) The total of the salary allowances for the teachers employed in the cooperative education school district for all units approved under division (B) or (C) of section 3317.05 of the Revised Code. The salary allowance for each unit shall equal 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 July 1, 2001.

(2) Fifteen per cent of the total computed under division (A)(1) of this section;

(3) The total of the unit operating allowances for all approved units. The amount of each allowance shall equal one of the following:

(a) Eight thousand twenty-three dollars times the number of units for preschool children with disabilities or fraction thereof approved for the year under division (B) of section 3317.05 of the Revised Code;

(b) Two thousand one hundred thirty-two dollars times the number of units or fraction thereof approved for the year under division (C) of section 3317.05 of the Revised Code.

(B) The state board of education shall compute and distribute to each cooperative education school district for each fiscal year an amount equal to the sum of the following:

(1) An amount equal to the total of the amounts credited to the cooperative education school district pursuant to division ~~(K)~~(H) of section 3317.023 of the Revised Code;

(2) The total unit allowance;

(3) An amount for assisting in providing free lunches to needy children ~~and an amount for assisting needy school districts in purchasing necessary equipment for food preparation~~ pursuant to division ~~(H)~~(D) of section 3317.024 of the Revised Code.

(C) If a cooperative education school district has had additional special education units approved for the year under division (F)(2) of section 3317.03 of the Revised Code, the district shall receive an additional amount during the last half of the fiscal year. For each unit, the additional amount shall equal fifty per cent of the amount computed under division (A) of this section for a unit approved under division (B) of section 3317.05 of the Revised Code.

Sec. 3317.20. This section does not apply to preschool children with disabilities.

(A) As used in this section:

(1) "Applicable weight" means the multiple specified in

section ~~3306.11~~ 3317.013 of the Revised Code for a disability 61039
described in that section. 61040

(2) "Child's school district" means the school district in 61041
which a child is entitled to attend school pursuant to section 61042
3313.64 or 3313.65 of the Revised Code. 61043

(3) "State share percentage" means the state share percentage 61044
of the child's school district. 61045

(B) Except as provided in division (C) of this section, the 61046
department shall annually pay each county DD board for each child 61047
with a disability, other than a preschool child with a disability, 61048
for whom the county DD board provides special education and 61049
related services an amount equal to the formula amount + (state 61050
share percentage X formula amount X the applicable weight). 61051

(C) If any school district places with a county DD board more 61052
children with disabilities than it had placed with a county DD 61053
board in fiscal year 1998, the department shall not make a payment 61054
under division (B) of this section for the number of children 61055
exceeding the number placed in fiscal year 1998. The department 61056
instead shall deduct from the district's payments under this 61057
chapter ~~and Chapter 3306.~~ of the Revised Code, and pay to the 61058
county DD board, an amount calculated in accordance with the 61059
formula prescribed in division (B) of this section for each child 61060
over the number of children placed in fiscal year 1998. 61061

(D) The department shall calculate for each county DD board 61062
receiving payments under divisions (B) and (C) of this section the 61063
following amounts: 61064

(1) The amount received by the county DD board for approved 61065
special education and related services units, other than units for 61066
preschool children with disabilities, in fiscal year 1998, divided 61067
by the total number of children served in the units that year; 61068

(2) The product of the quotient calculated under division 61069

(D)(1) of this section times the number of children for whom 61070
payments are made under divisions (B) and (C) of this section. 61071

If the amount calculated under division (D)(2) of this 61072
section is greater than the total amount calculated under 61073
divisions (B) and (C) of this section, the department shall pay 61074
the county DD board one hundred per cent of the difference in 61075
addition to the payments under divisions (B) and (C) of this 61076
section. 61077

(E) Each county DD board shall report to the department, in 61078
the manner specified by the department, the name of each child for 61079
whom the county DD board provides special education and related 61080
services and the child's school district. 61081

(F)(1) For the purpose of verifying the accuracy of the 61082
payments under this section, the department may request from 61083
either of the following entities the data verification code 61084
assigned under division (D)(2) of section 3301.0714 of the Revised 61085
Code to any child who is placed with a county DD board: 61086

(a) The child's school district; 61087

(b) The independent contractor engaged to create and maintain 61088
data verification codes. 61089

(2) Upon a request by the department under division (F)(1) of 61090
this section for the data verification code of a child, the 61091
child's school district shall submit that code to the department 61092
in the manner specified by the department. If the child has not 61093
been assigned a code, the district shall assign a code to that 61094
child and submit the code to the department by a date specified by 61095
the department. If the district does not assign a code to the 61096
child by the specified date, the department shall assign a code to 61097
the child. 61098

The department annually shall submit to each school district 61099
the name and data verification code of each child residing in the 61100

district for whom the department has assigned a code under this 61101
division. 61102

(3) The department shall not release any data verification 61103
code that it receives under division (F) of this section to any 61104
person except as provided by law. 61105

(G) Any document relative to special education and related 61106
services provided by a county DD board that the department holds 61107
in its files that contains both a student's name or other 61108
personally identifiable information and the student's data 61109
verification code shall not be a public record under section 61110
149.43 of the Revised Code. 61111

Sec. 3317.201. This section does not apply to preschool 61112
children with disabilities. 61113

(A) As used in this section, the "total special education 61114
weight" for an institution means the sum of the following amounts: 61115

(1) The number of children reported by the institution under 61116
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61117
receiving services for a disability described in division 61118
~~(D)(1)(A)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 61119
multiplied by the multiple specified in that division; 61120

(2) The number of children reported by the institution under 61121
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61122
receiving services for a disability described in division 61123
~~(D)(2)(B)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 61124
multiplied by the multiple specified in that division; 61125

(3) The number of children reported by the institution under 61126
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61127
receiving services for a disability described in division 61128
~~(D)(3)(C)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 61129
multiplied by the multiple specified in that division; 61130

(4) The number of children reported by the institution under 61131
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61132
receiving services for a disability described in division (D)~~(4)~~ 61133
of section ~~3306.02~~ 3317.013 of the Revised Code multiplied by the 61134
multiple specified in that division; 61135

(5) The number of children reported by the institution under 61136
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61137
receiving services for a disability described in division 61138
~~(D)(5)(E)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 61139
multiplied by the multiple specified in that division; 61140

(6) The number of children reported by the institution under 61141
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 61142
receiving services for a disability described in division 61143
~~(D)(6)(F)~~ of section ~~3306.02~~ 3317.013 of the Revised Code 61144
multiplied by the multiple specified in that division. 61145

(B) For each fiscal year, the department of education shall 61146
pay each state institution required to provide special education 61147
services under division (A) of section 3323.091 of the Revised 61148
Code an amount equal to the greater of: 61149

(1) The formula amount times the institution's total special 61150
education weight; 61151

(2) The aggregate amount of special education and related 61152
services unit funding the institution received for all children 61153
with disabilities other than preschool children with disabilities 61154
in fiscal year 2005 under sections 3317.052 and 3317.053 of the 61155
Revised Code, as those sections existed prior to June 30, 2005. 61156

