

implementing a new technology or method of disposal. Brine from 31088
exempt Mississippian wells shall not be discharged directly into 31089
the waters of the state. 31090

(2) Muds, cuttings, and other waste substances shall not be 31091
disposed of in violation of any rule. 31092

(3) Pits or steel tanks shall be used as authorized by the 31093
chief for containing brine and other waste substances resulting 31094
from, obtained from, or produced in connection with drilling, well 31095
stimulation, reworking, reconditioning, plugging back, or plugging 31096
operations. The pits and steel tanks shall be constructed and 31097
maintained to prevent the escape of brine and other waste 31098
substances. 31099

(4) A dike or pit may be used for spill prevention and 31100
control. A dike or pit so used shall be constructed and maintained 31101
to prevent the escape of brine and crude oil, and the reservoir 31102
within such a dike or pit shall be kept reasonably free of brine, 31103
crude oil, and other waste substances. 31104

(5) Earthen impoundments constructed pursuant to the 31105
division's specifications may be used for the temporary storage of 31106
fluids used in the stimulation of a well. 31107

(6) No pit, earthen impoundment, or dike shall be used for 31108
the temporary storage of brine or other substances except in 31109
accordance with divisions (C)(3) to (5) of this section. 31110

(7) No pit or dike shall be used for the ultimate disposal of 31111
brine or other liquid waste substances. 31112

(D) No person, without first having obtained a permit from 31113
the chief, shall inject brine or other waste substances resulting 31114
from, obtained from, or produced in connection with oil or gas 31115
drilling, exploration, or production into an underground formation 31116
unless a rule of the chief expressly authorizes the injection 31117
without a permit. The permit shall be in addition to any permit 31118

required by section 1509.05 of the Revised Code, and the permit 31119
application shall be accompanied by a permit fee of one thousand 31120
dollars. The chief shall adopt rules in accordance with Chapter 31121
119. of the Revised Code regarding the injection into wells of 31122
brine and other waste substances resulting from, obtained from, or 31123
produced in connection with oil or gas drilling, exploration, or 31124
production. The rules may authorize tests to evaluate whether 31125
fluids or carbon dioxide may be injected in a reservoir and to 31126
determine the maximum allowable injection pressure, which shall be 31127
conducted in accordance with methods prescribed in the rules or in 31128
accordance with conditions of the permit. In addition, the rules 31129
shall include provisions regarding applications for and issuance 31130
of the permits required by this division; entry to conduct 31131
inspections and to examine and copy records to ascertain 31132
compliance with this division and rules, orders, and terms and 31133
conditions of permits adopted or issued under it; the provision 31134
and maintenance of information through monitoring, recordkeeping, 31135
and reporting; and other provisions in furtherance of the goals of 31136
this section and the Safe Drinking Water Act. To implement the 31137
goals of the Safe Drinking Water Act, the chief shall not issue a 31138
permit for the injection of brine or other waste substances 31139
resulting from, obtained from, or produced in connection with oil 31140
or gas drilling, exploration, or production unless the chief 31141
concludes that the applicant has demonstrated that the injection 31142
will not result in the presence of any contaminant in ground water 31143
that supplies or can reasonably be expected to supply any public 31144
water system, such that the presence of the contaminant may result 31145
in the system's not complying with any national primary drinking 31146
water regulation or may otherwise adversely affect the health of 31147
persons. This division and rules, orders, and terms and conditions 31148
of permits adopted or issued under it shall be construed to be no 31149
more stringent than required for compliance with the Safe Drinking 31150
Water Act unless essential to ensure that underground sources of 31151

drinking water will not be endangered. 31152

(E) The owner holding a permit, or an assignee or transferee 31153
who has assumed the obligations and liabilities imposed by this 31154
chapter and any rules adopted or orders issued under it pursuant 31155
to section 1509.31 of the Revised Code, and the operator of a well 31156
shall be liable for a violation of this section or any rules 31157
adopted or orders or terms or conditions of a permit issued under 31158
it. 31159

(F) An owner shall replace the water supply of the holder of 31160
an interest in real property who obtains all or part of the 31161
holder's supply of water for domestic, agricultural, industrial, 31162
or other legitimate use from an underground or surface source 31163
where the supply has been substantially disrupted by 31164
contamination, diminution, or interruption proximately resulting 31165
from the owner's oil or gas operation, or the owner may elect to 31166
compensate the holder of the interest in real property for the 31167
difference between the fair market value of the interest before 31168
the damage occurred to the water supply and the fair market value 31169
after the damage occurred if the cost of replacing the water 31170
supply exceeds this difference in fair market values. However, 31171
during the pendency of any order issued under this division, the 31172
owner shall obtain for the holder or shall reimburse the holder 31173
for the reasonable cost of obtaining a water supply from the time 31174
of the contamination, diminution, or interruption by the operation 31175
until the owner has complied with an order of the chief for 31176
compliance with this division or such an order has been revoked or 31177
otherwise becomes not effective. If the owner elects to pay the 31178
difference in fair market values, but the owner and the holder 31179
have not agreed on the difference within thirty days after the 31180
chief issues an order for compliance with this division, within 31181
ten days after the expiration of that thirty-day period, the owner 31182
and the chief each shall appoint an appraiser to determine the 31183

difference in fair market values, except that the holder of the 31184
interest in real property may elect to appoint and compensate the 31185
holder's own appraiser, in which case the chief shall not appoint 31186
an appraiser. The two appraisers appointed shall appoint a third 31187
appraiser, and within thirty days after the appointment of the 31188
third appraiser, the three appraisers shall hold a hearing to 31189
determine the difference in fair market values. Within ten days 31190
after the hearing, the appraisers shall make their determination 31191
by majority vote and issue their final determination of the 31192
difference in fair market values. The chief shall accept a 31193
determination of the difference in fair market values made by 31194
agreement of the owner and holder or by appraisers under this 31195
division and shall make and dissolve orders accordingly. This 31196
division does not affect in any way the right of any person to 31197
enforce or protect, under applicable law, the person's interest in 31198
water resources affected by an oil or gas operation. 31199

(G) In any action brought by the state for a violation of 31200
division (A) of this section involving any well at which annular 31201
disposal is used, there shall be a rebuttable presumption 31202
available to the state that the annular disposal caused the 31203
violation if the well is located within a one-quarter-mile radius 31204
of the site of the violation. 31205

Sec. 1509.221. (A) No person, without first having obtained a 31206
permit from the chief of the division of ~~mineral~~ oil and gas 31207
resources management, shall drill a well or inject a substance 31208
into a well for the exploration for or extraction of minerals or 31209
energy, other than oil or natural gas, including, but not limited 31210
to, the mining of sulfur by the Frasch process, the solution 31211
mining of minerals, the in situ combustion of fossil fuel, or the 31212
recovery of geothermal energy to produce electric power, unless a 31213
rule of the chief expressly authorizes the activity without a 31214
permit. The permit shall be in addition to any permit required by 31215

section 1509.05 of the Revised Code. The chief shall adopt rules 31216
in accordance with Chapter 119. of the Revised Code governing the 31217
issuance of permits under this section. The rules shall include 31218
provisions regarding the matters the applicant for a permit shall 31219
demonstrate to establish eligibility for a permit; the form and 31220
content of applications for permits; the terms and conditions of 31221
permits; entry to conduct inspections and to examine and copy 31222
records to ascertain compliance with this section and rules, 31223
orders, and terms and conditions of permits adopted or issued 31224
thereunder; provision and maintenance of information through 31225
monitoring, recordkeeping, and reporting; and other provisions in 31226
furtherance of the goals of this section and the Safe Drinking 31227
Water Act. To implement the goals of the Safe Drinking Water Act, 31228
the chief shall not issue a permit under this section, unless the 31229
chief concludes that the applicant has demonstrated that the 31230
drilling, injection of a substance, and extraction of minerals or 31231
energy will not result in the presence of any contaminant in 31232
underground water that supplies or can reasonably be expected to 31233
supply any public water system, such that the presence of the 31234
contaminant may result in the system's not complying with any 31235
national primary drinking water regulation or may otherwise 31236
adversely affect the health of persons. The chief may issue, 31237
without a prior adjudication hearing, orders requiring compliance 31238
with this section and rules, orders, and terms and conditions of 31239
permits adopted or issued thereunder. This section and rules, 31240
orders, and terms and conditions of permits adopted or issued 31241
thereunder shall be construed to be no more stringent than 31242
required for compliance with the Safe Drinking Water Act, unless 31243
essential to ensure that underground sources of drinking water 31244
will not be endangered. 31245

(B)(1) There is levied on the owner of an injection well who 31246
has been issued a permit under division (D) of section 1509.22 of 31247
the Revised Code the following fees: 31248

(a) Five cents per barrel of each substance that is delivered 31249
to a well to be injected in the well when the substance is 31250
produced within the division of ~~mineral~~ oil and gas resources 31251
management regulatory district in which the well is located or 31252
within an adjoining ~~mineral~~ oil and gas resources management 31253
regulatory district; 31254

(b) Twenty cents per barrel of each substance that is 31255
delivered to a well to be injected in the well when the substance 31256
is not produced within the division of ~~mineral~~ oil and gas 31257
resources management regulatory district in which the well is 31258
located or within an adjoining ~~mineral~~ oil and gas resources 31259
management regulatory district. 31260

(2) The maximum number of barrels of substance per injection 31261
well in a calendar year on which a fee may be levied under 31262
division (B) of this section is five hundred thousand. If in a 31263
calendar year the owner of an injection well receives more than 31264
five hundred thousand barrels of substance to be injected in the 31265
owner's well and if the owner receives at least one substance that 31266
is produced within the division's regulatory district in which the 31267
well is located or within an adjoining regulatory district and at 31268
least one substance that is not produced within the division's 31269
regulatory district in which the well is located or within an 31270
adjoining regulatory district, the fee shall be calculated first 31271
on all of the barrels of substance that are not produced within 31272
the division's regulatory district in which the well is located or 31273
within an adjoining district at the rate established in division 31274
(B)(2) of this section. The fee then shall be calculated on the 31275
barrels of substance that are produced within the division's 31276
regulatory district in which the well is located or within an 31277
adjoining district at the rate established in division (B)(1) of 31278
this section until the maximum number of barrels established in 31279
division (B)(2) of this section has been attained. 31280

(3) The owner of an injection well who is issued a permit 31281
under division (D) of section 1509.22 of the Revised Code shall 31282
collect the fee levied by division (B) of this section on behalf 31283
of the division of ~~mineral~~ oil and gas resources management and 31284
forward the fee to the division. The chief shall transmit all 31285
money received under division (B) of this section to the treasurer 31286
of state who shall deposit the money in the state treasury to the 31287
credit of the oil and gas well fund created in section 1509.02 of 31288
the Revised Code. The owner of an injection well who collects the 31289
fee levied by this division may retain up to three per cent of the 31290
amount that is collected. 31291

(4) The chief shall adopt rules in accordance with Chapter 31292
119. of the Revised Code establishing requirements and procedures 31293
for collection of the fee levied by division (B) of this section. 31294

(C) In an action under section 1509.04 or 1509.33 of the 31295
Revised Code to enforce this section, the court shall grant 31296
preliminary and permanent injunctive relief and impose a civil 31297
penalty upon the showing that the person against whom the action 31298
is brought has violated, is violating, or will violate this 31299
section or rules, orders, or terms or conditions of permits 31300
adopted or issued thereunder. The court shall not require, prior 31301
to granting such preliminary and permanent injunctive relief or 31302
imposing a civil penalty, proof that the violation was, is, or 31303
will be the result of intentional conduct or negligence. In any 31304
such action, any person may intervene as a plaintiff upon the 31305
demonstration that the person has an interest that is or may be 31306
adversely affected by the activity for which injunctive relief or 31307
a civil penalty is sought. 31308

Sec. 1509.222. (A)(1) Except as provided in section 1509.226 31309
of the Revised Code, no person shall transport brine by vehicle in 31310
this state unless the business entity that employs the person 31311

first registers with and obtains a registration certificate and 31312
identification number from the chief of the division of ~~mineral~~ 31313
oil and gas resources management. 31314

(2) No more than one registration certificate shall be 31315
required of any business entity. Registration certificates issued 31316
under this section are not transferable. An applicant shall file 31317
an application with the chief, containing such information in such 31318
form as the chief prescribes, but including a plan for disposal 31319
that provides for compliance with the requirements of this chapter 31320
and rules of the chief pertaining to the transportation of brine 31321
by vehicle and the disposal of brine so transported and that lists 31322
all disposal sites that the applicant intends to use, the bond 31323
required by section 1509.225 of the Revised Code, and a 31324
certificate issued by an insurance company authorized to do 31325
business in this state certifying that the applicant has in force 31326
a liability insurance policy in an amount not less than three 31327
hundred thousand dollars bodily injury coverage and three hundred 31328
thousand dollars property damage coverage to pay damages for 31329
injury to persons or property caused by the collecting, handling, 31330
transportation, or disposal of brine. The policy shall be 31331
maintained in effect during the term of the registration 31332
certificate. The policy or policies providing the coverage shall 31333
require the insurance company to give notice to the chief if the 31334
policy or policies lapse for any reason. Upon such termination of 31335
the policy, the chief may suspend the registration certificate 31336
until proper insurance coverage is obtained. Each application for 31337
a registration certificate shall be accompanied by a nonrefundable 31338
fee of five hundred dollars. 31339

(3) If a business entity that has been issued a registration 31340
certificate under this section changes its name due to a business 31341
reorganization or merger, the business entity shall revise the 31342
bond or certificates of deposit required by section 1509.225 of 31343

the Revised Code and obtain a new certificate from an insurance 31344
company in accordance with division (A)(2) of this section to 31345
reflect the change in the name of the business entity. 31346

(B) The chief shall issue an order denying an application for 31347
a registration certificate if the chief finds that either of the 31348
following applies: 31349

(1) The applicant, at the time of applying for the 31350
registration certificate, has been found liable by a final 31351
nonappealable order of a court of competent jurisdiction for 31352
damage to streets, roads, highways, bridges, culverts, or 31353
drainways pursuant to section 4513.34 or 5577.12 of the Revised 31354
Code until the applicant provides the chief with evidence of 31355
compliance with the order. 31356

(2) The applicant's plan for disposal does not provide for 31357
compliance with the requirements of this chapter and rules of the 31358
chief pertaining to the transportation of brine by vehicle and the 31359
disposal of brine so transported. 31360

(C) No applicant shall attempt to circumvent division (B) of 31361
this section by applying for a registration certificate under a 31362
different name or business organization name, by transferring 31363
responsibility to another person or entity, or by any similar act. 31364

(D) A registered transporter shall apply to revise a disposal 31365
plan under procedures that the chief shall prescribe by rule. 31366
However, at a minimum, an application for a revision shall list 31367
all sources and disposal sites of brine currently transported. The 31368
chief shall deny any application for a revision of a plan under 31369
this division if the chief finds that the proposed revised plan 31370
does not provide for compliance with the requirements of this 31371
chapter and rules of the chief pertaining to the transportation of 31372
brine by vehicle and the disposal of brine so transported. 31373
Approvals and denials of revisions shall be by order of the chief. 31374

(E) The chief may adopt rules, issue orders, and attach terms 31375
and conditions to registration certificates as may be necessary to 31376
administer, implement, and enforce sections 1509.222 to 1509.226 31377
of the Revised Code for protection of public health or safety or 31378
conservation of natural resources. 31379

Sec. 1509.223. (A) No permit holder or owner of a well shall 31380
enter into an agreement with or permit any person to transport 31381
brine produced from the well who is not registered pursuant to 31382
section 1509.222 of the Revised Code or exempt from registration 31383
under section 1509.226 of the Revised Code. 31384

(B) Each registered transporter shall file with the chief of 31385
the division of ~~mineral~~ oil and gas resources management, on or 31386
before the fifteenth day of April, a statement concerning brine 31387
transported, including quantities transported and source and 31388
delivery points, during the last preceding calendar year, and such 31389
other information in such form as the chief may prescribe. 31390

(C) Each registered transporter shall keep on each vehicle 31391
used to transport brine a daily log and have it available upon the 31392
request of the chief or an authorized representative of the chief 31393
or a peace officer. The log shall, at a minimum, include all of 31394
the following information: 31395

(1) The name of the owner or owners of the well or wells 31396
producing the brine to be transported; 31397

(2) The date and time the brine is loaded; 31398

(3) The name of the driver; 31399

(4) The amount of brine loaded at each collection point; 31400

(5) The disposal location; 31401

(6) The date and time the brine is disposed of and the amount 31402
of brine disposed of at each location. 31403

No registered transporter shall falsify or fail to keep or submit the log required by this division. 31404
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(D) Each registered transporter shall legibly identify with reflective paints all vehicles employed in transporting or disposing of brine. Letters shall be no less than four inches in height and shall indicate the identification number issued by the chief, the word "brine," and the name and telephone number of the transporter. 31406
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(E) The chief shall maintain and keep a current list of persons registered to transport brine under section 1509.222 of the Revised Code. The list shall be open to public inspection. It is an affirmative defense to a charge under division (A) of this section that at the time the permit holder or owner of a well entered into an agreement with or permitted a person to transport brine, the person was shown on the list as currently registered to transport brine. 31412
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Sec. 1509.224. (A) In addition to any other remedies provided in this chapter, if the chief of the division of ~~mineral oil and gas~~ resources management has reason to believe that a pattern of the same or similar violations of any requirements of ~~sections~~ section 1509.22, 1509.222, or 1509.223 of the Revised Code, or any rule adopted thereunder or term or condition of the registration certificate issued thereunder exists or has existed, and the violations are caused by the transporter's indifference, lack of diligence, or lack of reasonable care, or are willfully caused by the transporter, the chief shall immediately issue an order to the transporter to show cause why the certificate should not be suspended or revoked. After the issuance of the order, the chief shall provide the transporter an opportunity to be heard and to present evidence at an informal hearing conducted by the chief. If, at the conclusion of the hearing, the chief finds that such a 31420
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pattern of violations exists or has existed, the chief shall issue 31435
an order suspending or revoking the transporter's registration 31436
certificate. An order suspending or revoking a certificate under 31437
this section may be appealed under sections 1509.36 and 1509.37 of 31438
the Revised Code, or notwithstanding any other provision of this 31439
chapter, may be appealed directly to the court of common pleas of 31440
Franklin county. 31441

(B) Before issuing an order denying a registration 31442
certificate; approving or denying approval of an application for 31443
revision of a registered transporter's plan for disposal; or to 31444
implement, administer, or enforce section 1509.22, 1509.222, 31445
1509.223, 1509.225, or 1509.226 of the Revised Code and rules and 31446
terms and conditions of registration certificates adopted or 31447
issued thereunder pertaining to the transportation of brine by 31448
vehicle and the disposal of brine so transported, the chief shall 31449
issue a preliminary order indicating the chief's intent to issue a 31450
final order. The preliminary order shall clearly state the nature 31451
of the chief's proposed action and the findings on which it is 31452
based and shall state that the preliminary order becomes a final 31453
order thirty days after its issuance unless the person to whom the 31454
preliminary order is directed submits to the chief a written 31455
request for an informal hearing before the chief within that 31456
thirty-day period. At the hearing the person may present evidence 31457
as to why the preliminary order should be revoked or modified. 31458
Based upon the findings from the informal hearing, the chief shall 31459
revoke, issue, or modify and issue the preliminary order as a 31460
final order. A final order may be appealed under sections 1509.36 31461
and 1509.37 of the Revised Code. 31462

Sec. 1509.225. (A) Before being issued a registration 31463
certificate under section 1509.222 of the Revised Code, an 31464
applicant shall execute and file with the division of ~~mineral oil~~ 31465
and gas resources management a surety bond for fifteen thousand 31466

dollars to provide compensation for damage and injury resulting 31467
from transporters' violations of sections 1509.22, 1509.222, and 31468
1509.223 of the Revised Code, all rules and orders of the chief of 31469
the division of ~~mineral resource~~ oil and gas resources management 31470
relating thereto, and all terms and conditions of the registration 31471
certificate imposed thereunder. The applicant may deposit with the 31472
chief, in lieu of a surety bond, cash in an amount equal to the 31473
surety bond as prescribed in this section, or negotiable 31474
certificates of deposit issued by any bank organized or 31475
transacting business in this state, or certificates of deposit 31476
issued by any building and loan association as defined in section 31477
1151.01 of the Revised Code, having a cash value equal to or 31478
greater than the amount of the surety bond as prescribed in this 31479
section. Cash or certificates of deposit shall be deposited upon 31480
the same terms as those upon which surety bonds may be deposited. 31481
If certificates of deposit are deposited with the chief in lieu of 31482
a surety bond, the chief shall require the bank or building and 31483
loan association that issued any such certificate to pledge 31484
securities of a cash value equal to the amount of the certificate 31485
that is in excess of the amount insured by any of the agencies and 31486
instrumentalities created under the "Federal Deposit Insurance 31487
Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as amended, and 31488
regulations adopted under it, including at least the federal 31489
deposit insurance corporation, bank insurance fund, and savings 31490
association insurance fund. 31491

Such securities shall be security for the repayment of the 31492
certificate of deposit. Immediately upon a deposit of cash or 31493
certificates with the chief, the chief shall deliver it to the 31494
treasurer of state who shall hold it in trust for the purposes for 31495
which it has been deposited. 31496

(B) The surety bond provided for in this section shall be 31497
executed by a surety company authorized to do business in this 31498

state. The chief shall not approve any bond until it is personally 31499
signed and acknowledged by both principal and surety, or as to 31500
either by an attorney in fact, with a certified copy of the power 31501
of attorney attached thereto. The chief shall not approve the bond 31502
unless there is attached a certificate of the superintendent of 31503
insurance that the company is authorized to transact a fidelity 31504
and surety business in this state. All bonds shall be given in a 31505
form to be prescribed by the chief. 31506

(C) If a registered transporter is found liable for a 31507
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 31508
Code or a rule, order, or term or condition of a certificate 31509
involving, in any case, damage or injury to persons or property, 31510
or both, the court may order the forfeiture of any portion of the 31511
bond, cash, or other securities required by this section in full 31512
or partial payment of damages to the person to whom the damages 31513
are due. The treasurer of state and the chief shall deliver the 31514
bond or any cash or other securities deposited in lieu of bond, as 31515
specified in the court's order, to the person to whom the damages 31516
are due; however, execution against the bond, cash, or other 31517
securities, if necessary, is the responsibility of the person to 31518
whom the damages are due. The chief shall not release the bond, 31519
cash, or securities required by this section except by court order 31520
or until the registration is terminated. 31521

Sec. 1509.226. (A) If a board of county commissioners, a 31522
board of township trustees, or the legislative authority of a 31523
municipal corporation wishes to permit the surface application of 31524
brine to roads, streets, highways, and other similar land surfaces 31525
it owns or has the right to control for control of dust or ice, it 31526
may adopt a resolution permitting such application as provided in 31527
this section. If a board or legislative authority does not adopt 31528
such a resolution, then no such surface application of brine is 31529
permitted on such roads, streets, highways, and other similar 31530

surfaces. If a board or legislative authority votes on a proposed 31531
resolution to permit such surface application of brine, but the 31532
resolution fails to receive the affirmative vote of a majority of 31533
the board or legislative authority, the board or legislative 31534
authority shall not adopt such a resolution for one year following 31535
the date on which the vote was taken. A board or legislative 31536
authority shall hold at least one public hearing on any proposal 31537
to permit surface application of brine under this division and may 31538
hold additional hearings. The board or legislative authority shall 31539
publish notice of the time and place of each such public hearing 31540
in a newspaper of general circulation in the political subdivision 31541
at least five days before the day on which the hearing is to be 31542
held. 31543

(B) If a board or legislative authority adopts a resolution 31544
permitting the surface application of brine to roads, streets, 31545
highways, and other similar land surfaces under division (A) of 31546
this section, the board or legislative authority shall, within 31547
thirty days after the adoption of the resolution, prepare and 31548
submit to the chief of the division of ~~mineral~~ oil and gas 31549
resources management a copy of the resolution. Any department, 31550
agency, or instrumentality of this state or the United States that 31551
wishes to permit the surface application of brine to roads, 31552
streets, highways, and other similar land surfaces it owns or has 31553
a right to control shall prepare and submit guidelines for such 31554
application, but need not adopt a resolution under division (A) of 31555
this section permitting such surface application. 31556

All resolutions and guidelines shall be subject to the 31557
following standards: 31558

- (1) Brine shall not be applied: 31559
 - (a) To a water-saturated surface; 31560
 - (b) Directly to vegetation near or adjacent to surfaces being 31561

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| treated; | 31562 |
| (c) Within twelve feet of structures crossing bodies of water or crossing drainage ditches; | 31563 31564 |
| (d) Between sundown and sunrise, except for ice control. | 31565 |
| (2) The discharge of brine through the spreader bar shall stop when the application stops. | 31566 31567 |
| (3) The applicator vehicle shall be moving at least five miles per hour at all times while the brine is being applied. | 31568 31569 |
| (4) The maximum spreader bar nozzle opening shall be three-quarters of an inch in diameter. | 31570 31571 |
| (5) The maximum uniform application rate of brine shall be three thousand gallons per mile on a twelve-foot-wide road or three gallons per sixty square feet on unpaved lots. | 31572 31573 31574 |
| (6) The applicator vehicle discharge valve shall be closed between the brine collection point and the specific surfaces that have been approved for brine application. | 31575 31576 31577 |
| (7) Any valves that provide for tank draining other than through the spreader bar shall be closed during the brine application and transport. | 31578 31579 31580 |
| (8) The angle of discharge from the applicator vehicle spreader bar shall not be greater than sixty degrees from the perpendicular to the unpaved surface. | 31581 31582 31583 |
| (9) Only the last twenty-five per cent of an applicator vehicle's contents shall be allowed to have a pressure greater than atmospheric pressure; therefore, the first seventy-five per cent of the applicator vehicle's contents shall be discharged under atmospheric pressure. | 31584 31585 31586 31587 31588 |
| (10) Only brine that is produced from a well shall be allowed to be spread on a road. Fluids from the drilling of a well, flowback from the stimulation of a well, and other fluids used to | 31589 31590 31591 |

treat a well shall not be spread on a road. 31592

If a resolution or guidelines contain only the standards 31593
listed in ~~division~~ divisions (B)(1) to (10) of this section, 31594
without addition or qualification, the resolution or guidelines 31595
shall be deemed effective when submitted to the chief without 31596
further action by the chief. All other resolutions and guidelines 31597
shall comply with and be no less stringent than this chapter, 31598
rules concerning surface application that the chief shall adopt 31599
under division (C) of section 1509.22 of the Revised Code, and 31600
other rules of the chief. Within fifteen days after receiving such 31601
other resolutions and guidelines, the chief shall review them for 31602
compliance with the law and rules and disapprove them if they do 31603
not comply. 31604

The board, legislative authority, or department, agency, or 31605
instrumentality may revise and resubmit any resolutions or 31606
guidelines that the chief disapproves after each disapproval, and 31607
the chief shall again review and approve or disapprove them within 31608
fifteen days after receiving them. The board, legislative 31609
authority, or department, agency, or instrumentality may amend any 31610
resolutions or guidelines previously approved by the chief and 31611
submit them, as amended, to the chief. The chief shall receive, 31612
review, and approve or disapprove the amended resolutions or 31613
guidelines on the same basis and in the same time as original 31614
resolutions or guidelines. The board, legislative authority, or 31615
department, agency, or instrumentality shall not implement amended 31616
resolutions or guidelines until they are approved by the chief 31617
under this division. 31618

(C) Any person, other than a political subdivision required 31619
to adopt a resolution under division (A) of this section or a 31620
department, agency, or instrumentality of this state or the United 31621
States, who owns or has a legal right or obligation to maintain a 31622
road, street, highway, or other similar land surface may file with 31623

the board of county commissioners a written plan for the 31624
application of brine to the road, street, highway, or other 31625
surface. The board need not approve any such plans, but if it 31626
approves a plan, the plan shall comply with this chapter, rules 31627
adopted thereunder, and the board's resolutions, if any. 31628
Disapproved plans may be revised and resubmitted for the board's 31629
approval. Approved plans may also be revised and submitted to the 31630
board. A plan or revised plan shall do all of the following: 31631

(1) Identify the sources of brine to be used under the plan; 31632

(2) Identify by name, address, and registration certificate, 31633
if applicable, any transporters of the brine; 31634

(3) Specifically identify the places to which the brine will 31635
be applied; 31636

(4) Specifically describe the method, rate, and frequency of 31637
application. 31638

(D) The board may attach terms and conditions to approval of 31639
a plan, or revised plan, and may revoke approval for any violation 31640
of this chapter, rules adopted thereunder, resolutions adopted by 31641
the board, or terms or conditions attached by the board. The board 31642
shall conduct at least one public hearing before approving a plan 31643
or revised plan, publishing notice of the time and place of each 31644
such public hearing in a newspaper of general circulation in the 31645
county at least five days before the day on which the hearing is 31646
to be held. The board shall record the filings of all plans and 31647
revised plans in its journal. The board shall approve, disapprove, 31648
or revoke approval of a plan or revised plan by the adoption of a 31649
resolution. Upon approval of a plan or revised plan, the board 31650
shall send a copy of the plan to the chief. Upon revoking approval 31651
of a plan or revised plan, the board shall notify the chief of the 31652
revocation. 31653

(E) No person shall: 31654

(1) Apply brine to a water-saturated surface; 31655

(2) Apply brine directly to vegetation adjacent to the 31656
surface of roads, streets, highways, and other surfaces to which 31657
brine may be applied. 31658

(F) Each political subdivision that adopts a resolution under 31659
divisions (A) and (B) of this section, each department, agency, or 31660
instrumentality of this state or the United States that submits 31661
guidelines under division (B) of this section, and each person who 31662
files a plan under divisions (C) and (D) of this section shall, on 31663
or before the fifteenth day of April of each year, file a report 31664
with the chief concerning brine applied within the person's or 31665
governmental entity's jurisdiction, including the quantities 31666
transported and the sources and application points during the last 31667
preceding calendar year and such other information in such form as 31668
the chief requires. 31669

(G) Any political subdivision or department, agency, or 31670
instrumentality of this state or the United States that applies 31671
brine under this section may do so with its own personnel, 31672
vehicles, and equipment without registration under or compliance 31673
with section 1509.222 or 1509.223 of the Revised Code and without 31674
the necessity for filing the surety bond or other security 31675
required by section 1509.225 of the Revised Code. However, each 31676
such entity shall legibly identify vehicles used to apply brine 31677
with reflective paint in letters no less than four inches in 31678
height, indicating the word "brine" and that the vehicle is a 31679
vehicle of the political subdivision, department, agency, or 31680
instrumentality. Except as stated in this division, such entities 31681
shall transport brine in accordance with sections 1509.22 to 31682
1509.226 of the Revised Code. 31683

(H) A surface application plan filed for approval under 31684
division (C) of this section shall be accompanied by a 31685
nonrefundable fee of fifty dollars, which shall be credited to the 31686

general fund of the county. An approved plan is valid for one year 31687
from the date of its approval unless it is revoked before that 31688
time. An approved revised plan is valid for the remainder of the 31689
term of the plan it supersedes unless it is revoked before that 31690
time. Any person who has filed such a plan or revised plan and had 31691
it approved may renew it by refileing it in accordance with 31692
divisions (C) and (D) of this section within thirty days before 31693
any anniversary of the date on which the original plan was 31694
approved. The board shall notify the chief of renewals and 31695
nonrenewals of plans. Even if a renewed plan is approved under 31696
those divisions, the plan is not effective until notice is 31697
received by the chief, and until notice is received, the chief 31698
shall enforce this chapter and rules adopted thereunder with 31699
regard to the affected roads, streets, highways, and other similar 31700
land surfaces as if the plan had not been renewed. 31701

(I) A resolution adopted under division (A) of this section 31702
by a board or legislative authority shall be effective for one 31703
year following the date of its adoption and from month to month 31704
thereafter until the board or legislative authority, by 31705
resolution, terminates the authority granted in the original 31706
resolution. The termination shall be effective not less than seven 31707
days after enactment of the resolution, and a copy of the 31708
resolution shall be sent to the chief. 31709

Sec. 1509.23. (A) Rules of the chief of the division of 31710
~~mineral oil and gas~~ resources management may specify practices to 31711
be followed in the drilling and treatment of wells, production of 31712
oil and gas, and plugging of wells for protection of public health 31713
or safety or to prevent damage to natural resources, including 31714
specification of the following: 31715

(1) Appropriate devices; 31716

(2) Minimum distances that wells and other excavations, 31717

structures, and equipment shall be located from water wells, 31718
streets, roads, highways, rivers, lakes, streams, ponds, other 31719
bodies of water, railroad tracks, public or private recreational 31720
areas, zoning districts, and buildings or other structures. Rules 31721
adopted under division (A)(2) of this section shall not conflict 31722
with section 1509.021 of the Revised Code. 31723

(3) Other methods of operation; 31724

(4) Procedures, methods, and equipment and other requirements 31725
for equipment to prevent and contain discharges of oil and brine 31726
from oil production facilities and oil drilling and workover 31727
facilities consistent with and equivalent in scope, content, and 31728
coverage to section 311(j)(1)(c) of the "Federal Water Pollution 31729
Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 31730
as amended, and regulations adopted under it. In addition, the 31731
rules may specify procedures, methods, and equipment and other 31732
requirements for equipment to prevent and contain surface and 31733
subsurface discharges of fluids, condensates, and gases. 31734

(5) Notifications. 31735

(B) The chief, in consultation with the emergency response 31736
commission created in section 3750.02 of the Revised Code, shall 31737
adopt rules in accordance with Chapter 119. of the Revised Code 31738
that specify the information that shall be included in an 31739
electronic database that the chief shall create and host. The 31740
information shall be that which the chief considers to be 31741
appropriate for the purpose of responding to emergency situations 31742
that pose a threat to public health or safety or the environment. 31743
At the minimum, the information shall include that which a person 31744
who is regulated under this chapter is required to submit under 31745
the "Emergency Planning and Community Right-To-Know Act of 1986," 31746
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 31747
it. 31748

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

Sec. 1509.24. (A) The chief of the division of ~~mineral oil~~ and gas resources management, with the approval of the technical advisory council on oil and gas created in section 1509.38 of the Revised Code, may adopt, amend, or rescind rules relative to minimum acreage requirements for drilling units and minimum distances from which a new well may be drilled or an existing well deepened, plugged back, or reopened to a source of supply different from the existing pool from boundaries of tracts, drilling units, and other wells for the purpose of conserving oil and gas reserves. The rules relative to minimum acreage requirements for drilling units shall require a drilling unit to be compact and composed of contiguous land.

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

Sec. 1509.25. The chief of the division of ~~mineral oil~~ and gas resources management, upon the chief's own motion or upon application of an owner, may hold a hearing to consider the need or desirability of adopting a special order for drilling unit requirements in a particular pool different from those established under section 1509.24 of the Revised Code. The chief shall notify

every owner of land within the area proposed to be included within 31780
the order, of the date, time, and place of the hearing and the 31781
nature of the order being considered at least thirty days prior to 31782
the date of the hearing. Each application for such an order shall 31783
be accompanied by such information as the chief may request. If 31784
the chief finds that the pool can be defined with reasonable 31785
certainty, that the pool is in the initial state of development, 31786
and that the establishment of such different requirements for 31787
drilling a well on a tract or drilling unit in ~~such~~ the pool is 31788
reasonably necessary to protect correlative rights or to provide 31789
effective development, use, or conservation of oil and gas, the 31790
chief, with the written approval of the technical advisory council 31791
on oil and gas created in section 1509.38 of the Revised Code, 31792
shall make a special order designating the area covered by the 31793
order, and specifying the acreage requirements for drilling a well 31794
on a tract or drilling unit in ~~such~~ the area, which acreage 31795
requirements shall be uniform for the entire pool. The order shall 31796
specify minimum distances from the boundary of the tract or 31797
drilling unit for the drilling of wells and minimum distances from 31798
other wells and allow exceptions for wells drilled or drilling in 31799
a particular pool at the time of the filing of the application. 31800
The chief may exempt the discovery well from minimum acreage and 31801
distance requirements in the order. After the date of the notice 31802
for a hearing called to make ~~such~~ the order, no additional well 31803
shall be commenced in the pool for a period of sixty days or until 31804
an order has been made pursuant to the application, whichever is 31805
earlier. The chief, upon the chief's own motion or upon 31806
application of an owner, after a hearing and with the approval of 31807
the technical advisory council on oil and gas, may include 31808
additional lands determined to be underlaid by a particular pool 31809
or to exclude lands determined not to be underlaid by a particular 31810
pool, and may modify the spacing and acreage requirements of the 31811
order. 31812

Nothing in this section permits the chief to establish 31813
drilling units in a pool by requiring the use of a survey grid 31814
coordinate system with fixed or established unit boundaries. 31815

Sec. 1509.26. The owners of adjoining tracts may agree to 31816
pool ~~such~~ the tracts to form a drilling unit that conforms to the 31817
minimum acreage and distance requirements of the division of 31818
~~mineral oil and gas~~ resources management under section 1509.24 or 31819
1509.25 of the Revised Code. ~~Such~~ The agreement shall be in 31820
writing, a copy of which shall be submitted to the division with 31821
the application for a permit required by section 1509.05 of the 31822
Revised Code. Parties to the agreement shall designate one of 31823
their number as the applicant for ~~such~~ the permit. 31824

Sec. 1509.27. If a tract of land is of insufficient size or 31825
shape to meet the requirements for drilling a well thereon as 31826
provided in section 1509.24 or 1509.25 of the Revised Code, 31827
whichever is applicable, and the owner of the tract who also is 31828
the owner of the mineral interest has been unable to form a 31829
drilling unit under agreement as provided in section 1509.26 of 31830
the Revised Code, on a just and equitable basis, such an owner may 31831
make application to the division of ~~mineral oil and gas~~ resources 31832
management for a mandatory pooling order. 31833

The application shall include information as shall be 31834
reasonably required by the chief of the division of ~~mineral oil~~ 31835
and gas resources management and shall be accompanied by an 31836
application for a permit as required by section 1509.05 of the 31837
Revised Code. The chief shall notify all owners of land within the 31838
area proposed to be included within the drilling unit of the 31839
filing of the application and of their right to a hearing. After 31840
the hearing or after the expiration of thirty days from the date 31841
notice of application was mailed to such owners, the chief, if 31842
satisfied that the application is proper in form and that 31843

mandatory pooling is necessary to protect correlative rights and 31844
to provide effective development, use, and conservation of oil and 31845
gas, shall issue a drilling permit and a mandatory pooling order 31846
complying with the requirements for drilling a well as provided in 31847
section 1509.24 or 1509.25 of the Revised Code, whichever is 31848
applicable. The mandatory pooling order shall: 31849

(A) Designate the boundaries of the drilling unit within 31850
which the well shall be drilled; 31851

(B) Designate the proposed production site; 31852

(C) Describe each separately owned tract or part thereof 31853
pooled by the order; 31854

(D) Allocate on a surface acreage basis a pro rata portion of 31855
the production to the owner of each tract pooled by the order. The 31856
pro rata portion shall be in the same proportion that the 31857
percentage of the owner's acreage is to the state minimum acreage 31858
requirements established in rules adopted under this chapter for a 31859
drilling unit unless the applicant demonstrates to the chief using 31860
geological evidence that the geologic structure containing the oil 31861
or gas is larger than the minimum acreage requirement in which 31862
case the pro rata portion shall be in the same proportion that the 31863
percentage of the owner's acreage is to the geologic structure. 31864

(E) Specify the basis upon which each owner of a tract pooled 31865
by the order shall share all reasonable costs and expenses of 31866
drilling and producing if the owner elects to participate in the 31867
drilling and operation of the well; 31868

(F) Designate the person to whom the permit shall be issued. 31869

A person shall not submit more than five applications for 31870
mandatory pooling orders per year under this section unless 31871
otherwise approved by the chief. 31872

No surface operations or disturbances to the surface of the 31873

land shall occur on a tract pooled by an order without the written 31874
consent of or a written agreement with the owner of the tract that 31875
approves the operations or disturbances. 31876

If an owner of a tract pooled by the order does not elect to 31877
participate in the risk and cost of the drilling and operation of 31878
a well, the owner shall be designated as a nonparticipating owner 31879
in the drilling and operation of the well on a limited or carried 31880
basis and is subject to terms and conditions determined by the 31881
chief to be just and reasonable. In addition, if an owner is 31882
designated as a nonparticipating owner, the owner is not liable 31883
for actions or conditions associated with the drilling or 31884
operation of the well. If the applicant bears the costs of 31885
drilling, equipping, and operating a well for the benefit of a 31886
nonparticipating owner, as provided for in the pooling order, then 31887
the applicant shall be entitled to the share of production from 31888
the drilling unit accruing to the interest of that 31889
nonparticipating owner, exclusive of the nonparticipating owner's 31890
proportionate share of the royalty interest until there has been 31891
received the share of costs charged to that nonparticipating owner 31892
plus such additional percentage of the share of costs as the chief 31893
shall determine. The total amount receivable hereunder shall in no 31894
event exceed two hundred per cent of the share of costs charged to 31895
that nonparticipating owner. After receipt of that share of costs 31896
by such an applicant, a nonparticipating owner shall receive a 31897
proportionate share of the working interest in the well in 31898
addition to a proportionate share of the royalty interest, if any. 31899

If there is a dispute as to costs of drilling, equipping, or 31900
operating a well, the chief shall determine those costs. 31901

Sec. 1509.28. (A) The chief of the division of ~~mineral oil~~ 31902
and gas resources management, upon the chief's own motion or upon 31903
application by the owners of sixty-five per cent of the land area 31904

overlying the pool, shall hold a hearing to consider the need for 31905
the operation as a unit of an entire pool or part thereof. An 31906
application by owners shall be accompanied by such information as 31907
the chief may request. 31908

The chief shall make an order providing for the unit 31909
operation of a pool or part thereof if the chief finds that such 31910
operation is reasonably necessary to increase substantially the 31911
ultimate recovery of oil and gas, and the value of the estimated 31912
additional recovery of oil or gas exceeds the estimated additional 31913
cost incident to conducting ~~such~~ the operation. The order shall be 31914
upon terms and conditions that are just and reasonable and shall 31915
prescribe a plan for unit operations that shall include: 31916

(1) A description of the unitized area, termed the unit area; 31917

(2) A statement of the nature of the operations contemplated; 31918

(3) An allocation to the separately owned tracts in the unit 31919
area of all the oil and gas that is produced from the unit area 31920
and is saved, being the production that is not used in the conduct 31921
of operations on the unit area or not unavoidably lost. The 31922
allocation shall be in accord with the agreement, if any, of the 31923
interested parties. If there is no such agreement, the chief shall 31924
determine the value, from the evidence introduced at the hearing, 31925
of each separately owned tract in the unit area, exclusive of 31926
physical equipment, for development of oil and gas by unit 31927
operations, and the production allocated to each tract shall be 31928
the proportion that the value of each tract so determined bears to 31929
the value of all tracts in the unit area. 31930

(4) A provision for the credits and charges to be made in the 31931
adjustment among the owners in the unit area for their respective 31932
investments in wells, tanks, pumps, machinery, materials, and 31933
equipment contributed to the unit operations; 31934

(5) A provision providing how the expenses of unit 31935

operations, including capital investment, shall be determined and 31936
charged to the separately owned tracts and how the expenses shall 31937
be paid; 31938

(6) A provision, if necessary, for carrying or otherwise 31939
financing any person who is unable to meet the person's financial 31940
obligations in connection with the unit, allowing a reasonable 31941
interest charge for such service; 31942

(7) A provision for the supervision and conduct of the unit 31943
operations, in respect to which each person shall have a vote with 31944
a value corresponding to the percentage of the expenses of unit 31945
operations chargeable against the interest of ~~such~~ that person; 31946

(8) The time when the unit operations shall commence, and the 31947
manner in which, and the circumstances under which, the unit 31948
operations shall terminate; 31949

(9) Such additional provisions as are found to be appropriate 31950
for carrying on the unit operations, and for the protection or 31951
adjustment of correlative rights. 31952

(B) No order of the chief providing for unit operations shall 31953
become effective unless and until the plan for unit operations 31954
prescribed by the chief has been approved in writing by those 31955
owners who, under the chief's order, will be required to pay at 31956
least sixty-five per cent of the costs of the unit operation, and 31957
also by the royalty or, with respect to unleased acreage, fee 31958
owners of sixty-five per cent of the acreage to be included in the 31959
unit. If the plan for unit operations has not been so approved by 31960
owners and royalty owners at the time the order providing for unit 31961
operations is made, the chief shall upon application and notice 31962
hold such supplemental hearings as may be required to determine if 31963
and when the plan for unit operations has been so approved. If the 31964
owners and royalty owners, or either, owning the required 31965
percentage of interest in the unit area do not approve the plan 31966

for unit operations within a period of six months from the date on 31967
which the order providing for unit operations is made, ~~such the~~ 31968
order shall cease to be of force and shall be revoked by the 31969
chief. 31970

An order providing for unit operations may be amended by an 31971
order made by the chief, in the same manner and subject to the 31972
same conditions as an original order providing for unit 31973
operations, provided that: 31974

(1) If such an amendment affects only the rights and 31975
interests of the owners, the approval of the amendment by the 31976
royalty owners shall not be required. 31977

(2) No such order of amendment shall change the percentage 31978
for allocation of oil and gas as established for any separately 31979
owned tract by the original order, except with the consent of all 31980
persons owning interest in ~~such the~~ tract. 31981

The chief, by an order, may provide for the unit operation of 31982
a pool or a part thereof that embraces a unit area established by 31983
a previous order of the chief. Such an order, in providing for the 31984
allocation of unit production, shall first treat the unit area 31985
previously established as a single tract, and the portion of the 31986
unit production so allocated thereto shall then be allocated among 31987
the separately owned tracts included in ~~such the~~ previously 31988
established unit area in the same proportions as those specified 31989
in the previous order. 31990

Oil and gas allocated to a separately owned tract shall be 31991
deemed, for all purposes, to have been actually produced from ~~such~~ 31992
the tract, and all operations, including, but not limited to, the 31993
commencement, drilling, operation of, or production from a well 31994
upon any portion of the unit area shall be deemed for all purposes 31995
the conduct of such operations and production from any lease or 31996
contract for lands any portion of which is included in the unit 31997

area. The operations conducted pursuant to the order of the chief 31998
shall constitute a fulfillment of all the express or implied 31999
obligations of each lease or contract covering lands in the unit 32000
area to the extent that compliance with such obligations cannot be 32001
had because of the order of the chief. 32002

Oil and gas allocated to any tract, and the proceeds from the 32003
sale thereof, shall be the property and income of the several 32004
persons to whom, or to whose credit, the same are allocated or 32005
payable under the order providing for unit operations. 32006

No order of the chief or other contract relating to the sale 32007
or purchase of production from a separately owned tract shall be 32008
terminated by the order providing for unit operations, but shall 32009
remain in force and apply to oil and gas allocated to ~~such~~ the 32010
tract until terminated in accordance with the provisions thereof. 32011

Except to the extent that the parties affected so agree, no 32012
order providing for unit operations shall be construed to result 32013
in a transfer of all or any part of the title of any person to the 32014
oil and gas rights in any tract in the unit area. All property, 32015
whether real or personal, that may be acquired for the account of 32016
the owners within the unit area shall be the property of such 32017
owners in the proportion that the expenses of unit operations are 32018
charged. 32019

Sec. 1509.29. Upon application by an owner of a tract for 32020
which a drilling permit may not be issued, and a showing by the 32021
owner that the owner is unable to enter a voluntary pooling 32022
agreement and that the owner would be unable to participate under 32023
a mandatory pooling order, the chief of the division of ~~mineral~~ 32024
oil and gas resources management shall issue a permit and order 32025
establishing the tract as an exception tract if the chief finds 32026
that ~~such~~ the owner would otherwise be precluded from producing 32027
oil or gas from the owner's tract because of minimum acreage or 32028

distance requirements. The order shall set a percentage of the 32029
maximum daily potential production at which the well may be 32030
produced. The percentage shall be the same as the percentage that 32031
the number of acres in the tract bears to the number of acres in 32032
the minimum acreage requirement that has been established under 32033
section 1509.24 or 1509.25 of the Revised Code, whichever is 32034
applicable, but if the well drilled on ~~such~~ the tract is located 32035
nearer to the boundary of the tract than the required minimum 32036
distance, the percentage may not exceed the percentage determined 32037
by dividing the distance from the well to the boundary by the 32038
minimum distance requirement. Within ten days after completion of 32039
the well, the maximum daily potential production of the well shall 32040
be determined by such drill stem, open flow, or other tests as may 32041
be required by the chief. The chief shall require such tests, at 32042
least once every three months, as are necessary to determine the 32043
maximum daily potential production at that time. 32044

Sec. 1509.31. (A) Whenever the entire interest of an oil and 32045
gas lease is assigned or otherwise transferred, the assignor or 32046
transferor shall notify the holders of the royalty interests, and, 32047
if a well or wells exist on the lease, the division of ~~mineral oil~~ oil 32048
and gas resources management, of the name and address of the 32049
assignee or transferee by certified mail, return receipt 32050
requested, not later than thirty days after the date of the 32051
assignment or transfer. When notice of any such assignment or 32052
transfer is required to be provided to the division, it shall be 32053
provided on a form prescribed and provided by the division and 32054
verified by both the assignor or transferor and by the assignee or 32055
transferee and shall be accompanied by a nonrefundable fee of one 32056
hundred dollars for each well. The notice form applicable to 32057
assignments or transfers of a well to the owner of the surface 32058
estate of the tract on which the well is located shall contain a 32059
statement informing the landowner that the well may require 32060

periodic servicing to maintain its productivity; that, upon 32061
assignment or transfer of the well to the landowner, the landowner 32062
becomes responsible for compliance with the requirements of this 32063
chapter and rules adopted under it, including, without limitation, 32064
the proper disposal of brine obtained from the well, the plugging 32065
of the well when it becomes incapable of producing oil or gas, and 32066
the restoration of the well site; and that, upon assignment or 32067
transfer of the well to the landowner, the landowner becomes 32068
responsible for the costs of compliance with the requirements of 32069
this chapter and rules adopted under it and the costs for 32070
operating and servicing the well. 32071

(B) When the entire interest of a well is proposed to be 32072
assigned or otherwise transferred to the landowner for use as an 32073
exempt domestic well, the owner who has been issued a permit under 32074
this chapter for the well shall submit to the chief of the 32075
division of oil and gas resources management an application for 32076
the assignment or transfer that contains all documents that the 32077
chief requires and a nonrefundable fee of one hundred dollars. The 32078
application for such an assignment or transfer shall be prescribed 32079
and provided by the chief. The chief may approve the application 32080
if the application is accompanied by a release of all of the oil 32081
and gas leases that are included in the applicable formation of 32082
the drilling unit, the release is in a form such that the well 32083
ownership merges with the fee simple interest of the surface 32084
tract, and the release is in a form that may be recorded. However, 32085
if the owner of the well does not release the oil and gas leases 32086
associated with the well that is proposed to be assigned or 32087
otherwise transferred or if the fee simple tract that results from 32088
the merger of the well ownership with the fee simple interest of 32089
the surface tract is less than five acres, the proposed exempt 32090
domestic well owner shall post a five thousand dollar bond with 32091
the division ~~of mineral resources management~~ prior to the 32092
assignment or transfer of the well to ensure that the well will be 32093

properly plugged. The chief, for good cause, may modify the 32094
requirements of this section governing the assignment or transfer 32095
of the interests of a well to the landowner. Upon the assignment 32096
or transfer of the well, the owner of an exempt domestic well is 32097
not subject to the severance tax levied under section 5749.02 of 32098
the Revised Code, but is subject to all applicable fees 32099
established in this chapter. 32100

(C) The owner holding a permit under section 1509.05 of the 32101
Revised Code is responsible for all obligations and liabilities 32102
imposed by this chapter and any rules, orders, and terms and 32103
conditions of a permit adopted or issued under it, and no 32104
assignment or transfer by the owner relieves the owner of the 32105
obligations and liabilities until and unless the assignee or 32106
transferee files with the division the information described in 32107
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 32108
section 1509.06 of the Revised Code; obtains liability insurance 32109
coverage required by section 1509.07 of the Revised Code, except 32110
when none is required by that section; and executes and files a 32111
surety bond, negotiable certificates of deposit or irrevocable 32112
letters of credit, or cash, as described in that section. Instead 32113
of a bond, but only upon acceptance by the chief ~~of the division~~ 32114
~~of mineral resources management~~, the assignee or transferee may 32115
file proof of financial responsibility, described in section 32116
1509.07 of the Revised Code. Section 1509.071 of the Revised Code 32117
applies to the surety bond, cash, and negotiable certificates of 32118
deposit and irrevocable letters of credit described in this 32119
section. Unless the chief approves a modification, each assignee 32120
or transferee shall operate in accordance with the plans and 32121
information filed by the permit holder pursuant to section 1509.06 32122
of the Revised Code. 32123

(D) If a mortgaged property that is being foreclosed is 32124
subject to an oil or gas lease, pipeline agreement, or other 32125

instrument related to the production or sale of oil or natural gas 32126
and the lease, agreement, or other instrument was recorded 32127
subsequent to the mortgage, and if the lease, agreement, or other 32128
instrument is not in default, the oil or gas lease, pipeline 32129
agreement, or other instrument, as applicable, has priority over 32130
all other liens, claims, or encumbrances on the property so that 32131
the oil or gas lease, pipeline agreement, or other instrument is 32132
not terminated or extinguished upon the foreclosure sale of the 32133
mortgaged property. If the owner of the mortgaged property was 32134
entitled to oil and gas royalties before the foreclosure sale, the 32135
oil or gas royalties shall be paid to the purchaser of the 32136
foreclosed property. 32137

Sec. 1509.32. Any person adversely affected may file with the 32138
chief of the division of ~~mineral~~ oil and gas resources management 32139
a written complaint alleging failure to restore disturbed land 32140
surfaces in violation of section 1509.072 or 1509.22 of the 32141
Revised Code or a rule adopted thereunder. 32142

Upon receipt of a complaint, the chief shall cause an 32143
investigation to be made of the lands where the alleged violation 32144
has occurred and send copies of the investigation report to the 32145
person who filed the complaint and to the owner. Upon finding a 32146
violation the chief shall order the owner to eliminate the 32147
violation within a specified time. If the owner fails to eliminate 32148
the violation within the time specified, the chief may request the 32149
prosecuting attorney of the county in which the violation occurs 32150
or the attorney general to bring appropriate action to secure 32151
compliance with ~~such~~ those sections. If the chief fails to bring 32152
an appropriate action to secure compliance with ~~such~~ those 32153
sections within twenty days after the time specified, the person 32154
filing the complaint may request the prosecuting attorney of the 32155
county in which the violation occurs to bring an appropriate 32156
action to secure compliance with ~~such~~ those sections. The division 32157

of ~~mineral~~ oil and gas resources management may cooperate with any 32158
state or local agency to provide technical advice or minimum 32159
standards for the restoration of various soils and land surfaces 32160
or to assist in any investigation. 32161

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 32162
1509.31 of the Revised Code, or any rules adopted or orders or 32163
terms or conditions of a permit or registration certificate issued 32164
pursuant to these sections for which no specific penalty is 32165
provided in this section, shall pay a civil penalty of not more 32166
than four thousand dollars for each offense. 32167

(B) Whoever violates section 1509.221 of the Revised Code or 32168
any rules adopted or orders or terms or conditions of a permit 32169
issued thereunder shall pay a civil penalty of not more than two 32170
thousand five hundred dollars for each violation. 32171

(C) Whoever violates division (D) of section 1509.22 or 32172
division (A)(1) of section 1509.222 of the Revised Code shall pay 32173
a civil penalty of not less than two thousand five hundred dollars 32174
nor more than twenty thousand dollars for each violation. 32175

(D) Whoever violates division (A) of section 1509.22 of the 32176
Revised Code shall pay a civil penalty of not less than two 32177
thousand five hundred dollars nor more than ten thousand dollars 32178
for each violation. 32179

(E) Whoever violates division (A) of section 1509.223 of the 32180
Revised Code shall pay a civil penalty of not more than ten 32181
thousand dollars for each violation. 32182

(F) Whoever violates section 1509.072 of the Revised Code or 32183
any rules adopted or orders issued to administer, implement, or 32184
enforce that section shall pay a civil penalty of not more than 32185
five thousand dollars for each violation. 32186

(G) In addition to any other penalties provided in this 32187

chapter, whoever violates division (B) of section 1509.22 or 32188
division (A)(1) of section 1509.222 or knowingly violates division 32189
(A) of section 1509.223 of the Revised Code is liable for any 32190
damage or injury caused by the violation and for the cost of 32191
rectifying the violation and conditions caused by the violation. 32192
If two or more persons knowingly violate one or more of ~~such~~ those 32193
divisions in connection with the same event, activity, or 32194
transaction, they are jointly and severally liable under this 32195
division. 32196

(H) The attorney general, upon the request of the chief of 32197
the division of ~~mineral oil and gas~~ resources management, shall 32198
commence an action under this section against any person who 32199
violates sections 1509.01 to 1509.31 of the Revised Code, or any 32200
rules adopted or orders or terms or conditions of a permit or 32201
registration certificate issued pursuant to these sections. Any 32202
action under this section is a civil action, governed by the Rules 32203
of Civil Procedure and other rules of practice and procedure 32204
applicable to civil actions. The remedy provided in this division 32205
is cumulative and concurrent with any other remedy provided in 32206
this chapter, and the existence or exercise of one remedy does not 32207
prevent the exercise of any other, except that no person shall be 32208
subject to both a civil penalty under division (A), (B), (C), or 32209
(D) of this section and a criminal penalty under section 1509.99 32210
of the Revised Code for the same offense. 32211

Sec. 1509.34. (A)(1) If an owner fails to pay the fees 32212
imposed by this chapter, or if the chief of the division of 32213
~~mineral oil and gas~~ resources management incurs costs under 32214
division (E) of section 1509.071 of the Revised Code to correct 32215
conditions associated with the owner's well that the chief 32216
reasonably has determined are causing imminent health or safety 32217
risks, the division of ~~mineral oil and gas~~ resources management 32218
shall have a priority lien against that owner's interest in the 32219

applicable well in front of all other creditors for the amount of 32220
any such unpaid fees and costs incurred. The chief shall file a 32221
statement in the office of the county recorder of the county in 32222
which the applicable well is located of the amount of the unpaid 32223
fees and costs incurred as described in this division. The 32224
statement shall constitute a lien on the owner's interest in the 32225
well as of the date of the filing. The lien shall remain in force 32226
so long as any portion of the lien remains unpaid or until the 32227
chief issues a certificate of release of the lien. If the chief 32228
issues a certificate of release of the lien, the chief shall file 32229
the certificate of release in the office of the applicable county 32230
recorder. 32231

(2) A lien imposed under division (A)(1) of this section 32232
shall be in addition to any lien imposed by the attorney general 32233
for failure to pay the assessment imposed by section 1509.50 of 32234
the Revised Code or the tax levied under division (A)(5) or (6) of 32235
section 5749.02 of the Revised Code, as applicable. 32236

(3) If the attorney general cannot collect from a severer or 32237
an owner for an outstanding balance of amounts due under section 32238
1509.50 of the Revised Code or of unpaid taxes levied under 32239
division (A)(5) or (6) of section 5749.02 of the Revised Code, as 32240
applicable, the tax commissioner may request the chief to impose a 32241
priority lien against the owner's interest in the applicable well. 32242
Such a lien has priority in front of all other creditors. 32243

(B) The chief promptly shall issue a certificate of release 32244
of a lien under either of the following circumstances: 32245

(1) Upon the repayment in full of the amount of unpaid fees 32246
imposed by this chapter or costs incurred by the chief under 32247
division (E) of section 1509.071 of the Revised Code to correct 32248
conditions associated with the owner's well that the chief 32249
reasonably has determined are causing imminent health or safety 32250

risks; 32251

(2) Any other circumstance that the chief determines to be in 32252
the best interests of the state. 32253

(C) The chief may modify the amount of a lien under this 32254
section. If the chief modifies a lien, the chief shall file a 32255
statement in the office of the county recorder of the applicable 32256
county of the new amount of the lien. 32257

(D) An owner regarding which the division has recorded a lien 32258
against the owner's interest in a well in accordance with this 32259
section shall not transfer a well, lease, or mineral rights to 32260
another owner or person until the chief issues a certificate of 32261
release for each lien against the owner's interest in the well. 32262

(E) All money from the collection of liens under this section 32263
shall be deposited in the state treasury to the credit of the oil 32264
and gas well fund created in section 1509.02 of the Revised Code. 32265

Sec. 1509.36. Any person adversely affected by an order by 32266
the chief of the division of ~~mineral~~ oil and gas resources 32267
management may appeal to the oil and gas commission for an order 32268
vacating or modifying the order. 32269

The person so appealing to the commission shall be known as 32270
appellant and the chief shall be known as appellee. Appellant and 32271
appellee shall be deemed to be parties to the appeal. 32272

The appeal shall be in writing and shall set forth the order 32273
complained of and the grounds upon which the appeal is based. The 32274
appeal shall be filed with the commission within thirty days after 32275
the date upon which the appellant received notice by certified 32276
mail and, for all other persons adversely affected by the order, 32277
within thirty days after the date of the order complained of. 32278
Notice of the filing of the appeal shall be filed with the chief 32279
within three days after the appeal is filed with the commission. 32280

Upon the filing of the appeal the commission promptly shall 32281
fix the time and place at which the hearing on the appeal will be 32282
held, and shall give the appellant and the chief at least ten 32283
days' written notice thereof by mail. The commission may postpone 32284
or continue any hearing upon its own motion or upon application of 32285
the appellant or of the chief. 32286

The filing of an appeal provided for in this section does not 32287
automatically suspend or stay execution of the order appealed 32288
from, but upon application by the appellant the commission may 32289
suspend or stay the execution pending determination of the appeal 32290
upon such terms as the commission considers proper. 32291

Either party to the appeal or any interested person who, 32292
pursuant to commission rules has been granted permission to 32293
appear, may submit such evidence as the commission considers 32294
admissible. 32295

For the purpose of conducting a hearing on an appeal, the 32296
commission may require the attendance of witnesses and the 32297
production of books, records, and papers, and it may, and at the 32298
request of any party it shall, issue subpoenas for witnesses or 32299
subpoenas duces tecum to compel the production of any books, 32300
records, or papers, directed to the sheriffs of the counties where 32301
the witnesses are found. The subpoenas shall be served and 32302
returned in the same manner as subpoenas in criminal cases are 32303
served and returned. The fees of sheriffs shall be the same as 32304
those allowed by the court of common pleas in criminal cases. 32305
Witnesses shall be paid the fees and mileage provided for under 32306
section 119.094 of the Revised Code. Such fees and mileage 32307
expenses incurred at the request of appellant shall be paid in 32308
advance by the appellant, and the remainder of those expenses 32309
shall be paid out of funds appropriated for the expenses of the 32310
division of ~~mineral~~ oil and gas resources management. 32311

In case of disobedience or neglect of any subpoena served on 32312

any person, or the refusal of any witness to testify to any matter 32313
regarding which the witness may be lawfully interrogated, the 32314
court of common pleas of the county in which the disobedience, 32315
neglect, or refusal occurs, or any judge thereof, on application 32316
of the commission or any member thereof, shall compel obedience by 32317
attachment proceedings for contempt as in the case of disobedience 32318
of the requirements of a subpoena issued from that court or a 32319
refusal to testify therein. Witnesses at such hearings shall 32320
testify under oath, and any member of the commission may 32321
administer oaths or affirmations to persons who so testify. 32322

At the request of any party to the appeal, a stenographic or 32323
electronic record of the testimony and other evidence submitted 32324
shall be taken by an official court ~~shorthand~~ reporter at the 32325
expense of the party making the request ~~therefor~~ for the record. 32326
The record shall include all of the testimony and other evidence 32327
and the rulings on the admissibility thereof presented at the 32328
hearing. The commission shall pass upon the admissibility of 32329
evidence, but any party may at the time object to the admission of 32330
any evidence and except to the rulings of the commission thereon, 32331
and if the commission refuses to admit evidence the party offering 32332
same may make a proffer thereof, and such proffer shall be made a 32333
part of the record of the hearing. 32334

If upon completion of the hearing the commission finds that 32335
the order appealed from was lawful and reasonable, it shall make a 32336
written order affirming the order appealed from; if the commission 32337
finds that the order was unreasonable or unlawful, it shall make a 32338
written order vacating the order appealed from and making the 32339
order that it finds the chief should have made. Every order made 32340
by the commission shall contain a written finding by the 32341
commission of the facts upon which the order is based. 32342

Notice of the making of the order shall be given forthwith to 32343
each party to the appeal by mailing a certified copy thereof to 32344

each such party by certified mail. 32345

The order of the commission is final unless vacated by the 32346
court of common pleas of Franklin county in an appeal as provided 32347
for in section 1509.37 of the Revised Code. Sections 1509.01 to 32348
1509.37 of the Revised Code, providing for appeals relating to 32349
orders by the chief or by the commission, or relating to rules 32350
adopted by the chief, do not constitute the exclusive procedure 32351
that any person who believes the person's rights to be unlawfully 32352
affected by those sections or any official action taken thereunder 32353
must pursue in order to protect and preserve those rights, nor do 32354
those sections constitute a procedure that that person must pursue 32355
before that person may lawfully appeal to the courts to protect 32356
and preserve those rights. 32357

Sec. 1509.38. There is hereby created in the division of 32358
~~mineral oil and gas~~ resources management a technical advisory 32359
council on oil and gas, which shall consist of eight members to be 32360
appointed by the governor with the advice and consent of the 32361
senate. Three members shall be independent oil or gas producers, 32362
operators, or their representatives, operating and producing 32363
primarily in this state, three members shall be oil or gas 32364
producers, operators, or their representatives having substantial 32365
oil and gas producing operations in this state and at least one 32366
other state, one member shall represent the public, and one member 32367
shall represent persons having landowners' royalty interests in 32368
oil and gas production. All members shall be residents of this 32369
state, and all members, except the members representing the public 32370
and persons having landowners' royalty interests, shall have at 32371
least five years of practical or technical experience in oil or 32372
gas drilling and production. Not more than one member may 32373
represent any one company, producer, or operator. 32374

Terms of office shall be for three years, commencing on the 32375

first day of February and ending on the thirty-first day of 32376
January. Each member shall hold office from the date of 32377
appointment until the end of the term for which the member was 32378
appointed. A vacancy in the office of a member shall be filled by 32379
the governor, with the advice and consent of the senate. Any 32380
member appointed to fill a vacancy occurring prior to the 32381
expiration of the term for which the member's predecessor was 32382
appointed shall hold office for the remainder of that term. Any 32383
member shall continue in office subsequent to the expiration date 32384
of the member's term until the member's successor takes office, or 32385
until a period of sixty days has elapsed, whichever occurs first. 32386

The council shall select from among its members a 32387
chairperson, a vice-chairperson, and a secretary. All members are 32388
entitled to their actual and necessary expenses incurred in the 32389
performance of their duties as members, payable from the 32390
appropriations for the division. 32391

The governor may remove any member for inefficiency, neglect 32392
of duty, or malfeasance in office. 32393

The council shall hold at least one regular meeting in each 32394
quarter of a calendar year and shall keep a record of its 32395
proceedings. Special meetings may be called by the chairperson and 32396
shall be called by the chairperson upon receipt of a written 32397
request signed by two or more members of the council. A written 32398
notice of the time and place of each meeting shall be sent to each 32399
member of the council. Five members constitute a quorum, and no 32400
action of the council is valid unless five members concur. 32401

The council, when requested by the chief of the division of 32402
~~mineral oil and gas~~ resources management, shall consult with and 32403
advise the chief and perform other duties that may be lawfully 32404
delegated to it by the chief. The council may participate in 32405
hearings held by the chief under this chapter and has powers of 32406
approval as provided in sections 1509.24 and 1509.25 of the 32407

Revised Code. The council shall conduct the activities required, 32408
and exercise the authority granted, under Chapter 1510. of the 32409
Revised Code. 32410

The council, upon receiving a request from the chairperson of 32411
the oil and gas commission under division (C) of section 1509.35 32412
of the Revised Code, immediately shall prepare and provide to the 32413
chairperson a list of its members who may serve as temporary 32414
members of the oil and gas commission as provided in that 32415
division. 32416

Sec. 1509.40. Except as provided in section 1509.29 of the 32417
Revised Code, no authority granted in this chapter shall be 32418
construed as authorizing a limitation on the amount that any well, 32419
leasehold, or field is permitted to produce under proration orders 32420
of the division of ~~mineral oil and gas~~ resources management. 32421

Sec. 1509.50. (A) An oil and gas regulatory cost recovery 32422
assessment is hereby imposed by this section on an owner. An owner 32423
shall pay the assessment in the same manner as a severer who is 32424
required to file a return under section 5749.06 of the Revised 32425
Code. However, an owner may designate a severer who shall pay the 32426
owner's assessment on behalf of the owner on the return that the 32427
severer is required to file under that section. If a severer so 32428
pays an owner's assessment, the severer may recoup from the owner 32429
the amount of the assessment. Except for an exempt domestic well, 32430
the assessment imposed shall be in addition to the taxes levied on 32431
the severance of oil and gas under section 5749.02 of the Revised 32432
Code. 32433

(B)(1) Except for an exempt domestic well, the oil and gas 32434
regulatory cost recovery assessment shall be calculated on a 32435
quarterly basis and shall be one of the following: 32436

(a) If the sum of ten cents per barrel of oil for all of the 32437

wells of the owner, one-half of one cent per one thousand cubic 32438
feet of natural gas for all of the wells of the owner, and the 32439
amount of the severance tax levied on each severer for all of the 32440
wells of the owner under divisions (A)(5) and (6) of section 32441
5749.02 of the Revised Code, as applicable, is greater than the 32442
sum of fifteen dollars for each well owned by the owner, the 32443
amount of the assessment is the sum of ten cents per barrel of oil 32444
for all of the wells of the owner and one-half of one cent per one 32445
thousand cubic feet of natural gas for all of the wells of the 32446
owner. 32447

(b) If the sum of ten cents per barrel of oil for all of the 32448
wells of the owner, one-half of one cent per one thousand cubic 32449
feet of natural gas for all of the wells of the owner, and the 32450
amount of the severance tax levied on each severer for all of the 32451
wells of the owner under divisions (A)(5) and (6) of section 32452
5749.02 of the Revised Code, as applicable, is less than the sum 32453
of fifteen dollars for each well owned by the owner, the amount of 32454
the assessment is the sum of fifteen dollars for each well owned 32455
by the owner less the amount of the tax levied on each severer for 32456
all of the wells of the owner under divisions (A)(5) and (6) of 32457
section 5749.02 of the Revised Code, as applicable. 32458

(2) The oil and gas regulatory cost recovery assessment for a 32459
well that becomes an exempt domestic well on and after ~~the~~ 32460
~~effective date of this section~~ June 30, 2010, shall be sixty 32461
dollars to be paid to the division of ~~mineral oil and gas~~ 32462
resources management on the first day of July of each year. 32463

(C) All money collected pursuant to this section shall be 32464
deposited in the state treasury to the credit of the oil and gas 32465
well fund created in section 1509.02 of the Revised Code. 32466

(D) Except for purposes of revenue distribution as specified 32467
in division (B) of section 5749.02 of the Revised Code, the oil 32468
and gas regulatory cost recovery assessment imposed by this 32469

section shall be treated the same and equivalent for all purposes 32470
as the taxes levied on the severance of oil and gas under that 32471
section. However, the assessment imposed by this section is not a 32472
tax under Chapter 5749. of the Revised Code. 32473

Sec. 1510.01. As used in this chapter: 32474

(A) "First purchaser" means: 32475

(1) With regard to crude oil, the person to whom title first 32476
is transferred beyond the gathering tank or tanks, beyond the 32477
facility from which the crude oil was first produced, or both; 32478

(2) With regard to natural gas, the person to whom title 32479
first is transferred beyond the inlet side of the measurement 32480
station from which the natural gas was first produced. 32481

(B) "Independent producer" means a person who complies with 32482
both of the following: 32483

(1) Produces oil or natural gas and is not engaged in 32484
refining either product; 32485

(2) Derives a majority of income from ownership in properties 32486
producing oil or natural gas. 32487

(C) "Qualified independent producer association" means an 32488
association that complies with all of the following: 32489

(1) It is in existence on December 18, 1997. 32490

(2) It is organized and operating within this state. 32491

(3) A majority of the members of its governing body are 32492
independent producers. 32493

(D) "Technical advisory council" or "council" means the 32494
technical advisory council created in the division of ~~mineral oil~~ 32495
and gas resources management under section 1509.38 of the Revised 32496
Code. 32497

Sec. 1510.08. (A)(1) Except as provided in division (A)(2) of 32498
this section, an operating committee may levy assessments on the 32499
production of oil and natural gas in this state for the purposes 32500
of a marketing program established under this chapter. 32501

(2) An operating committee shall not levy an assessment that 32502
was not approved by independent producers or that exceeds the 32503
amount authorized under division (B)(1) of section 1510.04 of the 32504
Revised Code. An operating committee shall not levy an assessment 32505
against an independent producer who is not eligible to vote in a 32506
referendum for the marketing program that the operating committee 32507
administers, as determined under division (C) of section 1510.02 32508
of the Revised Code. 32509

(B) The technical advisory council may require a first 32510
purchaser to withhold assessments from any amounts that the first 32511
purchaser owes to independent producers and, notwithstanding 32512
division (A)(2) of this section, to remit them to the chairperson 32513
of the council at the office of the division of ~~mineral oil and~~ 32514
gas resources management. A first purchaser who pays an assessment 32515
that is levied pursuant to this section for an independent 32516
producer may deduct the amount of the assessment from any moneys 32517
that the first purchaser owes the independent producer. 32518

(C) A marketing program shall require a refund of assessments 32519
collected under this section after receiving an application for a 32520
refund from an independent producer. An application for a refund 32521
shall be made on a form furnished by the council. The operating 32522
committee shall ensure that refund forms are available where 32523
assessments for its program are withheld. 32524

An independent producer who desires a refund shall submit a 32525
request for a refund not later than the thirty-first day of March 32526
of the year in which the request is submitted. The council shall 32527
refund the assessment to the independent producer not later than 32528

the thirtieth day of June of the year in which the request for the 32529
refund is submitted. 32530

(D) An operating committee shall not use moneys from any 32531
assessments that it levies for any political or legislative 32532
purpose or for preferential treatment of one person to the 32533
detriment of another person who is affected by the marketing 32534
program that the operating committee administers. 32535

Sec. 1515.08. The supervisors of a soil and water 32536
conservation district have the following powers in addition to 32537
their other powers: 32538

(A) To conduct surveys, investigations, and research relating 32539
to the character of soil erosion, floodwater and sediment damages, 32540
and the preventive and control measures and works of improvement 32541
for flood prevention and the conservation, development, 32542
utilization, and disposal of water needed within the district, and 32543
to publish the results of those surveys, investigations, or 32544
research, provided that no district shall initiate any research 32545
program except in cooperation or after consultation with the Ohio 32546
agricultural research and development center; 32547

(B) To develop plans for the conservation of soil resources, 32548
for the control and prevention of soil erosion, and for works of 32549
improvement for flood prevention and the conservation, 32550
development, utilization, and disposal of water within the 32551
district, and to publish those plans and information; 32552

(C) To implement, construct, repair, maintain, and operate 32553
preventive and control measures and other works of improvement for 32554
natural resource conservation and development and flood 32555
prevention, and the conservation, development, utilization, and 32556
disposal of water within the district on lands owned or controlled 32557
by this state or any of its agencies and on any other lands within 32558
the district, which works may include any facilities authorized 32559

under state or federal programs, and to acquire, by purchase or 32560
gift, to hold, encumber, or dispose of, and to lease real and 32561
personal property or interests in such property for those 32562
purposes; 32563

(D) To cooperate or enter into agreements with any occupier 32564
of lands within the district in the carrying on of natural 32565
resource conservation operations and works of improvement for 32566
flood prevention and the conservation, development, utilization, 32567
and management of natural resources within the district, subject 32568
to such conditions as the supervisors consider necessary; 32569

(E) To accept donations, gifts, grants, and contributions in 32570
money, service, materials, or otherwise, and to use or expend them 32571
according to their terms; 32572

(F) To adopt, amend, and rescind rules to carry into effect 32573
the purposes and powers of the district; 32574

(G) To sue and plead in the name of the district, and be sued 32575
and impleaded in the name of the district, with respect to its 32576
contracts and, as indicated in section 1515.081 of the Revised 32577
Code, certain torts of its officers, employees, or agents acting 32578
within the scope of their employment or official responsibilities, 32579
or with respect to the enforcement of its obligations and 32580
covenants made under this chapter; 32581

(H) To make and enter into all contracts, leases, and 32582
agreements and execute all instruments necessary or incidental to 32583
the performance of the duties and the execution of the powers of 32584
the district under this chapter, provided that all of the 32585
following apply: 32586

(1) Except as provided in section 307.86 of the Revised Code 32587
regarding expenditures by boards of county commissioners, when the 32588
cost under any such contract, lease, or agreement, other than 32589
compensation for personal services or rental of office space, 32590

involves an expenditure of more than the amount established in 32591
that section regarding expenditures by boards of county 32592
commissioners, the supervisors shall make a written contract with 32593
the lowest and best bidder after advertisement, for not less than 32594
two nor more than four consecutive weeks preceding the day of the 32595
opening of bids, in a newspaper of general circulation within the 32596
district or as provided in section 7.16 of the Revised Code and in 32597
such other publications as the supervisors determine. The notice 32598
shall state the general character of the work and materials to be 32599
furnished, the place where plans and specifications may be 32600
examined, and the time and place of receiving bids. 32601

(2) Each bid for a contract shall contain the full name of 32602
every person interested in it. 32603

(3) Each bid for a contract for the construction, demolition, 32604
alteration, repair, or reconstruction of an improvement shall meet 32605
the requirements of section 153.54 of the Revised Code. 32606

(4) Each bid for a contract, other than a contract for the 32607
construction, demolition, alteration, repair, or reconstruction of 32608
an improvement, at the discretion of the supervisors, may be 32609
accompanied by a bond or certified check on a solvent bank in an 32610
amount not to exceed five per cent of the bid, conditioned that, 32611
if the bid is accepted, a contract shall be entered into. 32612

(5) The supervisors may reject any and all bids. 32613

(I) To make agreements with the department of natural 32614
resources giving it control over lands of the district for the 32615
purpose of construction of improvements by the department under 32616
section 1501.011 of the Revised Code; 32617