Sec. 3318.011. For purposes of providing assistance under 61157
sections 3318.01 to 3318.20 of the Revised Code, the department of 61158
education shall annually do all of the following: 61159

(A) Calculate the adjusted valuation per pupil of each city, 61160

local, and exempted village school district according to the 61161
following formula: 61162

The district's valuation per pupil - 61163
[$\$30,000 \times (1 - \text{the district's income factor})$]. 61164

For purposes of this calculation: 61165

(1) Except for a district with an open enrollment net gain 61166
that is ten per cent or more of its formula ADM, "valuation per 61167
pupil" for a district means its average taxable value, divided by 61168
its formula ADM for the previous fiscal year. "Valuation per 61169
pupil," for a district with an open enrollment net gain that is 61170
ten per cent or more of its formula ADM, means its average taxable 61171
value, divided by the sum of its formula ADM for the previous 61172
fiscal year plus its open enrollment net gain for the previous 61173
fiscal year. 61174

(2) "Average Except for a tangible personal property 61175
phase-out impacted district, "average taxable value" means the 61176
average of the sum of the amounts certified for a district under 61177
divisions (A)(1) and (2) of section 3317.021 of the Revised Code 61178
in the second, third, and fourth preceding fiscal years. For a 61179
tangible personal property phase-out impacted district, "average 61180
taxable value" means the average of the sum of the amounts 61181
certified for the district under division (A)(1) and as public 61182
utility personal property under division (A)(2) of section 61183
3317.021 of the Revised Code in the second, third, and fourth 61184
preceding fiscal years. 61185

(3) "Entitled to attend school" means entitled to attend 61186
school in a city, local, or exempted village school district under 61187
section 3313.64 or 3313.65 of the Revised Code. 61188

(4) "Formula ADM" and "income factor" have the same meanings 61189
as in section 3317.02 of the Revised Code. 61190

(5) "Native student" has the same meaning as in section 61191

3313.98 of the Revised Code. 61192

(6) "Open enrollment net gain" for a district means (a) the 61193
number of the students entitled to attend school in another 61194
district but who are enrolled in the schools of the district under 61195
its open enrollment policy minus (b) the number of the district's 61196
native students who are enrolled in the schools of another 61197
district under the other district's open enrollment policy, both 61198
numbers as certified to the department under section 3313.981 of 61199
the Revised Code. If the difference is a negative number, the 61200
district's "open enrollment net gain" is zero. 61201

(7) "Open enrollment policy" means an interdistrict open 61202
enrollment policy adopted under section 3313.98 of the Revised 61203
Code. 61204

(8) "Tangible personal property phase-out impacted district" 61205
means a school district for which the taxable value of its 61206
tangible personal property certified under division (A)(2) of 61207
section 3317.021 of the Revised Code for tax year 2005, excluding 61208
the taxable value of public utility personal property, made up 61209
eighteen per cent or more of its total taxable value for tax year 61210
2005 as certified under that section. 61211

(B) Calculate for each district the three-year average of the 61212
adjusted valuations per pupil calculated for the district for the 61213
current and two preceding fiscal years; 61214

(C) Rank all such districts in order of adjusted valuation 61215
per pupil from the district with the lowest three-year average 61216
adjusted valuation per pupil to the district with the highest 61217
three-year average adjusted valuation per pupil; 61218

(D) Divide such ranking into percentiles with the first 61219
percentile containing the one per cent of school districts having 61220
the lowest three-year average adjusted valuations per pupil and 61221
the one-hundredth percentile containing the one per cent of school 61222

districts having the highest three-year average adjusted 61223
valuations per pupil; 61224

(E) Determine the school districts that have three-year 61225
average adjusted valuations per pupil that are greater than the 61226
median three-year average adjusted valuation per pupil for all 61227
school districts in the state; 61228

(F) On or before the first day of September, certify the 61229
information described in divisions (A) to (E) of this section to 61230
the Ohio school facilities commission. 61231

Sec. 3318.032. (A) Except as otherwise provided in divisions 61232
(C) and (D) of this section, the portion of the basic project cost 61233
supplied by the school district shall be the greater of: 61234

(1) The required percentage of the basic project costs; 61235

(2)(a) For all districts except a district that opts to 61236
divide its entire classroom facilities needs into segments to be 61237
completed separately as authorized by section 3318.034 of the 61238
Revised Code, an amount necessary to raise the school district's 61239
net bonded indebtedness, as of the date the controlling board 61240
approved the project, to within five thousand dollars of the 61241
required level of indebtedness; 61242

(b) For a district that opts to divide its entire classroom 61243
facilities needs into segments to be completed separately as 61244
authorized by section 3318.034 of the Revised Code, an amount 61245
necessary to raise the school district's net bonded indebtedness, 61246
as of the date the controlling board approved the project, to 61247
within five thousand dollars of the following: 61248

The required level of indebtedness X (the basic 61249
project cost of the segment as approved 61250
by the controlling board / the estimated basic 61251
project cost of the district's entire classroom facilities 61252

needs as determined jointly by the staff of the Ohio 61253
school facilities commission and the district) 61254

(B) The amount of the district's share determined under this 61255
section shall be calculated only as of the date the controlling 61256
board approved the project, and that amount applies throughout the 61257
~~one-year~~ thirteen-month period permitted under section 3318.05 of 61258
the Revised Code for the district's electors to approve the 61259
propositions described in that section. If the amount reserved and 61260
encumbered for a project is released because the electors do not 61261
approve those propositions within that ~~year~~ period, and the school 61262
district later receives the controlling board's approval for the 61263
project, subject to a new project scope and estimated costs under 61264
section 3318.054 of the Revised Code, the district's portion shall 61265
be recalculated in accordance with this section as of the date of 61266
the controlling board's subsequent approval. 61267

(C) At no time shall a school district's portion of the basic 61268
project cost be greater than ninety-five per cent of the total 61269
basic project cost. 61270

(D) If the controlling board approves a project under 61271
sections 3318.01 to 3318.20 of the Revised Code for a school 61272
district that previously received assistance under those sections 61273
or section 3318.37 of the Revised Code within the twenty-year 61274
period prior to the date on which the controlling board approves 61275
the new project, the district's portion of the basic project cost 61276
for the new project shall be the lesser of the following: 61277

(1) The portion calculated under division (A) of this 61278
section; 61279

(2) The greater of the following: 61280

(a) The required percentage of the basic project costs for 61281
the new project; 61282

(b) The percentage of the basic project cost paid by the 61283

district for the previous project. 61284

Sec. 3318.034. (A) This section applies to both of the 61285
following: 61286

(1) Any school district that has not executed an agreement 61287
for a project under sections 3318.01 to 3318.20 of the Revised 61288
Code prior to ~~the effective date of this section~~ June 24, 2008; 61289

(2) Any school district that is eligible for additional 61290
assistance under sections 3318.01 to 3318.20 of the Revised Code 61291
pursuant to division (B)(2) of section 3318.04 of the Revised 61292
Code. 61293