(J) To charge, alter, and collect rentals and other charges 32618
for the use or services of any works of the district; 32619

(K) To enter, either in person or by designated 32620
representatives, upon lands, private or public, in the necessary 32621

discharge of their duties; 32622

(L) To enter into agreements or contracts with the department 32623
for the determination, implementation, inspection, and funding of 32624
agricultural pollution abatement and urban sediment pollution 32625
abatement measures whereby landowners, operators, managers, and 32626
developers may meet adopted state standards for a quality 32627
environment, except that failure of a district board of 32628
supervisors to negotiate an agreement or contract with the 32629
department shall authorize the division of soil and water 32630
resources to implement the required program; 32631

(M) To conduct demonstrations and provide information to the 32632
public regarding practices and methods for natural resource 32633
conservation, development, and utilization; 32634

(N) To enter into contracts or agreements with the chief of 32635
the division of soil and water resources to implement and 32636
administer a program for urban sediment pollution abatement and to 32637
receive and expend moneys provided by the chief for that purpose; 32638

(O) To develop operation and management plans, as defined in 32639
section 1511.01 of the Revised Code, as necessary; 32640

(P) To determine whether operation and management plans 32641
developed under division (A) of section 1511.021 of the Revised 32642
Code comply with the standards established under division (E)(1) 32643
of section 1511.02 of the Revised Code and to approve or 32644
disapprove the plans, based on such compliance. If an operation 32645
and management plan is disapproved, the board shall provide a 32646
written explanation to the person who submitted the plan. The 32647
person may appeal the plan disapproval to the chief, who shall 32648
afford the person a hearing. Following the hearing, the chief 32649
shall uphold the plan disapproval or reverse it. If the chief 32650
reverses the plan disapproval, the plan shall be deemed approved 32651
under this division. In the event that any person operating or 32652

owning agricultural land or a concentrated animal feeding 32653
operation in accordance with an approved operation and management 32654
plan who, in good faith, is following that plan, causes 32655
agricultural pollution, the plan shall be revised in a fashion 32656
necessary to mitigate the agricultural pollution, as determined 32657
and approved by the board of supervisors of the soil and water 32658
conservation district. 32659

(Q) With regard to composting conducted in conjunction with 32660
agricultural operations, to do all of the following: 32661

(1) Upon request or upon their own initiative, inspect 32662
composting at any such operation to determine whether the 32663
composting is being conducted in accordance with section 1511.022 32664
of the Revised Code; 32665

(2) If the board determines that composting is not being so 32666
conducted, request the chief to issue an order under division (G) 32667
of section 1511.02 of the Revised Code requiring the person who is 32668
conducting the composting to prepare a composting plan in 32669
accordance with rules adopted under division (E)(8)(c) of that 32670
section and to operate in accordance with that plan or to operate 32671
in accordance with a previously prepared plan, as applicable; 32672

(3) In accordance with rules adopted under division (E)(8)(c) 32673
of section 1511.02 of the Revised Code, review and approve or 32674
disapprove any such composting plan. If a plan is disapproved, the 32675
board shall provide a written explanation to the person who 32676
submitted the plan. 32677

As used in division (Q) of this section, "composting" has the 32678
same meaning as in section 1511.01 of the Revised Code. 32679

(R) With regard to conservation activities that are conducted 32680
in conjunction with agricultural operations, to assist the county 32681
auditor, upon request, in determining whether a conservation 32682
activity is a conservation practice for purposes of Chapter 929. 32683

or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code. 32684

As used in this division, "conservation practice" has the 32685
same meaning as in section 5713.30 of the Revised Code. 32686

(S) To do all acts necessary or proper to carry out the 32687
powers granted in this chapter. 32688

The director of natural resources shall make recommendations 32689
to reduce the adverse environmental effects of each project that a 32690
soil and water conservation district plans to undertake under 32691
division (A), (B), (C), or (D) of this section and that will be 32692
funded in whole or in part by moneys authorized under section 32693
1515.16 of the Revised Code and shall disapprove any such project 32694
that the director finds will adversely affect the environment 32695
without equal or greater benefit to the public. The director's 32696
disapproval or recommendations, upon the request of the district 32697
filed in accordance with rules adopted by the Ohio soil and water 32698
conservation commission, shall be reviewed by the commission, 32699
which may confirm the director's decision, modify it, or add 32700
recommendations to or approve a project the director has 32701
disapproved. 32702

Any instrument by which real property is acquired pursuant to 32703
this section shall identify the agency of the state that has the 32704
use and benefit of the real property as specified in section 32705
5301.012 of the Revised Code. 32706

Sec. 1515.14. Within the limits of funds appropriated to the 32707
department of natural resources and the soil and water 32708
conservation district assistance fund created in this section, 32709
there shall be paid in each calendar year to each local soil and 32710
water conservation district an amount not to exceed one dollar for 32711
each one dollar received in accordance with section 1515.10 of the 32712
Revised Code, received from tax levies in excess of the ten-mill 32713
levy limitation approved for the benefit of local soil and water 32714

conservation districts, or received from an appropriation by a 32715
municipal corporation or a township to a maximum of eight thousand 32716
dollars, provided that the Ohio soil and water conservation 32717
commission may approve payment to a district in an amount in 32718
excess of eight thousand dollars in any calendar year upon receipt 32719
of a request and justification from the district. The county 32720
auditor shall credit such payments to the special fund established 32721
pursuant to section 1515.10 of the Revised Code for the local soil 32722
and water conservation district. The department may make advances 32723
at least quarterly to each district on the basis of the estimated 32724
contribution of the state to each district. Moneys received by 32725
each district shall be expended for the purposes of the district. 32726

For the purpose of providing money to soil and water 32727
conservation districts under this section, there is hereby created 32728
in the state treasury the soil and water conservation district 32729
assistance fund consisting of money credited to it under sections 32730
3714.073 and 3734.901 and division (A)~~(5)~~(4) of section 3734.57 of 32731
the Revised Code. 32732

Sec. 1515.24. (A) Following receipt of a certification made 32733
by the supervisors of a soil and water conservation district 32734
pursuant to section 1515.19 of the Revised Code together with 32735
receipt of all plans, specifications, and estimates submitted 32736
under that section and upon completion of a schedule of estimated 32737
assessments in accordance with section 1515.211 of the Revised 32738
Code, the board of county commissioners may adopt a resolution 32739
levying upon the property within the project area an assessment at 32740
a uniform or varied rate based upon the benefit to the area 32741
certified by the supervisors, as necessary to pay the cost of 32742
construction of the improvement not otherwise funded and to repay 32743
advances made for purposes of the improvement from the fund 32744
created by section 1515.15 of the Revised Code. The board of 32745
county commissioners shall direct the person or authority 32746

preparing assessments to give primary consideration, in 32747
determining a parcel's estimated assessments relating to the 32748
disposal of water, to the potential increase in productivity that 32749
the parcel may experience as a result of the improvement and also 32750
to give consideration to the amount of water disposed of, the 32751
location of the property relative to the project, the value of the 32752
project to the watershed, and benefits. The part of the assessment 32753
that is found to benefit state, county, or township roads or 32754
highways or municipal streets shall be assessed against the state, 32755
county, township, or municipal corporation, respectively, payable 32756
from motor vehicle revenues. The part of the assessment that is 32757
found to benefit property owned by any public corporation, any 32758
political subdivision of the state, or the state shall be assessed 32759
against the public corporation, the political subdivision, or the 32760
state and shall be paid out of the general funds or motor vehicle 32761
revenues of the public corporation, the political subdivision of 32762
the state, or the state, except as otherwise provided by law. 32763

(B) The assessment shall be certified to the county auditor 32764
and by the county auditor to the county treasurer. The collection 32765
of the assessment shall conform in all matters to Chapter 323. of 32766
the Revised Code. 32767

(C) Any land owned and managed by the department of natural 32768
resources for wildlife, recreation, nature preserve, or forestry 32769
purposes is exempt from assessments if the director of natural 32770
resources determines that the land derives no benefit from the 32771
improvement. In making such a determination, the director shall 32772
consider the purposes for which the land is owned and managed and 32773
any relevant articles of dedication or existing management plans 32774
for the land. If the director determines that the land derives no 32775
benefit from the improvement, the director shall notify the board 32776
of county commissioners, within thirty days after receiving the 32777
assessment notification required by this section, indicating that 32778

the director has determined that the land is to be exempt and 32779
explaining the specific reason for making this determination. The 32780
board of county commissioners, within thirty days after receiving 32781
the director's exemption notification, may appeal the 32782
determination to the court of common pleas. If the court of common 32783
pleas finds in favor of the board of county commissioners, the 32784
department of natural resources shall pay all court costs and 32785
legal fees. 32786

(D)(1) The board shall give notice by first class mail to 32787
every public and private property owner whose property is subject 32788
to assessment, at the tax mailing or other known address of the 32789
owner. The notice shall contain a statement of the amount to be 32790
assessed against the property of the addressee, a description of 32791
the method used to determine the necessity for and the amount of 32792
the proposed assessment, a description of any easement on the 32793
property that is necessary for purposes of the improvement, and a 32794
statement that the addressee may file an objection in writing at 32795
the office of the board of county commissioners within thirty days 32796
after the mailing of notice. If the residence of any owner cannot 32797
be ascertained, or if any mailed notice is returned undelivered, 32798
the board shall publish the notice to all such owners in a 32799
newspaper of general circulation within the project area, ~~at least~~ 32800
once each week for three weeks, which or as provided in section 32801
7.16 of the Revised Code. The notice shall include the information 32802
contained in the mailed notice, but shall state that the owner may 32803
file an objection in writing at the office of the board of county 32804
commissioners within thirty days after the last publication of the 32805
notice. 32806

(2) Upon receipt of objections as provided in this section, 32807
the board shall proceed within thirty days to hold a final hearing 32808
on the objections by fixing a date and giving notice by first 32809
class mail to the objectors at the address provided in filing the 32810

objection. If any mailed notice is returned undelivered, the board 32811
shall give due notice to the objectors in a newspaper of general 32812
circulation in the project area or as provided in section 7.16 of 32813
the Revised Code, stating the time, place, and purpose of the 32814
hearing. Upon hearing the objectors, the board may adopt a 32815
resolution amending and approving the final schedule of 32816
assessments and shall enter it in the journal. 32817

(3) Any owner whose objection is not allowed may appeal 32818
within thirty days to the court of common pleas of the county in 32819
which the property is located. 32820

(4) The board of county commissioners shall make an order 32821
approving the levying of the assessment and shall proceed under 32822
section 6131.23 of the Revised Code after one of the following has 32823
occurred, as applicable: 32824

(a) Final notice is provided by mail or publication. 32825

(b) The imposition of assessments is upheld in the final 32826
disposition of an appeal that is filed pursuant to division (D)(3) 32827
of this section. 32828

(c) The resolution levying the assessments is approved in a 32829
referendum that is held pursuant to section 305.31 of the Revised 32830
Code. 32831

(5) The county treasurer shall deposit the proceeds of the 32832
assessment in the fund designated by the board and shall report to 32833
the county auditor the amount of money from the assessment that is 32834
collected by the treasurer. Moneys shall be expended from the fund 32835
for purposes of the improvement. 32836

(E) Any moneys collected in excess of the amount needed for 32837
construction of the improvement and the subsequent first year's 32838
maintenance may be maintained in a fund to be used for maintenance 32839
of the improvement. In any year subsequent to a year in which an 32840
assessment for construction of an improvement levied under this 32841

section has been collected, and upon determination by the board of 32842
county commissioners that funds are not otherwise available for 32843
maintenance or repair of the improvement, the board shall levy on 32844
the property within the project area an assessment for maintenance 32845
at a uniform percentage of all construction costs based upon the 32846
assessment schedule used in determining the construction 32847
assessment. The assessment is not subject to the provisions 32848
concerning notice and petition contained in this section. An 32849
assessment for maintenance shall not be levied in any year in 32850
which the unencumbered balance of funds available for maintenance 32851
of the improvement exceeds twenty per cent of the cost of 32852
construction of the improvement, except that the board may adjust 32853
the level of assessment within the twenty per cent limitation, or 32854
suspend temporarily the levying of an assessment, for maintenance 32855
purposes as maintenance funds are needed. 32856

For the purpose of levying an assessment for maintenance of 32857
an improvement, a board may use the procedures established in 32858
Chapter 6137. of the Revised Code regarding maintenance of 32859
improvements as defined in section 6131.01 of the Revised Code in 32860
lieu of using the procedures established under this section. 32861

(F) The board of county commissioners may issue bonds and 32862
notes as authorized by section 131.23 or 133.17 of the Revised 32863
Code. 32864

Sec. 1517.02. There is hereby created in the department of 32865
natural resources the division of natural areas and preserves, 32866
which shall be administered by the chief of the division of 32867
natural areas and preserves. The chief shall take an oath of 32868
office and shall file in the office of the secretary of state a 32869
bond signed by the chief and by a surety approved by the governor 32870
for a sum fixed pursuant to section 121.11 of the Revised Code. 32871

The chief shall administer a system of nature preserves. The 32872

chief shall establish a system of nature preserves through 32873
acquisition and dedication of natural areas of state or national 32874
significance, which shall include, but not be limited to, areas 32875
that represent characteristic examples of Ohio's natural landscape 32876
types and its natural vegetation and geological history. The chief 32877
shall encourage landowners to dedicate areas of unusual 32878
significance as nature preserves, and shall establish and maintain 32879
a registry of natural areas of unusual significance. 32880

The chief may participate in watershed planning activities 32881
with other states or federal agencies. 32882

The chief shall do the following: 32883

(A) Formulate policies and plans for the acquisition, use, 32884
management, and protection of nature preserves; 32885

(B) Formulate policies for the selection of areas suitable 32886
for registration; 32887

(C) Formulate policies for the dedication of areas as nature 32888
preserves; 32889

(D) Prepare and maintain surveys and inventories of natural 32890
areas, rare and endangered species of plants and animals, and 32891
other unique natural features. The information shall be ~~stored~~ 32892
entered in the Ohio natural heritage database, established 32893
~~pursuant to this division, and may be made available to any~~ 32894
~~individual or private or public agency for research, educational,~~ 32895
~~environmental, land management, or other similar purposes that are~~ 32896
~~not detrimental to the conservation of a species or feature.~~ 32897
~~Information regarding sensitive site locations of species that are~~ 32898
~~listed pursuant to section 1518.01 of the Revised Code and of~~ 32899
~~unique natural features that are included in the Ohio natural~~ 32900
~~heritage database is not subject to section 149.43 of the Revised~~ 32901
~~Code if the chief determines that the release of the information~~ 32902
~~could be detrimental to the conservation of a species or unique~~ 32903

~~natural feature under section 1531.04 of the Revised Code.~~ 32904

(E) Adopt rules for the use, visitation, and protection of 32905
nature preserves and natural areas owned or managed through 32906
easement, license, or lease by the department and administered by 32907
the division in accordance with Chapter 119. of the Revised Code; 32908

(F) Provide facilities and improvements within the state 32909
system of nature preserves that are necessary for their 32910
visitation, use, restoration, and protection and do not impair 32911
their natural character; 32912

(G) Provide interpretive programs and publish and disseminate 32913
information pertaining to nature preserves and natural areas for 32914
their visitation and use; 32915

(H) Conduct and grant permits to qualified persons for the 32916
conduct of scientific research and investigations within nature 32917
preserves; 32918

(I) Establish an appropriate system for marking nature 32919
preserves; 32920

(J) Publish and submit to the governor and the general 32921
assembly a biennial report of the status and condition of each 32922
nature preserve, activities conducted within each preserve, and 32923
plans and recommendations for natural area preservation. 32924

Sec. 1517.03. (A) There is hereby created the Ohio natural 32925
areas council to advise the ~~chief of the division~~ director of 32926
~~natural areas and preserves resources~~ or the director's designee 32927
on the administration of nature preserves and the preservation of 32928
natural areas. 32929

(B) The council shall ~~have no fewer than five members as~~ 32930
~~determined by the director of natural resources. The members shall~~ 32931
~~be appointed by the director.~~ 32932

~~Not later than thirty days after the effective date of this~~ 32933

~~section, the director shall make initial appointments to the~~ 32934
~~council. The director shall establish the terms of office of the~~ 32935
~~members of the council be composed of the following members~~ 32936
~~appointed by the governor with the advice and consent of the~~ 32937
~~senate:~~ 32938

(1) One member representing natural history museums; 32939

(2) One member representing metropolitan park districts; 32940

(3) One member representing colleges and universities; 32941

(4) One member representing outdoor education programs in 32942
primary and secondary education; 32943

(5) One member representing nature centers; 32944

(6) Two members representing the public. 32945

Each appointed member shall be active or interested in 32946
natural area preservation. Not more than four of the appointed 32947
members shall belong to the same political party. 32948

The director or the director's designee shall be a nonvoting 32949
ex officio member of the council. 32950

(C) Not later than thirty days after the effective date of 32951
this amendment, the governor shall make appointments to the 32952
council. Of the initial appointments, two shall be for terms 32953
ending on the first Monday in February 2012, two shall be for 32954
terms ending on the first Monday in February 2013, two shall be 32955
for terms ending on the first Monday in February 2014, and one 32956
shall be for a term ending on the first Monday in February 2015. 32957
Thereafter, terms of office shall be for four years, with each 32958
term ending on the same day of the same month as did the term that 32959
it succeeds. A member shall hold office from the date of 32960
appointment until the end of the term for which the member was 32961
appointed. Members may be reappointed. Vacancies shall be filled 32962
in the manner provided for original appointments. A member 32963

appointed to fill a vacancy occurring prior to the expiration date 32964
of the term for which the member's predecessor was appointed shall 32965
hold office for the remainder of that term. A member shall 32966
continue in office subsequent to the expiration date of the 32967
member's term until the member's successor takes office or until a 32968
period of sixty days has elapsed, whichever occurs first. 32969

(D) The council annually shall select from among its members 32970
a chairperson and a secretary. ~~Members~~ The department of natural 32971
resources shall furnish clerical, technical, legal, and other 32972
services required by the council in the performance of its duties. 32973

Members of the council shall receive no compensation and 32974
shall not be reimbursed for expenses incurred as members of the 32975
council. 32976

(E) The council shall hold at least one regular meeting ~~in~~ 32977
~~each calendar year~~ every three months. Special meetings may be 32978
called by the chairperson and shall be called by the chairperson 32979
upon written request by two or more members of the council. A 32980
written notice of the time and place of each meeting shall be sent 32981
to each member and to the director. A majority of the members of 32982
the council constitutes a quorum. The council shall keep a record 32983
of its proceedings at each meeting and shall send a copy of the 32984
record to the director. The record shall be open to the public for 32985
inspection. 32986

Sec. 1531.04. The division of wildlife, at the direction of 32987
the chief of the division, shall do all of the following: 32988

(A) Plan, develop, and institute programs and policies based 32989
on the best available information, including biological 32990
information derived from professionally accepted practices in 32991
wildlife and fisheries management, with the approval of the 32992
director of natural resources; 32993

(B) Have and take the general care, protection, and 32994
supervision of the wildlife in the state parks known as Lake St. 32995
Marys, The Portage Lakes, Lake Loramie, Indian Lake, Buckeye Lake, 32996
Guilford Lake, such part of Pymatuning reservoir as lies in this 32997
state, and all other state parks and lands owned by the state or 32998
in which it is interested or may acquire or become interested, 32999
except lands and lakes the care and supervision of which are 33000
vested in some other officer, body, board, association, or 33001
organization; 33002

(C) Enforce by proper legal action or proceeding the laws of 33003
the state and division rules for the protection, preservation, 33004
propagation, and management of wild animals and sanctuaries and 33005
refuges for the propagation of those wild animals, and adopt and 33006
carry into effect such measures as it considers necessary in the 33007
performance of its duties; 33008

(D) Promote, educate, and inform the citizens of the state 33009
about conservation and the values of fishing, hunting, and 33010
trapping, with the approval of the director; 33011

(E) Prepare and maintain surveys and inventories of rare and 33012
endangered species of plants and animals and other unique natural 33013
features. The information shall be stored in the Ohio natural 33014
heritage database, established pursuant to this division, and may 33015
be made available to any individual or private or public agency 33016
for research, educational, environmental, land management, or 33017
other similar purposes that are not detrimental to the 33018
conservation of a species or feature. Information regarding 33019
sensitive site locations of species that are listed pursuant to 33020
section 1518.01 of the Revised Code and of unique natural features 33021
that are included in the Ohio natural heritage database is not 33022
subject to section 149.43 of the Revised Code if the chief 33023
determines that the release of the information could be 33024
detrimental to the conservation of a species or unique natural 33025

feature. 33026

Sec. 1533.10. Except as provided in this section or division 33027
(A)(2) of section 1533.12 of the Revised Code, no person shall 33028
hunt any wild bird or wild quadruped without a hunting license. 33029
Each day that any person hunts within the state without procuring 33030
such a license constitutes a separate offense. Except as otherwise 33031
provided in this section, every applicant for a hunting license 33032
who is a resident of the state and eighteen years of age or more 33033
shall procure a resident hunting license or an apprentice resident 33034
hunting license, the fee for which shall be eighteen dollars 33035
unless the rules adopted under division (B) of section 1533.12 of 33036
the Revised Code provide for issuance of a resident hunting 33037
license to the applicant free of charge. Except as provided in 33038
rules adopted under division (B)(2) of that section, each 33039
applicant who is a resident of this state and who at the time of 33040
application is sixty-six years of age or older shall procure a 33041
special senior hunting license, the fee for which shall be 33042
one-half of the regular hunting license fee. Every applicant who 33043
is under the age of eighteen years shall procure a special youth 33044
hunting license or an apprentice youth hunting license, the fee 33045
for which shall be one-half of the regular hunting license fee. 33046
~~The owner of~~ 33047

A resident of this state who owns lands in the state and the 33048
owner's children of any age and grandchildren under eighteen years 33049
of age may hunt on the lands without a hunting license. If the 33050
owner of land in this state is a limited liability company or a 33051
limited liability partnership that consists of three or fewer 33052
individual members or partners, as applicable, an individual 33053
member or partner who is a resident of this state and the member's 33054
or partner's children of any age and grandchildren under eighteen 33055
years of age may hunt on the land owned by the limited liability 33056
company or limited liability partnership without a hunting 33057

license. In addition, if the owner of land in this state is a 33058
trust that has a total of three or fewer trustees and 33059
beneficiaries, an individual who is a trustee or beneficiary and 33060
who is a resident of this state and the individual's children of 33061
any age and grandchildren under eighteen years of age may hunt on 33062
the land owned by the trust without a hunting license. The tenant 33063
and children of the tenant, residing on lands in the state, may 33064
hunt on them without a hunting license. ~~Except~~ 33065

Except as otherwise provided in division (A)(1) of section 33066
1533.12 of the Revised Code, every applicant for a hunting license 33067
who is a nonresident of the state and who is eighteen years of age 33068
or older shall procure a nonresident hunting license or an 33069
apprentice nonresident hunting license, the fee for which shall be 33070
one hundred twenty-four dollars unless the applicant is a resident 33071
of a state that is a party to an agreement under section 1533.91 33072
of the Revised Code, in which case the fee shall be eighteen 33073
dollars. Apprentice resident hunting licenses, apprentice youth 33074
hunting licenses, and apprentice nonresident hunting licenses are 33075
subject to the requirements established under section 1533.102 of 33076
the Revised Code and rules adopted pursuant to it. 33077

The chief of the division of wildlife may issue a small game 33078
hunting license expiring three days from the effective date of the 33079
license to a nonresident of the state, the fee for which shall be 33080
thirty-nine dollars. No person shall take or possess deer, wild 33081
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 33082
animal while possessing only a small game hunting license. A small 33083
game hunting license or an apprentice nonresident hunting license 33084
does not authorize the taking or possessing of ducks, geese, or 33085
brant without having obtained, in addition to the small game 33086
hunting license or the apprentice nonresident hunting license, a 33087
wetlands habitat stamp as provided in section 1533.112 of the 33088
Revised Code. A small game hunting license or an apprentice 33089

nonresident hunting license does not authorize the taking or 33090
possessing of deer, wild turkeys, or fur-bearing animals. A 33091
nonresident of the state who wishes to take or possess deer, wild 33092
turkeys, or fur-bearing animals in this state shall procure, 33093
respectively, a deer or wild turkey permit as provided in section 33094
1533.11 of the Revised Code or a fur taker permit as provided in 33095
section 1533.111 of the Revised Code in addition to a nonresident 33096
hunting license, an apprentice nonresident hunting license, a 33097
special youth hunting license, or an apprentice youth hunting 33098
license, as applicable, as provided in this section. 33099

No person shall procure or attempt to procure a hunting 33100
license by fraud, deceit, misrepresentation, or any false 33101
statement. 33102

This section does not authorize the taking and possessing of 33103
deer or wild turkeys without first having obtained, in addition to 33104
the hunting license required by this section, a deer or wild 33105
turkey permit as provided in section 1533.11 of the Revised Code 33106
or the taking and possessing of ducks, geese, or brant without 33107
first having obtained, in addition to the hunting license required 33108
by this section, a wetlands habitat stamp as provided in section 33109
1533.112 of the Revised Code. 33110

This section does not authorize the hunting or trapping of 33111
fur-bearing animals without first having obtained, in addition to 33112
a hunting license required by this section, a fur taker permit as 33113
provided in section 1533.111 of the Revised Code. 33114

No hunting license shall be issued unless it is accompanied 33115
by a written explanation of the law in section 1533.17 of the 33116
Revised Code and the penalty for its violation, including a 33117
description of terms of imprisonment and fines that may be 33118
imposed. 33119

No hunting license, other than an apprentice hunting license, 33120

shall be issued unless the applicant presents to the agent 33121
authorized to issue the license a previously held hunting license 33122
or evidence of having held such a license in content and manner 33123
approved by the chief, a certificate of completion issued upon 33124
completion of a hunter education and conservation course approved 33125
by the chief, or evidence of equivalent training in content and 33126
manner approved by the chief. A previously held apprentice hunting 33127
license does not satisfy the requirement concerning the 33128
presentation of a previously held hunting license or evidence of 33129
it. 33130

No person shall issue a hunting license, except an apprentice 33131
hunting license, to any person who fails to present the evidence 33132
required by this section. No person shall purchase or obtain a 33133
hunting license, other than an apprentice hunting license, without 33134
presenting to the issuing agent the evidence required by this 33135
section. Issuance of a hunting license in violation of the 33136
requirements of this section is an offense by both the purchaser 33137
of the illegally obtained hunting license and the clerk or agent 33138
who issued the hunting license. Any hunting license issued in 33139
violation of this section is void. 33140

The chief, with approval of the wildlife council, shall adopt 33141
rules prescribing a hunter education and conservation course for 33142
first-time hunting license buyers, other than buyers of apprentice 33143
hunting licenses, and for volunteer instructors. The course shall 33144
consist of subjects including, but not limited to, hunter safety 33145
and health, use of hunting implements, hunting tradition and 33146
ethics, the hunter and conservation, the law in section 1533.17 of 33147
the Revised Code along with the penalty for its violation, 33148
including a description of terms of imprisonment and fines that 33149
may be imposed, and other law relating to hunting. Authorized 33150
personnel of the division or volunteer instructors approved by the 33151
chief shall conduct such courses with such frequency and at such 33152

locations throughout the state as to reasonably meet the needs of 33153
license applicants. The chief shall issue a certificate of 33154
completion to each person who successfully completes the course 33155
and passes an examination prescribed by the chief. 33156

Sec. 1533.11. (A) Except as provided in this section, no 33157
person shall hunt deer on lands of another without first obtaining 33158
an annual deer permit. Except as provided in this section, no 33159
person shall hunt wild turkeys on lands of another without first 33160
obtaining an annual wild turkey permit. Each applicant for a deer 33161
or wild turkey permit shall pay an annual fee of twenty-three 33162
dollars for each permit unless the rules adopted under division 33163
(B) of section 1533.12 of the Revised Code provide for issuance of 33164
a deer or wild turkey permit to the applicant free of charge. 33165
Except as provided in rules adopted under division (B)(2) of that 33166
section, each applicant who is a resident of this state and who at 33167
the time of application is sixty-six years of age or older shall 33168
procure a senior deer or wild turkey permit, the fee for which 33169
shall be one-half of the regular deer or wild turkey permit fee. 33170
Each applicant who is under the age of eighteen years shall 33171
procure a youth deer or wild turkey permit, the fee for which 33172
shall be one-half of the regular deer or wild turkey permit fee. 33173
Except as provided in division (A)(2) of section 1533.12 of the 33174
Revised Code, a deer or wild turkey permit shall run concurrently 33175
with the hunting license. The money received shall be paid into 33176
the state treasury to the credit of the wildlife fund, created in 33177
section 1531.17 of the Revised Code, exclusively for the use of 33178
the division of wildlife in the acquisition and development of 33179
land for deer or wild turkey management, for investigating deer or 33180
wild turkey problems, and for the stocking, management, and 33181
protection of deer or wild turkey. Every person, while hunting 33182
deer or wild turkey on lands of another, shall carry the person's 33183
deer or wild turkey permit and exhibit it to any enforcement 33184

officer so requesting. Failure to so carry and exhibit such a 33185
permit constitutes an offense under this section. The chief of the 33186
division of wildlife shall adopt any additional rules the chief 33187
considers necessary to carry out this section and section 1533.10 33188
of the Revised Code. 33189

The An owner who is a resident of this state and the children 33190
of the owner of lands in this state may hunt deer or wild turkey 33191
thereon without a deer or wild turkey permit. If the owner of land 33192
in this state is a limited liability company or a limited 33193
liability partnership that consists of three or fewer individual 33194
members or partners, as applicable, an individual member or 33195
partner who is a resident of this state and the member's or 33196
partner's children of any age may hunt deer or wild turkey on the 33197
land owned by the limited liability company or limited liability 33198
partnership without a deer or wild turkey permit. In addition, if 33199
the owner of land in this state is a trust that has a total of 33200
three or fewer trustees and beneficiaries, an individual who is a 33201
trustee or beneficiary and who is a resident of this state and the 33202
individual's children of any age may hunt deer or wild turkey on 33203
the land owned by the trust without a deer or wild turkey permit. 33204
The tenant and children of the tenant may hunt deer or wild turkey 33205
on lands where they reside without a deer or wild turkey permit. 33206

(B) A deer or wild turkey permit is not transferable. No 33207
person shall carry a deer or wild turkey permit issued in the name 33208
of another person. 33209

(C) The wildlife refunds fund is hereby created in the state 33210
treasury. The fund shall consist of money received from 33211
application fees for deer permits that are not issued. Money in 33212
the fund shall be used to make refunds of such application fees. 33213

(D) If the division establishes a system for the electronic 33214
submission of information regarding deer or wild turkey that are 33215
taken, the division shall allow the owner and the children of the 33216

owner of lands in this state to use the owner's name or address 33217
for purposes of submitting that information electronically via 33218
that system. 33219

Sec. 1533.111. Except as provided in this section or division 33220
(A)(2) of section 1533.12 of the Revised Code, no person shall 33221
hunt or trap fur-bearing animals on land of another without first 33222
obtaining some type of an annual fur taker permit. Each applicant 33223
for a fur taker permit or an apprentice fur taker permit shall pay 33224
an annual fee of fourteen dollars for the permit, except as 33225
otherwise provided in this section or unless the rules adopted 33226
under division (B) of section 1533.12 of the Revised Code provide 33227
for issuance of a fur taker permit to the applicant free of 33228
charge. Except as provided in rules adopted under division (B)(2) 33229
of that section, each applicant who is a resident of this state 33230
and who at the time of application is sixty-six years of age or 33231
older shall procure a special senior fur taker permit, the fee for 33232
which shall be one-half of the regular fur taker permit fee. Each 33233
applicant under the age of eighteen years shall procure a special 33234
youth fur taker permit or an apprentice youth fur taker permit, 33235
the fee for which shall be one-half of the regular fur taker 33236
permit fee. Each type of fur taker permit shall run concurrently 33237
with the hunting license. The money received shall be paid into 33238
the state treasury to the credit of the fund established in 33239
section 1533.15 of the Revised Code. Apprentice fur taker permits 33240
and apprentice youth fur taker permits are subject to the 33241
requirements established under section 1533.102 of the Revised 33242
Code and rules adopted pursuant to it. 33243

No fur taker permit shall be issued unless it is accompanied 33244
by a written explanation of the law in section 1533.17 of the 33245
Revised Code and the penalty for its violation, including a 33246
description of terms of imprisonment and fines that may be 33247
imposed. 33248

No fur taker permit, other than an apprentice fur taker 33249
permit or an apprentice youth fur taker permit, shall be issued 33250
unless the applicant presents to the agent authorized to issue a 33251
fur taker permit a previously held hunting license or trapping or 33252
fur taker permit or evidence of having held such a license or 33253
permit in content and manner approved by the chief of the division 33254
of wildlife, a certificate of completion issued upon completion of 33255
a trapper education course approved by the chief, or evidence of 33256
equivalent training in content and manner approved by the chief. A 33257
previously held apprentice hunting license, apprentice fur taker 33258
permit, or apprentice youth fur taker permit does not satisfy the 33259
requirement concerning the presentation of a previously held 33260
hunting license or fur taker permit or evidence of such a license 33261
or permit. 33262

No person shall issue a fur taker permit, other than an 33263
apprentice fur taker permit or an apprentice youth fur taker 33264
permit, to any person who fails to present the evidence required 33265
by this section. No person shall purchase or obtain a fur taker 33266
permit, other than an apprentice fur taker permit or an apprentice 33267
youth fur taker permit, without presenting to the issuing agent 33268
the evidence required by this section. Issuance of a fur taker 33269
permit in violation of the requirements of this section is an 33270
offense by both the purchaser of the illegally obtained permit and 33271
the clerk or agent who issued the permit. Any fur taker permit 33272
issued in violation of this section is void. 33273

The chief, with approval of the wildlife council, shall adopt 33274
rules prescribing a trapper education course for first-time fur 33275
taker permit buyers, other than buyers of apprentice fur taker 33276
permits or apprentice youth fur taker permits, and for volunteer 33277
instructors. The course shall consist of subjects that include, 33278
but are not limited to, trapping techniques, animal habits and 33279
identification, trapping tradition and ethics, the trapper and 33280

conservation, the law in section 1533.17 of the Revised Code along 33281
with the penalty for its violation, including a description of 33282
terms of imprisonment and fines that may be imposed, and other law 33283
relating to trapping. Authorized personnel of the division of 33284
wildlife or volunteer instructors approved by the chief shall 33285
conduct the courses with such frequency and at such locations 33286
throughout the state as to reasonably meet the needs of permit 33287
applicants. The chief shall issue a certificate of completion to 33288
each person who successfully completes the course and passes an 33289
examination prescribed by the chief. 33290

Every person, while hunting or trapping fur-bearing animals 33291
on lands of another, shall carry the person's fur taker permit 33292
with the person's signature written on the permit. Failure to 33293
carry such a signed permit constitutes an offense under this 33294
section. The chief shall adopt any additional rules the chief 33295
considers necessary to carry out this section. 33296

The An owner who is a resident of this state and the children 33297
of the owner of lands in this state may hunt or trap fur-bearing 33298
animals thereon without a fur taker permit. If the owner of land 33299
in this state is a limited liability company or a limited 33300
liability partnership that consists of three or fewer individual 33301
members or partners, as applicable, an individual member or 33302
partner who is a resident of this state and the member's or 33303
partner's children of any age may hunt or trap fur-bearing animals 33304
on the land owned by the limited liability company or limited 33305
liability partnership without a fur taker permit. In addition, if 33306
the owner of land in this state is a trust that has a total of 33307
three or fewer trustees and beneficiaries, an individual who is a 33308
trustee or beneficiary and who is a resident of this state and the 33309
individual's children of any age may hunt or trap fur-bearing 33310
animals on the land owned by the trust without a fur taker permit. 33311
The tenant and children of the tenant may hunt or trap fur-bearing 33312

animals on lands where they reside without a fur taker permit. 33313

A fur taker permit is not transferable. No person shall carry 33314
a fur taker permit issued in the name of another person. 33315

A fur taker permit entitles a nonresident to take from this 33316
state fur-bearing animals taken and possessed by the nonresident 33317
as provided by law or division rule. 33318

Sec. 1533.32. Except as provided in this section or division 33319
(A)(2) or (C) of section 1533.12 of the Revised Code, no person, 33320
including nonresidents, shall take or catch any fish by angling in 33321
any of the waters in the state or engage in fishing in those 33322
waters without a license. No person shall take or catch frogs or 33323
turtles without a valid fishing license, except as provided in 33324
this section. Persons fishing in privately owned ponds, lakes, or 33325
reservoirs to or from which fish are not accustomed to migrate are 33326
exempt from the license requirements set forth in this section. 33327
Persons fishing in privately owned ponds, lakes, or reservoirs 33328
that are open to public fishing through an agreement or lease with 33329
the division of wildlife shall comply with the license 33330
requirements set forth in this section. 33331

The fee for an annual license shall be thirty-nine dollars 33332
for a resident of a state that is not a party to an agreement 33333
under section 1533.91 of the Revised Code. The fee for an annual 33334
license shall be eighteen dollars for a resident of a state that 33335
is a party to such an agreement. The fee for an annual license for 33336
residents of this state shall be eighteen dollars unless the rules 33337
adopted under division (B) of section 1533.12 of the Revised Code 33338
provide for issuance of a resident fishing license to the 33339
applicant free of charge. Except as provided in rules adopted 33340
under division (B)(2) of that section, each applicant who is a 33341
resident of this state and who at the time of application is 33342
sixty-six years of age or older shall procure a special senior 33343

fishing license, the fee for which shall be one-half of the annual 33344
resident fishing license fee. 33345

Any person under the age of sixteen years may take or catch 33346
frogs and turtles and take or catch fish by angling without a 33347
license. 33348

The chief of the division of wildlife may issue a tourist's 33349
license expiring three days from the effective date of the license 33350
to a resident of a state that is not a party to an agreement under 33351
section 1533.91 of the Revised Code. The fee for a tourist's 33352
license shall be eighteen dollars. 33353

The chief shall adopt rules under section 1531.10 of the 33354
Revised Code providing for the issuance of a one-day fishing 33355
license to a resident of this state or of any other state. The fee 33356
for such a license shall be fifty-five per cent of the amount 33357
established under this section for a tourist's license, rounded up 33358
to the nearest whole dollar. A one-day fishing license shall allow 33359
the holder to take or catch fish by angling in the waters in the 33360
state, engage in fishing in those waters, or take or catch frogs 33361
or turtles in those waters for one day without obtaining an annual 33362
license or a tourist's license under this section. At the request 33363
of a holder of a one-day fishing license who wishes to obtain an 33364
annual license, a clerk or agent authorized to issue licenses 33365
under section 1533.13 of the Revised Code, not later than the last 33366
day on which the one-day license would be valid if it were an 33367
annual license, shall credit the amount of the fee paid for the 33368
one-day license toward the fee charged for the annual license if 33369
so authorized by the chief. The clerk or agent shall issue the 33370
annual license upon presentation of the one-day license and 33371
payment of a fee in an amount equal to the difference between the 33372
fee for the annual license and the fee for the one-day license. 33373

Unless otherwise provided by division rule, each annual 33374
license shall begin on the first day of March of the current year 33375

and expire on the last day of February of the following year. 33376

No person shall alter a fishing license or possess a fishing 33377
license that has been altered. 33378

No person shall procure or attempt to procure a fishing 33379
license by fraud, deceit, misrepresentation, or any false 33380
statement. 33381