Notwithstanding any provision of this chapter to the 61294
contrary, with the approval of the Ohio school facilities 61295
commission, any school district to which this section applies may 61296
opt to divide the district's entire classroom facilities needs, as 61297
those needs are jointly determined by the staff of the commission 61298
and the school district, into discrete segments and shall comply 61299
with all of the provisions of those sections unless otherwise 61300
provided in this section. 61301

(B) ~~Each~~ Except as provided in division (C) of this section, 61302
each segment shall comply with all of the following: 61303

(1) The segment shall consist of the new construction of one 61304
or more entire buildings or the complete renovation of one or more 61305
entire existing buildings, with any necessary additions to that 61306
building. 61307

(2) The segment shall not include any construction of or 61308
renovation or repair to any building that does not complete the 61309
needs of the district with respect to that particular building at 61310
the time the segment is completed. 61311

(3) The segment shall consist of new construction, 61312
renovations, additions, reconstruction, or repair of classroom 61313

facilities to the extent that the school district portion, as 61314
determined under section 3318.032 of the Revised Code, is an 61315
amount not less than the product of 0.040 times the district's 61316
valuation at the time the agreement for the segment is executed, 61317
unless the district previously has undertaken a segment under this 61318
section and the district's portion of the estimated basic project 61319
cost of the remainder of its entire classroom facilities needs, as 61320
determined jointly by the staff of the commission and the 61321
district, is less than the amount otherwise required by this 61322
division. 61323

(C) A district described in division (A)(2) of this section 61324
that has not received the additional assistance authorized under 61325
division (B)(2) of section 3318.04 of the Revised Code may 61326
undertake a segment, with commission approval, for the purpose of 61327
renovating or replacing work performed on a facility under the 61328
district's prior project. The commission may approve that segment 61329
if the commission determines that the renovation or replacement is 61330
necessary to protect the facility. The basic project cost of the 61331
segment shall be allocated between the state and the district in 61332
accordance with section 3318.032 of the Revised Code. However, the 61333
requirements of division (B) of this section shall not apply to a 61334
segment undertaken under this division. 61335

(D) The commission shall conditionally approve and seek 61336
controlling board approval in accordance with division (A) of 61337
section 3318.04 of the Revised Code of each segment. 61338

~~(D)~~(E) The school district's maintenance levy requirement, as 61339
defined in section 3318.18 of the Revised Code, shall run for 61340
twenty-three years from the date the first segment is undertaken; 61341
however, the maintenance levy requirement does not apply to a 61342
segment undertaken under division (C) of this section. 61343

Sec. 3318.05. The conditional approval of the Ohio school 61344

facilities commission for a project shall lapse and the amount 61345
reserved and encumbered for such project shall be released unless 61346
the school district board accepts such conditional approval within 61347
one hundred twenty days following the date of certification of the 61348
conditional approval to the school district board and the electors 61349
of the school district vote favorably on both of the propositions 61350
described in divisions (A) and (B) of this section within ~~one year~~ 61351
thirteen months of the date of such certification, except that a 61352
school district described in division (C) of this section does not 61353
need to submit the proposition described in division (B) of this 61354
section. The propositions described in divisions (A) and (B) of 61355
this section shall be combined in a single proposal. If the 61356
district board or the district's electors fail to meet such 61357
requirements and the amount reserved and encumbered for the 61358
district's project is released, the district shall be given first 61359
priority for project funding as such funds become available, 61360
subject to section 3318.054 of the Revised Code. 61361

(A) On the question of issuing bonds of the school district 61362
board, for the school district's portion of the basic project 61363
cost, in an amount equal to the school district's portion of the 61364
basic project cost less the amount of the proceeds of any 61365
securities authorized or to be authorized under division (J) of 61366
section 133.06 of the Revised Code and dedicated by the school 61367
district board to payment of the district's portion of the basic 61368
project cost; and 61369

(B) On the question of levying a tax the proceeds of which 61370
shall be used to pay the cost of maintaining the classroom 61371
facilities included in the project. Such tax shall be at the rate 61372
of not less than one-half mill for each dollar of valuation for a 61373
period of twenty-three years, subject to any extension approved 61374
under section 3318.061 of the Revised Code. 61375

(C) If a school district has in place a tax levied under 61376

section 5705.21 of the Revised Code for general permanent 61377
improvements for a continuing period of time and the proceeds of 61378
such tax can be used for maintenance, or if a district agrees to 61379
the transfers described in section 3318.051 of the Revised Code, 61380
the school district need not levy the additional tax required 61381
under division (B) of this section, provided the school district 61382
board includes in the agreement entered into under section 3318.08 61383
of the Revised Code provisions either: 61384

(1) Earmarking an amount from the proceeds of that permanent 61385
improvement tax for maintenance of classroom facilities equivalent 61386
to the amount of the additional tax and for the equivalent number 61387
of years otherwise required under this section; 61388

(2) Requiring the transfer of money in accordance with 61389
section 3318.051 of the Revised Code. 61390

The district board subsequently may rescind the agreement to 61391
make the transfers under section 3318.051 of the Revised Code only 61392
so long as the electors of the district have approved, in 61393
accordance with section 3318.063 of the Revised Code, the levy of 61394
a tax for the maintenance of the classroom facilities acquired 61395
under the district's project and that levy continues to be 61396
collected as approved by the electors. 61397

(D) Proceeds of the tax to be used for maintenance of the 61398
classroom facilities under either division (B) or (C)(1) of this 61399
section, and transfers of money in accordance with section 61400
3318.051 of the Revised Code shall be deposited into a separate 61401
fund established by the school district for such purpose. 61402

Sec. 3318.051. (A) Any city, exempted village, or local 61403
school district that commences a project under sections 3318.01 to 61404
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 61405
after September 5, 2006, need not levy the tax otherwise required 61406
under division (B) of section 3318.05 of the Revised Code, if the 61407

district board of education adopts a resolution petitioning the 61408
Ohio school facilities commission to approve the transfer of money 61409
in accordance with this section and the commission approves that 61410
transfer. If so approved, the commission and the district board 61411
shall enter into an agreement under which the board, in each of 61412
twenty-three consecutive years beginning in the year in which the 61413
board and the commission enter into the project agreement under 61414
section 3318.08 of the Revised Code, shall transfer into the 61415
maintenance fund required by division (D) of section 3318.05 of 61416
the Revised Code not less than an amount equal to one-half mill 61417
for each dollar of the district's valuation unless and until the 61418
agreement to make those transfers is rescinded by the district 61419
board pursuant to division (F) of this section. 61420

(B) On the first day of July each year, or on an alternative 61421
date prescribed by the commission, the district treasurer shall 61422
certify to the commission and the auditor of state that the amount 61423
required for the year has been transferred. The auditor of state 61424
shall include verification of the transfer as part of any audit of 61425
the district under section 117.11 of the Revised Code. If the 61426
auditor of state finds that less than the required amount has been 61427
deposited into a district's maintenance fund, the auditor of state 61428
shall notify the district board of education in writing of that 61429
fact and require the board to deposit into the fund, within ninety 61430
days after the date of the notice, the amount by which the fund is 61431
deficient for the year. If the district board fails to demonstrate 61432
to the auditor of state's satisfaction that the board has made the 61433
deposit required in the notice, the auditor of state shall notify 61434
the department of education. At that time, the department shall 61435
withhold an amount equal to ten per cent of the district's funds 61436
calculated for the current fiscal year under ~~Chapters 3306.~~ and 61437
Chapter 3317. of the Revised Code until the auditor of state 61438
notifies the department that the auditor of state is satisfied 61439
that the board has made the required transfer. 61440

(C) Money transferred to the maintenance fund shall be used 61441
for the maintenance of the facilities acquired under the 61442
district's project. 61443

(D) The transfers to the maintenance fund under this section 61444
does not affect a district's obligation to establish and maintain 61445
a capital and maintenance fund under section 3315.18 of the 61446
Revised Code. 61447

(E) Any decision by the commission to approve or not approve 61448
the transfer of money under this section is final and not subject 61449
to appeal. The commission shall not be responsible for errors or 61450
miscalculations made in deciding whether to approve a petition to 61451
make transfers under this section. 61452

(F) If the district board determines that it no longer can 61453
continue making the transfers agreed to under this section, the 61454
board may rescind the agreement only so long as the electors of 61455
the district have approved, in accordance with section 3318.063 of 61456
the Revised Code, the levy of a tax for the maintenance of the 61457
classroom facilities acquired under the district's project and 61458
that levy continues to be collected as approved by the electors. 61459
That levy shall be for a number of years that is equal to the 61460
difference between twenty-three years and the number of years that 61461
the district made transfers under this section and shall be at the 61462
rate of not less than one-half mill for each dollar of the 61463
district's valuation. The district board shall continue to make 61464
the transfers agreed to under this section until that levy has 61465
been approved by the electors. 61466

Sec. 3318.054. (A) If conditional approval of a city, 61467
exempted village, or local school district's project lapses as 61468
provided in section 3318.05 of the Revised Code, or if conditional 61469
approval of a joint vocational school district's project lapses as 61470
provided in division (D) of section 3318.41 of the Revised Code, 61471

because the district's electors have not approved the ballot 61472
measures necessary to generate the district's portion of the basic 61473
project cost, and if the district board desires to seek a new 61474
conditional approval of the project, the district board shall 61475
request that the Ohio school facilities commission set the scope, 61476
basic project cost, and school district portion of the basic 61477
project cost prior to resubmitting the ballot measures to the 61478
electors. To do so, the commission shall use the district's 61479
current assessed tax valuation and the district's percentile for 61480
the prior fiscal year. For a district that has entered into an 61481
agreement under section 3318.36 of the Revised Code and desires to 61482
proceed with a project under sections 3318.01 to 3318.20 of the 61483
Revised Code, the district's portion of the basic project cost 61484
shall be the percentage specified in that agreement. The project 61485
scope and basic costs established under this division shall be 61486
valid for one year from the date the commission approves them. 61487

(B) Upon the commission's approval under division (A) of this 61488
section, the district board may submit the ballot measures to the 61489
district's electors for approval of the project based on the new 61490
project scope and estimated costs. Upon electoral approval of 61491
those measures, the district shall be given first priority for 61492
project funding as such funds become available. 61493

(C) When the commission determines that funds are available 61494
for the district's project, the commission shall do all of the 61495
following: 61496

(1) Determine the school district portion of the basic 61497
project cost under section 3318.032 of the Revised Code, in the 61498
case of a city, exempted village, or local school district, or 61499
under section 3318.42 of the Revised Code, in the case of a joint 61500
vocational school district; 61501

(2) Conditionally approve the project and submit it to the 61502

controlling board for approval pursuant to section 3318.04 of the 61503
Revised Code; 61504

(3) Encumber funds for the project under section 3318.11 of 61505
the Revised Code; 61506

(4) Enter into an agreement with the district board under 61507
section 3318.08 of the Revised Code. 61508

Sec. 3318.08. Except in the case of a joint vocational school 61509
district that receives assistance under sections 3318.40 to 61510
3318.45 of the Revised Code, if the requisite favorable vote on 61511
the election is obtained, or if the school district board has 61512
resolved to apply the proceeds of a property tax levy or the 61513
proceeds of an income tax, or a combination of proceeds from such 61514
taxes, as authorized in section 3318.052 of the Revised Code, the 61515
Ohio school facilities commission, upon certification to it of 61516
either the results of the election or the resolution under section 61517
3318.052 of the Revised Code, shall enter into a written agreement 61518
with the school district board for the construction and sale of 61519
the project. In the case of a joint vocational school district 61520
that receives assistance under sections 3318.40 to 3318.45 of the 61521
Revised Code, if the school district board of education and the 61522
school district electors have satisfied the conditions prescribed 61523
in division (D)(1) of section 3318.41 of the Revised Code, the 61524
commission shall enter into an agreement with the school district 61525
board for the construction and sale of the project. In either 61526
case, the agreement shall include, but need not be limited to, the 61527
following provisions: 61528

(A) The sale and issuance of bonds or notes in anticipation 61529
thereof, as soon as practicable after the execution of the 61530
agreement, in an amount equal to the school district's portion of 61531
the basic project cost, including any securities authorized under 61532
division (J) of section 133.06 of the Revised Code and dedicated 61533

by the school district board to payment of the district's portion 61534
of the basic project cost of the project; provided, that if at 61535
that time the county treasurer of each county in which the school 61536
district is located has not commenced the collection of taxes on 61537
the general duplicate of real and public utility property for the 61538
year in which the controlling board approved the project, the 61539
school district board shall authorize the issuance of a first 61540
installment of bond anticipation notes in an amount specified by 61541
the agreement, which amount shall not exceed an amount necessary 61542
to raise the net bonded indebtedness of the school district as of 61543
the date of the controlling board's approval to within five 61544
thousand dollars of the required level of indebtedness for the 61545
preceding year. In the event that a first installment of bond 61546
anticipation notes is issued, the school district board shall, as 61547
soon as practicable after the county treasurer of each county in 61548
which the school district is located has commenced the collection 61549
of taxes on the general duplicate of real and public utility 61550
property for the year in which the controlling board approved the 61551
project, authorize the issuance of a second and final installment 61552
of bond anticipation notes or a first and final issue of bonds. 61553