~~Owners of~~ A resident of this state who owns land over, 33382
through, upon, or along which any water flows or stands, except 33383
where the land is in or borders on state parks or state-owned 33384
lakes, together with the members of the immediate families of such 33385
owners, may take frogs and turtles and may take or catch fish of 33386
the kind permitted to be taken or caught therefrom without 33387
procuring a license provided for in this section. This exemption 33388
extends to tenants actually residing upon such lands and to the 33389
members of the immediate families of the tenants. If the owner of 33390
such land in this state is a limited liability company or a 33391
limited liability partnership that consists of three or fewer 33392
individual members or partners, as applicable, an individual 33393
member or partner who is a resident of this state and the member's 33394
or partner's children of any age may take frogs and turtles and 33395
may take or catch fish of the kind permitted to be taken or caught 33396
therefrom without procuring a license provided for in this 33397
section. In addition, if the owner of such land in this state is a 33398
trust that has a total of three or fewer trustees and 33399
beneficiaries, an individual who is a trustee or beneficiary and 33400
who is a resident of this state and the individual's children of 33401
any age may take frogs and turtles and may take or catch fish of 33402
the kind permitted to be taken or caught therefrom without 33403
procuring a license provided for in this section. Residents of 33404
state or county institutions, charitable institutions, and 33405
military homes in this state may take frogs and turtles without 33406
procuring the required license, provided that a member of the 33407

institution or home has an identification card, which shall be 33408
carried on that person when fishing. 33409

Every fisher required to be licensed, while fishing or taking 33410
or attempting to take frogs or turtles, shall carry the license 33411
and exhibit it to any person. Failure to so carry and exhibit the 33412
license constitutes an offense under this section. 33413

Sec. 1533.731. (A) No wild animal hunting preserve shall be 33414
less than eighty acres in area. Each such preserve shall be in one 33415
continuous block of land, except that the block of land may be 33416
intersected by highways or roads. No wild animal hunting preserve 33417
shall be located within ~~three~~ one thousand five hundred feet of 33418
another such preserve or of a commercial bird shooting preserve 33419
licensed under section 1533.72 of the Revised Code. 33420

The boundaries of each wild animal hunting preserve shall be 33421
clearly defined by posting, at intervals of not more than ~~two~~ four 33422
hundred feet, with signs prescribed by the division of wildlife. 33423
Each wild animal hunting preserve shall be surrounded by a fence 33424
at least six feet in height that is constructed of a woven wire 33425
mesh, or such other enclosure approved by the chief of the 33426
division of wildlife. 33427

(B)(1) Except as provided in divisions (B)(2) and (3) of this 33428
section, game and nonnative wildlife that have been approved by 33429
the chief for such use, that have been legally acquired or 33430
propagated under the authority of a propagating license issued 33431
under section 1533.71 of the Revised Code, and that are marked and 33432
tagged as provided in division (C) of this section may be released 33433
and hunted within the confines of the licensed wild animal hunting 33434
preserve between sunrise and sunset, without regard to sex, bag 33435
limit, or open season, by licensed hunters authorized by the 33436
holder of the wild animal hunting preserve license to hunt on 33437
those lands. The chief shall establish, by rule, the allowable 33438

methods of taking game and nonnative wildlife in a wild animal 33439
hunting preserve. 33440

(2) No game or nonnative wildlife on the federal endangered 33441
species list established in accordance with the "Endangered 33442
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1531, as amended, 33443
or the state endangered species list established in rules adopted 33444
under section 1531.25 of the Revised Code, no bears native to 33445
North America, and no large carnivores of the family Felidae shall 33446
be released for hunting or hunted in any wild animal hunting 33447
preserve in this state. 33448

(3) No person shall release for hunting or hunt within a wild 33449
animal hunting preserve any game or nonnative wildlife not listed 33450
in the application for a license for that preserve. 33451

(C) All game and nonnative wildlife released on a wild animal 33452
hunting preserve shall be identified with a tag that shall bear 33453
upon it a symbol identifying the preserve. 33454

(D) For the purposes of division (B) of section 1533.02 of 33455
the Revised Code, the owner or operator of a wild animal hunting 33456
preserve shall furnish each person who takes any game or nonnative 33457
wildlife from the preserve a certificate bearing a description of 33458
the animal, the date the animal was taken, and the name of the 33459
preserve. 33460

(E) The chief shall adopt rules under section 1531.10 of the 33461
Revised Code that provide for the safety of the public and for the 33462
protection of the game and nonnative wildlife to be hunted in a 33463
wild animal hunting preserve prior to their release in the 33464
preserve. 33465

(F) No holder of a wild animal hunting preserve license shall 33466
violate Chapter 1531. or this chapter of the Revised Code or any 33467
division rule. 33468

(G) This section does not authorize the hunting of game birds 33469

in a licensed wild animal hunting preserve. 33470

Sec. 1533.83. As used in sections 1533.83 to 1533.85 of the 33471
Revised Code: 33472

(A) "Political subdivision" means a municipal corporation, 33473
township, county, or other body corporate and politic responsible 33474
for governmental activities in a geographic area smaller than that 33475
of the state. 33476

(B) "Shooting range" means a facility operated for the 33477
purpose of shooting with firearms or archery equipment, whether 33478
publicly or privately owned and whether or not operated for 33479
profit, including, but not limited to, commercial bird shooting 33480
preserves and wild animal hunting preserves established pursuant 33481
to this chapter. "Shooting range" does not include a facility 33482
owned or operated by a municipal corporation, county, ~~or~~ township 33483
police district, or joint police district. 33484

(C) "Harm" means injury, death, or loss to person or 33485
property. 33486

(D) "The chief's noise rules" means the rules of the chief of 33487
the division of wildlife that are adopted pursuant to section 33488
1533.84 of the Revised Code and that pertain to the limitation or 33489
suppression of noise at a shooting range or to the hours of 33490
operation of shooting ranges. 33491

(E) "The chief's public safety rules" means the rules of the 33492
chief of the division of wildlife that are adopted pursuant to 33493
section 1533.84 of the Revised Code and that pertain to public 33494
safety, including standards for the reconstruction, enlargement, 33495
remodeling, or repair of any structure or facility that is part of 33496
a shooting range. 33497

Sec. 1541.03. All lands and waters dedicated and set apart 33498
for state park purposes shall be under the control and management 33499

of the division of parks and recreation, which shall protect, 33500
maintain, and keep them in repair. The division shall have the 33501
following powers over all such lands and waters: 33502

(A) To make alterations and improvements; 33503

(B) To construct and maintain dikes, wharves, landings, 33504
docks, dams, and other works; 33505

(C) To construct and maintain roads and drives in, around, 33506
upon, and to the lands and waters to make them conveniently 33507
accessible and useful to the public; 33508

(D) Except as otherwise provided in this section, to adopt, 33509
amend, and rescind, in accordance with Chapter 119. of the Revised 33510
Code, rules necessary for the proper management of state parks, 33511
bodies of water, and the lands adjacent to them under its 33512
jurisdiction and control, including the following: 33513

(1) Governing opening and closing times and dates of the 33514
parks; 33515

(2) Establishing fees and charges for use of facilities in 33516
state parks; 33517

(3) Governing camps, camping, and fees for camps and camping; 33518

(4) Governing the application for and rental of, rental fees 33519
for, and the use of cottages; 33520

(5) Relating to public use of state park lands, and governing 33521
the operation of motor vehicles, including speeds, and parking on 33522
those lands; 33523

(6) Governing all advertising within state parks and the 33524
requirements for the operation of places selling tangible personal 33525
property and control of food service sales on lands and waters 33526
under the control of the division, which rules shall establish 33527
uniform requirements; 33528

(7) Providing uniform standards relating to the size, type, 33529

location, construction, and maintenance of structures and devices 33530
used for fishing or moorage of watercraft, rowboats, sailboats, 33531
and powercraft, as those terms are defined in section 1547.01 of 33532
the Revised Code, over waters under the control of the division 33533
and establishing reasonable fees for the construction of and 33534
annual use permits for those structures and devices; 33535

(8) Governing state beaches, swimming, inflatable devices, 33536
and fees for them; 33537

(9) Governing the removal and disposition of any watercraft, 33538
rowboat, sailboat, or powercraft, as those terms are defined in 33539
section 1547.01 of the Revised Code, left unattended for more than 33540
seven days on any lands or waters under the control of the 33541
division; 33542

(10) Governing the establishment and collection of check 33543
collection charges for checks that are returned to the division or 33544
dishonored for any reason. 33545

(E) To coordinate and plan trails in accordance with section 33546
1519.03 of the Revised Code; 33547

(F) To cooperate with the United States and agencies of it 33548
and with political subdivisions in administering federal 33549
recreation moneys under the "Land and Water Conservation Fund Act 33550
of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and 33551
distribute the statewide comprehensive outdoor recreation plan; 33552
and administer the state recreational vehicle fund created in 33553
section 4519.11 of the Revised Code; 33554

(G) To administer any state or federally funded grant program 33555
that is related to natural resources and recreation as considered 33556
necessary by the director of natural resources; 33557

(H) To assist the department of natural resources and its 33558
divisions by providing department-wide planning, capital 33559
improvements planning, and special purpose planning. 33560

With the approval of the director, the chief of the division 33561
of parks and recreation may enter into contracts or agreements 33562
with any agency of the United States government, any other public 33563
agency, or any private entity or organization for the performance 33564
of the duties of the division. 33565

The chief may sell, lease, or transfer minerals or mineral 33566
rights, with the approval of the director of natural resources, 33567
when the chief and the director determine it to be in the best 33568
interest of the state. Upon approval of the director, the chief 33569
may make, execute, and deliver contracts, including leases, to 33570
drill for oil and natural gas on and under lands owned by the 33571
state and administered by the division to any person who complies 33572
with the terms of such a contract. No such contract shall be valid 33573
for more than fifty years from its effective date. Consideration 33574
for minerals and mineral rights shall be by rental or royalty 33575
basis as prescribed by the chief and payable as prescribed by 33576
contract. Money collected from rentals shall be paid into the 33577
state treasury to the credit of the state park fund created in 33578
section 1541.22 of the Revised Code. Money collected from 33579
royalties shall be paid into the parks mineral royalties trust 33580
fund created in section 1541.25 of the Revised Code. 33581

The division shall adopt rules under this section 33582
establishing a discount program for all persons who are issued a 33583
golden buckeye card under section 173.06 of the Revised Code. The 33584
discount program shall provide a discount for all park services 33585
and rentals, but shall not provide a discount for the purchase of 33586
merchandise. 33587

The division shall not adopt rules establishing fees or 33588
charges for parking a motor vehicle in a state park or for 33589
admission to a state park. 33590

Every resident of this state with a disability that has been 33591
determined by the veterans administration to be permanently and 33592

totally disabling, who receives a pension or compensation from the 33593
veterans administration, and who received an honorable discharge 33594
from the armed forces of the United States, and every veteran to 33595
whom the registrar of motor vehicles has issued a set of license 33596
plates under section 4503.41 of the Revised Code, shall be exempt 33597
from the fees for camping, provided that the resident or veteran 33598
carries in the state park such evidence of the resident's or 33599
veteran's disability as the chief prescribes by rule. 33600

Unless otherwise provided by division rule, every resident of 33601
this state who is sixty-five years of age or older or who is 33602
permanently and totally disabled and who furnishes evidence of 33603
that age or disability in a manner prescribed by division rule 33604
shall be charged one-half of the regular fee for camping, except 33605
on the weekends and holidays designated by the division, and shall 33606
not be charged more than ninety per cent of the regular charges 33607
for state recreational facilities, equipment, services, and food 33608
service operations utilized by the person at any time of year, 33609
whether maintained or operated by the state or leased for 33610
operation by another entity. 33611

As used in this section, "food service operations" means 33612
restaurants that are owned by the department of natural resources 33613
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 33614
parks or are part of a state park lodge. "Food service operations" 33615
does not include automatic vending machines, concession stands, or 33616
snack bars. 33617

As used in this section, "prisoner of war" means any 33618
regularly appointed, enrolled, enlisted, or inducted member of the 33619
military forces of the United States who was captured, separated, 33620
and incarcerated by an enemy of the United States. Any person who 33621
has been a prisoner of war, was honorably discharged from the 33622
military forces, and is a resident of this state is exempt from 33623
the fees for camping. To claim this exemption, the person shall 33624

present written evidence in the form of a record of separation, a 33625
letter from one of the military forces of the United States, or 33626
such other evidence as the chief prescribes by rule that satisfies 33627
the eligibility criteria established by this section. 33628

Sec. 1541.05. (A) The chief of the division of parks and 33629
recreation, with the approval of the director of natural 33630
resources, may dispose of any of the following by sale, donation, 33631
trade, trade-in, recycling, or any other lawful means, in a manner 33632
that will benefit the division: 33633

(1) Standing timber that as a result of wind, storm, 33634
pestilence, or any other natural occurrence may present a hazard 33635
to life or property, timber that has weakened or fallen on lands 33636
under the control and management of the division, or any timber or 33637
other forest products that ~~requires~~ require management to improve 33638
wildlife habitat, protect against wildfires, provide access to 33639
recreational facilities, implement sustainable forestry practices, 33640
or improve the safety, quality, or appearance of any state park 33641
area; 33642

(2) Spoils of a dredging operation conducted by the division 33643
in waters under the control and management of the division. Prior 33644
to the disposition of any spoils under this division, the chief 33645
shall notify the director of environmental protection of the 33646
chief's intent so that the director may determine if the spoils 33647
constitute solid wastes or hazardous waste, as those terms are 33648
defined in section 3734.01 of the Revised Code, that must be 33649
disposed of in accordance with Chapter 3734. of the Revised Code. 33650
If the director does not notify the chief within thirty days after 33651
receiving notice of the disposition that the spoils must be 33652
disposed of in accordance with Chapter 3734. of the Revised Code, 33653
the chief may proceed with the disposition. 33654

(3) Notwithstanding sections 125.12 to 125.14 of the Revised 33655

Code, excess supplies and surplus supplies, as those terms are 33656
defined in section 125.12 of the Revised Code; 33657

(4) Agricultural products that are grown or raised by the 33658
division. As used in this division, "agricultural products" 33659
includes products of apiculture, animal husbandry, or poultry 33660
husbandry, field crops, fruits, and vegetables. 33661

(5) Abandoned personal property, including golf balls that 33662
are found on property under the control and management of the 33663
division. 33664

(B) In accordance with Chapter 119. of the Revised Code, the 33665
chief shall adopt, and may amend and rescind, such rules as are 33666
necessary to administer this section. 33667

(C) Proceeds Except as provided in division (D) of this 33668
section, proceeds from the disposition of items under this section 33669
shall be deposited in the state treasury to the credit of the 33670
state park fund created in section 1541.22 of the Revised Code. 33671

(D) The chief of the division of parks and recreation may 33672
enter into a memorandum of understanding with the chief of the 33673
division of forestry to allow the division of forestry to 33674
administer the sale of timber and forest products on lands that 33675
are owned or controlled by the division of parks and recreation. 33676
Proceeds from the sale of timber or forest products pursuant to 33677
the memorandum of understanding shall be apportioned as follows: 33678

(1) Seventy-five per cent of the proceeds shall be deposited 33679
in the state treasury to the credit of the state park fund. 33680

(2) Twenty-five per cent of the proceeds shall be deposited 33681
in the state treasury to the credit of the state forest fund 33682
created in section 1503.05 of the Revised Code. 33683

Sec. 1541.25. There is hereby created the parks mineral 33684
royalties trust fund, which shall be in the custody of the 33685

treasurer of state and shall not be a part of the state treasury. 33686
The fund shall consist of royalties paid to the division of parks 33687
and recreation pursuant to the sale, lease, or transfer of 33688
minerals or mineral rights as provided in section 1541.03 of the 33689
Revised Code. Money in the fund shall be used by the division to 33690
facilitate capital improvements, maintenance, repairs, and 33691
renovations on properties that are owned by the state and 33692
administered by the division. 33693

Investment earnings of the fund shall be credited to the 33694
parks mineral royalties fund created in section 1541.26 of the 33695
Revised Code. Quarterly each fiscal year, the investment earnings 33696
of the parks mineral royalties trust fund shall be transferred to 33697
the parks mineral royalties fund. 33698

Upon the request of the director of natural resources, the 33699
director of budget and management annually may transfer an amount 33700
not to exceed ten per cent of the principal of the parks mineral 33701
royalties trust fund to the parks mineral royalties fund. 33702

Sec. 1541.26. There is hereby created in the state treasury 33703
the parks mineral royalties fund. The fund shall consist of all 33704
investment earnings of the parks mineral royalties trust fund 33705
created in section 1541.25 of the Revised Code and any principal 33706
transferred from the trust fund as authorized by that section. 33707

Money in the parks mineral royalties fund shall be used by 33708
the division of parks and recreation to facilitate capital 33709
improvements, maintenance, repairs, and renovations on properties 33710
that are owned by the state and administered by the division. All 33711
expenditures from the fund shall be approved by the director of 33712
natural resources. 33713

Sec. 1545.071. The following applies until the department of 33714
administrative services implements for park districts the health 33715

care plans under section 9.901 of the Revised Code. If those plans 33716
do not include or address any benefits listed in this section, the 33717
following provisions continue in effect for those benefits. 33718

The board of park commissioners of any park district may 33719
procure and pay all or any part of the cost of group insurance 33720
policies that may provide benefits for hospitalization, surgical 33721
care, major medical care, disability, dental care, eye care, 33722
medical care, hearing aids, or prescription drugs, or sickness and 33723
accident insurance or a combination of any of the foregoing types 33724
of insurance or coverage for park district officers and employees 33725
and their immediate dependents issued by an insurance company duly 33726
authorized to do business in this state. 33727

The board may procure and pay all or any part of the cost of 33728
group life insurance to insure the lives of park district 33729
employees. 33730

The board also may contract for group health care services 33731
with health insuring corporations holding a certificate of 33732
authority under Chapter 1751. of the Revised Code provided that 33733
each officer or employee is permitted to: 33734

(A) Choose between a plan offered by an insurance company and 33735
a plan offered by a health insuring corporation and provided 33736
further that the officer or employee pays any amount by which the 33737
cost of the plan chosen by the officer or employee exceeds the 33738
cost of the plan offered by the board under this section; 33739

(B) Change the choice made under division (A) of this section 33740
at a time each year as determined in advance by the board. 33741

Any appointed member of the board of park commissioners and 33742
the spouse and dependent children of the member may be covered, at 33743
the option and expense of the member, as a noncompensated employee 33744
of the park district under any benefit plan described in division 33745
(A) of this section. The member shall pay to the park district the 33746

amount certified to it by the benefit provider as the provider's 33747
charge for the coverage the member has chosen under division (A) 33748
of this section. Payments for coverage shall be made, in advance, 33749
in a manner prescribed by the board. The member's exercise of an 33750
option to be covered under this section shall be in writing, 33751
announced at a regular public meeting of the board, and recorded 33752
as a public record in the minutes of the board. 33753

The board may provide the benefits authorized in this section 33754
by contributing to a health and welfare trust fund administered 33755
through or in conjunction with a collective bargaining 33756
representative of the park district employees. 33757

The board may provide the benefits described in this section 33758
through an individual self-insurance program or a joint 33759
self-insurance program as provided in section 9.833 of the Revised 33760
Code. 33761

Sec. 1545.09. (A) The board of park commissioners shall adopt 33762
such bylaws and rules as the board considers advisable for the 33763
preservation of good order within and adjacent to parks and 33764
reservations of land, and for the protection and preservation of 33765
the parks, parkways, and other reservations of land under its 33766
jurisdiction and control and of property and natural life therein. 33767
The board shall also adopt bylaws or rules establishing a 33768
procedure for contracting for professional, technical, consulting, 33769
and other special services. Any competitive bidding procedures of 33770
the board do not apply to the purchase of benefits for park 33771
district officers or employees when such benefits are provided 33772
through a health and welfare trust fund administered through or in 33773
conjunction with a collective bargaining representative of the 33774
park district employees, as authorized in section 1545.071 of the 33775
Revised Code. The Summaries of the bylaws and rules shall be 33776
published as provided in the case of ordinances of municipal 33777

corporations under section 731.21 of the Revised Code before 33778
taking effect. 33779

(B)(1) As used in division (B)(2) of this section, "similar 33780
violation under state law" means a violation of any section of the 33781
Revised Code, other than division (C) of this section, that is 33782
similar to a violation of a bylaw or rule adopted under division 33783
(A) of this section. 33784

(2) The board of park commissioners may adopt by bylaw a 33785
penalty for a violation of any bylaw or rule adopted under 33786
division (A) of this section, and any penalty so adopted shall not 33787
exceed in severity whichever of the following is applicable: 33788

(a) The penalty designated under the Revised Code for a 33789
violation of the state law that is similar to the bylaw or rule 33790
for which the board adopted the penalty; 33791

(b) For a violation of a bylaw or rule adopted under division 33792
(A) of this section for which the similar violation under state 33793
law does not bear a penalty or for which there is no similar 33794
violation under state law, a fine of not more than one hundred 33795
fifty dollars for a first offense and not more than one thousand 33796
dollars for each subsequent offense. 33797

(3) ~~Any~~ A summary of any bylaw adopted under division (B)(2) 33798
of this section shall be published as provided in the case of 33799
ordinances of municipal corporations under section 731.21 of the 33800
Revised Code before taking effect. 33801

(C) No person shall violate any bylaws or rules adopted under 33802
division (A) of this section. All fines collected for any 33803
violation of this section shall be paid into the treasury of such 33804
park board. 33805

Sec. 1545.12. (A) Except as provided in division (B) of this 33806
section, if the board of park commissioners finds that any lands 33807

that it has acquired are not necessary for the purposes for which 33808
they were acquired by the board, it may sell and dispose of the 33809
lands upon terms the board considers advisable. The board also may 33810
lease or permit the use of any lands for purposes not inconsistent 33811
with the purposes for which the lands were acquired, and upon 33812
terms the board considers advisable. No lands shall be sold 33813
pursuant to this division without first giving notice of the 33814
board's intention to sell the lands by publication once a week for 33815
four consecutive weeks in ~~not less than two English newspapers a~~ 33816
newspaper of general circulation in the district or as provided in 33817
section 7.16 of the Revised Code. The notice shall contain an 33818
accurate description of the lands and shall state the time and 33819
place at which sealed bids will be received for the purchase of 33820
the lands, and the lands shall not thereafter be sold at private 33821
sale for less than the best and highest bid received without 33822
giving further notice as specified in this division. 33823

(B)(1) After compliance with division (B)(2) of this section, 33824
the board of park commissioners may sell land upon terms the board 33825
considers advisable to any park district established under section 33826
511.18 or Chapter 1545. of the Revised Code, any political 33827
subdivision of the state, the state or any department or agency of 33828
the state, or any department or agency of the federal government 33829
for conservation uses or for park or recreation purposes without 33830
the necessity of having to comply with division (A) of this 33831
section. 33832

(2) Before the board of park commissioners may sell land 33833
under division (B)(1) of this section, the board shall offer the 33834
land for sale to each of the following public agencies that is 33835
authorized to acquire, develop, and maintain land for conservation 33836
uses or for park or recreation purposes: each park district 33837
established under section 511.18 or Chapter 1545. of the Revised 33838
Code or political subdivision in which the land is located, each 33839

park district that is so established and that adjoins or each 33840
political subdivision that adjoins a park district so established 33841
or political subdivision in which the land is located, and each 33842
agency or department of the state or of the federal government 33843
that operates parks or conservation or recreation areas near the 33844
land. The board shall make the offer by giving a written notice 33845
that the land is available for sale, by first class mail, to these 33846
public agencies. A failure of delivery of the written notice to 33847
any of these public agencies does not invalidate any proceedings 33848
for the sale of land under this division. Any public agency that 33849
is so notified and that wishes to purchase the land shall make an 33850
offer to the board in writing not later than sixty days after 33851
receiving the written notice. 33852

If there is only one offer to purchase the land made in that 33853
sixty-day period, the board need not hold a public hearing on the 33854
offer. The board shall accept the offer only if it determines that 33855
acceptance of the offer will result in the best public use of the 33856
land. 33857

If there is more than one offer to purchase the land made in 33858
that sixty-day period, the board shall not accept any offer until 33859
the board holds a public hearing on the offers. If, after the 33860
hearing, the board decides to accept an offer, it shall accept the 33861
offer that it determines will result in the best public use of the 33862
land. 33863

(C) No lands shall be sold under this section at either 33864
public or private sale without the approval of the probate court 33865
of the county in which the lands are situated. 33866

Sec. 1545.131. The board of park commissioners of a park 33867
district may enter into contracts with one or more townships, 33868
township police districts, joint police districts, municipal 33869
corporations, or county sheriffs of this state, with one or more 33870

township park districts created pursuant to section 511.18 of the Revised Code or other park districts, with one or more state universities or colleges, as defined in section 3345.12 of the Revised Code, or with a contiguous political subdivision of an adjoining state, and a township, township police district, joint police district, municipal corporation, county sheriff, township park district, other park district, or state university or college may enter into a contract with a park district upon any terms that are agreed to by them, to allow the use of the park district police or law enforcement officers designated under section 1545.13 of the Revised Code to perform any police function, exercise any police power, or render any police service on behalf of the contracting entity that the entity may perform, exercise, or render.

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

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

The contracts entered into pursuant to this section may provide for the following:

(A) A fixed annual charge to be paid at the times agreed upon and stipulated in the contract;

| | |
|--|--|
| (B) Compensation based upon the following: | 33902 |
| (1) A stipulated price for each call or emergency; | 33903 |
| (2) The number of members or pieces of equipment employed; | 33904 |
| (3) The elapsed time of service required in each call or emergency. | 33905 33906 |
| (C) Compensation for loss or damage to equipment while engaged in rendering police services outside the limits of the subdivision that owns and furnishes the equipment; | 33907 33908 33909 |
| (D) Reimbursement of the subdivision in which the police force or law enforcement department members are employed for any indemnity award or premium contribution assessed against the employing subdivision for workers' compensation benefits for injuries or death of its police force or law enforcement department members occurring while engaged in rendering police services pursuant to the contract. | 33910 33911 33912 33913 33914 33915 33916 |
| Sec. 1545.132. The police force or law enforcement department of any park district may provide police protection to any county, municipal corporation, township, or township police district, <u>or</u> <u>joint police district</u> of this state, to any other park district or any township park district created pursuant to section 511.18 of the Revised Code, or to a governmental entity of an adjoining state without a contract to provide police protection, upon the approval, by resolution, of the board of park commissioners of the park district in which the police force or law enforcement department is located and upon authorization by an officer or employee of the police force or department providing the police protection who is designated by title of office or position, pursuant to the resolution of the board of park commissioners, to give the authorization. | 33917 33918 33919 33920 33921 33922 33923 33924 33925 33926 33927 33928 33929 33930 |
| Chapter 2744. of the Revised Code, insofar as it applies to | 33931 |

the operation of police departments, shall apply to any park 33932
district and to members of its police force or law enforcement 33933
department when those members are rendering police services 33934
pursuant to this section outside the park district by which they 33935
are employed. 33936

Police force or law enforcement department members acting, as 33937
provided in this section, outside the park district by which they 33938
are employed shall be entitled to participate in any pension or 33939
indemnity fund established by their employer to the same extent as 33940
while acting within the park district by which they are employed. 33941
Those members shall be entitled to all rights and benefits of 33942
Chapter 4123. of the Revised Code to the same extent as while 33943
performing services within the park district by which they are 33944
employed. 33945

Sec. 1547.30. (A) As used in this section and sections 33946
1547.301, 1547.302, and 1547.304 of the Revised Code: 33947

(1) "Vessel or outboard motor" excludes an abandoned junk 33948
vessel or outboard motor, as defined in section 1547.303 of the 33949
Revised Code, or any watercraft or outboard motor under section 33950
4585.31 of the Revised Code. 33951

(2) "Law enforcement agency" means any organization or unit 33952
comprised of law enforcement officers, as defined in section 33953
2901.01 of the Revised Code. 33954

(B)(1) The sheriff of a county, chief of police of a 33955
municipal corporation, township, ~~or~~ township police district, or 33956
joint police district, or other chief of a law enforcement agency, 33957
within the sheriff's or chief's respective territorial 33958
jurisdiction, upon complaint of any person adversely affected, may 33959
order into storage any vessel or outboard motor that has been left 33960
on private property, other than a private dock or mooring facility 33961
or structure, for at least seventy-two hours without the 33962

permission of the person having the right to the possession of the 33963
property. The sheriff or chief, upon complaint of the owner of a 33964
marine repair facility or place of storage, may order into storage 33965
any vessel or outboard motor that has been left at the facility or 33966
place of storage for a longer period than that agreed upon. The 33967
place of storage shall be designated by the sheriff or chief. When 33968
ordering a vessel or motor into storage under division (B)(1) of 33969
this section, a sheriff or chief, whenever possible, shall arrange 33970
for the removal of the vessel or motor by a private tow truck 33971
operator or towing company. 33972

(2)(a) Except as provided in division (B)(2)(d) of this 33973
section, no person, without the consent of the owner or other 33974
person authorized to give consent, shall moor, anchor, or tie a 33975
vessel or outboard motor at a private dock or mooring facility or 33976
structure owned by another person if the owner has posted, in a 33977
conspicuous manner, a prohibition against the mooring, anchoring, 33978
or tying of vessels or outboard motors at the dock, facility, or 33979
structure by any person not having the consent of the owner or 33980
other person authorized to give consent. 33981

(b) If the owner of a private dock or mooring facility or 33982
structure has posted at the dock, facility, or structure, in a 33983
conspicuous manner, conditions and regulations under which the 33984
mooring, anchoring, or tying of vessels or outboard motors is 33985
permitted at the dock, facility, or structure, no person, except 33986
as provided in division (B)(2)(d) of this section, shall moor, 33987
anchor, or tie a vessel or outboard motor at the dock, facility, 33988
or structure in violation of the posted conditions and 33989
regulations. 33990

(c) The owner of a private dock or mooring facility or 33991
structure may order towed into storage any vessel or outboard 33992
motor found moored, anchored, or tied in violation of division 33993
(B)(2)(a) or (b) of this section, provided that the owner of the 33994

dock, facility, or structure posts on it a sign that states that 33995
the dock, facility, or structure is private, is visible from all 33996
entrances to the dock, facility, or structure, and contains all of 33997
the following information: 33998

(i) The information specified in division (B)(2)(a) or (b) of 33999
this section, as applicable; 34000

(ii) A notice that violators will be towed and that violators 34001
are responsible for paying the cost of the towing; 34002

(iii) The telephone number of the person from whom a towed 34003
vessel or outboard motor may be recovered, and the address of the 34004
place to which the vessel or outboard motor will be taken and the 34005
place from which it may be recovered. 34006

(d) Divisions (B)(2)(a) and (b) of this section do not 34007
prohibit a person from mooring, anchoring, or tying a vessel or 34008
outboard motor at a private dock or mooring facility or structure 34009
if either of the following applies: 34010

(i) The vessel or outboard motor is disabled due to a 34011
mechanical or structural malfunction, provided that the person 34012
immediately removes the vessel or outboard motor from the dock, 34013
facility, or structure when the malfunction is corrected or when a 34014
reasonable attempt has been made to correct it; 34015

(ii) Weather conditions are creating an imminent threat to 34016
safe operation of the vessel or outboard motor, provided that the 34017
person immediately removes the vessel or outboard motor from the 34018
dock, facility, or structure when the weather conditions permit 34019
safe operation of the vessel or outboard motor. 34020

(e) A person whose vessel or outboard motor is towed into 34021
storage under division (B)(2)(c) of this section either shall pay 34022
the costs of the towing of the vessel or outboard motor or shall 34023
reimburse the owner of the dock or mooring facility or structure 34024
for the costs that the owner incurs in towing the vessel or 34025

outboard motor. 34026

(3) Subject to division (C) of this section, the owner of a 34027
vessel or motor that has been removed under division (B) of this 34028
section may recover the vessel or motor only in accordance with 34029
division (F) of this section. 34030

(C) If the owner or operator of a vessel or outboard motor 34031
that has been ordered into storage under division (B) of this 34032
section arrives after the vessel or motor has been prepared for 34033
removal, but prior to its actual removal from the property, the 34034
owner or operator shall be given the opportunity to pay a fee of 34035
not more than one-half of the charge for the removal of vessels or 34036
motors under division (B) of this section that normally is 34037
assessed by the person who has prepared the vessel or motor for 34038
removal, in order to obtain release of the vessel or motor. Upon 34039
payment of that fee, the vessel or motor shall be released to the 34040
owner or operator, and upon its release, the owner or operator 34041
immediately shall move it so that it is not on the private 34042
property without the permission of the person having the right to 34043
possession of the property, or is not at the facility or place of 34044
storage without the permission of the owner, whichever is 34045
applicable. 34046

(D) Each county sheriff, each chief of police of a municipal 34047
corporation, township, ~~or~~ township police district, or joint 34048
police district, and each other chief of a law enforcement agency 34049
shall maintain a record of vessels or outboard motors that are 34050
ordered into storage under division (B)(1) of this section. The 34051
record shall include an entry for each such vessel or motor that 34052
identifies the vessel's hull identification number or serial 34053
number, if any, the vessel's or motor's make, model, and color, 34054
the location from which it was removed, the date and time of its 34055
removal, the telephone number of the person from whom it may be 34056
recovered, and the address of the place to which it has been taken 34057

and from which it may be recovered. Any information in the record 34058
that pertains to a particular vessel or motor shall be provided to 34059
any person who, pursuant to a statement the person makes either in 34060
person or by telephone, is identified as the owner or operator of 34061
the vessel or motor and requests information pertaining to its 34062
location. 34063

(E) Any person who registers a complaint that is the basis of 34064
a sheriff's or chief's order for the removal and storage of a 34065
vessel or outboard motor under division (B)(1) of this section 34066
shall provide the identity of the law enforcement agency with 34067
which the complaint was registered to any person who, pursuant to 34068
a statement the person makes, is identified as the owner or 34069
operator of the vessel or motor and requests information 34070
pertaining to its location. 34071

(F)(1) The owner of a vessel or outboard motor that is 34072
ordered into storage under division (B) of this section may 34073
reclaim it upon payment of any expenses or charges incurred in its 34074
removal, in an amount not to exceed two hundred dollars, and 34075
storage, in an amount not to exceed five dollars per 34076
twenty-four-hour period, and upon presentation of proof of 34077
ownership, which may be evidenced by a certificate of title to the 34078
vessel or motor, certificate of United States coast guard 34079
documentation, or certificate of registration if the vessel or 34080
motor is not subject to titling under section 1548.01 of the 34081
Revised Code. 34082

(2) If a vessel or outboard motor that is ordered into 34083
storage under division (B)(1) of this section remains unclaimed by 34084
the owner for thirty days, the procedures established by sections 34085
1547.301 and 1547.302 of the Revised Code shall apply. 34086

(3) If a vessel or outboard motor ordered into storage under 34087
division (B)(2) of this section remains unclaimed for seventy-two 34088
hours after being stored, the tow truck operator or towing company 34089

that removed the vessel or outboard motor shall provide notice of 34090
the removal and storage to the sheriff of a county, chief of 34091
police of a municipal corporation, township, ~~or~~ township police 34092
district, or joint police district, or other chief of a law 34093
enforcement agency within whose territorial jurisdiction the 34094
vessel or outboard motor had been moored, anchored, or tied in 34095
violation of division (B)(2) of this section. The notice shall be 34096
in writing and include the vessel's hull identification number or 34097
serial number, if any, the vessel's or outboard motor's make, 34098
model, and color, the location from which it was removed, the date 34099
and time of its removal, the telephone number of the person from 34100
whom it may be recovered, and the address of the place to which it 34101
has been taken and from which it may be recovered. 34102

Upon receipt of the notice, the sheriff or chief immediately 34103
shall cause a search to be made of the records of the division of 34104
watercraft to ascertain the owner and any lienholder of the vessel 34105
or outboard motor, and, if known, shall send notice to the owner 34106
and lienholder, if any, at the owner's and lienholder's last known 34107
address by certified mail, return receipt requested, that the 34108
vessel or outboard motor will be declared a nuisance and disposed 34109
of if not claimed not later than thirty days after the date of the 34110
mailing of the notice. 34111

If the owner or lienholder makes no claim to the vessel or 34112
outboard motor within thirty days of the date of the mailing of 34113
the notice, the sheriff or chief shall file with the clerk of 34114
courts of the county in which the place of storage is located an 34115
affidavit showing compliance with the requirements of division 34116
(F)(3) of this section, and the vessel or outboard motor shall be 34117
disposed of in accordance with section 1547.302 of the Revised 34118
Code. 34119

(G) No person shall remove, or cause the removal of, any 34120
vessel or outboard motor from private property other than in 34121

accordance with division (B) of this section or section 1547.301 34122
of the Revised Code. 34123

Sec. 1547.301. The sheriff of a county, chief of police of a 34124
municipal corporation, township, ~~or~~ township police district, or 34125
joint police district, or other chief of a law enforcement agency, 34126
within ~~his~~ the sheriff's or chief's respective territorial 34127
jurisdiction, or a state highway patrol trooper, upon notification 34128
to the sheriff or chief of such action and of the location of the 34129
place of storage, may order into storage any vessel or outboard 34130
motor that has been left in a sunken, beached, or drifting 34131
condition for any period of time, or in a docked condition, on a 34132
public street or other property open to the public, or upon or 34133
within the right-of-way of any waterway, road, or highway, for 34134
forty-eight hours or longer without notification to the sheriff or 34135
chief of the reasons for leaving the vessel or motor in any such 34136
place or condition. The sheriff or chief shall designate the place 34137
of storage of any vessel or motor ordered removed by ~~him~~ the 34138
sheriff or chief. 34139

The sheriff or chief shall immediately cause a search to be 34140
made of the records of the division of watercraft to ascertain the 34141
owner and any lienholder of a vessel or outboard motor ordered 34142
into storage by the sheriff or chief, and, if known, shall send 34143
notice to the owner and lienholder, if any, at ~~his~~ the owner's or 34144
lienholder's last known address by certified mail, return receipt 34145
requested, that the vessel or motor will be declared a nuisance 34146
and disposed of if not claimed within ten days of the date of 34147
mailing of the notice. The owner or lienholder of the vessel or 34148
motor may reclaim it upon payment of any expenses or charges 34149
incurred in its removal and storage, and presentation of proof of 34150
ownership, which may be evidenced by a certificate of title to the 34151
vessel or motor, certificate of United States coast guard 34152
documentation, or certificate of registration if the vessel or 34153

motor is not subject to titling under section 1548.01 of the Revised Code.