The combined value of the first and second installment of 61554
bond anticipation notes or the value of the first and final issue 61555
of bonds shall be equal to the school district's portion of the 61556
basic project cost. The proceeds of any such bonds shall be used 61557
first to retire any bond anticipation notes. Otherwise, the 61558
proceeds of such bonds and of any bond anticipation notes, except 61559
the premium and accrued interest thereon, shall be deposited in 61560
the school district's project construction fund. In determining 61561
the amount of net bonded indebtedness for the purpose of fixing 61562
the amount of an issue of either bonds or bond anticipation notes, 61563
gross indebtedness shall be reduced by moneys in the bond 61564
retirement fund only to the extent of the moneys therein on the 61565
first day of the year preceding the year in which the controlling 61566

board approved the project. Should there be a decrease in the tax 61567
valuation of the school district so that the amount of 61568
indebtedness that can be incurred on the tax duplicates for the 61569
year in which the controlling board approved the project is less 61570
than the amount of the first installment of bond anticipation 61571
notes, there shall be paid from the school district's project 61572
construction fund to the school district's bond retirement fund to 61573
be applied against such notes an amount sufficient to cause the 61574
net bonded indebtedness of the school district, as of the first 61575
day of the year following the year in which the controlling board 61576
approved the project, to be within five thousand dollars of the 61577
required level of indebtedness for the year in which the 61578
controlling board approved the project. The maximum amount of 61579
indebtedness to be incurred by any school district board as its 61580
share of the cost of the project is either an amount that will 61581
cause its net bonded indebtedness, as of the first day of the year 61582
following the year in which the controlling board approved the 61583
project, to be within five thousand dollars of the required level 61584
of indebtedness, or an amount equal to the required percentage of 61585
the basic project costs, whichever is greater. All bonds and bond 61586
anticipation notes shall be issued in accordance with Chapter 133. 61587
of the Revised Code, and notes may be renewed as provided in 61588
section 133.22 of the Revised Code. 61589

(B) The transfer of such funds of the school district board 61590
available for the project, together with the proceeds of the sale 61591
of the bonds or notes, except premium, accrued interest, and 61592
interest included in the amount of the issue, to the school 61593
district's project construction fund; 61594

(C) For all school districts except joint vocational school 61595
districts that receive assistance under sections 3318.40 to 61596
3318.45 of the Revised Code, the following provisions as 61597
applicable: 61598

(1) If section 3318.052 of the Revised Code applies, the 61599
earmarking of the proceeds of a tax levied under section 5705.21 61600
of the Revised Code for general permanent improvements or under 61601
section 5705.218 of the Revised Code for the purpose of permanent 61602
improvements, or the proceeds of a school district income tax 61603
levied under Chapter 5748. of the Revised Code, or the proceeds 61604
from a combination of those two taxes, in an amount to pay all or 61605
part of the service charges on bonds issued to pay the school 61606
district portion of the project and an amount equivalent to all or 61607
part of the tax required under division (B) of section 3318.05 of 61608
the Revised Code; 61609

(2) If section 3318.052 of the Revised Code does not apply, 61610
one of the following: 61611

(a) The levy of the tax authorized at the election for the 61612
payment of maintenance costs, as specified in division (B) of 61613
section 3318.05 of the Revised Code; 61614

(b) If the school district electors have approved a 61615
continuing tax for general permanent improvements under section 61616
5705.21 of the Revised Code and that tax can be used for 61617
maintenance, the earmarking of an amount of the proceeds from such 61618
tax for maintenance of classroom facilities as specified in 61619
division (B) of section 3318.05 of the Revised Code; 61620

(c) If, in lieu of the tax otherwise required under division 61621
(B) of section 3318.05 of the Revised Code, the commission has 61622
approved the transfer of money to the maintenance fund in 61623
accordance with section 3318.051 of the Revised Code, a 61624
requirement that the district board comply with the provisions 61625
that section. The district board may rescind the provision 61626
prescribed under division (C)(2)(c) of this section only so long 61627
as the electors of the district have approved, in accordance with 61628
section 3318.063 of the Revised Code, the levy of a tax for the 61629
maintenance of the classroom facilities acquired under the 61630

district's project and that levy continues to be collected as 61631
approved by the electors. 61632

(D) For joint vocational school districts that receive 61633
assistance under sections 3318.40 to 3318.45 of the Revised Code, 61634
provision for deposit of school district moneys dedicated to 61635
maintenance of the classroom facilities acquired under those 61636
sections as prescribed in section 3318.43 of the Revised Code; 61637

(E) Dedication of any local donated contribution as provided 61638
for under section 3318.084 of the Revised Code, including a 61639
schedule for depositing such moneys applied as an offset of the 61640
district's obligation to levy the tax described in division (B) of 61641
section 3318.05 of the Revised Code as required under division 61642
(D)(2) of section 3318.084 of the Revised Code; 61643

(F) Ownership of or interest in the project during the period 61644
of construction, which shall be divided between the commission and 61645
the school district board in proportion to their respective 61646
contributions to the school district's project construction fund; 61647

(G) Maintenance of the state's interest in the project until 61648
any obligations issued for the project under section 3318.26 of 61649
the Revised Code are no longer outstanding; 61650

(H) The insurance of the project by the school district from 61651
the time there is an insurable interest therein and so long as the 61652
state retains any ownership or interest in the project pursuant to 61653
division (F) of this section, in such amounts and against such 61654
risks as the commission shall require; provided, that the cost of 61655
any required insurance until the project is completed shall be a 61656
part of the basic project cost; 61657

(I) The certification by the director of budget and 61658
management that funds are available and have been set aside to 61659
meet the state's share of the basic project cost as approved by 61660
the controlling board pursuant to either section 3318.04 or 61661

division (B)(1) of section 3318.41 of the Revised Code; 61662

(J) Authorization of the school district board to advertise 61663
for and receive construction bids for the project, for and on 61664
behalf of the commission, and to award contracts in the name of 61665
the state subject to approval by the commission; 61666

(K) Provisions for the disbursement of moneys from the school 61667
district's project account upon issuance by the commission or the 61668
commission's designated representative of vouchers for work done 61669
to be certified to the commission by the treasurer of the school 61670
district board; 61671

(L) Disposal of any balance left in the school district's 61672
project construction fund upon completion of the project; 61673

(M) Limitations upon use of the project or any part of it so 61674
long as any obligations issued to finance the project under 61675
section 3318.26 of the Revised Code are outstanding; 61676

(N) Provision for vesting the state's interest in the project 61677
to the school district board when the obligations issued to 61678
finance the project under section 3318.26 of the Revised Code are 61679
outstanding; 61680

(O) Provision for deposit of an executed copy of the 61681
agreement in the office of the commission; 61682

(P) Provision for termination of the contract and release of 61683
the funds encumbered at the time of the conditional approval, if 61684
the proceeds of the sale of the bonds of the school district board 61685
are not paid into the school district's project construction fund 61686
and if bids for the construction of the project have not been 61687
taken within such period after the execution of the agreement as 61688
may be fixed by the commission; 61689

(Q) Provision for the school district to maintain the project 61690
in accordance with a plan approved by the commission; 61691

(R)(1) ~~For all school districts except a district undertaking~~ 61692
~~a project under section 3318.38 of the Revised Code or a joint~~ 61693
~~vocational school district undertaking a project under sections~~ 61694
~~3318.40 to 3318.45 of the Revised Code, provision~~ Provision that 61695
all state funds reserved and encumbered to pay the state share of 61696
the cost of the project ~~pursuant to section 3318.03 of the Revised~~ 61697
~~Code be spent on the construction or acquisition of the project~~ 61698
~~prior to the expenditure of any~~ and the funds provided by the 61699
school district to pay for its share of the project cost, ~~unless~~ 61700
including the respective shares of the cost of a segment if the 61701
project is divided into segments, be spent on the construction and 61702
acquisition of the project or segment simultaneously in proportion 61703
to the state's and the school district's respective shares of that 61704
basic project cost as determined under section 3318.032 of the 61705
Revised Code or, if the district is a joint vocational school 61706
district, under section 3318.42 of the Revised Code. However, if 61707
the school district certifies to the commission that expenditure 61708
by the school district is necessary to maintain the federal tax 61709
status or tax-exempt status of notes or bonds issued by the school 61710
district to pay for its share of the project cost or to comply 61711
with applicable temporary investment periods or spending 61712
exceptions to rebate as provided for under federal law in regard 61713
to those notes or bonds, ~~in which cases,~~ the school district may 61714
commit to spend, or spend, a greater portion of the funds it 61715
provides; 61716

~~(2) For a school district undertaking a project under section~~ 61717
~~3318.38 of the Revised Code or a joint vocational school district~~ 61718
~~undertaking a project under sections 3318.40 to 3318.45 of the~~ 61719
~~Revised Code, provision that the state funds reserved and~~ 61720
~~encumbered and the funds provided by the school district to pay~~ 61721
~~the basic project cost of any segment of the project, or of the~~ 61722
~~entire project if it is not divided into segments, be spent on the~~ 61723
~~construction and acquisition of the project simultaneously in~~ 61724

~~proportion to the state's and the school district's respective 61725
shares of that basic project cost as determined under section 61726
3318.032 of the Revised Code or, if the district is a joint 61727
vocational school district, under section 3318.42 of the Revised 61728
Code during any specific period than would otherwise be required 61729
under this division. 61730~~

(S) A provision stipulating that the commission may prohibit 61731
the district from proceeding with any project if the commission 61732
determines that the site is not suitable for construction 61733
purposes. The commission may perform soil tests in its 61734
determination of whether a site is appropriate for construction 61735
purposes. 61736

(T) A provision stipulating that, unless otherwise authorized 61737
by the commission, any contingency reserve portion of the 61738
construction budget prescribed by the commission shall be used 61739
only to pay costs resulting from unforeseen job conditions, to 61740
comply with rulings regarding building and other codes, to pay 61741
costs related to design clarifications or corrections to contract 61742
documents, and to pay the costs of settlements or judgments 61743
related to the project as provided under section 3318.086 of the 61744
Revised Code; 61745

(U) Provision stipulating that for continued release of 61746
project funds the school district board shall comply with section 61747
3313.41 of the Revised Code throughout the project and shall 61748
notify the department of education and the Ohio community school 61749
association when the board plans to dispose of facilities by sale 61750
under that section; 61751

(V) Provision that the commission shall not approve a 61752
contract for demolition of a facility until the school district 61753
board has complied with section 3313.41 of the Revised Code 61754
relative to that facility, unless demolition of that facility is 61755
to clear a site for construction of a replacement facility 61756

included in the district's project. 61757

Sec. 3318.12. (A) The Ohio school facilities commission shall 61758
cause to be transferred to the school district's project 61759
construction fund the necessary amounts from amounts appropriated 61760
by the general assembly and set aside for such purpose, from time 61761
to time as may be necessary to pay obligations chargeable to such 61762
fund when due. All investment earnings of a school district's 61763
project construction fund shall be credited to the fund. 61764

(B)(1) The treasurer of the school district board shall 61765
disburse funds from the school district's project construction 61766
fund, including investment earnings credited to the fund, only 61767
upon the approval of the commission or the commission's designated 61768
representative. The commission or the commission's designated 61769
representative shall issue vouchers against such fund, in such 61770
amounts, and at such times as required by the contracts for 61771
construction of the project. 61772

(2) Notwithstanding anything to the contrary in division 61773
(B)(1) of this section, the school district board may, by a duly 61774
adopted resolution, choose to use all or part of the investment 61775
earnings of the district's project construction fund that are 61776
attributable to the district's contribution to the fund to pay the 61777
cost of classroom facilities or portions or components of 61778
classroom facilities that are not included in the district's basic 61779
project cost but that are related to the district's project. If 61780
the district board adopts a resolution in favor of using those 61781
investment earnings as authorized under division (B)(2) of this 61782
section, the treasurer shall disburse the amount as designated and 61783
directed by the board. However, if the district board chooses to 61784
use any part of the investment earnings for classroom facilities 61785
or portions or components of classroom facilities that are not 61786
included in the basic project cost, as authorized under division 61787

(B)(2) of this section, and, subsequently, the cost of the project 61788
exceeds the amount in the project construction fund, the district 61789
board shall restore to the project construction fund the full 61790
amount of the investment earnings used under division (B)(2) of 61791
this section before any additional state moneys shall be released 61792
for the project. 61793

(C) After ~~the~~ a certificate of completion has been issued for 61794
a project has been completed under section 3318.48 of the Revised 61795
Code: 61796

(1) At the discretion of the school district board, any 61797
investment earnings remaining in the project construction fund 61798
that are attributable to the school district's contribution to the 61799
fund shall be: 61800

(a) Retained in the project construction fund for future 61801
projects; 61802

(b) Transferred to the district's maintenance fund required 61803
by division (B) of section 3318.05 or section 3318.43 of the 61804
Revised Code, and the money so transferred shall be used solely 61805
for maintaining the classroom facilities included in the project; 61806

(c) Transferred to the district's permanent improvement fund. 61807

(2) Any investment earnings remaining in the project 61808
construction fund that are attributable to the state's 61809
contribution to the fund shall be transferred to the commission 61810
for expenditure pursuant to sections 3318.01 to 3318.20 or 61811
sections 3318.40 to 3318.45 of the Revised Code. 61812

(3) Any other surplus remaining in the school district's 61813
project construction fund ~~after the project has been completed~~ 61814
shall be transferred to the commission and the school district 61815
board in proportion to their respective contributions to the fund. 61816
The commission shall use the money transferred to it under this 61817
division for expenditure pursuant to sections 3318.01 to 3318.20 61818

or sections 3318.40 to 3318.45 of the Revised Code. 61819

(D) Pursuant to appropriations of the general assembly, any 61820
moneys transferred to the commission under division (C)(2) or (3) 61821
of this section from a project construction fund for a project 61822
under sections 3318.40 to 3318.45 of the Revised Code may be used 61823
for future expenditures for projects under sections 3318.40 to 61824
3318.45 of the Revised Code, notwithstanding the two per cent 61825
annual limit specified in division (B) of section 3318.40 of the 61826
Revised Code. 61827

Sec. 3318.31. (A) The Ohio school facilities commission may 61828
perform any act and ensure the performance of any function 61829
necessary or appropriate to carry out the purposes of, and 61830
exercise the powers granted under, Chapter 3318. of the Revised 61831
Code, including any of the following: 61832

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 61833
the Revised Code, rules for the administration of programs 61834
authorized under Chapter 3318. of the Revised Code. 61835

(2) Contract with, retain the services of, or designate, and 61836
fix the compensation of, such agents, accountants, consultants, 61837
advisers, and other independent contractors as may be necessary or 61838
desirable to carry out the programs authorized under Chapter 3318. 61839
of the Revised Code, or authorize the executive director to 61840
perform such powers and duties. 61841