If the owner or lienholder makes no claim to the vessel or outboard motor within ten days of the date of mailing of the notice, and if the vessel or motor is to be disposed of at public auction as provided in section 1547.302 of the Revised Code, 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 this section. Upon presentation of the affidavit, the clerk of courts shall without charge issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief and shall send a copy of the affidavit to the chief of the division of watercraft. If the vessel or motor is to be disposed of to a marine salvage dealer or other facility as provided in section 1547.302 of the Revised Code, the sheriff or chief shall execute in triplicate an affidavit, as prescribed by the chief of the division of watercraft, describing the vessel or motor and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief shall retain the original of the affidavit for ~~his~~ the sheriff's or chief's records and shall furnish two copies to the marine salvage dealer or other facility. Upon presentation of a copy of the affidavit by the marine salvage dealer or other facility, the clerk of courts shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

Whenever the marine salvage dealer or other facility receives an affidavit for the disposal of a vessel or outboard motor as provided in this section, such owner shall not be required to obtain an Ohio certificate of title to the vessel or motor in ~~his~~ the owner's own name if the vessel or motor is dismantled or destroyed and both copies of the affidavit are delivered to the

clerk of courts. Upon receipt of such an affidavit, the clerk of 34186
courts shall send one copy of it to the chief of the division of 34187
watercraft. 34188

Sec. 1547.302. (A) Unclaimed vessels or outboard motors 34189
ordered into storage under division (B) of section 1547.30 or 34190
section 1547.301 of the Revised Code shall be disposed of at the 34191
order of the sheriff of the county, the chief of police of the 34192
municipal corporation, township, or township police district, or 34193
another chief of a law enforcement agency in any of the following 34194
ways: 34195

(1) To a marine salvage dealer; 34196

(2) To any other facility owned, operated, or under contract 34197
with the state or the county, municipal corporation, township, or 34198
other political subdivision; 34199

(3) To a charitable organization, religious organization, or 34200
similar organization not used and operated for profit; 34201

(4) By sale at public auction by the sheriff, the chief, or 34202
an auctioneer licensed under Chapter 4707. of the Revised Code, 34203
after giving notice of the auction by advertisement, published 34204
once a week for two consecutive weeks in a newspaper of general 34205
circulation in the county or as provided in section 7.16 of the 34206
Revised Code. 34207

(B) Any moneys accruing from the disposition of an unclaimed 34208
vessel or motor that are in excess of the expenses resulting from 34209
the removal and storage of the vessel or motor shall be credited 34210
to the general revenue fund or to the general fund of the county, 34211
municipal corporation, township, or other political subdivision, 34212
as appropriate. 34213

(C) As used in this section, "charitable organization" has 34214
the same meaning as in section 1716.01 of the Revised Code. 34215

Sec. 1547.303. (A) As used in this section and section 34216
1547.304 of the Revised Code: 34217

(1) "Abandoned junk vessel or outboard motor" means any 34218
vessel or outboard motor meeting all of the following 34219
requirements: 34220

(a) It has been left on private property for at least 34221
seventy-two hours without the permission of the person having the 34222
right to the possession of the property; left in a sunken, 34223
beached, or drifting condition for any period of time; or left in 34224
a docked condition, on a public street or other property open to 34225
the public, or upon or within the right-of-way of any waterway, 34226
road, or highway, for forty-eight hours or longer without 34227
notification to the sheriff of the county, the chief of police of 34228
the municipal corporation, township, ~~or~~ township police district, 34229
or joint police district, or other chief of a law enforcement 34230
agency, having territorial jurisdiction with respect to the 34231
location of the vessel or motor, of the reasons for leaving the 34232
vessel or motor in any such place or condition; 34233

(b) It is three years old, or older; 34234

(c) It is extensively damaged, such damage including but not 34235
limited to any of the following: missing deck, hull, transom, 34236
gunwales, motor, or outdrive; 34237

(d) It is apparently inoperable; 34238

(e) It has a fair market value of two hundred dollars or 34239
less. 34240

(2) "Law enforcement agency" means any organization or unit 34241
comprised of law enforcement officers, as defined in section 34242
2901.01 of the Revised Code. 34243

(B) The sheriff of a county, chief of police of a municipal 34244
corporation, township, ~~or~~ township police district, or joint 34245

police district, or other chief of a law enforcement agency, 34246
within the sheriff's or chief's respective territorial 34247
jurisdiction, or a state highway patrol trooper, upon notification 34248
to the sheriff or chief of such action, shall order any abandoned 34249
junk vessel or outboard motor to be photographed by a law 34250
enforcement officer. The officer shall record the make of vessel 34251
or motor, the hull identification number or serial number when 34252
available, and shall also detail the damage or missing equipment 34253
to substantiate the value of two hundred dollars or less. The 34254
sheriff or chief shall thereupon immediately dispose of the 34255
abandoned junk vessel or outboard motor to a marine salvage dealer 34256
or other facility owned, operated, or under contract to the state, 34257
the county, township, or municipal corporation for the destruction 34258
of such vessels or motors. The records and photographs relating to 34259
the abandoned junk vessel or outboard motor shall be retained by 34260
the law enforcement agency ordering the disposition of the vessel 34261
or motor for a period of at least two years. The law enforcement 34262
agency shall execute in quadruplicate an affidavit, as prescribed 34263
by the chief of the division of watercraft, describing the vessel 34264
or motor and the manner in which it was disposed of, and that all 34265
requirements of this section have been complied with, and shall 34266
sign and file the same with the clerk of courts of the county in 34267
which the vessel or motor was abandoned. The clerk of courts shall 34268
retain the original of the affidavit for the clerk's files, shall 34269
furnish one copy thereof to the chief of the division of 34270
watercraft, one copy to the marine salvage dealer or other 34271
facility handling the disposal of the vessel or motor, and one 34272
copy to the law enforcement agency ordering the disposal, who 34273
shall file such copy with the records and photographs relating to 34274
the disposal. Any moneys arising from the disposal of an abandoned 34275
junk vessel or outboard motor shall be credited to the general 34276
revenue fund, or to the general fund of the county, township, 34277
municipal corporation, or other political subdivision, as 34278

appropriate. 34279

Notwithstanding section 1547.301 of the Revised Code, any 34280
vessel or outboard motor meeting the requirements of divisions 34281
(A)(1)(c) to (e) of this section which has remained unclaimed by 34282
the owner or lienholder for a period of ten days or longer 34283
following notification as provided in section 1547.301 of the 34284
Revised Code may be disposed of as provided in this section. 34285

Sec. 1547.304. No person shall purposely leave an abandoned 34286
junk vessel or outboard motor on private property for more than 34287
seventy-two hours without the permission of the person having the 34288
right to the possession of the property; in a sunken, beached, or 34289
drifting condition for any period of time; or in a docked 34290
condition, on a public street or other property open to the 34291
public, or upon or within the right-of-way of any waterway, road, 34292
or highway, for forty-eight hours or longer without notification 34293
to the sheriff of the county, chief of police of the municipal 34294
corporation, township, ~~or~~ township police district, or joint 34295
police district, or other chief of a law enforcement agency, 34296
having territorial jurisdiction with respect to the location of 34297
the vessel or motor, of the reasons for leaving the vessel or 34298
motor in any such place or condition. 34299

For purposes of this section, the fact that an abandoned junk 34300
vessel or outboard motor has been so left without permission or 34301
notification is prima-facie evidence of abandonment. 34302

Nothing in sections 1547.30, 1547.301, and 1547.303 of the 34303
Revised Code invalidates the provisions of any ordinance of a 34304
municipal corporation regulating or prohibiting the abandonment of 34305
vessels or outboard motors on waterways, beaches, docks, streets, 34306
highways, public property, or private property within the 34307
boundaries of the municipal corporation. 34308

Sec. 1551.311. The general assembly hereby finds and declares 34309
that the future of the Ohio coal industry lies in the development 34310
of clean coal technology and that the disproportionate economic 34311
impact on the state under Title IV of the "Clean Air Act 34312
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, warrants 34313
maximum federal assistance to this state for such development. It 34314
is therefore imperative that the ~~Ohio air quality department of~~ 34315
~~development authority created under Chapter 3706. of the Revised~~ 34316
~~Code~~, its Ohio coal development office, the Ohio coal industry, 34317
the Ohio Washington office in the office of the governor, and the 34318
state's congressional delegation make every effort to acquire any 34319
federal assistance available for the development of clean coal 34320
technology, including assisting entities eligible for grants in 34321
their acquisition. The Ohio coal development agenda required by 34322
section 1551.34 of the Revised Code shall include, in addition to 34323
the other information required by that section, a description of 34324
such efforts and a description of the current status of the 34325
development of clean coal technology in this state and elsewhere. 34326

Sec. 1551.32. (A) There is hereby established within the ~~Ohio~~ 34327
~~air quality department of~~ development ~~authority~~ the Ohio coal 34328
development office whose purposes are to do all of the following: 34329

(1) Encourage, promote, and support siting, financing, 34330
construction, and operation of commercially available or scaled 34331
facilities and technologies, including, without limitation, 34332
commercial-scale demonstration facilities and, when necessary or 34333
appropriate to demonstrate the commercial acceptability of a 34334
specific technology, up to three installations within this state 34335
utilizing the specific technology, to more efficiently produce, 34336
beneficiate, market, or use Ohio coal; 34337

(2) Encourage, promote, and support the market acceptance and 34338
increased market use of Ohio coal through technology and market 34339

| | |
|---|--|
| development; | 34340 |
| (3) Assist in the financing of coal development facilities; | 34341 |
| (4) Encourage, promote, and support, in state-owned buildings, facilities, and operations, use of Ohio coal and electricity sold by utilities and others in this state that use Ohio coal for generation; | 34342 34343 34344 34345 |
| (5) Improve environmental quality, particularly through cleaner use of Ohio coal; | 34346 34347 |
| (6) Assist and cooperate with governmental agencies, universities and colleges, coal producers, coal miners, electric utilities and other coal users, public and private sector coal development interests, and others in achieving these purposes. | 34348 34349 34350 34351 |
| (B) The office shall give priority to improvement or reconstruction of existing facilities and equipment when economically feasible, to construction and operation of commercial-scale facilities, and to technologies, equipment, and other techniques that enable maximum use of Ohio coal in an environmentally acceptable, cost-effective manner. | 34352 34353 34354 34355 34356 34357 |
| Sec. 1551.33. (A) The Ohio air quality director of development authority, by the affirmative vote of a majority of its members, shall appoint and fix the compensation of the director of the Ohio coal development office. The director shall serve at the pleasure of the authority <u>director of development</u> . | 34358 34359 34360 34361 34362 |
| (B) The director of the office shall do all of the following: | 34363 |
| (1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code; | 34364 34365 |
| (2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda; | 34366 34367 34368 |

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

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

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

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

(7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is environmentally sound, the director shall submit to the public utilities commission a report recommending that the commission allow the recovery of costs associated with the facility or project under section 4905.304 of the Revised Code and including the reasons for the recommendation.

(8) Establish such policies, procedures, and guidelines as

are necessary to achieve the office's purposes. 34400

(C) ~~By the affirmative vote of a majority of the members of~~ 34401
~~the Ohio air quality development authority, the~~ The director of 34402
the office may exercise any of the powers and duties ~~of the~~ 34403
~~director of development as the authority and that~~ the director of 34404
the office ~~consider~~ considers appropriate or desirable to achieve 34405
the office's purposes, including, but not limited to, the powers 34406
and duties enumerated in sections 1551.11, 1551.12, ~~1551.13~~, and 34407
1551.15 of the Revised Code. 34408

Additionally, the director of the office may make loans to 34409
governmental agencies or persons for projects to carry out the 34410
office's purposes. Fees, charges, rates of interest, times of 34411
payment of interest and principal, and other terms, conditions, 34412
and provisions of the loans shall be such as the director of the 34413
office determines to be appropriate and in furtherance of the 34414
purposes for which the loans are made. The mortgage lien securing 34415
any moneys lent by the director of the office may be subordinate 34416
to the mortgage lien securing any moneys lent or invested by a 34417
financial institution, but shall be superior to that securing any 34418
moneys lent or expended by any other person. The moneys used in 34419
making the loans shall be disbursed upon order of the director of 34420
the office. 34421

Sec. 1551.35. (A) There is hereby established a technical 34422
advisory committee to assist the director of the Ohio coal 34423
development office in achieving the office's purposes. The 34424
director shall appoint to the committee one member of the public 34425
utilities commission and one representative each of coal 34426
production companies, the united mine workers of America, electric 34427
utilities, manufacturers that use Ohio coal, and environmental 34428
organizations, as well as two people with a background in coal 34429
research and development technology, one of whom is employed at 34430

the time of the member's appointment by a state university, as 34431
defined in section 3345.011 of the Revised Code. In addition, the 34432
committee shall include four legislative members. The speaker and 34433
minority leader of the house of representatives each shall appoint 34434
one member of the house of representatives, and the president and 34435
minority leader of the senate each shall appoint one member of the 34436
senate, to the committee. The director of environmental protection 34437
~~and the director of development~~ shall serve on the committee as an 34438
ex officio ~~members~~ member. Any member of the committee may 34439
designate in writing a substitute to serve in the member's absence 34440
on the committee. The director of environmental protection may 34441
designate in writing the chief of the air pollution control 34442
division of the agency to represent the agency. Members shall 34443
serve on the committee at the pleasure of their appointing 34444
authority. Members of the committee appointed by the director of 34445
the office and, notwithstanding section 101.26 of the Revised 34446
Code, legislative members of the committee, when engaged in their 34447
official duties as members of the committee, shall be compensated 34448
on a per diem basis in accordance with division (J) of section 34449
124.15 of the Revised Code, except that the member of the public 34450
utilities commission and, while employed by a state university, 34451
the member with a background in coal research, shall not be so 34452
compensated. Members shall receive their actual and necessary 34453
expenses incurred in the performance of their duties. 34454

(B) The technical advisory committee shall review and make 34455
recommendations concerning the Ohio coal development agenda 34456
required under section 1551.34 of the Revised Code, project 34457
proposals, research and development projects submitted to the 34458
office by public utilities for the purpose of section 4905.304 of 34459
the Revised Code, proposals for grants, loans, and loan guarantees 34460
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 34461
and such other topics as the director of the office considers 34462
appropriate. 34463

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

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

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

Sec. 1555.02. It is hereby declared to be the public policy of this state through the operations of the Ohio coal development office under this chapter to contribute toward one or more of the following: to provide for the comfort, health, safety, and general welfare of all employees and other inhabitants of this state through research and development directed toward the discovery of new technologies or the demonstration or application of existing technologies to enable the conversion or use of Ohio coal as a fuel or chemical feedstock in an environmentally acceptable manner thereby enhancing the marketability and fostering the use of this state's vast reserves of coal, to assist in the financing of coal research and development and coal research and development projects or facilities for persons doing business in this state

and educational and scientific institutions located in this state, 34495
to create or preserve jobs and employment opportunities or improve 34496
the economic welfare of the people of this state, or to assist and 34497
cooperate with such persons and educational and scientific 34498
institutions in conducting coal research and development. In 34499
furtherance of this public policy, the Ohio coal development 34500
office, with the advice of the technical advisory committee 34501
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 34502
~~vote of a majority of the members of the Ohio air quality~~ 34503
~~development authority~~, may make loans, guarantee loans, and make 34504
grants to persons doing business in this state or to educational 34505
or scientific institutions located in this state for coal research 34506
and development projects by such persons or educational or 34507
scientific institutions; may, with the advice of the technical 34508
advisory committee ~~and the affirmative vote of a majority of the~~ 34509
~~members of the Ohio air quality development authority~~, request the 34510
issuance of coal research and development general obligations 34511
under section 151.07 of the Revised Code to provide funds for 34512
making such loans, loan guarantees, and grants; and may, with the 34513
advice of the technical advisory committee ~~and the affirmative~~ 34514
~~vote of a majority of the members of the Ohio air quality~~ 34515
~~development authority~~, expend moneys credited to the coal research 34516
and development fund created in section 1555.15 of the Revised 34517
Code for the purpose of making such loans, loan guarantees, and 34518
grants. Determinations by the director of the Ohio coal 34519
development office that coal research and development or a coal 34520
research and development facility is a coal research and 34521
development project under this chapter and is consistent with the 34522
purposes of Section 15 of Article VIII, Ohio Constitution, and 34523
this chapter shall be conclusive as to the validity and 34524
enforceability of the coal research and development general 34525
obligations issued to finance such project and of the 34526
authorizations, trust agreements or indentures, loan agreements, 34527

loan guarantee agreements, or grant agreements, and other 34528
agreements made in connection therewith, all in accordance with 34529
their terms. 34530

Sec. 1555.03. For the purposes of this chapter, the director 34531
of the Ohio coal development office may: 34532

(A) With the advice of the technical advisory committee 34533
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 34534
~~vote of a majority of the members of the Ohio air quality~~ 34535
~~development authority~~, make loans, guarantee loans, and make 34536
grants to persons doing business in this state or to educational 34537
or scientific institutions located in this state for coal research 34538
and development projects by any such person or educational or 34539
scientific institution and adopt rules under Chapter 119. of the 34540
Revised Code for making such loans, guarantees, and grants. 34541

(B) In making loans, loan guarantees, and grants under 34542
division (A) of this section and section 1555.04 of the Revised 34543
Code, the director of the office shall ensure that an adequate 34544
portion of the total amount of those loans, loan guarantees, and 34545
grants, as determined by the director with the advice of the 34546
technical advisory committee, is used for conducting research on 34547
fundamental scientific problems related to the utilization of Ohio 34548
coal and shall ensure, to the maximum feasible extent, joint 34549
financial participation by the federal government or other 34550
investors or interested parties in conjunction with any such loan, 34551
loan guarantee, or grant. The director, in each grant agreement or 34552
contract under division (A) of this section, loan contract or 34553
agreement under this division or section 1555.04 of the Revised 34554
Code, and contract of guarantee under section 1555.05 of the 34555
Revised Code, shall require that the facility or project be 34556
maintained and kept in good condition and repair by the person or 34557
educational or scientific institution to whom the grant or loan 34558

was made or for whom the guarantee was made. 34559

(C) From time to time, with the advice of the technical 34560
advisory committee ~~and the affirmative vote of a majority of the~~ 34561
~~members of the Ohio air quality development authority,~~ request the 34562
issuance of coal research and development general obligations 34563
under section 151.07 of the Revised Code, for any of the purposes 34564
set forth in Section 15 of Article VIII, Ohio Constitution, and 34565
subject to the limitations therein upon the aggregate total amount 34566
of obligations that may be outstanding at any time. 34567

(D) Include as a condition of any loan, loan guarantee, or 34568
grant contract or agreement with any such person or educational or 34569
scientific institution that the director of the office receive, in 34570
addition to payments of principal and interest on any such loan or 34571
service charges for any such guarantee, as appropriate, as 34572
authorized by Section 15, Article VIII, Ohio Constitution, a 34573
reasonable royalty or portion of the income or profits arising out 34574
of the developments, discoveries, or inventions, including patents 34575
or copyrights, that result in whole or in part from coal research 34576
and development projects conducted under any such contract or 34577
agreement, in such amounts and for such period of years as may be 34578
negotiated and provided by the contract or agreement in advance of 34579
the making of the grant, loan, or loan guarantee. Moneys received 34580
by the director of the office under this section may be credited 34581
to the coal research and development bond service fund or used to 34582
make additional loans, loan guarantees, grants, or agreements 34583
under this section. 34584

(E) Employ managers, superintendents, and other employees and 34585
retain or contract with consulting engineers, financial 34586
consultants, accounting experts, architects, and such other 34587
consultants and independent contractors as are necessary in the 34588
judgment of the director of the office to carry out this chapter, 34589
and fix the compensation thereof. 34590

(F) Receive and accept from any federal agency, subject to 34591
the approval of the governor, grants for or in aid of the 34592
construction or operation of any coal research and development 34593
project or for coal research and development, and receive and 34594
accept aid or contributions from any source of money, property, 34595
labor, or other things of value, to be held, used, and applied 34596
only for the purposes for which such grants and contributions are 34597
made. 34598

(G) Purchase fire and extended coverage and liability 34599
insurance for any coal research and development project, insurance 34600
protecting the office and its officers and employees against 34601
liability for damage to property or injury to or death of persons 34602
arising from its operations, and any other insurance the director 34603
of the office determines necessary or proper under this chapter. 34604
Any moneys received by the director from the proceeds of any such 34605
insurance with respect to a coal research and development project 34606
and any moneys received by the director from the proceeds of any 34607
settlement, judgment, foreclosure, or other insurance with respect 34608
to a coal research and development project or facility shall be 34609
credited to the coal research and development bond service fund. 34610

(H) In the exercise of the powers of the director of the 34611
office under this chapter, call to the director's assistance, 34612
temporarily, from time to time, any engineers, technical experts, 34613
financial experts, and other employees in any state department, 34614
agency, or commission, or in the Ohio state university, or other 34615
educational institutions financed wholly or partially by this 34616
state for purposes of assisting the director of the office with 34617
reviewing and evaluating applications for financial assistance 34618
under this chapter, monitoring performance of coal research and 34619
development projects receiving financial assistance under this 34620
chapter, and reviewing and evaluating the progress and findings of 34621
those projects. Such engineers, experts, and employees shall not 34622

receive any additional compensation over that which they receive 34623
from the department, agency, commission, or educational 34624
institution by which they are employed, but they shall be 34625
reimbursed for their actual and necessary expenses incurred while 34626
working under the direction of the director. 34627

(I) Do all acts necessary or proper to carry out the powers 34628
expressly granted in this chapter. 34629

Sec. 1555.04. (A) With respect to coal research and 34630
development projects financed wholly or partially from a loan or 34631
loan guarantee under this chapter, the director of the Ohio coal 34632
development office, in addition to other powers under this 34633
chapter, with the advice of the technical advisory committee 34634
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 34635
~~vote of a majority of the members of the Ohio air quality~~ 34636
~~development authority~~, may enter into loan agreements, accept 34637
notes and other forms of obligation to evidence such indebtedness 34638
and mortgages, liens, pledges, assignments, or other security 34639
interests to secure such indebtedness, which may be prior or 34640
subordinate to or on a parity with other indebtedness, 34641
obligations, mortgages, pledges, assignments, other security 34642
interests, or liens or encumbrances, and take such actions as the 34643
director of the office considers appropriate to protect such 34644
security and safeguard against losses, including, without 34645
limitation, foreclosure and the bidding upon and purchase of 34646
property upon foreclosure or other sale. 34647

(B) The authority granted by this section is cumulative and 34648
supplementary to all other authority granted in this chapter. The 34649
authority granted by this section does not alter or impair any 34650
similar authority granted elsewhere in this chapter with respect 34651
to other projects. 34652

Sec. 1555.05. (A) Subject to any limitations as to aggregate 34653
amounts thereof that may from time to time be prescribed by the 34654
general assembly and to other applicable provisions of this 34655
chapter, and subject to the one-hundred-million-dollar limitation 34656
provided in Section 15 of Article VIII, Ohio Constitution, the 34657
director of the Ohio coal development office, on behalf of this 34658
state, with the advice of the technical advisory committee created 34659
in section 1551.35 of the Revised Code ~~and the affirmative vote of~~ 34660
~~a majority of the members of the Ohio air quality development~~ 34661
~~authority~~, may enter into contracts to guarantee the repayment or 34662
payment of the unpaid principal amount of loans made to pay the 34663
costs of coal research and development projects. 34664

(B) The contract of guarantee may make provision for the 34665
conditions of, time for, and manner of fulfillment of the 34666
guarantee commitment, subrogation of this state to the rights of 34667
the parties guaranteed and exercise of such parties' rights by the 34668
state, giving the state the option of making payment of the 34669
principal amount guaranteed in one or more installments and, if 34670
deferred, to pay interest thereon from the source specified in 34671
division (A) of this section, and any other terms or conditions 34672
customary to such guarantees and as the director of the office may 34673
approve, and may contain provisions for securing the guarantee in 34674
the manner consistent with this section, covenants on behalf of 34675
this state to issue obligations under section 1555.08 of the 34676
Revised Code to provide moneys to fulfill such guarantees and 34677
covenants, and covenants restricting the aggregate amount of 34678
guarantees that may be contracted under this section and 34679
obligations that may be issued under section 151.07 of the Revised 34680
Code, and terms pertinent to either, to better secure the parties 34681
guaranteed. 34682

(C) The director of the office may fix service charges for 34683
making a guarantee. Such charges shall be payable at such times 34684

and place and in such amounts and manner as may be prescribed by 34685
the director. Moneys received from such charges shall be credited 34686
to the coal research and development bond service fund. 34687

(D) Any guaranteed parties under this section, by any 34688
suitable form of legal proceedings and except to the extent that 34689
their rights are restricted by the guarantee documents, may 34690
protect and enforce any rights under the laws of this state or 34691
granted by such guarantee or guarantee documents. Such rights 34692
include the right to compel the performance of all duties of the 34693
office required by this section or the guarantee or guarantee 34694
documents; and in the event of default with respect to the payment 34695
of any guarantees, to apply to a court having jurisdiction of the 34696
cause to appoint a receiver to receive and administer the moneys 34697
pledged to such guarantee with full power to pay, and to provide 34698
for payment of, such guarantee, and with such powers, subject to 34699
the direction of the court, as are accorded receivers in general 34700
equity cases, excluding any power to pledge or apply additional 34701
revenues or receipts or other income or moneys of this state. Each 34702
duty of the office and its director and employees required or 34703
undertaken under this section or a guarantee made under this 34704
section is hereby established as a duty of the office and of its 34705
director and each such employee having authority to perform such 34706
duty, specifically enjoined by the law resulting from an office, 34707
trust, or station within the meaning of section 2731.01 of the 34708
Revised Code. The persons who are at the time the director of the 34709
office, or its employees, are not liable in their personal 34710
capacities on any guarantees or contracts to make guarantees by 34711
the director. 34712

Sec. 1555.06. Upon application by the director of the Ohio 34713
coal development office ~~with the affirmative vote of a majority of~~ 34714
~~the members of the Ohio air quality development authority,~~ the 34715
controlling board, from appropriations available to the board, may 34716

provide funds for surveys or studies by the office of any proposed 34717
coal research and development project subject to repayment by the 34718
office from funds available to it, within the time fixed by the 34719
board. Funds to be repaid shall be charged by the office to the 34720
appropriate coal research and development project and the amount 34721
thereof shall be a cost of the project. This section does not 34722
abrogate the authority of the controlling board to otherwise 34723
provide funds for use by the office in the exercise of the powers 34724
granted to it by this chapter. 34725

Sec. 1555.08. (A) Subject to the limitations provided in 34726
Section 15 of Article VIII, Ohio Constitution, the commissioners 34727
of the sinking fund, upon certification by the director of the 34728
Ohio coal development office of the amount of moneys or additional 34729
moneys needed in the coal research and development fund for the 34730
purpose of making grants or loans for allowable costs, or needed 34731
for capitalized interest, for funding reserves, and for paying 34732
costs and expenses incurred in connection with the issuance, 34733
carrying, securing, paying, redeeming, or retirement of the 34734
obligations or any obligations refunded thereby, including payment 34735
of costs and expenses relating to letters of credit, lines of 34736
credit, insurance, put agreements, standby purchase agreements, 34737
indexing, marketing, remarketing and administrative arrangements, 34738
interest swap or hedging agreements, and any other credit 34739
enhancement, liquidity, remarketing, renewal, or refunding 34740
arrangements, all of which are authorized by this section, or 34741
providing moneys for loan guarantees, shall issue obligations of 34742
the state under this section in amounts authorized by the general 34743
assembly; provided that such obligations may be issued to the 34744
extent necessary to satisfy the covenants in contracts of 34745
guarantee made under section 1555.05 of the Revised Code to issue 34746
obligations to meet such guarantees, notwithstanding limitations 34747
otherwise applicable to the issuance of obligations under this 34748

section except the one-hundred-million-dollar limitation provided 34749
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 34750
such obligations, except for the portion to be deposited in the 34751
coal research and development bond service fund as may be provided 34752
in the bond proceedings, shall as provided in the bond proceedings 34753
be deposited in the coal research and development fund. The 34754
commissioners of the sinking fund may appoint trustees, paying 34755
agents, and transfer agents and may retain the services of 34756
financial advisors, accounting experts, and attorneys, and retain 34757
or contract for the services of marketing, remarketing, indexing, 34758
and administrative agents, other consultants, and independent 34759
contractors, including printing services, as are necessary in 34760
their judgment to carry out this section. 34761

(B) The full faith and credit of the state of Ohio is hereby 34762
pledged to obligations issued under this section. The right of the 34763
holders and owners to payment of bond service charges is limited 34764
to all or that portion of the moneys pledged thereto pursuant to 34765
the bond proceedings in accordance with this section, and each 34766
such obligation shall bear on its face a statement to that effect. 34767

(C) Obligations shall be authorized by resolution of the 34768
commissioners of the sinking fund on request of the director of 34769
the Ohio coal development office as provided in section 1555.02 of 34770
the Revised Code and the bond proceedings shall provide for the 34771
purpose thereof and the principal amount or amounts, and shall 34772
provide for or authorize the manner or agency for determining the 34773
principal maturity or maturities, not exceeding forty years from 34774
the date of issuance, the interest rate or rates or the maximum 34775
interest rate, the date of the obligations and the dates of 34776
payment of interest thereon, their denomination, and the 34777
establishment within or without the state of a place or places of 34778
payment of bond service charges. Sections 9.98 to 9.983 of the 34779
Revised Code apply to obligations issued under this section. The 34780

purpose of such obligations may be stated in the bond proceedings 34781
in terms describing the general purpose or purposes to be served. 34782
The bond proceedings shall also provide, subject to the provisions 34783
of any other applicable bond proceedings, for the pledge of all, 34784
or such part as the commissioners of the sinking fund may 34785
determine, of the moneys credited to the coal research and 34786
development bond service fund to the payment of bond service 34787
charges, which pledges may be made either prior or subordinate to 34788
other expenses, claims, or payments and may be made to secure the 34789
obligations on a parity with obligations theretofore or thereafter 34790
issued, if and to the extent provided in the bond proceedings. The 34791
moneys so pledged and thereafter received by the state are 34792
immediately subject to the lien of such pledge without any 34793
physical delivery thereof or further act, and the lien of any such 34794
pledges is valid and binding against all parties having claims of 34795
any kind against the state or any governmental agency of the 34796
state, irrespective of whether such parties have notice thereof, 34797
and shall create a perfected security interest for all purposes of 34798
Chapter 1309. of the Revised Code, without the necessity for 34799
separation or delivery of funds or for the filing or recording of 34800
the bond proceedings by which such pledge is created or any 34801
certificate, statement, or other document with respect thereto; 34802
and the pledge of such moneys is effective and the money therefrom 34803
and thereof may be applied to the purposes for which pledged 34804
without necessity for any act of appropriation. Every pledge, and 34805
every covenant and agreement made with respect thereto, made in 34806
the bond proceedings may therein be extended to the benefit of the 34807
owners and holders of obligations authorized by this section, and 34808
to any trustee therefor, for the further security of the payment 34809
of the bond service charges. 34810

(D) The bond proceedings may contain additional provisions as 34811
to: 34812

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| (1) The redemption of obligations prior to maturity at the option of the commissioners of the sinking fund at such price or prices and under such terms and conditions as are provided in the bond proceedings; | 34813 34814 34815 34816 |
| (2) Other terms of the obligations; | 34817 |
| (3) Limitations on the issuance of additional obligations; | 34818 |
| (4) The terms of any trust agreement or indenture securing the obligations or under which the obligations may be issued; | 34819 34820 |
| (5) The deposit, investment, and application of the coal research and development bond service fund, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this chapter, with respect to particular moneys; provided, that any bank or trust company which acts as depository of any moneys in the fund may furnish such indemnifying bonds or may pledge such securities as required by the commissioners of the sinking fund; | 34821 34822 34823 34824 34825 34826 34827 34828 |
| (6) Any other provision of the bond proceedings being binding upon the commissioners of the sinking fund, or such other body or person as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision; | 34829 34830 34831 34832 34833 |
| (7) Any provision which may be made in a trust agreement or indenture; | 34834 34835 |
| (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. | 34836 34837 34838 34839 34840 |
| (E) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The | 34841 34842 |

obligations shall be signed by such members of the commissioners 34843
of the sinking fund as are designated in the resolution 34844
authorizing the obligations or bear the facsimile signatures of 34845
such members. Any coupons attached to the obligations shall bear 34846
the facsimile signature of the treasurer of state. Any obligations 34847
may be executed by the persons who, on the date of execution, are 34848
the commissioners although on the date of such bonds the persons 34849
were not the commissioners. Any coupons may be executed by the 34850
person who, on the date of execution, is the treasurer of state 34851
although on the date of such coupons the person was not the 34852
treasurer of state. In case any officer or commissioner whose 34853
signature or a facsimile of whose signature appears on any such 34854
obligations or any coupons ceases to be such officer or 34855
commissioner before delivery thereof, such signature or facsimile 34856
is nevertheless valid and sufficient for all purposes as if the 34857
individual had remained such officer or commissioner until such 34858
delivery; and in case the seal to be affixed to obligations has 34859
been changed after a facsimile of the seal has been imprinted on 34860
such obligations, such facsimile seal shall continue to be 34861
sufficient as to such obligations and obligations issued in 34862
substitution or exchange therefor. 34863

(F) All obligations except loan guarantees are negotiable 34864
instruments and securities under Chapter 1308. of the Revised 34865
Code, subject to the provisions of the bond proceedings as to 34866
registration. The obligations may be issued in coupon or in 34867
registered form, or both, as the commissioners of the sinking fund 34868
determine. Provision may be made for the registration of any 34869
obligations with coupons attached thereto as to principal alone or 34870
as to both principal and interest, their exchange for obligations 34871
so registered, and for the conversion or reconversion into 34872
obligations with coupons attached thereto of any obligations 34873
registered as to both principal and interest, and for reasonable 34874
charges for such registration, exchange, conversion, and 34875

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| reconversion. | 34876 |
| (G) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings. | 34877 34878 |
| (H) Pending preparation of definitive obligations, the commissioners of the sinking fund may issue interim receipts or certificates which shall be exchanged for such definitive obligations. | 34879 34880 34881 34882 |
| (I) In the discretion of the commissioners of the sinking fund, obligations may be secured additionally by a trust agreement or indenture between the commissioners and a corporate trustee, which may be any trust company or bank having a place of business within the state. Any such agreement or indenture may contain the resolution authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions that are customary or appropriate in an agreement or indenture of such type, including, but not limited to: | 34883 34884 34885 34886 34887 34888 34889 34890 34891 |
| (1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made; | 34892 34893 34894 34895 |
| (2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the commissioners of the sinking fund made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing; | 34896 34897 34898 34899 34900 34901 34902 |
| (3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations; | 34903 34904 34905 34906 |

(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen; 34907
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(5) Such other provisions as the trustee and the commissioners of the sinking fund agree upon, including limitations, conditions, or qualifications relating to any of the foregoing. 34909
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(J) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the commissioners of the sinking fund, the ~~Ohio air quality department~~ of development authority, or the Ohio coal development office required by this chapter and Chapter 1551. of the Revised Code or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the commissioners, the ~~authority~~ department, or the office in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the moneys pledged, other than those in the custody of the treasurer of state, that are pledged to the payment of the bond service charges on such obligations or that are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the commissioners of the sinking fund or the state or governmental agencies of the state to the payment of such principal and interest and excluding the power to take 34913
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possession of, mortgage, or cause the sale or otherwise dispose of 34939
any project. 34940

Each duty of the commissioners of the sinking fund and their 34941
employees, and of each governmental agency and its officers, 34942
members, or employees, undertaken pursuant to the bond proceedings 34943
or any grant, loan, or loan guarantee agreement made under 34944
authority of this chapter, and in every agreement by or with the 34945
commissioners, is hereby established as a duty of the 34946
commissioners, and of each such officer, member, or employee 34947
having authority to perform such duty, specifically enjoined by 34948
the law resulting from an office, trust, or station within the 34949
meaning of section 2731.01 of the Revised Code. 34950

The persons who are at the time the commissioners of the 34951
sinking fund, or their employees, are not liable in their personal 34952
capacities on any obligations issued by the commissioners or any 34953
agreements of or with the commissioners. 34954

(K) Obligations issued under this section are lawful 34955
investments for banks, societies for savings, savings and loan 34956
associations, deposit guarantee associations, trust companies, 34957
trustees, fiduciaries, insurance companies, including domestic for 34958
life and domestic not for life, trustees or other officers having 34959
charge of sinking and bond retirement or other special funds of 34960
political subdivisions and taxing districts of this state, the 34961
commissioners of the sinking fund of the state, the administrator 34962
of workers' compensation, the state teachers retirement system, 34963
the public employees retirement system, the school employees 34964
retirement system, and the Ohio police and fire pension fund, 34965
notwithstanding any other provisions of the Revised Code or rules 34966
adopted pursuant thereto by any governmental agency of the state 34967
with respect to investments by them, and are also acceptable as 34968
security for the deposit of public moneys. 34969

(L) If the law or the instrument creating a trust pursuant to 34970

division (I) of this section expressly permits investment in 34971
direct obligations of the United States or an agency of the United 34972
States, unless expressly prohibited by the instrument, such moneys 34973
also may be invested in no-front-end-load money market mutual 34974
funds consisting exclusively of obligations of the United States 34975
or an agency of the United States and in repurchase agreements, 34976
including those issued by the fiduciary itself, secured by 34977
obligations of the United States or an agency of the United 34978
States; and in collective investment funds established in 34979
accordance with section 1111.14 of the Revised Code and consisting 34980
exclusively of any such securities, notwithstanding division 34981
(A)(1)(c) of that section. The income from such investments shall 34982
be credited to such funds as the commissioners of the sinking fund 34983
determine, and such investments may be sold at such times as the 34984
commissioners determine or authorize. 34985

(M) Provision may be made in the applicable bond proceedings 34986
for the establishment of separate accounts in the bond service 34987
fund and for the application of such accounts only to the 34988
specified bond service charges on obligations pertinent to such 34989
accounts and bond service fund and for other accounts therein 34990
within the general purposes of such fund. Moneys to the credit of 34991
the bond service fund shall be disbursed on the order of the 34992
treasurer of state; provided, that no such order is required for 34993
the payment from the bond service fund when due of bond service 34994
charges on obligations. 34995

(N) The commissioners of the sinking fund may pledge all, or 34996
such portion as they determine, of the receipts of the bond 34997
service fund to the payment of bond service charges on obligations 34998
issued under this section, and for the establishment and 34999
maintenance of any reserves, as provided in the bond proceedings, 35000
and make other provisions therein with respect to pledged receipts 35001
as authorized by this chapter, which provisions control 35002

notwithstanding any other provisions of law pertaining thereto. 35003

(O) The commissioners of the sinking fund may covenant in the 35004
bond proceedings, and any such covenants control notwithstanding 35005
any other provision of law, that the state and applicable officers 35006
and governmental agencies of the state, including the general 35007
assembly, so long as any obligations are outstanding, shall: 35008

(1) Maintain statutory authority for and cause to be levied 35009
and collected taxes so that the pledged receipts are sufficient in 35010
amount to meet bond service charges, and the establishment and 35011
maintenance of any reserves and other requirements provided for in 35012
the bond proceedings, and, as necessary, to meet covenants 35013
contained in any loan guarantees made under this chapter; 35014

(2) Take or permit no action, by statute or otherwise, that 35015
would impair the exemption from federal income taxation of the 35016
interest on the obligations. 35017

(P) All moneys received by or on account of the state and 35018
required by the applicable bond proceedings, consistent with this 35019
section, to be deposited, transferred, or credited to the coal 35020
research and development bond service fund, and all other moneys 35021
transferred or allocated to or received for the purposes of the 35022
fund, shall be credited to such fund and to any separate accounts 35023
therein, subject to applicable provisions of the bond proceedings, 35024
but without necessity for any act of appropriation. During the 35025
period beginning with the date of the first issuance of 35026
obligations and continuing during such time as any such 35027
obligations are outstanding, and so long as moneys in the bond 35028
service fund are insufficient to pay all bond service charges on 35029
such obligations becoming due in each year, a sufficient amount of 35030
moneys of the state are committed and shall be paid to the bond 35031
service fund in each year for the purpose of paying the bond 35032
service charges becoming due in that year without necessity for 35033
further act of appropriation for such purpose. The bond service 35034

fund is a trust fund and is hereby pledged to the payment of bond 35035
service charges to the extent provided in the applicable bond 35036
proceedings, and payment thereof from such fund shall be made or 35037
provided for by the treasurer of state in accordance with such 35038
bond proceedings without necessity for any act of appropriation. 35039
All investment earnings of the fund shall be credited to the fund. 35040

(Q) For purposes of establishing the limitations contained in 35041
Section 15 of Article VIII, Ohio Constitution, the "principal 35042
amount" refers to the aggregate of the offering price of the bonds 35043
or notes. "Principal amount" does not refer to the aggregate value 35044
at maturity or redemption of the bonds or notes. 35045

(R) This section applies only with respect to obligations 35046
issued and delivered prior to September 30, 2000. 35047

Sec. 1555.17. All final actions of the director of the Ohio 35048
coal development office shall be journalized and such journal 35049
shall be open to inspection of the public at all reasonable times. 35050
Any materials or data, to the extent that they consist of trade 35051
secrets, as defined in section 1333.61 of the Revised Code, or 35052
other proprietary information, that are submitted or made 35053
available to, or received by, the ~~Ohio air quality department of~~ 35054
development ~~authority~~ or the director of the Ohio coal development 35055
office, in connection with agreements for assistance entered into 35056
under this chapter or Chapter 1551. of the Revised Code, or any 35057
information taken from those materials or data, are not public 35058
records for the purposes of section 149.43 of the Revised Code. 35059

Sec. 1561.06. The chief of the division of mineral resources 35060
management shall designate the townships in which mineable or 35061
quarryable coal or other mineral is or may be mined or quarried, 35062
which townships shall be considered coal or mineral bearing 35063
townships. The chief shall divide the coal or other mineral 35064

bearing townships into such districts as the chief deems best for 35065
inspection purposes, and the chief may change such districts 35066
whenever, in the chief's judgment, the best interests of the 35067
service require. 35068

The chief shall designate as provided in this section as coal 35069
or mineral bearing townships those townships in which coal is 35070
being mined or in which coal is found in such thickness as to make 35071
the mining of ~~such~~ the coal or mineral probable at some future 35072
time, and shall designate ~~such~~ the township as a unit. As used in 35073
this chapter and Chapters 1563., 1565., and 1567. of the Revised 35074
Code, "coal or mineral bearing township" means a township that has 35075
been so designated by the chief under this section. 35076

The chief shall also designate the townships in which coal is 35077
being mined or in which coal is found in such thickness as to make 35078
the mining of ~~such~~ the coal probable at some future time as "coal 35079
bearing townships" as ~~such~~ that term is used in Chapter 1509. of 35080
the Revised Code. The chief shall certify to the chief of the 35081
division of oil and gas resources management the townships that 35082
are designated as coal bearing townships. 35083

Sec. 1561.12. An applicant for any examination or certificate 35084
under this section shall, before being examined, register the 35085
applicant's name with the chief of the division of mineral 35086
resources management and file with the chief an affidavit as to 35087
all matters of fact establishing the applicant's right to receive 35088
the examination, a certificate of good character and temperate 35089
habits signed by at least three reputable citizens of the 35090
community in which the applicant resides, and a certificate from a 35091
reputable and disinterested physician as to the physical condition 35092
of ~~such~~ the applicant showing that the applicant is physically 35093
capable of performing the duties of the office or position. 35094
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Each applicant for examination for any of the following 35096
positions shall present evidence satisfactory to the chief that 35097
the applicant has been a resident and citizen of this state for 35098
two years next preceding the date of application: 35099

(A) An applicant for the position of deputy mine inspector of 35100
underground mines shall have had actual practical experience of 35101
not less than six years, at least two of which shall have been in 35102
the underground workings of mines in this state. In the case of an 35103
applicant who would inspect underground coal mines, the two years 35104
shall consist of actual practical experience in underground coal 35105
mines. In the case of an applicant who would inspect noncoal 35106
mines, the two years shall consist of actual practical experience 35107
in noncoal mines. In lieu of two years of the actual practical 35108
experience required, the chief may accept as the equivalent 35109
thereof a certificate evidencing graduation from an accredited 35110
school of mines or mining, after a four-year course of study, but 35111
such credit shall not apply as to the two years' actual practical 35112
experience required in the mines in this state. 35113

The applicant shall pass an examination as to the applicant's 35114
practical and technological knowledge of mine surveying, mining 35115
machinery, and appliances; the proper development and operation of 35116
mines; the best methods of working and ventilating mines; the 35117
nature, properties, and powers of noxious, poisonous, and 35118
explosive gases, particularly methane; the best means and methods 35119
of detecting, preventing, and removing the accumulation of such 35120
gases; the use and operation of gas detecting devices and 35121
appliances; first aid to the injured; and the uses and dangers of 35122
electricity as applied and used in, at, and around mines. ~~Such~~ The 35123
applicant shall also hold a certificate for foreperson of gaseous 35124
mines issued by the chief. 35125

(B) An applicant for the position of deputy mine inspector of 35126
surface mines shall have had actual practical mining experience of 35127

not less than six years, at least two of which shall have been in 35128
surface mines in this state. In lieu of two years of the actual 35129
practical experience required, the chief may accept as the 35130
equivalent thereof a certificate evidencing graduation from an 35131
accredited school of mines or mining, after a four-year course of 35132
study, but that credit shall not apply as to the two years' actual 35133
practical experience required in the mines in this state. The 35134
applicant shall pass an examination as to the applicant's 35135
practical and technological knowledge of surface mine surveying, 35136
machinery, and appliances; the proper development and operations 35137
of surface mines; first aid to the injured; and the use and 35138
dangers of explosives and electricity as applied and used in, at, 35139
and around surface mines. The applicant shall also hold a surface 35140
mine foreperson certificate issued by the chief. 35141

(C) An applicant for the position of electrical inspector 35142
shall have had at least five years' practical experience in the 35143
installation and maintenance of electrical circuits and equipment 35144
in mines, and the applicant shall be thoroughly familiar with the 35145
principles underlying the safety features of permissible and 35146
approved equipment as authorized and used in mines. 35147

The applicant shall be required to pass the examination 35148
required for deputy mine inspectors and an examination testing and 35149
determining the applicant's qualification and ability to 35150
competently inspect and administer the mining law that relates to 35151
electricity used in and around mines and mining in this state. 35152

(D) An applicant for the position of superintendent or 35153
assistant superintendent of rescue stations shall possess the same 35154
qualifications as those required for a deputy mine inspector. In 35155
addition, the applicant shall present evidence satisfactory to the 35156
chief that the applicant is sufficiently qualified and trained to 35157
organize, supervise, and conduct group training classes in first 35158
aid, safety, and rescue work. 35159

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

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

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

~~Such applicant for gas storage well inspector shall pass an examination conducted by the chief to determine the applicant's fitness to act as a gas storage well inspector before being eligible for appointment.~~

Sec. 1561.13. The chief of the division of mineral resources management shall conduct examinations for offices and positions in the division of mineral resources management, and for mine forepersons, mine electricians, shot firers, surface mine blasters, and fire bosses, as follows:

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|---|----------------|
| (A) Division of mineral resources management: | 35191 |
| (1) Deputy mine inspectors of underground mines; | 35192 |
| (2) Deputy mine inspectors of surface mines; | 35193 |
| (3) Electrical inspectors; | 35194 |
| (4) Superintendent of rescue stations; | 35195 |
| (5) Assistant superintendents of rescue stations; | 35196 |
| (6) Mine chemists at a division laboratory if the chief chooses to operate a laboratory+ | 35197 35198 |
| (7) Gas storage well inspector. | 35199 |
| (B) Mine forepersons: | 35200 |
| (1) Mine foreperson of gaseous mines; | 35201 |
| (2) Mine foreperson of nongaseous mines; | 35202 |
| (3) Mine foreperson of surface mines. | 35203 |
| (C) Forepersons: | 35204 |
| (1) Foreperson of gaseous mines; | 35205 |
| (2) Foreperson of nongaseous mines; | 35206 |
| (3) Foreperson of surface maintenance facilities at underground or surface mines; | 35207 35208 |
| (4) Foreperson of surface mines. | 35209 |
| (D) Fire bosses. | 35210 |
| (E) Mine electricians. | 35211 |
| (F) Surface mine blasters. | 35212 |
| (G) Shot firers. | 35213 |
| The chief annually shall provide for the examination of | 35214 |
| candidates for appointment or promotion as deputy mine inspectors | 35215 |
| and such other positions and offices set forth in division (A) of | 35216 |
| this section as are necessary. Special examinations may be held | 35217 |

whenever it becomes necessary to make appointments to any of those 35218
positions. 35219

The chief shall provide for the examination of persons 35220
seeking certificates of competency as mine forepersons, 35221
forepersons, mine electricians, shot firers, surface mine 35222
blasters, and fire bosses quarterly or more often as required, at 35223
such times and places within the state as shall, in the judgment 35224
of the chief, afford the best facilities to the greatest number of 35225
applicants. Public notice shall be given through the press or 35226
otherwise, not less than ten days in advance, announcing the time 35227
and place at which examinations under this section are to be held. 35228

The examinations provided for in this section shall be 35229
conducted under rules adopted under section 1561.05 of the Revised 35230
Code and conditions prescribed by the chief. Any rules that relate 35231
to particular candidates shall, upon application of any candidate, 35232
be furnished to the candidate by the chief; they shall also be of 35233
uniform application to all candidates in the several groups. 35234

Sec. 1561.35. If the deputy mine inspector finds that any 35235
matter, thing, or practice connected with any mine and not 35236
prohibited specifically by law is dangerous or hazardous, or that 35237
from a rigid enforcement of this chapter and Chapters ~~1509.7~~ 35238
1563., 1565., and 1567. and applicable provisions of Chapter 1509. 35239
of the Revised Code, the matter, thing, or practice would become 35240
dangerous and hazardous so as to tend to the bodily injury of any 35241
person, the deputy mine inspector forthwith shall give notice in 35242
writing to the owner, lessee, or agent of the mine of the 35243
particulars in which the deputy mine inspector considers the mine 35244
or any matter, thing, or practice connected therewith is dangerous 35245
or hazardous and recommend changes that the conditions require, 35246
and forthwith shall mail a copy of the report and the deputy mine 35247
inspector's recommendations to the chief of the division of 35248

mineral resources management. Upon receipt of the report and 35249
recommendations, the chief forthwith shall make a finding thereon 35250
and mail a copy to the owner, operator, lessee, or agent of the 35251
mine, and to the deputy mine inspector; a copy of the finding of 35252
the chief shall be posted upon the bulletin board of the mine. 35253
Where the miners have a mine safety committee, one additional copy 35254
shall be posted on the bulletin board for the use and possession 35255
of the committee. 35256

The owner, operator, lessee, or agent of the mine, or the 35257
authorized representative of the workers of the mine, within ten 35258
days may appeal to the reclamation commission for a review and 35259
redetermination of the finding of the chief in the matter in 35260
accordance with section 1513.13 of the Revised Code, 35261
notwithstanding division (A)(1) of that section, which provides 35262
for appeals within thirty days. A copy of the decision of the 35263
commission shall be mailed as required by this section for the 35264
mailing of the finding by the chief on the deputy mine inspector's 35265
report. 35266

Sec. 1561.49. The chief of the division of mineral resources 35267
management may designate not more than thirty deputy mine 35268
inspectors, at least one of whom shall be classified and appointed 35269
as electrical inspector provided for in division (B) of section 35270
1561.12 of the Revised Code; ~~one gas storage well inspector;~~ one 35271
superintendent of rescue stations; three assistant superintendents 35272
of rescue stations; three chemists; and such clerks, 35273
stenographers, and other employees as are necessary for the 35274
administration of this chapter and Chapters 1563., 1565., and 35275
1567.7 and applicable provisions of Chapter 1509. of the Revised 35276
Code. 35277

Such officers, employees, and personnel shall be appointed 35278
and employed under such conditions and qualifications as set forth 35279

in ~~such~~ those chapters. 35280

Sec. 1563.06. For the purpose of making the examinations 35281
provided for in this chapter and Chapters ~~1509.7~~, 1561., 1565., and 35282
1567. and applicable provisions of Chapter 1509. of the Revised 35283
Code, the chief of the division of mineral resources management, 35284
and each deputy mine inspector, may enter any mine at a reasonable 35285
time, by day or by night, but in such manner as will not 35286
necessarily impede the working of the mine, and the owner, lessee, 35287
or agent thereof shall furnish the means necessary for such entry 35288
and examination. 35289

Sec. 1563.24. In all mines generating methane in such 35290
quantities as to be considered a gaseous mine under section 35291
1563.02 of the Revised Code, the mine foreperson of such a mine 35292
shall: 35293

(A) Employ a sufficient number of competent persons holding 35294
foreperson of gaseous mines or fire boss certificates, except as 35295
provided in section 1565.02 of the Revised Code, to examine the 35296
working places whether they are in actual course of working or 35297
not, and the traveling ways and entrances to old workings with 35298
approved flame safety lamps, all of which shall be done not more 35299
than three hours prior to the time fixed for the employees to 35300
enter ~~such~~ the mine; 35301

(B) Have all old parts of the mine not in the actual course 35302
of working, but that are open and safe to travel, examined not 35303
less than once each three days by a competent person who holds a 35304
foreperson of gaseous mines or a fire boss certificate; 35305

(C) See that all parts of the mine not sealed off as provided 35306
in section 1563.41 of the Revised Code are kept free from standing 35307
gas, and upon the discovery of any standing gas, see that the 35308
entrance to the place where the gas is so discovered is fenced off 35309

and marked with a sign upon which is written the word "danger," 35310
and ~~such~~ the sign shall so remain until ~~such~~ the gas has been 35311
removed; 35312

(D) Have the mine examined on all idle days, holidays, and 35313
Sundays on which employees are required to work therein; 35314

(E) If more than three hours elapse between shifts, have the 35315
places in which the succeeding shift works examined by a competent 35316
person who holds a foreperson of gaseous mines or fire boss 35317
certificate; 35318

(F) See that this chapter and Chapters ~~1509.,~~ 1561., 1565., 35319
and 1567. and applicable provisions of Chapter 1509. of the 35320
Revised Code, with regard to examination of working places, 35321
removal of standing gas, and fencing off of dangerous places, are 35322
complied with before the employees employed by the mine foreperson 35323
for this particular work are permitted to do any other work; 35324

(G) Have a report made on the blackboard provided for in 35325
section 1567.06 of the Revised Code, which report shall show the 35326
condition of the mine as to the presence of gas and the place 35327
where such gas is present, if there is any, before the mine 35328
foreperson permits the employees to enter the mine; 35329

(H) Have reports of the duties and activities enumerated in 35330
this section signed by the person who makes ~~such~~ the examination. 35331
The reports so signed shall be sent once each week to the deputy 35332
mine inspector of the district in which the mine is located on 35333
blanks furnished by the division of mineral resources management 35334
for that purpose, and a copy of ~~such~~ the report shall be kept on 35335
file at the mine. 35336

(I) Have the fire boss record a report after each 35337
examination, in ink, in the fire boss' record book, which book 35338
shall show the time taken in making the examination and also 35339
clearly state the nature and location of any danger that was 35340

discovered in any room, entry, or other place in the mine, and, if 35341
any danger was discovered, the fire boss shall immediately report 35342
the location thereof to the mine foreperson. 35343

No person shall enter the mine until the fire bosses return 35344
to the mine office on the surface, or to a station located in the 35345
mine, where a record book as provided for in this section shall be 35346
kept and signed by the person making the examination, and report 35347
to the oncoming mine foreperson that the mine is in safe condition 35348
for the employees to enter. When a station is located in any mine, 35349
the fire bosses shall sign also the report entered in the record 35350
book in the mine office on the surface. The record books of the 35351
fire bosses shall at all times during working hours be accessible 35352
to the deputy mine inspector and the employees of the mine. 35353

In every mine generating explosive gas in quantities 35354
sufficient to be detected by an approved flame safety lamp, when 35355
the working portions are one mile or more from the entrance to the 35356
mine or from the bottom of the shaft or slope, a permanent station 35357
of suitable dimensions may be erected by the mine foreperson, 35358
provided that the location is approved by the deputy mine 35359
inspector, for the use of the fire bosses, and a fireproof vault 35360
of ample strength shall be erected in ~~such~~ the station of brick, 35361
stone, or concrete, in which the temporary record book of the fire 35362
bosses, as described in this section, shall be kept. No person, 35363
except a mine foreperson of gaseous mines, and in case of 35364
necessity such other persons as are designated by the mine 35365
foreperson, shall pass beyond the permanent station and danger 35366
signal until the mine has been examined by a fire boss, and the 35367
mine or certain portions thereof reported by the fire boss to be 35368
safe. 35369

This section does not prevent a mine foreperson or foreperson 35370
of gaseous mines from being qualified to act and acting in the 35371
capacity of fire boss. The record book shall be supplied by the 35372

division and purchased by the operator. 35373

No mine foreperson or person delegated by the mine 35374
foreperson, or any operator of a mine, or other person, shall 35375
refuse or neglect to comply with this section. 35376

Sec. 1563.28. The ~~man~~ worker performing the duties of fire 35377
boss shall, in an approved manner, use a flame safety lamp when 35378
making examinations under this chapter and Chapters ~~1509.7~~, 1561., 35379
1565., and 1567. and applicable provisions of Chapter 1509. of the 35380
Revised Code. As evidence of such examinations ~~he~~ the fire boss 35381
shall mark with chalk, upon the face of the coal or in some other 35382
conspicuous place, ~~his~~ the fire boss's initials and the date of 35383
the month that ~~such~~ the examination is made, and shall fully 35384
comply with all the law relating to gas and ~~his~~ the fire boss's 35385
duties as to making such examinations. After making ~~his~~ such an 35386
examination and report, prior to employees entering the mine for 35387
the oncoming shift, ~~he~~ the fire boss who made the examination or 35388
another fire boss shall return to the working places with the 35389
employees at the starting time of the oncoming shift. 35390

No person shall refuse or neglect to comply with this 35391
section. 35392

Sec. 1571.01. As used in this chapter, unless other meaning 35393
is clearly indicated in the context: 35394

(A) "Gas storage reservoir" or "storage reservoir" or 35395
"reservoir" means a continuous area of a subterranean porous sand 35396
or rock stratum or strata, any part of which or of the protective 35397
area of which, is within a coal bearing township, into which gas 35398
is or may be injected for the purpose of storing it therein and 35399
removing it therefrom, or for the purpose of testing whether such 35400
stratum is suitable for such storage purposes. 35401

(B) "Gas" means any natural, manufactured, or by-product gas 35402

or any mixture thereof. 35403

(C) "Reservoir operator" or "operator," when used in 35404
referring to the operator of a gas storage reservoir, means a 35405
person who is engaged in the work of preparing to inject, or who 35406
injects gas into, or who stores gas in, or who removes gas from, a 35407
gas storage reservoir, and who owns the right to do so. 35408

(D)(1) "Boundary," when used in referring to the boundary of 35409
a gas storage reservoir, means the boundary of such reservoir as 35410
shown on the map or maps thereof on file in the division of 35411
~~mineral oil and gas~~ resources management as required by this 35412
chapter. 35413

(2) "Boundary," when used in referring to the boundary of a 35414
reservoir protective area, means the boundary of such reservoir 35415
protective area as shown on the map or maps thereof on file in the 35416
division as required by this chapter. 35417

(E) "Reservoir protective area" or "reservoir's protective 35418
area" means the area of land outside the boundary of a gas storage 35419
reservoir shown as such on the map or maps thereof on file in the 35420
division as required by this chapter. The area of land shown on 35421
such map or maps as such reservoir protective area shall be 35422
outside the boundary of such reservoir, and shall encircle such 35423
reservoir and touch all parts of the boundary of such reservoir, 35424
and no part of the outside boundary of such protective area shall 35425
be less than two thousand nor more than five thousand linear feet 35426
distant from the boundary of such reservoir. 35427

(F) "Coal bearing township" means a township designated as a 35428
coal bearing township by the chief of the division of mineral 35429
resources management as required by section 1561.06 of the Revised 35430
Code. 35431

(G) "Coal mine" means the underground excavations of a mine 35432
that are being used or are usable or are being developed for use 35433

in connection with the extraction of coal from its natural deposit 35434
in the earth. "Underground excavations," when used in referring to 35435
the underground excavations of a coal mine, includes the abandoned 35436
underground excavations of such mine. It also includes the 35437
underground excavations of an abandoned coal mine if such 35438
abandoned mine is connected with underground excavations of a coal 35439
mine. "Coal mine" does not mean or include: 35440

(1) A mine in which coal is extracted from its natural 35441
deposit in the earth by strip or open pit mining methods or by 35442
other methods by which individuals are not required to go 35443
underground in connection with the extraction of coal from its 35444
natural deposit in the earth; 35445

(2) A mine in which not more than fourteen individuals are 35446
regularly employed underground. 35447

(H) "Operator," when used in referring to the operator of a 35448
coal mine, means a person who engages in the work of developing 35449
such mine for use in extracting coal from its natural deposit in 35450
the earth, or who so uses such mine, and who owns the right to do 35451
so. 35452

(I) "Boundary," when used in referring to the boundary of a 35453
coal mine, means the boundary of the underground excavations of 35454
such mine as shown on the maps of such mine on file in the 35455
division of mineral resources management as required by sections 35456
1563.03 to 1563.05 and 1571.03 of the Revised Code. 35457

(J) "Mine protective area" or "mine's protective area" means 35458
the area of land that the operator of a coal mine designates and 35459
shows as such on the map or maps of such coal mine filed with the 35460
division as required by sections 1563.03 to 1563.05 and 1571.03 of 35461
the Revised Code. Such area of land shall be outside of the 35462
boundary of such coal mine, but some part of the boundary of such 35463
area of land shall abut upon a part of the boundary of such coal 35464

mine. Such area of land shall be comprised of such tracts of land 35465
in which such coal mine operator owns the right to extract coal 35466
therefrom by underground mining methods and in which underground 35467
excavations of such coal mine are likely to be made within the 35468
ensuing year for use in connection with the extraction of coal 35469
therefrom. 35470

(K) "Pillar" means a solid block of coal or other material 35471
left unmined to support the overlying strata in a coal mine, or to 35472
protect a well. 35473

(L) "Retreat mining" means the removal of pillars and ribs 35474
and stumps and other coal remaining in a section of a coal mine 35475
after the development mining has been completed in such section. 35476

(M) "Linear feet," when used to indicate distance between two 35477
points that are not in the same plane, means the length in feet of 35478
the shortest horizontal line that connects two lines projected 35479
vertically upward or downward from the two points. 35480

(N) "Map" means a graphic representation of the location and 35481
size of the existing or proposed items it is made to represent, 35482
accurately drawn according to a given scale. 35483

(O) "Well" means any hole, drilled or bored, or being drilled 35484
or bored, into the earth, whether for the purpose of, or whether 35485
used for: 35486

(1) Producing or extracting any gas or liquid mineral, or 35487
natural or artificial brines, or oil field waters; 35488

(2) Injecting gas into or removing gas from an underground 35489
gas storage reservoir; 35490

(3) Introducing water or other liquid pressure into an oil 35491
bearing sand to recover oil contained in such sand, provided that 35492
"well" does not mean a hole drilled or bored, or being drilled or 35493
bored, into the earth, whether for the purpose of, or whether used 35494

for, producing or extracting potable water to be used as such. 35495

(P) "Testing" means injecting gas into, or storing gas in or 35496
removing gas from, a gas storage reservoir for the sole purpose of 35497
determining whether such reservoir is suitable for use as a gas 35498
storage reservoir. 35499

(Q) "Casing" means a string or strings of pipe commonly 35500
placed in a well. 35501

(R) "Inactivate" means to shut off temporarily all flow of 35502
gas from a well at a point below the horizon of the coal mine that 35503
might be affected by such flow of gas, by means of a plug or other 35504
suitable device or by injecting water, bentonite, or some other 35505
equally nonporous material into the well, or any other method 35506
approved by ~~the mineral~~ an oil and gas resources inspector. 35507

(S) "Gas storage well inspector" means the gas storage well 35508
inspector in the division. 35509

(T) The verb "open" or the noun "opening," when used in 35510
clauses relating to the time when a coal mine operator intends to 35511
open a new coal mine, or the time when a new coal mine is opened, 35512
or the time of the opening of a new coal mine, or when used in 35513
other similar clauses to convey like meanings, means that time and 35514
condition in the initial development of a new coal mine when the 35515
second opening required by section 1563.14 of the Revised Code is 35516
completed in such mine. 35517

Sec. 1571.012. An applicant for the position of gas storage 35518
well inspector shall register the applicant's name with the chief 35519
of the division of oil and gas resources management and file with 35520
the chief an affidavit as to all matters of fact establishing the 35521
applicant's right to take the examination for that position, a 35522
certificate of good character and temperate habits signed by at 35523
least three reputable citizens of the community in which the 35524

applicant resides, and a certificate from a reputable and 35525
disinterested physician as to the physical condition of the 35526
applicant showing that the applicant is physically capable of 35527
performing the duties of the position. The applicant also shall 35528
present evidence satisfactory to the chief that the applicant has 35529
been a resident and citizen of this state for at least two years 35530
next preceding the date of application. 35531

An applicant shall possess the same qualifications as an 35532
applicant for the position of deputy mine inspector established in 35533
section 1561.12 of the Revised Code. In addition, the applicant 35534
shall have practical knowledge and experience of and in the 35535
operation, location, drilling, maintenance, and abandonment of oil 35536
and gas wells, especially in coal or mineral bearing townships, 35537
and shall have a thorough knowledge of the latest and best method 35538
of plugging and sealing abandoned oil and gas wells. 35539

An applicant for gas storage well inspector shall pass an 35540
examination conducted by the chief to determine the applicant's 35541
fitness to act as gas storage well inspector before being eligible 35542
for appointment. 35543

Sec. 1571.013. (A) The chief of the division of oil and gas 35544
resources management shall conduct examinations for the position 35545
of gas storage well inspector. The chief annually shall provide 35546
for the examination of candidates for appointment as gas storage 35547
well inspector. Special examinations may be held whenever it 35548
becomes necessary to make an appointment of gas storage well 35549
inspector. 35550

(B) Public notice shall be given through the press or 35551
otherwise, not less than ten days in advance, announcing the time 35552
and place at which examinations under this section are to be held. 35553

(C) The examinations provided for in this section shall be 35554

conducted in accordance with rules adopted under section 1571.014 35555
of the Revised Code and conditions prescribed by the chief. 35556

Sec. 1571.014. The chief of the division of oil and gas 35557
resources management shall appoint a gas storage well inspector 35558
from the eligible list of candidates for that position that is 35559
prepared under section 124.24 of the Revised Code. If a vacancy 35560
occurs in the position of gas storage well inspector, the chief 35561
shall fill the position by selecting a person from that list. 35562

The chief shall adopt rules in accordance with Chapter 119. 35563
of the Revised Code that are necessary for conducting examinations 35564
for the position of gas storage well inspector. 35565

Sec. 1571.02. (A) Any reservoir operator who, on September 9, 35566
1957, is injecting gas into, storing gas in, or removing gas from 35567
a reservoir shall within sixty days after such date file with the 35568
division of ~~mineral~~ oil and gas resources management a map thereof 35569
as described in division (C) of this section, provided that if a 35570
reservoir operator is, on September 9, 1957, injecting gas into or 35571
storing gas in a reservoir solely for testing, the reservoir 35572
operator shall at once file such map with the division. 35573

(B) If the injection of gas into or storage of gas in a gas 35574
storage reservoir is begun after September 9, 1957, the operator 35575
of such reservoir shall file with the division a map thereof as 35576
described in division (C) of this section, on the same day and not 35577
less than three months prior to beginning such injection or 35578
storage. 35579

(C) Each map filed with the division pursuant to this section 35580
shall be prepared by a registered surveyor, registered engineer, 35581
or competent geologist. It shall show both of the following: 35582

(1) The location of the boundary of such reservoir and the 35583
boundary of such reservoir's protective area, and the known fixed 35584

monuments, corner stones, or other permanent markers in such 35585
boundary lines; 35586

(2) The boundary lines of the counties, townships, and 35587
sections or lots that are within the limits of such map, and the 35588
name of each such county and township and the number of each such 35589
section or lot clearly indicated thereon. The legend of the map 35590
shall indicate the stratum or strata in which the gas storage 35591
reservoir is located. 35592

The location of the boundary of the gas storage reservoir as 35593
shown on the map shall be defined by the location of those wells 35594
around the periphery of such reservoir that had no gas production 35595
when drilled into the storage stratum of such reservoir, provided 35596
that if the operator of such reservoir, upon taking into 35597
consideration the number and nature of such wells, the geological 35598
and production knowledge of the storage stratum, its character, 35599
permeability, and distribution, and operating experience, 35600
determines that the location of the boundary of such reservoir 35601
should be differently defined, the reservoir operator may, on such 35602
map, show the boundary of such reservoir to be located at a 35603
location different than the location defined by the location of 35604
those wells around the periphery of such reservoir that had no gas 35605
production when drilled into the storage stratum. 35606

Whenever the operator of a gas storage reservoir determines 35607
that the location of the boundary of such reservoir as shown on 35608
the most recent map thereof on file in the division pursuant to 35609
this section is incorrect, the reservoir operator shall file with 35610
the division an amended map showing the boundary of such reservoir 35611
to be located at the location that the reservoir operator then 35612
considers to be correct. 35613

(D) Each operator of a gas storage reservoir who files with 35614
the division a map as required by this section shall, at the end 35615
of each six-month period following the date of such filing, file 35616

with the division an amended map showing changes, if any, in the 35617
boundary line of such reservoir or of such reservoir's protective 35618
area that have occurred in the six-month period. Nothing in this 35619
division shall be construed to require such a reservoir operator 35620
to file an amended map at the end of any such six-month period if 35621
no such boundary changes have occurred in such period. 35622

An operator of a gas storage reservoir who is required by 35623
this section to file an amended map with the division shall not be 35624
required to so file such an amended map after such time when the 35625
reservoir operator files with the division a map pertaining to 35626
such reservoir, as provided in section 1571.04 of the Revised 35627
Code. 35628

Sec. 1571.03. (A) Every operator of a coal mine who is 35629
required by sections 1563.03 to 1563.05 of the Revised Code, to 35630
file maps of such mine, shall cause to be shown on each of such 35631
maps, in addition to the boundary lines of each tract under which 35632
excavations are likely to be made during the ensuing year, as 35633
referred to in section 1563.03 of the Revised Code: 35634

(1) The boundary of such coal mine in accordance with the 35635
meaning of the term "boundary" ~~when used in referring to the~~ 35636
~~boundary of a coal mine, and the term "coal mine" as those terms~~ 35637
~~are defined~~ in section 1571.01 of the Revised Code; 35638

(2) The boundary of the mine protective area of such mine. 35639

This division shall not be construed to amend or repeal any 35640
provisions of sections 1563.03 to 1563.05 of the Revised Code, 35641
either by implication or otherwise. 35642

This division is intended only to add to existing statutory 35643
requirements pertaining to the filing of coal mine maps with the 35644
division of mineral resources management, the requirements 35645
established in this division. 35646

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

(C) Every operator of a coal mine who expects that any part of the boundary of such mine will, on a date after September 9, 1957, be extended beyond its location on such date to a point within two thousand linear feet of a well that is drilled through the horizon of such mine and into or through the stratum or strata of a gas storage reservoir within the boundary of such reservoir or within its protective area, shall send at least nine months' notice of such date and of the location of such well by registered mail to the operator of such reservoir, the division of mineral resources management, and ~~to~~ the division of oil and gas resources management. If at the end of three years after the date stated in the notice by an operator of a coal mine to an operator of a storage reservoir as the date upon which part of the boundary of such coal mine is expected to be extended to a point within two thousand linear feet of such well, no part of such coal mine is so extended, the operator of such coal mine shall be liable to the operator of such storage reservoir for all expenses incurred by such reservoir operator in doing the plugging or reconditioning of such well as the reservoir operator is required to do in such cases as provided in section 1571.05 of the Revised Code. Such mine operator shall in no event be liable to such reservoir operator:

(1) For expenses of plugging or reconditioning such well

incurred prior to receipt by such reservoir operator from such 35679
mine operator of a notice as provided for in this division; 35680

(2) For any expenses of plugging or reconditioning such well 35681
if any part of the work of plugging or reconditioning was 35682
commenced prior to receipt by such reservoir operator from such 35683
mine operator of a notice as provided for in this division. 35684

(D) If a person intends to open a new coal mine after 35685
September 9, 1957, and if at the time of its opening any part of 35686
the boundary of such mine will be within two thousand linear feet 35687
of a well that is drilled through the horizon of such mine and 35688
into or through the storage stratum or strata of a gas storage 35689
reservoir within the boundary of such reservoir or within its 35690
protective area, such person shall send by registered mail to the 35691
operator of such storage reservoir, the division of mineral 35692
resources management, and ~~to~~ the division of oil and gas resources 35693
management at least nine months' notice of the date upon which the 35694
person intends to open such mine, and of the location of such 35695
well. If at the end of nine months after the date stated in the 35696
notice by an operator of a coal mine to an operator of a storage 35697
reservoir, the division of mineral resources management, and ~~to~~ 35698
the division of oil and gas resources management, as the date upon 35699
which such coal mine operator intends to open such new mine, such 35700
new mine is not opened, the operator of such coal mine shall be 35701
liable to the operator of such storage reservoir for all expenses 35702
incurred by such reservoir operator in doing the plugging or 35703
reconditioning of such well as the reservoir operator is required 35704
to do in such cases as provided in section 1571.05 of the Revised 35705
Code, provided: 35706

(1) That such mine operator may, prior to the end of nine 35707
months after the date stated in such mine operator's notice to 35708
such reservoir operator, the division of mineral resources 35709
management, and the division of oil and gas resources management 35710

as the date upon which the mine operator intended to open such new 35711
mine, notify such reservoir operator, the division of mineral 35712
resources management, and the division of oil and gas resources 35713
management in writing by registered mail, that the opening of such 35714
new mine will be delayed beyond the end of such nine-month period 35715
of time, and that the mine operator requests that a conference be 35716
held as provided in section 1571.10 of the Revised Code for the 35717
purpose of endeavoring to reach an agreement establishing a date 35718
subsequent to the end of such nine-month period of time, on or 35719
before which such mine operator may open such new mine without 35720
being liable to pay such reservoir operator expenses incurred by 35721
such reservoir operator in plugging or reconditioning such well as 35722
in this division provided; 35723

(2) That if such mine operator sends to such reservoir 35724
operator, the division of mineral resources management, and ~~to~~ the 35725
division of oil and gas resources management a notice and request 35726
for a conference as provided in division (D)(1) of this section, 35727
such mine operator shall not be liable to pay such reservoir 35728
operator for expenses incurred by such reservoir operator in 35729
plugging and reconditioning such well, unless such mine operator 35730
fails to open such new mine within the period of time fixed by an 35731
approved agreement reached in such conference, or fixed by an 35732
order by the chief of the division of ~~mineral~~ oil and gas 35733
resources management upon a hearing held in the matter in the 35734
event of failure to reach an approved agreement in the 35735
conference~~r~~. After issuing an order under this division, the chief 35736
shall notify the chief of the division of mineral resources 35737
management and send a copy of the order to the chief. 35738

(3) That such mine operator shall in no event be liable to 35739
such reservoir operator: 35740

(a) For expense of plugging or reconditioning such well 35741
incurred prior to the receipt by such reservoir operator from such 35742

mine operator of the notice of the date upon which such mine 35743
operator intends to open such new mine; 35744

(b) For any expense of plugging or reconditioning such well 35745
if any part of the work of plugging or reconditioning was 35746
commenced prior to receipt by such reservoir operator from such 35747
mine operator of such notice. 35748

Sec. 1571.04. (A) Upon the filing of each map or amended map 35749
with the division of ~~mineral~~ oil and gas resources management by 35750
operators of gas storage reservoirs as required by this chapter, 35751
and each coal mine map with the division of mineral resources 35752
management as required by sections 1563.03 to 1563.05 and division 35753
(A) of section 1571.03 of the Revised Code, the gas storage well 35754
inspector shall cause an examination to be made of all maps on 35755
file in ~~the division~~ those divisions as the gas storage well 35756
inspector may deem necessary to ascertain whether any part of a 35757
reservoir protective area as shown on any such map is within ten 35758
thousand linear feet of any part of the boundary of a coal mine as 35759
shown on any such map. If, upon making that examination, the gas 35760
storage well inspector finds that any part of such a reservoir 35761
protective area is within ten thousand linear feet of any part of 35762
the boundary of such a coal mine, the gas storage well inspector 35763
shall promptly send by registered mail notice to that effect to 35764
the operator of the reservoir and to the operator of the coal 35765
mine. 35766

(B) Within sixty days after receipt by an operator of a gas 35767
storage reservoir of a notice from the gas storage well inspector 35768
under division (A) of this section, such operator shall file on 35769
the same day with both the division ~~a map~~ of mineral resources 35770
management and the division of oil and gas resources management 35771
identical maps prepared by a registered surveyor, registered 35772
engineer, or competent geologist, which shall do all of the 35773

following: 35774

(1) Indicate the stratum or strata in which such gas storage 35775
reservoir is located; 35776

(2) Show the location of the boundary of the reservoir and 35777
the boundary of its protective area, and the known fixed 35778
monuments, corner stones, or other permanent markers in such 35779
boundary lines; 35780

(3) Show the boundary lines of the counties, townships, and 35781
sections or lots that are within the limits of such maps, and the 35782
name of each such county and township and the number of each such 35783
section or lot clearly indicated thereon; 35784

(4) Show the location of all oil or gas wells known to the 35785
operator of such reservoir that have been drilled within the 35786
boundary of the reservoir or within its protective area, and 35787
indicate which of such wells, if any, have been or are to be 35788
plugged or reconditioned for use in the operation of such 35789
reservoir. 35790

The location of the boundary of the gas storage reservoir as 35791
shown on the maps shall be defined by the location of those wells 35792
around the periphery of the reservoir that had no gas production 35793
when drilled into the storage stratum of the reservoir, provided 35794
that, if the operator of the reservoir, upon taking into 35795
consideration the number and nature of such wells, the geological 35796
and production knowledge of the storage stratum, its character, 35797
permeability, and distribution, and operating experience, 35798
determines that the location of the boundary of the reservoir 35799
should be differently defined, the reservoir operator may, on the 35800
maps, show the boundary of the reservoir to be located at a 35801
location different from the location defined by the location of 35802
those wells around the periphery of the reservoir that had no gas 35803
production when drilled into the storage stratum. 35804

| | |
|--|---|
| (C) Any coal mine operator who receives from the gas storage well inspector a copy of a map as provided by division (E) of this section may request the gas storage well inspector to furnish the coal mine operator with: | 35805 35806 35807 35808 |
| (1) The name of the original operator of any well shown on such map; | 35809 35810 |
| (2) The date drilling of such well was completed; | 35811 |
| (3) The total depth of such well; | 35812 |
| (4) The depth at which oil or gas was encountered in such well if it was productive of oil or gas; | 35813 35814 |
| (5) The initial rock pressure of such well; | 35815 |
| (6) A copy of the log of the driller of such well or other similar data; | 35816 35817 |
| (7) The location of such well in respect to the property lines of the tract of land on which it is located; | 35818 35819 |
| (8) A statement as to whether the well is inactive or active: | 35820 |
| (a) If inactive, the date of plugging and other pertinent data; | 35821 35822 |
| (b) If active, whether it is being used for test purposes or storage purposes+. | 35823 35824 |
| (9) A statement of the maximum injection pressure contemplated by the operator of the reservoir shown on such map. | 35825 35826 |
| Upon receipt of such a request, the gas storage well inspector shall promptly furnish the coal mine operator the information requested. If the information is not ascertainable from the files in the division <u>of oil and gas resources management</u> , the gas storage well inspector shall request the reservoir operator to furnish the division with such information to the extent that the reservoir operator has knowledge thereof. | 35827 35828 35829 35830 35831 35832 35833 |