(3) Receive and accept any gifts, grants, donations, and 61842
pledges, and receipts therefrom, to be used for the programs 61843
authorized under Chapter 3318. of the Revised Code. 61844

(4) Make and enter into all contracts, commitments, and 61845
agreements, and execute all instruments, necessary or incidental 61846
to the performance of its duties and the execution of its rights 61847
and powers under Chapter 3318. of the Revised Code, or authorize 61848

the executive director to perform such powers and duties. 61849

(5) Request the director of administrative services to debar 61850
a contractor as provided in section 153.02 of the Revised Code. 61851

(B) The commission shall appoint and fix the compensation of 61852
an executive director who shall serve at the pleasure of the 61853
commission. The executive director shall supervise the operations 61854
of the commission and perform such other duties as delegated by 61855
the commission. The executive director also shall employ and fix 61856
the compensation of such employees as will facilitate the 61857
activities and purposes of the commission, who shall serve at the 61858
pleasure of the executive director. The employees of the 61859
commission shall be exempt from Chapter 4117. of the Revised Code 61860
and shall not be public employees as defined in section 4117.01 of 61861
the Revised Code. 61862

(C) The attorney general shall serve as the legal 61863
representative for the commission and may appoint other counsel as 61864
necessary for that purpose in accordance with section 109.07 of 61865
the Revised Code. 61866

Sec. 3318.36. (A)(1) As used in this section: 61867

(a) "Ohio school facilities commission," "classroom 61868
facilities," "school district," "school district board," "net 61869
bonded indebtedness," "required percentage of the basic project 61870
costs," "basic project cost," "valuation," and "percentile" have 61871
the same meanings as in section 3318.01 of the Revised Code. 61872

(b) "Required level of indebtedness" means five per cent of 61873
the school district's valuation for the year preceding the year in 61874
which the commission and school district enter into an agreement 61875
under division (B) of this section, plus [two one-hundredths of 61876
one per cent multiplied by (the percentile in which the district 61877
ranks minus one)]. 61878

(c) "Local resources" means any moneys generated in any 61879
manner permitted for a school district board to raise the school 61880
district portion of a project undertaken with assistance under 61881
sections 3318.01 to 3318.20 of the Revised Code. 61882

(d) "Tangible personal property phase-out impacted district" 61883
has the same meaning as in section 3318.011 of the Revised Code. 61884

(2) For purposes of determining the required level of 61885
indebtedness, the required percentage of the basic project costs 61886
under division (C)(1) of this section, and priority for assistance 61887
under sections 3318.01 to 3318.20 of the Revised Code, the 61888
percentile ranking of a school district with which the commission 61889
has entered into an agreement under this section between the first 61890
day of July and the thirty-first day of August in each fiscal year 61891
is the percentile ranking calculated for that district for the 61892
immediately preceding fiscal year, and the percentile ranking of a 61893
school district with which the commission has entered into such 61894
agreement between the first day of September and the thirtieth day 61895
of June in each fiscal year is the percentile ranking calculated 61896
for that district for the current fiscal year. However, in the 61897
case of a tangible personal property phase-out impacted district, 61898
the district's priority for assistance under sections 3318.01 to 61899
3318.20 of the Revised Code and its portion of the basic project 61900
cost under those sections shall be determined in the manner 61901
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 61902
this section. 61903

(B)(1) There is hereby established the school building 61904
assistance expedited local partnership program. Under the program, 61905
the Ohio school facilities commission may enter into an agreement 61906
with the school district board of any school district under which 61907
the school district board may proceed with the new construction or 61908
major repairs of a part of the school district's classroom 61909
facilities needs, as determined under sections 3318.01 to 3318.20 61910

of the Revised Code, through the expenditure of local resources 61911
prior to the school district's eligibility for state assistance 61912
under those sections and may apply that expenditure toward meeting 61913
the school district's portion of the basic project cost of the 61914
total of the school district's classroom facilities needs, as 61915
determined under sections 3318.01 to 3318.20 of the Revised Code 61916
and as recalculated under division (E) of this section, that are 61917
eligible for state assistance under sections 3318.01 to 3318.20 of 61918
the Revised Code when the school district becomes eligible for 61919
that assistance. Any school district that is reasonably expected 61920
to receive assistance under sections 3318.01 to 3318.20 of the 61921
Revised Code within two fiscal years from the date the school 61922
district adopts its resolution under division (B) of this section 61923
shall not be eligible to participate in the program established 61924
under this section. 61925

(2) To participate in the program, a school district board 61926
shall first adopt a resolution certifying to the commission the 61927
board's intent to participate in the program. 61928

The resolution shall specify the approximate date that the 61929
board intends to seek elector approval of any bond or tax measures 61930
or to apply other local resources to use to pay the cost of 61931
classroom facilities to be constructed under this section. The 61932
resolution may specify the application of local resources or 61933
elector-approved bond or tax measures after the resolution is 61934
adopted by the board, and in such case the board may proceed with 61935
a discrete portion of its project under this section as soon as 61936
the commission and the controlling board have approved the basic 61937
project cost of the district's classroom facilities needs as 61938
specified in division (D) of this section. The board shall submit 61939
its resolution to the commission not later than ten days after the 61940
date the resolution is adopted by the board. 61941

The commission shall not consider any resolution that is 61942

submitted pursuant to division (B)(2) of this section, as amended 61943
by this amendment, sooner than September 14, 2000. 61944

(3) For purposes of determining when a district that enters 61945
into an agreement under this section becomes eligible for 61946
assistance under sections 3318.01 to 3318.20 of the Revised Code, 61947
the commission shall use one of the following as applicable: 61948

(a) Except for a tangible personal property phase-out 61949
impacted district, the district's percentile ranking determined at 61950
the time the district entered into the agreement under this 61951
section, as prescribed by division (A)(2) of this section; 61952

(b) For a tangible personal property phase-out impacted 61953
district, the least of (i) the district's percentile ranking 61954
determined at the time the district entered into the agreement 61955
under this section, as prescribed by division (A)(2) of this 61956
section, (ii) the district's current percentile ranking under 61957
section 3318.011 of the Revised Code, or (iii) for a project 61958
approved for fiscal year 2012, the district's percentile ranking 61959
under the alternate equity list prescribed by Section 387.70 of 61960
H.B. 153 of the 129th general assembly. 61961

(4) Any project under this section shall comply with section 61962
3318.03 of the Revised Code and with any specifications for plans 61963
and materials for classroom facilities adopted by the commission 61964
under section 3318.04 of the Revised Code. 61965

(5) If a school district that enters into an agreement under 61966
this section has not begun a project applying local resources as 61967
provided for under that agreement at the time the district is 61968
notified by the commission that it is eligible to receive state 61969
assistance under sections 3318.01 to 3318.20 of the Revised Code, 61970
all assessment and agreement documents entered into under this 61971
section are void. 61972

(6) Only construction of or repairs to classroom facilities 61973

that have been approved by the commission and have been therefore 61974
included as part of a district's basic project cost qualify for 61975
application of local resources under this section. 61976