Upon receipt of such a request, the reservoir operator shall 35834
promptly furnish such information to the division. Thereupon the 35835
gas storage well inspector shall promptly transmit such 35836
information to the mine operator who requested it. 35837

Whenever the operator of a gas storage reservoir determines 35838
that the location of the boundary of the reservoir as shown on the 35839
most recent map thereof on file in the division pursuant to this 35840
section is incorrect, the reservoir operator shall file with the 35841
division an amended map showing the boundary of the reservoir to 35842
be located at the location that the reservoir operator then 35843
considers to be correct. 35844

(D) Each operator of a gas storage reservoir who files a ~~map~~ 35845
with the division of mineral resources management and the division 35846
of oil and gas resources management maps as required by this 35847
section shall, at the end of each six-month period following the 35848
date of such filing, file with ~~the~~ each division ~~an~~ identical 35849
amended ~~map~~ maps showing changes in the boundary line of the 35850
reservoir or of the reservoir's protective area that have occurred 35851
in the six-month period, and further showing or describing any 35852
other occurrences within that six-month period that cause the most 35853
recent ~~map~~ maps on file and pertaining to the reservoir to no 35854
longer be correct. Nothing in this division shall be construed to 35855
require such a reservoir operator to file an amended map at the 35856
end of any such six-month period if no boundary changes or other 35857
occurrences have occurred in that period. The operator of the 35858
reservoir shall also file with the division of mineral resources 35859
management and the division of oil and gas resources management, 35860
subsequent to the filing of a ~~map~~ maps as provided for in division 35861
(B) of this section, a statement whenever changing the maximum 35862
injection pressure is contemplated, stating for each affected well 35863
within the boundary of the reservoir or its protective area, the 35864
amount of change of injection pressure contemplated. The location 35865

or drilling of new wells or the abandonment or reconditioning of 35866
wells shall not be considered to be occurrences requiring the 35867
filing of an amended map or statement. 35868

(E) Promptly upon the filing with the division of oil and gas 35869
resources management of a map or an amended map pertaining to a 35870
gas storage reservoir under this section, the gas storage well 35871
inspector shall send by registered mail to the operator of the 35872
coal mine a part of the boundary of which is within ten thousand 35873
linear feet of any part of the boundary of the reservoir or of the 35874
outside boundary of the reservoir's protective area, notice of the 35875
filing together with a copy of the map. 35876

(F) When the operator of a gas storage reservoir files with 35877
the division ~~a map~~ of mineral resources management and the 35878
division of oil and gas resources management maps or ~~an~~ amended 35879
~~map~~ maps under this section, the reservoir operator shall file as 35880
many copies of the ~~map~~ maps as the each division may require for 35881
its files and as are needed for sending a copy to each coal mine 35882
operator under division (E) of this section. 35883

Sec. 1571.05. (A) Whenever any part of a gas storage 35884
reservoir or any part of its protective area underlies any part of 35885
a coal mine, or is, or within nine months is expected or intended 35886
to be, within two thousand linear feet of the boundary of a coal 35887
mine that is operating in a coal seam any part of which extends 35888
over any part of the storage reservoir or its protective area, the 35889
operator of the reservoir, if the reservoir operator or some other 35890
reservoir operator has not theretofore done so, shall: 35891

(1) Use every known method that is reasonable under the 35892
circumstance for discovering and locating all wells drilled within 35893
the area of the reservoir or its protective area that underlie any 35894
part of the coal mine or its protective area; 35895

(2) Plug or recondition all known wells drilled within the 35896

area of the reservoir or its protective area that underlie any 35897
part of the coal mine. 35898

(B) Whenever an operator of a gas storage reservoir is 35899
notified by the operator of a coal mine, as provided in division 35900
(B) of section 1571.03 of the Revised Code, that the coal mine 35901
operator believes that part of the boundary of the mine is within 35902
two thousand linear feet of a well that is drilled through the 35903
horizon of the coal mine and into or through the storage stratum 35904
or strata of the reservoir within the boundary of the reservoir or 35905
within its protective area, the reservoir operator shall plug or 35906
recondition the well as in this section prescribed, unless it is 35907
agreed in a conference or is ordered by the chief of the division 35908
of ~~mineral~~ oil and gas resources management after a hearing, as 35909
provided in section 1571.10 of the Revised Code, that the well 35910
referred to in the notice is not such a well as is described in 35911
division (B) of section 1571.03 of the Revised Code. 35912

Whenever an operator of a gas storage reservoir is notified 35913
by the operator of a coal mine as provided in division (C) or (D) 35914
of section 1571.03 of the Revised Code, that part of the boundary 35915
of the mine is, or within nine months is intended or expected to 35916
be, within two thousand linear feet of a well that is drilled 35917
through the horizon of the mine and into or through the storage 35918
stratum or strata of the reservoir within the boundary of the 35919
reservoir or within its protective area, the reservoir operator 35920
shall plug or recondition the well as in this section prescribed. 35921

Whenever the operator of a coal mine considers that the use 35922
of a well such as in this section described, if used for injecting 35923
gas into, or storing gas in, or removing gas from, a gas storage 35924
reservoir, would be hazardous to the safety of persons or property 35925
on or in the vicinity of the premises of the coal mine or the 35926
reservoir or well, the coal mine operator may file with the 35927
division objections to the use of the well for such purposes, and 35928

a request that a conference be held as provided in section 1571.10 35929
of the Revised Code, to discuss and endeavor to resolve by mutual 35930
agreement whether or not the well shall or shall not be used for 35931
such purposes, and whether or not the well shall be reconditioned, 35932
inactivated, or plugged. The request shall set forth the mine 35933
operator's reasons for such objections. If no approved agreement 35934
is reached in the conference, the gas storage well inspector shall 35935
within ten days after the termination of the conference, file with 35936
the chief a request that the chief hear and determine the matters 35937
considered at the conference as provided in section 1571.10 of the 35938
Revised Code. Upon conclusion of the hearing, the chief shall find 35939
and determine whether or not the safety of persons or of the 35940
property on or in the vicinity of the premises of the coal mine, 35941
or the reservoir, or the well requires that the well be 35942
reconditioned, inactivated, or plugged, and shall make an order 35943
consistent with that determination, provided that the chief shall 35944
not order a well plugged unless the chief first finds that there 35945
is underground leakage of gas therefrom. 35946

The plugging or reconditioning of each well described in a 35947
notice from a coal mine operator to a reservoir operator as 35948
provided in division (B) of section 1571.03 of the Revised Code, 35949
which must be plugged or reconditioned, shall be completed within 35950
such time as the gas storage well inspector may fix in the case of 35951
each such well. The plugging or reconditioning of each well 35952
described in a notice from a coal mine operator to a reservoir 35953
operator as provided in division (C) of section 1571.03 of the 35954
Revised Code, which must be plugged or reconditioned, shall be 35955
completed by the time the well, by reason of the extension of the 35956
boundary of the coal mine, is within two thousand linear feet of 35957
any part of the boundary of the mine. The plugging or 35958
reconditioning of each well described in a notice from a coal mine 35959
operator to a reservoir operator, as provided in division (D) of 35960
section 1571.03 of the Revised Code, which must be plugged or 35961

reconditioned, shall be completed by the time the well, by reason 35962
of the opening of the new mine, is within two thousand linear feet 35963
of any part of the boundary of the new mine. A reservoir operator 35964
who is required to complete the plugging or reconditioning of a 35965
well within a period of time fixed as in this division prescribed, 35966
may prior to the end of that period of time, notify the division 35967
and the mine operator from whom the reservoir operator received a 35968
notice as provided in division (B), (C), or (D) of section 1571.03 35969
of the Revised Code, in writing by registered mail, that the 35970
completion of the plugging or reconditioning of the well referred 35971
to in the notice will be delayed beyond the end of the period of 35972
time fixed therefor as in this section provided, and that the 35973
reservoir operator requests that a conference be held for the 35974
purpose of endeavoring to reach an agreement establishing a date 35975
subsequent to the end of that period of time, on or before which 35976
the reservoir operator may complete the plugging or reconditioning 35977
without incurring any penalties for failure to do so as provided 35978
in this chapter. If such a reservoir operator sends to such a mine 35979
operator and to the division a notice and request for a conference 35980
as in this division provided, the reservoir operator shall not 35981
incur any penalties for failure to complete the plugging or 35982
reconditioning of the well within the period of time fixed as in 35983
this division prescribed, unless the reservoir operator fails to 35984
complete the plugging or reconditioning of the well within the 35985
period of time fixed by an approved agreement reached in the 35986
conference, or fixed by an order by the chief upon a hearing held 35987
in the matter in the event of failure to reach an approved 35988
agreement in the conference. 35989

Whenever, in compliance with this division, a well is to be 35990
plugged by a reservoir operator, the operator shall give to the 35991
division notice thereof, as many days in advance as will be 35992
necessary for the gas storage well inspector or a deputy mine 35993
inspector to be present at the plugging. The notification shall be 35994

made on blanks furnished by the division and shall show the 35995
following information: 35996

(1) Name and address of the applicant; 35997

(2) The location of the well identified by section or lot 35998
number, city or village, and township and county; 35999

(3) The well name and number of each well to be plugged. 36000

(C) The operator shall give written notice at the same time 36001
to the owner of the land upon which the well is located, the 36002
owners or agents of the adjoining land, and adjoining well owners 36003
or agents of the operator's intention to abandon the well, and of 36004
the time when the operator will be prepared to commence plugging 36005
and filling the same. In addition to giving such notices, the 36006
reservoir operator shall also at the same time send a copy of the 36007
notice by registered mail to the coal mine operator, if any, who 36008
sent to the reservoir operator the notice as provided in division 36009
(B), (C), or (D) of section 1571.03 of the Revised Code, in order 36010
that the coal mine operator or the coal mine operator's designated 36011
representative may attend and observe the manner in which the 36012
plugging of the well is done. 36013

If the reservoir operator plugs the well without ~~an~~ the gas 36014
storage well inspector ~~from the division~~ or a deputy mine 36015
inspector being present to supervise the plugging, the reservoir 36016
operator shall send to the division and to the coal mine operator 36017
a copy of the report of the plugging of the well, including in the 36018
report: 36019

(1) The date of abandonment; 36020

(2) The name of the owner or operator of the well at the time 36021
of abandonment and the well owner's or operator's post office 36022
address; 36023

(3) The location of the well as to township and county and 36024

the name of the owner of the surface upon which the well is drilled, with the address thereof; 36025
36026

(4) The date of the permit to drill; 36027

(5) The date when drilled; 36028

(6) Whether the well has been mapped; 36029

(7) The depth of the well; 36030

(8) The depth of the top of the sand to which the well was drilled; 36031
36032

(9) The depth of each seam of coal drilled through; 36033

(10) A detailed report as to how the well was plugged, giving 36034
in particular the manner in which the coal and various sands were 36035
plugged, and the date of the plugging of the well, including 36036
therein the names of those who witnessed the plugging of the well. 36037

The report shall be signed by the operator or the operator's 36038
agent who plugged the well and verified by the oath of the party 36039
so signing. For the purposes of this section, a deputy mine 36040
inspector may take acknowledgements and administer oaths to the 36041
parties signing the report. 36042

Whenever, in compliance with this division, a well is to be 36043
reconditioned by a reservoir operator, the operator shall give to 36044
the division notice thereof as many days before the reconditioning 36045
is begun as will be necessary for the gas storage well inspector, 36046
or a deputy mine inspector, to be present at the reconditioning. 36047
No well shall be reconditioned if an inspector of the division is 36048
not present unless permission to do so has been granted by the 36049
chief. The reservoir operator, at the time of giving notice to the 36050
division as in this section required, also shall send a copy of 36051
the notice by registered mail to the coal mine operator, if any, 36052
who sent to the reservoir operator the notice as provided in 36053
division (B), (C), or (D) of section 1571.03 of the Revised Code, 36054

in order that the coal mine operator or the coal mine operator's 36055
designated representative may attend and observe the manner in 36056
which the reconditioning of the well is done. 36057

If the reservoir operator reconditions the well when ~~no~~ the 36058
gas storage well inspector ~~of the division~~ or a deputy mine 36059
inspector is not present to supervise the reconditioning, the 36060
reservoir operator shall make written report to the division 36061
describing the manner in which the reconditioning was done, and 36062
shall send to the coal mine operator a copy of the report by 36063
registered mail. 36064

(D) Wells that are required by this section to be plugged 36065
shall be plugged in the manner specified in sections 1509.13 to 36066
1509.17 of the Revised Code, and the operator shall give the 36067
notifications and reports required by divisions (B) and (C) of 36068
this section. No such well shall be plugged or abandoned without 36069
the written approval of the division, and no such well shall be 36070
mudded, plugged, or abandoned without the gas storage well 36071
inspector or a deputy mine inspector present unless written 36072
permission has been granted by the chief or the gas storage well 36073
inspector. For purposes of this section, the chief of the division 36074
of mineral resources management has the authority given the chief 36075
of the division of oil and gas resources management in sections 36076
1509.15 and 1509.17 of the Revised Code. If such a well has been 36077
plugged prior to the time plugging thereof is required by this 36078
section, and, on the basis of the data, information, and other 36079
evidence available it is determined that the plugging was done in 36080
the manner required by this section, or was done in accordance 36081
with statutes prescribing the manner of plugging wells in effect 36082
at the time the plugging was done, and that there is no evidence 36083
of leakage of gas from the well either at or below the surface, 36084
and that the plugging is sufficiently effective to prevent the 36085
leakage of gas from the well, the obligations imposed upon the 36086

reservoir operator by this section as to plugging the well shall 36087
be considered fully satisfied. The operator of a coal mine any 36088
part of the boundary of which is, or within nine months is 36089
expected or intended to be, within two thousand linear feet of the 36090
well may at any time raise a question as to whether the plugging 36091
of the well is sufficiently effective to prevent the leakage of 36092
gas therefrom, and the issue so made shall be determined by a 36093
conference or hearing as provided in section 1571.10 of the 36094
Revised Code. 36095

(E) Wells that are to be reconditioned as required by this 36096
section shall be, or shall be made to be: 36097

(1) Cased in accordance with the statutes of this state in 36098
effect at the time the wells were drilled, with the casing being, 36099
or made to be, sufficiently effective in that there is no evidence 36100
of any leakage of gas therefrom; 36101

(2) Equipped with a producing string and well head composed 36102
of new pipe, or pipe as good as new, and fittings designed to 36103
operate with safety and to contain the stored gas at maximum 36104
pressures contemplated. 36105

When a well that is to be reconditioned as required by this 36106
section has been reconditioned for use in the operation of the 36107
reservoir prior to the time prescribed in this section, and on the 36108
basis of the data, information, and other evidence available it is 36109
determined that at the time the well was so reconditioned the 36110
requirements prescribed in this division were met, and that there 36111
is no evidence of underground leakage of gas from the well, and 36112
that the reconditioning is sufficiently effective to prevent 36113
underground leakage from the well, the obligations imposed upon 36114
the reservoir operator by this section as to reconditioning the 36115
well shall be considered fully satisfied. Any operator of a coal 36116
mine any part of the boundary of which is, or within nine months 36117
is expected or intended to be, within two thousand linear feet of 36118

the well may at any time raise a question as to whether the 36119
reconditioning of the well is sufficiently effective to prevent 36120
underground leakage of gas therefrom, and the issue so made shall 36121
be determined by a conference or hearing as provided in section 36122
1571.10 of the Revised Code. 36123

If the gas storage well inspector at any time finds that a 36124
well that is drilled through the horizon of a coal mine and into 36125
or through the storage stratum or strata of a reservoir within the 36126
boundary of the reservoir or within its protective area is located 36127
within the boundary of the coal mine or within two thousand linear 36128
feet of the mine boundary, and was drilled prior to the time the 36129
statutes of this state required that wells be cased, and that the 36130
well fails to meet the casing and equipping requirements 36131
prescribed in this division, the gas storage well inspector shall 36132
promptly notify the operator of the reservoir thereof in writing, 36133
and the reservoir operator upon receipt of the notice shall 36134
promptly recondition the well in the manner prescribed in this 36135
division for reconditioning wells, unless, in a conference or 36136
hearing as provided in section 1571.10 of the Revised Code, a 36137
different course of action is agreed upon or ordered. 36138

(F)(1) When a well within the boundary of a gas storage 36139
reservoir or within the reservoir's protective area penetrates the 36140
storage stratum or strata of the reservoir, but does not penetrate 36141
the coal seam within the boundary of a coal mine, the gas storage 36142
well inspector may, upon application of the operator of the 36143
storage reservoir, exempt the well from the requirements of this 36144
section. Either party affected by the action of the gas storage 36145
well inspector may request a conference and hearing with respect 36146
to the exemption. 36147

(2) When a well located within the boundary of a storage 36148
reservoir or a reservoir's protective area is a producing well in 36149
a stratum above or below the storage stratum, the obligations 36150

imposed by this section shall not begin until the well ceases to be a producing well.

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

(H)(1) The provisions of this section that require the plugging or reconditioning of wells shall not apply to such wells as are used to inject gas into, store gas in, or remove gas from a gas storage reservoir when the sole purpose of the injection, storage, or removal is testing. The operator of a gas storage reservoir who injects gas into, stores gas in, or removes gas from a reservoir for the sole purpose of testing shall be subject to all other provisions of this chapter that are applicable to operators of reservoirs.

(2) If the injection of gas into, or storage of gas in, a gas storage reservoir any part of which, or of the protective area of which, is within the boundary of a coal mine is begun after September 9, 1957, and if the injection or storage of gas is for the sole purpose of testing, the operator of the reservoir shall send by registered mail to the operator of the coal mine, the division of oil and gas resources management, and ~~to~~ the division

of mineral resources management at least sixty days' notice of the 36183
date upon which the testing will be begun. 36184

If at any time within the period of time during which testing 36185
of a reservoir is in progress, any part of the reservoir or of its 36186
protective area comes within any part of the boundary of a coal 36187
mine, the operator of the reservoir shall promptly send notice to 36188
that effect by registered mail to the operator of the mine, the 36189
division of oil and gas resources management, and ~~to~~ the division 36190
of mineral resources management. 36191

(3) Any coal mine operator who receives a notice as provided 36192
for in division (H)(2) of this section may within thirty days of 36193
the receipt thereof file with the division objections to the 36194
testing. The gas storage well inspector also may, within the time 36195
within which a coal mine operator may file an objection, place in 36196
the files of the division objections to the testing. The reservoir 36197
operator shall comply throughout the period of the testing 36198
operations with all conditions and requirements agreed upon and 36199
approved in the conference on such objections conducted as 36200
provided in section 1571.10 of the Revised Code, or in an order 36201
made by the chief following a hearing in the matter as provided in 36202
section 1571.10 of the Revised Code. If in complying with the 36203
agreement or order either the reservoir operator or the coal mine 36204
operator encounters or discovers conditions that were not known to 36205
exist at the time of the conference or hearing and that materially 36206
affect the agreement or order, or the ability of the reservoir 36207
operator to comply therewith, either operator may apply for a 36208
rehearing or modification of the order. 36209

(I) In addition to complying with all other provisions of 36210
this chapter and any lawful orders issued thereunder, the operator 36211
of each gas storage reservoir shall keep all wells drilled into or 36212
through the storage stratum or strata within the boundary of the 36213
operator's reservoir or within the reservoir's protective area in 36214

such condition, and operate the same in such manner, as to prevent 36215
the escape of gas therefrom into any coal mine, and shall operate 36216
and maintain the storage reservoir and its facilities in such 36217
manner and at such pressures as will prevent gas from escaping 36218
from the reservoir or its facilities into any coal mine. 36219

Sec. 1571.06. (A) Distances between boundaries of gas storage 36220
reservoirs, reservoir protective areas, coal mines, coal mine 36221
protective areas, and wells, as shown on the most recent maps of 36222
storage reservoirs and of coal mines filed with the division of 36223
oil and gas resources management or the division of mineral 36224
resources management as required by this chapter and sections 36225
1563.03 to 1563.05 of the Revised Code, may be accepted and relied 36226
upon as being accurate and correct, by operators of coal mines and 36227
operators of reservoirs. Data, statements, and reports filed with 36228
~~the~~ either division as required by this chapter and sections 36229
1563.03 to 1563.05 of the Revised Code may be likewise accepted 36230
and relied upon. However, the gas storage well inspector or any 36231
reservoir operator or coal mine operator, or any other person 36232
having a direct interest in the matter, may at any time question 36233
the accuracy or correctness of any map, data, statement, or report 36234
so filed, with ~~the~~ either division by notifying ~~the division~~ both 36235
divisions thereof in writing. Such notice shall state the reasons 36236
why the question is raised. When any such notice is so filed, the 36237
gas storage well inspector shall proceed promptly to hold a 36238
conference on the question thus raised, as provided in section 36239
1571.10 of the Revised Code. 36240

(B) If, in any proceeding under this chapter, the accuracy or 36241
correctness of any map, data, statement, or report, filed by any 36242
person pursuant to the requirements of this chapter is in 36243
question, the person so filing the same shall have the burden of 36244
proving the accuracy or correctness thereof. 36245

(C) The operator of a gas storage reservoir shall, at all 36246
reasonable times, be permitted to inspect the premises and 36247
facilities of any coal mine any part of the boundary of which is 36248
within any part of the boundary of such gas storage reservoir or 36249
within its protective area, and the operator of a coal mine shall, 36250
at all reasonable times, be permitted to inspect the premises and 36251
facilities of any gas storage reservoir any part of the boundary 36252
of which or any part of the protective area of which is within the 36253
boundary of such coal mine. In the event that either such 36254
reservoir operator or such coal mine operator denies permission to 36255
make any such inspection, the chief of the division of ~~mineral oil~~ 36256
and gas resources management on the chief's own motion, or on an 36257
application by the operator desiring to make such inspection, upon 36258
a hearing thereon if requested by either operator, after 36259
reasonable notice of such hearing, may make an order providing for 36260
such inspection. 36261

Sec. 1571.08. (A) Whenever in this chapter, the method or 36262
material to be used in discharging any obligations imposed by this 36263
chapter is specified, an alternative method or material may be 36264
used if approved by the gas storage well inspector or the chief of 36265
the division of ~~mineral oil and gas~~ resources management. A person 36266
desiring to use such alternative method or material shall file 36267
with the division of ~~mineral oil and gas~~ resources management an 36268
application for permission to do so. Such application shall 36269
describe such alternative method or material in reasonable detail. 36270
The gas storage well inspector shall promptly send by registered 36271
mail notice of the filing of such application to any coal mine 36272
operator or reservoir operator whose mine or reservoir may be 36273
directly affected thereby. Any such coal mine operator or 36274
reservoir operator may within ten days following receipt of such 36275
notice, file with the division objections to such application. The 36276
gas storage well inspector may also file with the division an 36277

objection to such application at any time during which coal mine operators or reservoir operators are permitted to file objections. If no objections are filed within the ten-day period of time, the gas storage well inspector shall thereupon issue a permit approving the use of such alternative method or material. If any such objections are filed by any coal mine operator or reservoir operator, or by the gas storage well inspector, the question as to whether or not the use of such alternative method or material, or a modification thereof is approved, shall be determined by a conference or hearing as provided in section 1571.10 of the Revised Code.

(B) Whenever in this chapter, provision is made for the filing of objections with the division, such objections shall be in writing and shall state as definitely as is reasonably possible the reasons for such objections. Upon the filing of any such objection the gas storage well inspector shall promptly fix the time and place for holding a conference for the purpose of discussing and endeavoring to resolve by mutual agreement the issue raised by such objection. The gas storage well inspector shall send written notice thereof by registered mail to each person having a direct interest therein. Thereupon the issue made by such objection shall be determined by a conference or hearing in accordance with the procedures for conferences and hearings as provided in section 1571.10 of the Revised Code.

Sec. 1571.09. (A) The chief of the division of ~~mineral oil~~ and gas resources management or any officer or employee of the division thereunto duly authorized by the chief may investigate, inspect, or examine records and facilities of any coal mine operator or reservoir operator, for the purpose of determining the accuracy or correctness of any map, data, statement, report, or other item or article, filed with or otherwise received by the division pursuant to this chapter. When a material question is

raised by any reservoir operator or coal mine operator as to the 36310
accuracy or correctness of any such map, data, statement, report, 36311
or other item or article, which may directly affect the reservoir 36312
operator or coal mine operator, the matter shall be determined by 36313
a conference or hearing as provided in section 1571.10 of the 36314
Revised Code. 36315

(B) The division of ~~mineral~~ oil and gas resources management 36316
shall keep all maps, data, statements, reports, well logs, 36317
notices, or other items or articles filed with or otherwise 36318
received by it pursuant to this chapter in a safe place and 36319
conveniently accessible to persons entitled to examine them. It 36320
shall maintain indexes of all such items and articles so that any 36321
of them may be promptly located. None of such items or articles 36322
shall be open to public inspection, but: (1) any of such items or 36323
articles pertaining to a mine may be examined by: the operator, 36324
owner, lessee, or agent of such mine; persons financially 36325
interested in such mine; owners of land adjoining such mine; the 36326
operator, owner, lessee, or agent of a mine adjoining such mine; 36327
authorized representatives of the persons employed to work in such 36328
mine; the operator of a gas storage reservoir any part of the 36329
boundary of which or of the boundary of its protective area is 36330
within ten thousand linear feet of the boundary of such mine, or 36331
the agent of such reservoir operator thereunto authorized by such 36332
reservoir operator; or any employee of the division of geological 36333
survey in the department of natural resources thereunto duly 36334
authorized by the chief of that division; and (2) any of such 36335
items or articles pertaining to a gas storage reservoir may be 36336
examined by: the operator of such reservoir; the operator of a 36337
coal mine any part of the boundary of which is within ten thousand 36338
linear feet of the boundary of a gas storage reservoir or of the 36339
boundary of its protective area, or the agent of such mine 36340
operator thereunto authorized by such mine operator, or the 36341
authorized representatives of the persons employed to work in such 36342

mine; or any employee of the division of geological survey 36343
thereunto duly authorized by the chief of that division. The 36344
division of ~~mineral~~ oil and gas resources management shall not 36345
permit any of such items or articles to be removed from its 36346
office, and it shall not furnish copies of any such items or 36347
articles to any person other than as provided in this chapter. 36348

The division shall keep a docket of all proceedings arising 36349
under this chapter, in which shall be entered the dates of any 36350
notice received or issued, the names of all persons to whom it 36351
sends a notice, and the address of each, the dates of conferences 36352
and hearings, and all findings, determinations, decisions, 36353
rulings, and orders, or other actions by the division. 36354

(C) Whenever any provision of this chapter requires the 36355
division to give notice to the operator of a coal mine of any 36356
proceeding to be held pursuant to this chapter, the division shall 36357
simultaneously give a copy of such notice to the authorized 36358
representatives of the persons employed to work in such mine. 36359

Sec. 1571.10. (A) The gas storage well inspector or any 36360
person having a direct interest in the administration of this 36361
chapter may at any time file with the division of ~~mineral~~ oil and 36362
gas resources management a written request that a conference be 36363
held for the purpose of discussing and endeavoring to resolve by 36364
mutual agreement any question or issue relating to the 36365
administration of this chapter, or to compliance with its 36366
provisions, or to any violation thereof. Such request shall 36367
describe the matter concerning which the conference is requested. 36368
Thereupon the gas storage well inspector shall promptly fix the 36369
time and place for the holding of such conference and shall send 36370
written notice thereof to each person having a direct interest 36371
therein. At such conference the gas storage well inspector or a 36372
representative of the division designated by the gas storage well 36373

inspector shall be in attendance, and shall preside at the 36374
conference, and the gas storage well inspector or designated 36375
representative may make such recommendations as the gas storage 36376
well inspector or designated representative deems proper. Any 36377
agreement reached at such conference shall be consistent with the 36378
requirements of this chapter and, if approved by the gas storage 36379
well inspector, it shall be reduced to writing and shall be 36380
effective. Any such agreement approved by the gas storage well 36381
inspector shall be kept on file in the division and a copy thereof 36382
shall be furnished to each of the persons having a direct interest 36383
therein. The conference shall be deemed terminated as of the date 36384
an approved agreement is reached or when any person having a 36385
direct interest therein refuses to confer thereafter. Such a 36386
conference shall be held in all cases prior to the holding of a 36387
hearing as provided in this section. 36388

(B) Within ten days after the termination of a conference at 36389
which no approved agreement is reached, any person who 36390
participated in such conference and who has a direct interest in 36391
the subject matter thereof, or the gas storage well inspector, may 36392
file with the chief of the division of ~~mineral~~ oil and gas 36393
resources management a request that the chief hear and determine 36394
the matter or matters, or any part thereof considered at the 36395
conference. Thereupon the chief shall promptly fix the time and 36396
place for the holding of such hearing and shall send written 36397
notice thereof to each person having a direct interest therein. 36398
The form of the request for such hearing and the conduct of the 36399
hearing shall be in accordance with rules that the chief adopts 36400
under section 1571.11 of the Revised Code. Consistent with the 36401
requirement for reasonable notice each such hearing shall be held 36402
promptly after the filing of the request therefor. Any person 36403
having a direct interest in the matter to be heard shall be 36404
entitled to appear and be heard in person or by attorney. The 36405
division may present at such hearing any evidence that is material 36406

to the matter being heard and that has come to the division's 36407
attention in any investigation or inspection made pursuant to this 36408
chapter. 36409

(C) For the purpose of conducting such a hearing the chief 36410
may require the attendance of witnesses and the production of 36411
books, records, and papers, and the chief may, and at the request 36412
of any person having a direct interest in the matter being heard, 36413
the chief shall, issue subpoenas for witnesses or subpoenas duces 36414
tecum to compel the production of any books, records, or papers, 36415
directed to the sheriffs of the counties where such witnesses are 36416
found, which subpoenas shall be served and returned in the same 36417
manner as subpoenas in criminal cases are served and returned. The 36418
fees of sheriffs shall be the same as those allowed by the court 36419
of common pleas in criminal cases. Witnesses shall be paid the 36420
fees and mileage provided for under section 119.094 of the Revised 36421
Code. Such fee and mileage expenses shall be paid in advance by 36422
the persons at whose request they are incurred, and the remainder 36423
of such expenses shall be paid out of funds appropriated for the 36424
expenses of the division. 36425

In case of disobedience or neglect of any subpoena served on 36426
any person, or the refusal of any witness to testify to any matter 36427
regarding which the witness may be lawfully interrogated, the 36428
court of common pleas of the county in which such disobedience, 36429
neglect, or refusal occurs, or any judge thereof, on application 36430
of the chief, shall compel obedience by attachment proceedings for 36431
contempt as in the case of disobedience of the requirements of a 36432
subpoena issued from such court or a refusal to testify therein. 36433
Witnesses at such hearings shall testify under oath, and the chief 36434
may administer oaths or affirmations to persons who so testify. 36435

(D) With the consent of the chief, the testimony of any 36436
witness may be taken by deposition at the instance of a party to 36437
any hearing before the chief at any time after hearing has been 36438

formally commenced. The chief may, of the chief's own motion, 36439
order testimony to be taken by deposition at any stage in any 36440
hearing, proceeding, or investigation pending before the chief. 36441
Such deposition shall be taken in the manner prescribed by the 36442
laws of this state for taking depositions in civil cases in courts 36443
of record. 36444

(E) After the conclusion of a hearing the chief shall make a 36445
determination and finding of facts. Every adjudication, 36446
determination, or finding by the chief shall be made by written 36447
order and shall contain a written finding by the chief of the 36448
facts upon which the adjudication, determination, or finding is 36449
based. Notice of the making of such order shall be given to the 36450
persons whose rights, duties, or privileges are affected thereby, 36451
by sending a certified copy thereof by registered mail to each of 36452
such persons. 36453

Adjudications, determinations, findings, and orders made by 36454
the chief shall not be governed by, or be subject to, Chapter 119. 36455
of the Revised Code. 36456

Sec. 1571.11. The chief of the division of ~~mineral~~ oil and 36457
gas resources management shall adopt rules governing 36458
administrative procedures to be followed in the administration of 36459
this chapter, which shall be of general application in all matters 36460
and to all persons affected by this chapter. 36461

No rule adopted by the chief pursuant to this section shall 36462
be effective until the tenth day after a certified copy thereof 36463
has been filed in the office of the secretary of state. 36464

All rules filed in the office of the secretary of state 36465
pursuant to this section shall be recorded by the secretary of 36466
state under a heading entitled "Regulations relating to the 36467
storage of gas in underground gas storage reservoirs" and shall be 36468
numbered consecutively under such heading and shall bear the date 36469

of filing. Such rules shall be public records open to public inspection. 36470
36471

No rule filed in the office of the secretary of state pursuant to this section shall be amended except by a rule that contains the entire rule as amended and that repeals the rule amended. Each rule that amends a rule shall bear the same consecutive rule number as the number of the rule that it amends, and it shall bear the date of filing. 36472
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No rule filed in the office of the secretary of state pursuant to this section shall be repealed except by a rule. Each rule that repeals a rule shall bear the same consecutive rule number as the number of the rule that it repeals, and it shall bear the date of filing. 36478
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The authority and the duty of the chief to adopt rules as provided in this section shall not be governed by, or be subject to Chapter 119. of the Revised Code. 36483
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The chief shall have available at all times copies of all rules adopted pursuant to this section, and shall furnish same free of charge to any person requesting same. 36486
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Sec. 1571.14. Any person claiming to be aggrieved or adversely affected by an order of the chief of the division of ~~mineral oil and gas~~ resources management made as provided in section 1571.10 or 1571.16 of the Revised Code may appeal to the director of natural resources for an order vacating or modifying such order. Upon receipt of the appeal, the director shall appoint an individual who has knowledge of the laws and rules regarding the underground storage of gas and who shall act as a hearing officer in accordance with Chapter 119. of the Revised Code in hearing the appeal. 36489
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The person appealing to the director shall be known as 36499

appellant and the chief shall be known as appellee. The appellant 36500
and the appellee shall be deemed parties to the appeal. 36501

The appeal shall be in writing and shall set forth the order 36502
complained of and the grounds upon which the appeal is based. The 36503
appeal shall be filed with the director within thirty days after 36504
the date upon which appellant received notice by registered mail 36505
of the making of the order complained of, as required by section 36506
1571.10 of the Revised Code. Notice of the filing of such appeal 36507
shall be delivered by appellant to the chief within three days 36508
after the appeal is filed with the director. 36509

Within seven days after receipt of the notice of appeal the 36510
chief shall prepare and certify to the director at the expense of 36511
appellant a complete transcript of the proceedings out of which 36512
the appeal arises, including a transcript of the testimony 36513
submitted to the chief. 36514

Upon the filing of the appeal the director shall fix the time 36515
and place at which the hearing on the appeal will be held, and 36516
shall give appellant and the chief at least ten days' written 36517
notice thereof by mail. The director may postpone or continue any 36518
hearing upon the director's own motion or upon application of 36519
appellant or of the chief. 36520

The filing of an appeal provided for in this section does not 36521
automatically suspend or stay execution of the order appealed 36522
from, but upon application by the appellant the director may 36523
suspend or stay such execution pending determination of the appeal 36524
upon such terms as the director deems proper. 36525

The hearing officer appointed by the director shall hear the 36526
appeal de novo, and either party to the appeal may submit such 36527
evidence as the hearing officer deems admissible. 36528

For the purpose of conducting a hearing on an appeal, the 36529
hearing officer may require the attendance of witnesses and the 36530

production of books, records, and papers, and may, and at the 36531
request of any party shall, issue subpoenas for witnesses or 36532
subpoenas duces tecum to compel the production of any books, 36533
records, or papers, directed to the sheriffs of the counties where 36534
such witnesses are found, which subpoenas shall be served and 36535
returned in the same manner as subpoenas in criminal cases are 36536
served and returned. The fees of sheriffs shall be the same as 36537
those allowed by the court of common pleas in criminal cases. 36538
Witnesses shall be paid the fees and mileage provided for under 36539
section 119.094 of the Revised Code. Such fee and mileage expenses 36540
incurred at the request of appellant shall be paid in advance by 36541
appellant, and the remainder of such expenses shall be paid out of 36542
funds appropriated for the expenses of the division of ~~mineral oil~~ oil 36543
and gas resources management. 36544

In case of disobedience or neglect of any subpoena served on 36545
any person, or the refusal of any witness to testify to any matter 36546
regarding which the witness may be lawfully interrogated, the 36547
court of common pleas of the county in which such disobedience, 36548
neglect, or refusal occurs, or any judge thereof, on application 36549
of the director, shall compel obedience by attachment proceedings 36550
for contempt as in the case of disobedience of the requirements of 36551
a subpoena issued from such court or a refusal to testify therein. 36552
Witnesses at such hearings shall testify under oath, and the 36553
hearing officer may administer oaths or affirmations to persons 36554
who so testify. 36555

At the request of any party to the appeal, a stenographic or 36556
electronic record of the testimony and other evidence submitted 36557
shall be taken by an official court ~~shorthand~~ reporter at the 36558
expense of the party making the request ~~therefor~~ for the record. 36559
The record shall include all of the testimony and other evidence 36560
and the rulings on the admissibility thereof presented at the 36561
hearing. The hearing officer shall pass upon the admissibility of 36562

evidence, but any party may at the time object to the admission of 36563
any evidence and except to the ruling of the hearing officer 36564
thereon, and if the hearing officer refuses to admit evidence, the 36565
party offering same may make a proffer thereof, and such proffer 36566
shall be made a part of the record of such hearing. 36567

If upon completion of the hearing the hearing officer finds 36568
that the order appealed from was lawful and reasonable, the 36569
hearing officer shall make a written order affirming the order 36570
appealed from. If the hearing officer finds that such order was 36571
unreasonable or unlawful, the hearing officer shall make a written 36572
order vacating the order appealed from and making the order that 36573
it finds the chief should have made. Every order made by the 36574
hearing officer shall contain a written finding by the hearing 36575
officer of the facts upon which the order is based. Notice of the 36576
making of such order shall be given forthwith to each party to the 36577
appeal by mailing a certified copy thereof to each such party by 36578
registered mail. 36579