(C) Based on the results of on-site visits and assessment, 61977
the commission shall determine the basic project cost of the 61978
school district's classroom facilities needs. The commission shall 61979
determine the school district's portion of such basic project 61980
cost, which shall be the greater of: 61981

(1) The required percentage of the basic project costs, 61982
determined based on the school district's percentile ranking; 61983

(2) An amount necessary to raise the school district's net 61984
bonded indebtedness, as of the fiscal year the commission and the 61985
school district enter into the agreement under division (B) of 61986
this section, to within five thousand dollars of the required 61987
level of indebtedness. 61988

(D)(1) When the commission determines the basic project cost 61989
of the classroom facilities needs of a school district and the 61990
school district's portion of that basic project cost under 61991
division (C) of this section, the project shall be conditionally 61992
approved. Such conditional approval shall be submitted to the 61993
controlling board for approval thereof. The controlling board 61994
shall forthwith approve or reject the commission's determination, 61995
conditional approval, and the amount of the state's portion of the 61996
basic project cost; however, no state funds shall be encumbered 61997
under this section. Upon approval by the controlling board, the 61998
school district board may identify a discrete part of its 61999
classroom facilities needs, which shall include only new 62000
construction of or additions or major repairs to a particular 62001
building, to address with local resources. Upon identifying a part 62002
of the school district's basic project cost to address with local 62003
resources, the school district board may allocate any available 62004
school district moneys to pay the cost of that identified part, 62005

including the proceeds of an issuance of bonds if approved by the electors of the school district.

All local resources utilized under this division shall first be deposited in the project construction account required under section 3318.08 of the Revised Code.

(2) Unless the school district board exercises its option under division (D)(3) of this section, for a school district to qualify for participation in the program authorized under this section, one of the following conditions shall be satisfied:

(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code, which may be combined in a single ballot question with the questions prescribed under section 5705.218 of the Revised Code.

(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(c) As authorized under section 3318.051 of the Revised Code, the school district board shall, if approved by the commission, annually transfer into the maintenance fund required under section

3318.05 of the Revised Code the amount prescribed in section 62037
3318.051 of the Revised Code in lieu of the tax otherwise required 62038
under division (D)(2)(a) of this section for the maintenance of 62039
the classroom facilities included in the basic project cost as 62040
determined by the commission. 62041

(d) If the school district board has rescinded the agreement 62042
to make transfers under section 3318.051 of the Revised Code, as 62043
provided under division (F) of that section, the electors of the 62044
school district, in accordance with section 3318.063 of the 62045
Revised Code, first shall approve the levy of taxes outside the 62046
ten-mill limitation for the period specified in that section at a 62047
rate of not less than one-half mill for each dollar of valuation. 62048

(e) The school district board shall apply the proceeds of a 62049
tax to leverage bonds as authorized under section 3318.052 of the 62050
Revised Code or dedicate a local donated contribution in the 62051
manner described in division (B) of section 3318.084 of the 62052
Revised Code in an amount equivalent to the additional tax 62053
otherwise required under division (D)(2)(a) of this section for 62054
the maintenance of the classroom facilities included in the basic 62055
project cost as determined by the commission. 62056

(3) A school district board may opt to delay taking any of 62057
the actions described in division (D)(2) of this section until the 62058
school district becomes eligible for state assistance under 62059
sections 3318.01 to 3318.20 of the Revised Code. In order to 62060
exercise this option, the board shall certify to the commission a 62061
resolution indicating the board's intent to do so prior to 62062
entering into an agreement under division (B) of this section. 62063

(4) If pursuant to division (D)(3) of this section a district 62064
board opts to delay levying an additional tax until the district 62065
becomes eligible for state assistance, it shall submit the 62066
question of levying that tax to the district electors as follows: 62067

(a) In accordance with section 3318.06 of the Revised Code if 62068
it will also be necessary pursuant to division (E) of this section 62069
to submit a proposal for approval of a bond issue; 62070

(b) In accordance with section 3318.361 of the Revised Code 62071
if it is not necessary to also submit a proposal for approval of a 62072
bond issue pursuant to division (E) of this section. 62073

(5) No state assistance under sections 3318.01 to 3318.20 of 62074
the Revised Code shall be released until a school district board 62075
that adopts and certifies a resolution under division (D) of this 62076
section also demonstrates to the satisfaction of the commission 62077
compliance with the provisions of division (D)(2) of this section. 62078

Any amount required for maintenance under division (D)(2) of 62079
this section shall be deposited into a separate fund as specified 62080
in division (B) of section 3318.05 of the Revised Code. 62081

(E)(1) If the school district becomes eligible for state 62082
assistance under sections 3318.01 to 3318.20 of the Revised Code 62083
based on its percentile ranking under division (B)(3) of this 62084
section, the commission shall conduct a new assessment of the 62085
school district's classroom facilities needs and shall recalculate 62086
the basic project cost based on this new assessment. The basic 62087
project cost recalculated under this division shall include the 62088
amount of expenditures made by the school district board under 62089
division (D)(1) of this section. The commission shall then 62090
recalculate the school district's portion of the new basic project 62091
cost, which shall be one of the following as applicable: 62092

(a) Except for a tangible personal property phase-out 62093
impacted district, the percentage of the original basic project 62094
cost assigned to the school district as its portion under division 62095
(C) of this section; 62096

(b) For a tangible personal property phase-out impacted 62097
district, the least of (i) the percentage of the original basic 62098

project cost assigned to the school district as its portion under 62099
division (C) of this section, (ii) the percentage of the new basic 62100
project cost determined under section 3318.032 of the Revised Code 62101
using the district's current percentile ranking under section 62102
3318.011 of the Revised Code, or (iii) for a project approved for 62103
fiscal year 2012, the percentage of the new basic project cost 62104
determined under section 3318.032 of the Revised Code using the 62105
district's percentile ranking under the alternate equity list 62106
prescribed by Section 387.70 of H.B. 153 of the 129th general 62107
assembly. The 62108

The commission shall deduct the expenditure of school 62109
district moneys made under division (D)(1) of this section from 62110
the school district's portion of the basic project cost as 62111
recalculated under this division. If the amount of school district 62112
resources applied by the school district board to the school 62113
district's portion of the basic project cost under this section is 62114
less than the total amount of such portion as recalculated under 62115
this division, the school district board by a majority vote of all 62116
of its members shall, if it desires to seek state assistance under 62117
sections 3318.01 to 3318.20 of the Revised Code, adopt a 62118
resolution as specified in section 3318.06 of the Revised Code to 62119
submit to the electors of the school district the question of 62120
approval of a bond issue in order to pay any additional amount of 62121
school district portion required for state assistance. Any tax 62122
levy approved under division (D) of this section satisfies the 62123
requirements to levy the additional tax under section 3318.06 of 62124
the Revised Code. 62125

(2) If the amount of school district resources applied by the 62126
school district board to the school district's portion of the 62127
basic project cost under this section is more than the total 62128
amount of such portion as recalculated under ~~this~~ division (E)(1) 62129
of this section, within one year after the school district's 62130