Sec. 1571.16. (A) The gas storage well inspector or any 36580
person having a direct interest in the subject matter of this 36581
chapter may file with the division of ~~mineral~~ oil and gas 36582
resources management a complaint in writing stating that a person 36583
is violating, or is about to violate, a provision or provisions of 36584
this chapter, or has done, or is about to do, an act, matter, or 36585
thing therein prohibited or declared to be unlawful, or has 36586
failed, omitted, neglected, or refused, or is about to fail, omit, 36587
neglect, or refuse, to perform a duty enjoined upon the person by 36588
this chapter. Upon the filing of such a complaint, the chief of 36589
the division of ~~mineral~~ oil and gas resources management shall 36590
promptly fix the time for the holding of a hearing on such 36591
complaint and shall send by registered mail to the person so 36592
complained of, a copy of such complaint together with at least 36593
five days' notice of the time and place at which such hearing will 36594

be held. Such notice of such hearing shall also be given to all 36595
persons having a direct interest in the matters complained of in 36596
such complaint. Such hearing shall be conducted in the same 36597
manner, and the chief and persons having a direct interest in the 36598
matter being heard, shall have the same powers, rights, and duties 36599
as provided in divisions (B), (C), (D), and (E) of section 1571.10 36600
of the Revised Code, in connection with hearings by the chief, 36601
provided that if after conclusion of the hearing the chief finds 36602
that the charges against the person complained of, as stated in 36603
such complaint, have not been sustained by a preponderance of 36604
evidence, the chief shall make an order dismissing the complaint, 36605
and if the chief finds that the charges have been so sustained, 36606
the chief shall by appropriate order require compliance with those 36607
provisions. 36608

(B) Whenever the chief is of the opinion that any person is 36609
violating, or is about to violate, any provision of this chapter, 36610
or has done, or is about to do, any act, matter, or thing therein 36611
prohibited or declared to be unlawful, or has failed, omitted, 36612
neglected, or refused, or is about to fail, omit, neglect, or 36613
refuse, to perform any duty enjoined upon the person by this 36614
chapter, or has failed, omitted, neglected, or refused, or is 36615
about to fail, omit, neglect, or refuse, to obey any lawful 36616
requirement or order made by the chief, or any final judgment, 36617
order, or decree made by any court pursuant to this chapter, then 36618
and in every such case, the chief may institute in a court of 36619
competent jurisdiction of the county or counties wherein the 36620
operation is situated, an action to enjoin or restrain such 36621
violations or to enforce obedience with law or the orders of the 36622
chief. No injunction bond shall be required to be filed in any 36623
such proceeding. Such persons or corporations as the court may 36624
deem necessary or proper to be joined as parties in order to make 36625
its judgment, order, or writ effective may be joined as parties. 36626
An appeal may be taken as in other civil actions. 36627

(C) In addition to the other remedies as provided in 36628
divisions (A) and (B) of this section, any reservoir operator or 36629
coal mine operator affected by this chapter may proceed by 36630
injunction or other appropriate remedy to restrain violations or 36631
threatened violations of this chapter or of orders of the chief, 36632
or of the hearing officer appointed under section 1571.14 of the 36633
Revised Code, or the judgments, orders, or decrees of any court or 36634
to enforce obedience therewith. 36635

(D) Each remedy prescribed in divisions (A), (B), and (C) of 36636
this section is deemed concurrent or contemporaneous with each 36637
other remedy prescribed therein, and the existence or exercise of 36638
any one such remedy shall not prevent the exercise of any other 36639
such remedy. 36640

(E) The provisions of this chapter providing for conferences, 36641
hearings by the chief, appeals to the hearing officer from orders 36642
of the chief, and appeals to the court of common pleas from orders 36643
of the hearing officer, and the remedies prescribed in divisions 36644
(A), (B), (C), and (D) of this section, do not constitute the 36645
exclusive procedure that a person, who deems the person's rights 36646
to be unlawfully affected by any official action taken thereunder, 36647
must pursue in order to protect and preserve such rights, nor does 36648
this chapter constitute a procedure that such a person must pursue 36649
before the person may lawfully proceed by other actions, legal or 36650
equitable, to protect and preserve such rights. 36651

Sec. 1571.18. After ~~the effective date of this section~~ June 36652
30, 2010, and not later than the thirty-first day of March each 36653
year, the owner of a well that is used for gas storage or of a 36654
well that is used to monitor a gas storage reservoir and that is 36655
located in a reservoir protective area shall pay to the chief of 36656
the division of ~~mineral~~ oil and gas resources management a gas 36657
storage well regulatory fee of one hundred twenty-five dollars for 36658

each well that the owner owned as of the thirty-first day of 36659
December of the previous year for the purposes of administering 36660
this chapter and Chapter 1509. of the Revised Code. The chief may 36661
prescribe and provide a form for the collection of the fee imposed 36662
by this section and may adopt rules in accordance with Chapter 36663
119. of the Revised Code that are necessary for the administration 36664
of this section. 36665

All money collected under this section shall be deposited in 36666
the state treasury to the credit of the oil and gas well fund 36667
created in section 1509.02 of the Revised Code. 36668

Sec. 1571.99. Any person who purposely violates any order of 36669
the chief of the division of ~~mineral~~ oil and gas resources 36670
management, of a hearing officer appointed by the director of 36671
natural resources under section 1571.14 of the Revised Code, or of 36672
the director, made pursuant to this chapter shall be punished by a 36673
fine not exceeding two thousand dollars, or imprisoned in jail for 36674
a period not exceeding twelve months, or both, in the discretion 36675
of the court. 36676

Sec. 1701.07. (A) Every corporation shall have and maintain 36677
an agent, sometimes referred to as the "statutory agent," upon 36678
whom any process, notice, or demand required or permitted by 36679
statute to be served upon a corporation may be served. The agent 36680
may be a natural person who is a resident of this state or may be 36681
a domestic corporation or a foreign corporation holding a license 36682
as such under the laws of this state, that is authorized by its 36683
articles of incorporation to act as such agent and that has a 36684
business address in this state. 36685

(B) The secretary of state shall not accept original articles 36686
for filing unless there is filed with the articles a written 36687
appointment of an agent that is signed by the incorporators of the 36688

corporation or a majority of them and a written acceptance of the 36689
appointment that is signed by the agent. In all other cases, the 36690
corporation shall appoint the agent and shall file in the office 36691
of the secretary of state a written appointment of the agent that 36692
is signed by any authorized officer of the corporation and a 36693
written acceptance of the appointment that is either the original 36694
acceptance signed by the agent or a photocopy, facsimile, or 36695
similar reproduction of the original acceptance signed by the 36696
agent. 36697

(C) The written appointment of an agent shall set forth the 36698
name and address in this state of the agent, including the street 36699
and number or other particular description, and shall otherwise be 36700
in such form as the secretary of state prescribes. The secretary 36701
of state shall keep a record of the names of corporations, and the 36702
names and addresses of their respective agents. 36703

(D) If any agent dies, removes from the state, or resigns, 36704
the corporation shall forthwith appoint another agent and file 36705
with the secretary of state, on a form prescribed by the secretary 36706
of state, a written appointment of the agent. 36707

(E) If the agent changes the agent's address from that 36708
appearing upon the record in the office of the secretary of state, 36709
the corporation or the agent shall forthwith file with the 36710
secretary of state, on a form prescribed by the secretary of 36711
state, a written statement setting forth the new address. 36712

(F) An agent may resign by filing with the secretary of 36713
state, on a form prescribed by the secretary of state, a written 36714
notice to that effect that is signed by the agent and by sending a 36715
copy of the notice to the corporation at the current or last known 36716
address of its principal office on or prior to the date the notice 36717
is filed with the secretary of state. The notice shall set forth 36718
the name of the corporation, the name and current address of the 36719
agent, the current or last known address, including the street and 36720

number or other particular description, of the corporation's 36721
principal office, the resignation of the agent, and a statement 36722
that a copy of the notice has been sent to the corporation within 36723
the time and in the manner prescribed by this division. Upon the 36724
expiration of thirty days after the filing, the authority of the 36725
agent shall terminate. 36726

(G) A corporation may revoke the appointment of an agent by 36727
filing with the secretary of state, on a form prescribed by the 36728
secretary of state, a written appointment of another agent and a 36729
statement that the appointment of the former agent is revoked. 36730

(H) Any process, notice, or demand required or permitted by 36731
statute to be served upon a corporation may be served upon the 36732
corporation by delivering a copy of it to its agent, if a natural 36733
person, or by delivering a copy of it at the address of its agent 36734
in this state, as the address appears upon the record in the 36735
office of the secretary of state. If (1) the agent cannot be 36736
found, or (2) the agent no longer has that address, or (3) the 36737
corporation has failed to maintain an agent as required by this 36738
section, and if in any such case the party desiring that the 36739
process, notice, or demand be served, or the agent or 36740
representative of the party, shall have filed with the secretary 36741
of state an affidavit stating that one of the foregoing conditions 36742
exists and stating the most recent address of the corporation that 36743
the party after diligent search has been able to ascertain, then 36744
service of process, notice, or demand upon the secretary of state, 36745
as the agent of the corporation, may be initiated by delivering to 36746
the secretary of state or at the secretary of state's office 36747
quadruplicate copies of such process, notice, or demand and by 36748
paying to the secretary of state a fee of five dollars. The 36749
secretary of state shall forthwith give notice of the delivery to 36750
the corporation at its principal office as shown upon the record 36751
in the secretary of state's office and at any different address 36752

shown on its last franchise tax report filed in this state, or to 36753
the corporation at any different address set forth in the above 36754
mentioned affidavit, and shall forward to the corporation at said 36755
addresses, by certified mail, with request for return receipt, a 36756
copy of the process, notice, or demand; and thereupon service upon 36757
the corporation shall be deemed to have been made. 36758

(I) The secretary of state shall keep a record of each 36759
process, notice, and demand delivered to the secretary of state or 36760
at the secretary of state's office under this section or any other 36761
law of this state that authorizes service upon the secretary of 36762
state, and shall record the time of the delivery and the action 36763
thereafter with respect thereto. 36764

(J) This section does not limit or affect the right to serve 36765
any process, notice, or demand upon a corporation in any other 36766
manner permitted by law. 36767

(K) Every corporation shall state in each annual report filed 36768
by it with the department of taxation the name and address of its 36769
statutory agent. 36770

(L) Except when an original appointment of an agent is filed 36771
with the original articles, a written appointment of an agent or a 36772
written statement filed by a corporation with the secretary of 36773
state shall be signed by any authorized officer of the corporation 36774
or by the incorporators of the corporation or a majority of them 36775
if no directors have been elected. 36776

(M) For filing a written appointment of an agent other than 36777
one filed with original articles, and for filing a statement of 36778
change of address of an agent, the secretary of state shall charge 36779
and collect the fee specified in division (R) of section 111.16 of 36780
the Revised Code. 36781

(N) Upon the failure of a corporation to appoint another 36782
agent or to file a statement of change of address of an agent, the 36783

secretary of state shall give notice thereof by ~~certified~~ ordinary 36784
or electronic mail to the corporation at the electronic mail 36785
address provided to the secretary of state, or at the address set 36786
forth in the notice of resignation or on the last franchise tax 36787
return filed in this state by the corporation. Unless the default 36788
is cured within thirty days after the mailing by the secretary of 36789
state of the notice or within any further period of time that the 36790
secretary of state grants, upon the expiration of that period of 36791
time from the date of the mailing, the articles of the corporation 36792
shall be canceled without further notice or action by the 36793
secretary of state. The secretary of state shall make a notation 36794
of the cancellation on the secretary of state's records. 36795

A corporation whose articles have been canceled may be 36796
reinstated by filing, on a form prescribed by the secretary of 36797
state, an application for reinstatement and the required 36798
appointment of agent or required statement, and by paying the 36799
filing fee specified in division (Q) of section 111.16 of the 36800
Revised Code. The rights, privileges, and franchises of a 36801
corporation whose articles have been reinstated are subject to 36802
section 1701.922 of the Revised Code. The secretary of state shall 36803
furnish the tax commissioner a monthly list of all corporations 36804
canceled and reinstated under this division. 36805

(O) This section does not apply to banks, trust companies, 36806
insurance companies, or any corporation defined under the laws of 36807
this state as a public utility for taxation purposes. 36808

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 36809
under the general corporation laws of this state, or previous 36810
laws, or under special provisions of the Revised Code, or created 36811
before September 1, 1851, which corporation has expressly or 36812
impliedly elected to be governed by the laws passed since that 36813
date, and whose articles or other documents are filed with the 36814

secretary of state, shall file with the secretary of state a 36815
verified statement of continued existence, signed by a director, 36816
officer, or three members in good standing, setting forth the 36817
corporate name, the place where the principal office of the 36818
corporation is located, the date of incorporation, the fact that 36819
the corporation is still actively engaged in exercising its 36820
corporate privileges, and the name and address of its agent 36821
appointed pursuant to section 1702.06 of the Revised Code. 36822

(B) Each corporation required to file a statement of 36823
continued existence shall file it with the secretary of state 36824
within each five years after the date of incorporation or of the 36825
last corporate filing. 36826

(C) Corporations specifically exempted by division (N) of 36827
section 1702.06 of the Revised Code, or whose activities are 36828
regulated or supervised by another state official, agency, bureau, 36829
department, or commission are exempted from this section. 36830

(D) The secretary of state shall give notice ~~in writing~~ by 36831
ordinary or electronic mail and provide a form for compliance with 36832
this section to each corporation required by this section to file 36833
the statement of continued existence, such notice and form to be 36834
mailed to the last known physical or electronic mail address of 36835
the corporation as it appears on the records of the secretary of 36836
state or which the secretary of state may ascertain upon a 36837
reasonable search. 36838

(E) If any nonprofit corporation required by this section to 36839
file a statement of continued existence fails to file the 36840
statement required every fifth year, then the secretary of state 36841
shall cancel the articles of such corporation, make a notation of 36842
the cancellation on the records, and mail to the corporation a 36843
certificate of the action so taken. 36844

(F) A corporation whose articles have been canceled may be 36845

reinstated by filing an application for reinstatement and paying 36846
to the secretary of state the fee specified in division (Q) of 36847
section 111.16 of the Revised Code. The name of a corporation 36848
whose articles have been canceled shall be reserved for a period 36849
of one year after the date of cancellation. If the reinstatement 36850
is not made within one year from the date of the cancellation of 36851
its articles of incorporation and it appears that a corporate 36852
name, limited liability company name, limited liability 36853
partnership name, limited partnership name, or trade name has been 36854
filed, the name of which is not distinguishable upon the record as 36855
provided in section 1702.06 of the Revised Code, the applicant for 36856
reinstatement shall be required by the secretary of state, as a 36857
condition prerequisite to such reinstatement, to amend its 36858
articles by changing its name. A certificate of reinstatement may 36859
be filed in the recorder's office of any county in the state, for 36860
which the recorder shall charge and collect a base fee of one 36861
dollar for services and a housing trust fund fee of one dollar 36862
pursuant to section 317.36 of the Revised Code. The rights, 36863
privileges, and franchises of a corporation whose articles have 36864
been reinstated are subject to section 1702.60 of the Revised 36865
Code. 36866

(G) The secretary of state shall furnish the tax commissioner 36867
a list of all corporations failing to file the required statement 36868
of continued existence. 36869

Sec. 1703.031. (A) If the laws of the United States prohibit, 36870
preempt, or otherwise eliminate the licensing requirement of 36871
sections 1703.01 to 1703.31 of the Revised Code with respect to a 36872
corporation that is a bank, savings bank, or savings and loan 36873
association chartered under the laws of the United States, the 36874
main office of which is located in another state, the bank, 36875
savings bank, or savings and loan association shall notify the 36876
secretary of state that it is transacting business in this state 36877

by submitting a notice in such form as the secretary of state 36878
prescribes. The notice shall be verified by the oath of the 36879
president, vice-president, secretary, or treasurer of the bank, 36880
savings bank, or savings and loan association, and shall set forth 36881
all of the following: 36882

(1) The name of the corporation and any trade name under 36883
which it will do business in this state; 36884

(2) The location and complete address, including the county, 36885
of its main office in another state and its principal office, if 36886
any, in this state; 36887

(3) The appointment of a designated agent and the complete 36888
address of such agent in this state, which agent may be a natural 36889
person who is a resident of this state, or may be a domestic 36890
corporation for profit or a foreign corporation for profit holding 36891
a license as such under the laws of this state, provided that the 36892
domestic or foreign corporation has a business address in this 36893
state and is authorized by its articles of incorporation to act as 36894
such agent; 36895

(4) The irrevocable consent of the corporation to service of 36896
process on such agent so long as the authority of the agent 36897
continues and to service of process upon the secretary of state in 36898
the events provided for in section 1703.19 of the Revised Code; 36899

(5) A brief summary of the business to be transacted within 36900
this state. 36901

(B) The notice required by this section shall be accompanied 36902
by a certificate of good standing or subsistence, dated not 36903
earlier than sixty days prior to the submission of the notice, 36904
under the seal of the proper official of the agency of the United 36905
States that incorporated the bank, savings bank, or savings and 36906
loan association, setting forth the exact corporate title, the 36907
date of incorporation, and the fact that the bank, savings bank, 36908

or savings and loan association is in good standing or is a 36909
subsisting bank, savings bank, or savings and loan association. 36910

(C) Upon submission of the notice, a bank, savings bank, or 36911
savings and loan association shall pay a filing fee ~~of one hundred~~ 36912
~~dollars~~ to the secretary of state as required by section 111.16 of 36913
the Revised Code. 36914

(D)(1) No such notice shall be accepted for filing if it 36915
appears that the name of the bank, savings bank, or savings and 36916
loan association is any of the following: 36917

(a) Prohibited by law; 36918

(b) Not distinguishable upon the records in the office of the 36919
secretary of state from the name of a limited liability company, 36920
whether domestic or foreign, or any other corporation, whether 36921
nonprofit or for profit and whether that of a domestic corporation 36922
or of a foreign corporation authorized to transact business in 36923
this state, unless there is also filed with the secretary of state 36924
the consent of the other limited liability company or corporation 36925
to the use of the name, evidenced in a writing signed by any 36926
authorized representative or authorized officer of the other 36927
limited liability company or corporation; 36928

(c) Not distinguishable upon the records in the office of the 36929
secretary of state from a trade name, the exclusive right to which 36930
is at the time in question registered in the manner provided in 36931
Chapter 1329. of the Revised Code, unless there also is filed with 36932
the secretary of state the consent of the other corporation or 36933
person to the use of the name, evidenced in a writing signed by 36934
any authorized officer of the other corporation or authorized 36935
party of the other person owning the exclusive right to the 36936
registered trade name. 36937

(2) Notwithstanding division (D)(1)(b) of this section, if a 36938
notice is not acceptable for filing solely because the name of the 36939

bank, savings bank, or savings and loan association is not 36940
distinguishable from the name of another corporation or registered 36941
trade name, the bank, savings bank, or savings and loan 36942
association may be authorized to transact business in this state 36943
by filing with the secretary of state, in addition to those items 36944
otherwise prescribed by this section, a statement signed by an 36945
authorized officer directing the bank, savings bank, or savings 36946
and loan association to transact business in this state under an 36947
assumed business name or names that comply with the requirements 36948
of division (D) of this section and stating that the bank, savings 36949
bank, or savings and loan association will transact business in 36950
this state only under the assumed name or names. 36951

(E) The secretary of state shall provide evidence of receipt 36952
of notice to each bank, savings bank, or savings and loan 36953
association that submits a notice required by this section. 36954

Sec. 1703.07. If a foreign corporation has merged or 36955
consolidated with one or more foreign corporations, it shall file 36956
with the secretary of state a certificate setting forth the fact 36957
of merger or consolidation, certified by the secretary of state, 36958
or other proper official, of the state under the laws of which the 36959
foreign corporation was incorporated. 36960

The secretary of state, before filing a certificate 36961
evidencing a foreign corporation's merger or consolidation, shall 36962
charge and collect from the foreign corporation a filing fee of 36963
~~ten dollars~~ as required by section 111.16 of the Revised Code. 36964

Sec. 1707.11. (A) Each person that is not organized under the 36965
laws of this state, that is not licensed under section 1703.03 of 36966
the Revised Code, or that does not have its principal place of 36967
business in this state, shall submit to the division of securities 36968
an irrevocable consent to service of process, as described in 36969

division (B) of this section, in connection with any of the 36970
following: 36971

(1) Filings to claim any of the exemptions enumerated in 36972
division (Q), (W), ~~(X)~~, or (Y) of section 1707.03 of the Revised 36973
Code; 36974

(2) Applications for registration by description, 36975
qualification, or coordination; 36976

(3) Notice filings pursuant to section 1707.092 of the 36977
Revised Code. 36978

(B) The irrevocable written consent shall be executed and 36979
acknowledged by an individual duly authorized to give the consent 36980
and shall do all of the following: 36981

(1) Designate the secretary of state as agent for service of 36982
process or pleadings; 36983

(2) State that actions growing out of the sale of such 36984
securities, the giving of investment advice, or fraud committed by 36985
a person on whose behalf the consent is submitted may be commenced 36986
against the person, in the proper court of any county in this 36987
state in which a cause of action may arise or in which the 36988
plaintiff in the action may reside, by serving on the secretary of 36989
state any proper process or pleading authorized by the laws of 36990
this state; 36991

(3) Stipulate that service of process or pleading on the 36992
secretary of state shall be taken in all courts to be as valid and 36993
binding as if service had been made upon the person on whose 36994
behalf the consent is submitted. 36995

(C) Notwithstanding any application, form, or other material 36996
filed with or submitted to the division that purports to appoint 36997
as agent for service of process a person other than the secretary 36998
of state, the application, form, or other material shall be 36999

considered to appoint the secretary of state as agent for service of process. 37000
37001

(D) Service of any process or pleadings may be made on the secretary of state by duplicate copies, of which one shall be filed in the office of the secretary of state, and the other immediately forwarded by the secretary of state by certified mail to the principal place of business of the person on whose behalf the consent is submitted or to the last known address as shown on the filing made with the division. However, failure to mail such copy does not invalidate the service. 37002
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(E) Notwithstanding any provision of this chapter, or of any rule adopted by the division of securities under this chapter, that requires the submission of a consent to service of process, the division may provide by rule for the electronic filing or submission of a consent to service of process. 37010
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Sec. 1707.17. (A)(1) The license of every dealer in and salesperson of securities shall expire on the thirty-first day of December of each year, and may be renewed upon the filing with the division of securities of an application for renewal, and the payment of the fee prescribed in this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal of a dealer's or salesperson's license. 37015
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(2) The license of every investment adviser and investment adviser representative licensed under section 1707.141 or 1707.161 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed upon the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal. 37022
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(3) An investment adviser required to make a notice filing 37030

under division (B) of section 1707.141 of the Revised Code 37031
annually shall file with the division the notice filing and the 37032
fee prescribed in division (B) of this section, no later than the 37033
thirty-first day of December of each year. 37034

(4) The license of every state retirement system investment 37035
officer licensed under section 1707.163 of the Revised Code and 37036
the license of a bureau of workers' compensation chief investment 37037
officer issued under section 1707.165 of the Revised Code shall 37038
expire on the thirtieth day of June of each year. The licenses may 37039
be renewed on the filing with the division of an application for 37040
renewal, and the payment of the fee prescribed in division (B) of 37041
this section. The division shall give notice, without unreasonable 37042
delay, of its action on any application for renewal. 37043

(B)(1) The fee for each dealer's license, and for each annual 37044
renewal thereof, shall be two hundred dollars. 37045

(2) The fee for each salesperson's license, and for each 37046
annual renewal thereof, shall be sixty dollars. 37047

(3) The fee for each investment adviser's license, and for 37048
each annual renewal thereof, shall be one hundred dollars. 37049

(4) The fee for each investment adviser notice filing 37050
required by division (B) of section 1707.141 of the Revised Code 37051
shall be one hundred dollars. 37052

(5) The fee for each investment adviser representative's 37053
license, and for each annual renewal thereof, shall be thirty-five 37054
dollars. 37055

(6) The fee for each state retirement system investment 37056
officer's license, and for each annual renewal thereof, shall be 37057
fifty dollars. 37058

(7) The fee for a bureau of workers' compensation chief 37059
investment officer's license, and for each annual renewal thereof, 37060

shall be fifty dollars. 37061

(C) A dealer's, salesperson's, investment adviser's, 37062
investment adviser representative's, bureau of workers' 37063
compensation chief investment officer's, or state retirement 37064
system investment officer's license may be issued at any time for 37065
the remainder of the calendar year. In that event, the annual fee 37066
shall not be reduced. 37067

(D) The division may, by rule or order, waive, in whole or in 37068
part, any of the fee requirements of this section for any person 37069
or class of persons if, in the same calendar year, the person or 37070
class of persons is required to pay an additional fee as a result 37071
of changes in federal law and regulations implemented under Title 37072
IV of the "Dodd-Frank Wall Street Reform and Consumer Protection 37073
Act of 2010," 124 Stat. 1576 (2010), 15 U.S.C. 80b-3a(a), under 37074
which a person or class of persons formerly subject to regulation 37075
under the United States securities and exchange commission is 37076
subject to state regulation under Chapter 1707. of the Revised 37077
Code. 37078

Sec. 1711.05. Every county agricultural society annually 37079
shall publish an abstract of its treasurer's account in a 37080
newspaper of general circulation in the county and make a report 37081
of its proceedings during the year. It shall also make, in 37082
accordance with the rules of the department of agriculture, a 37083
synopsis of its awards for improvement in agriculture and in 37084
household manufactures and forward such synopsis to the director 37085
of agriculture at or before the annual meeting of the directors of 37086
the society with the director of agriculture, as provided for in 37087
section 901.06 of the Revised Code. No payment after such date 37088
shall be made from the county treasury to such society unless a 37089
certificate from the director is presented to the county auditor 37090
showing that such reports have been made. 37091

Sec. 1711.07. The board of directors of a county or 37092
independent agricultural society shall consist of at least eight 37093
members. An employee of the Ohio state university extension 37094
service and the county school superintendent shall be members ex 37095
officio. Their terms of office shall be determined by the rules of 37096
the department of agriculture. Any vacancy in the board caused by 37097
death, resignation, refusal to qualify, removal from county, or 37098
other cause may be filled by the board until the society's next 37099
annual election, when a director shall be elected for the 37100
unexpired term. There shall be an annual election of directors by 37101
ballot at a time and a place fixed by the board, but this election 37102
shall not be held later than the first Saturday in December 1994, 37103
and not later than the fifteenth day of November each year 37104
thereafter, beginning in 1995. The secretary of the society shall 37105
give notice of such election, for three weeks prior to the holding 37106
thereof, in ~~at least two newspapers~~ a newspaper of ~~opposite~~ 37107
~~politics and of~~ general circulation in the county or as provided 37108
in section 7.16 of the Revised Code, or by letter mailed to each 37109
member of the society. Only persons holding membership 37110
certificates at the close of the annual county fair, or at least 37111
fifteen calendar days before the date of election, as may be fixed 37112
by the board, may vote, unless such election is held on the 37113
fairground during the fair, in which case all persons holding 37114
membership certificates on the date and hour of the election may 37115
vote. When the election is to be held during the fair, notice of 37116
such election must be prominently mentioned in the premium list, 37117
in addition to the notice required in ~~newspapers~~ a newspaper. The 37118
terms of office of the retiring directors shall expire, and those 37119
of the directors-elect shall begin, not later than the first 37120
Saturday in January 1995, and not later than the thirtieth day of 37121
November each year thereafter, beginning in 1995. 37122

The secretary of such society shall send the name and address 37123

of each member of its board to the director of agriculture within 37124
ten days after the election. 37125

Sec. 1711.18. In a county in which there is a county 37126
agricultural society indebted fifteen thousand dollars or more, 37127
and such society has purchased a fairground or title to such 37128
fairground is vested in fee in the county, the board of county 37129
commissioners, upon the presentation of a petition signed by not 37130
less than five hundred resident electors of the county praying for 37131
the submission to the electors of the county of the question 37132
whether or not county bonds shall be issued and sold to liquidate 37133
such indebtedness, shall, by resolution within ten days 37134
thereafter, fix a date, which shall be within thirty days, upon 37135
which the question of issuing and selling such bonds, in the 37136
necessary amount and denomination, shall be submitted to the 37137
electors of the county. The board also shall cause a copy of such 37138
resolution to be certified to the county board of elections and 37139
such board of elections, within ten days after such certification, 37140
shall proceed to make the necessary arrangements for the 37141
submission of such question to such electors at the time fixed by 37142
such resolution. 37143

Such election shall be held at the regular places of voting 37144
in the county and shall be conducted, canvassed, and certified, 37145
except as otherwise provided by law, as are elections of county 37146
officers. The county board of elections must give fifteen days' 37147
notice of such submission by publication in ~~one or more newspapers~~ 37148
published a newspaper of general circulation in the county once a 37149
week for two consecutive weeks or as provided in section 7.16 of 37150
the Revised Code, stating the amount of bonds to be issued, the 37151
purpose for which they are to be issued, and the time and places 37152
of holding such election. Those who vote in favor of the 37153
proposition shall have written or printed on their ballots "for 37154
the issue of bonds" and those who vote against it shall have 37155

written or printed on their ballots "against the issue of bonds." 37156
If a majority of those voting upon the question of issuing the 37157
bonds vote in favor thereof, then and only then shall they be 37158
issued and the tax provided for in section 1711.20 of the Revised 37159
Code be levied. 37160

Sec. 1711.30. Before issuing bonds under section 1711.28 of 37161
the Revised Code, the board of county commissioners, by 37162
resolution, shall submit to the qualified electors of the county 37163
at the next general election for county officers, held not less 37164
than ninety days after receiving from the county agricultural 37165
society the notice provided for in section 1711.25 of the Revised 37166
Code, the question of issuing and selling such bonds in such 37167
amount and denomination as are necessary for the purpose in view, 37168
and shall certify a copy of such resolution to the county board of 37169
elections. 37170

The county board of elections shall place the question of 37171
issuing and selling such bonds upon the ballot and make all other 37172
necessary arrangements for the submission, at the time fixed by 37173
such resolution, of such question to such electors. The votes cast 37174
at such election upon such question must be counted, canvassed, 37175
and certified in the same manner, except as provided by law, as 37176
votes cast for county officers. Fifteen days' notice of such 37177
submission shall be given by the county board of elections, by 37178
publication once a week for two consecutive weeks in ~~two or more~~ 37179
~~newspapers published~~ a newspaper of general circulation in the 37180
county or as provided in section 7.16 of the Revised Code, stating 37181
the amount of bonds to be issued, the purpose for which they are 37182
to be issued, and the time and places of holding such election. 37183
Such question must be stated on the ballot as follows: "For the 37184
issue of county fair bonds, yes"; "For the issue of county fair 37185
bonds, no." If the majority of those voting upon the question of 37186
issuing the bonds vote in favor thereof, then and only then shall 37187

they be issued and the tax provided for in section 1711.29 of the Revised Code be levied. 37188
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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: 37190
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(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; 37197
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(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; 37202
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(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; 37206
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(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; 37209
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(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 payments to the municipal corporation to be made pursuant to a financial agreement to be entered into with the municipal corporation; 37212
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(F) A relocation plan providing for the relocation of 37218
persons, including families, business concerns, and others, 37219
displaced by the project, which relocation plan shall include, but 37220
not be limited to, the proposed method for the relocation of 37221
residents who will be displaced from their dwelling accommodations 37222
in decent, safe, and sanitary dwelling accommodations within their 37223
means, or with provision for adjustment payments to bring such 37224
accommodations within their means, and without undue hardship, and 37225
reasonable moving costs; 37226

(G) The names and tax mailing addresses, as determined from 37227
the records of the county auditor not more than five days prior to 37228
the submission of the application to the mayor of the municipal 37229
corporation, of the owners of all property which the corporation 37230
proposes in its application to acquire. 37231

Such application shall be addressed and submitted to the 37232
mayor of the municipal corporation, who shall, within sixty days 37233
after receipt thereof, submit it with ~~his~~ the mayor's 37234
recommendations to the governing body. The application shall be a 37235
matter of public record upon receipt by the mayor. 37236

The governing body shall by notice published once a week for 37237
two consecutive weeks in a newspaper of general circulation in the 37238
municipal corporation or as provided in section 7.16 of the 37239
Revised Code, by written notice, by certified mail or personal 37240
service, to the owners of property which the corporation proposes 37241
in its application to purchase at the tax mailing address as set 37242
forth in the corporation's application, by the putting up of signs 37243
in at least five places within the area covered by the 37244
application, and by giving written notice, by certified mail or 37245
personal service, to community organizations known by the clerk of 37246
the governing body to represent a substantial number of the 37247
residents of the area covered by the application, advise that the 37248
application is on file in the office of the clerk of the governing 37249

body of the municipal corporation and is available for inspection 37250
by the general public during business hours and advise that a 37251
public hearing shall be held thereon, stating the place and time 37252
of the public hearing, which time shall be not less than fourteen 37253
days after the first publication, or after sending the mailed 37254
notice, or after the putting up of the signs, whichever is later. 37255

Following the public hearing and after complying with section 37256
5709.83 of the Revised Code, the governing body, taking into 37257
consideration the financial impact on the community, shall by 37258
resolution approve or disapprove the application, approval to be 37259
by an affirmative vote of not less than three-fifths of the 37260
governing body, but in the event of disapproval, changes may be 37261
suggested to secure its approval. 37262

An application may be revised or resubmitted in the same 37263
manner and subject to the same procedures as an original 37264
application. The clerk of the governing body shall diligently 37265
discharge the duties imposed on the clerk by this division, 37266
provided failure of the clerk to send written notices to all 37267
community organizations, in a good faith effort by the clerk to 37268
give the required notice, shall not invalidate any proceedings 37269
under this chapter. The failure of delivery of notice given by 37270
certified mail under this division shall not invalidate any 37271
proceedings under this chapter. 37272

Sec. 1728.07. Every approved project shall be evidenced by a 37273
financial agreement between the municipal corporation and the 37274
community urban redevelopment corporation. Such agreement shall be 37275
prepared by the community urban redevelopment corporation and 37276
submitted as a separate part of its application for project 37277
approval. 37278

The financial agreement shall be in the form of a contract 37279
requiring full performance within twenty years from the date of 37280

completion of the project and shall, as a minimum, include the 37281
following: 37282

(A) That all improvements in the project to be constructed or 37283
acquired by the corporation shall be exempt from taxation, subject 37284
to section 1728.10 of the Revised Code; 37285

(B) That the corporation shall make payments in lieu of real 37286
estate taxes not less than the amount as provided by section 37287
1728.11 of the Revised Code; or if the municipal corporation is an 37288
impacted city, not less than the amount as provided by section 37289
1728.111 of the Revised Code; 37290

(C) That the corporation, its successors and assigns, shall 37291
use, develop, and redevelop the real property of the project in 37292
accordance with, and for the period of, the community development 37293
plan approved by the governing body of the municipal corporation 37294
for the blighted area in which the project is situated and shall 37295
so bind its successors and assigns by appropriate agreements and 37296
covenants running with the land enforceable by the municipal 37297
corporation. 37298

(D) If the municipal corporation is an impacted city, the 37299
extent of the undertakings and activities of the corporation for 37300
the elimination and for the prevention of the development or 37301
spread of blight. 37302

(E) That the corporation or the municipal corporation, or 37303
both, shall provide for carrying out relocation of persons, 37304
families, business concerns, and others displaced by the project, 37305
pursuant to a relocation plan, including the method for the 37306
relocation of residents in decent, safe, and sanitary dwelling 37307
accommodations, and reasonable moving costs, determined to be 37308
feasible by the governing body of the municipal corporation. Where 37309
the relocation plan is carried out by the corporation, its 37310
officers, employees, agents, or lessees, the municipal corporation 37311

shall enforce and supervise the corporation's compliance with the 37312
relocation plan. If the corporation refuses or fails to comply 37313
with the relocation plan and the municipal corporation fails or 37314
refuses to enforce compliance with such plan, the director of 37315
development may request the attorney general to commence a civil 37316
action against the municipality and the corporation to require 37317
compliance with such relocation plan. Prior to requesting action 37318
by the attorney general the director shall give notice of the 37319
proposed action to the municipality and the corporation, provide 37320
an opportunity to such municipality and corporation for 37321
discussions on the matter, and allow a reasonable time in which 37322
the corporation may begin compliance with the relocation plan, or 37323
the municipality may commence enforcement of the relocation plan. 37324

(F) That the corporation shall submit annually, within ninety 37325
days after the close of its fiscal year, its auditor's reports to 37326
the mayor and governing body of the municipal corporation; 37327

(G) That the corporation shall, upon request, permit 37328
inspection of property, equipment, buildings, and other facilities 37329
of the corporation, and also permit examination and audit of its 37330
books, contracts, records, documents, and papers by authorized 37331
representatives of the municipal corporation; 37332

(H) That in the event of any dispute between the parties the 37333
matters in controversy shall be resolved by arbitration in the 37334
manner provided therein; 37335

(I) That operation under the financial agreement is 37336
terminable by the corporation in the manner provided by Chapter 37337
1728. of the Revised Code; 37338

(J) That the corporation shall, at all times prior to the 37339
expiration or other termination of the financial agreement, remain 37340
bound by Chapter 1728. of the Revised Code; 37341

~~(K) That all wages paid to laborers and mechanics employed 37342~~

~~for work on such projects, other than for residential structures 37343
containing seven or less family units, shall be paid at the 37344
prevailing rates of wages of laborers and mechanics for the class 37345
of work called for by the project, which wages shall be determined 37346
in accordance with the requirements of Chapter 4115. of the 37347
Revised Code for determination of prevailing wage rates, provided 37348
that the requirements of this division do not apply where the 37349
federal government or any of its agencies furnishes by law or 37350
grant all or any part of the funds used in connection with such 37351
project and prescribes predetermined minimum wages to be paid to 37352
such laborers and mechanics. 37353~~

Modifications of the financial agreement may from time to 37354
time be made by agreement between the governing body of the 37355
municipal corporation and the community urban redevelopment 37356
corporation. 37357

Sec. 1751.01. As used in this chapter: 37358

(A)(1) "Basic health care services" means the following 37359
services when medically necessary: 37360

(a) Physician's services, except when such services are 37361
supplemental under division (B) of this section; 37362

(b) Inpatient hospital services; 37363

(c) Outpatient medical services; 37364

(d) Emergency health services; 37365

(e) Urgent care services; 37366

(f) Diagnostic laboratory services and diagnostic and 37367
therapeutic radiologic services; 37368

(g) Diagnostic and treatment services, other than 37369
prescription drug services, for biologically based mental 37370
illnesses; 37371

(h) Preventive health care services, including, but not limited to, voluntary family planning services, infertility services, periodic physical examinations, prenatal obstetrical care, and well-child care; 37372
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(i) Routine patient care for patients enrolled in an eligible cancer clinical trial pursuant to section 3923.80 of the Revised Code. 37376
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"Basic health care services" does not include experimental procedures. 37379
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Except as provided by divisions (A)(2) and (3) of this section in connection with the offering of coverage for diagnostic and treatment services for biologically based mental illnesses, a health insuring corporation shall not offer coverage for a health care service, defined as a basic health care service by this division, unless it offers coverage for all listed basic health care services. However, this requirement does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, ~~or to the coverage of participants of the children's buy-in program,~~ or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of administrative services. 37381
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(2) A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses without offering coverage for all other basic health care services. A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses alone or in combination with one or more 37398
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supplemental health care services. However, a health insuring 37404
corporation that offers coverage for any other basic health care 37405
service shall offer coverage for diagnostic and treatment services 37406
for biologically based mental illnesses in combination with the 37407
offer of coverage for all other listed basic health care services. 37408

(3) A health insuring corporation that offers coverage for 37409
basic health care services is not required to offer coverage for 37410
diagnostic and treatment services for biologically based mental 37411
illnesses in combination with the offer of coverage for all other 37412
listed basic health care services if all of the following apply: 37413

(a) The health insuring corporation submits documentation 37414
certified by an independent member of the American academy of 37415
actuaries to the superintendent of insurance showing that incurred 37416
claims for diagnostic and treatment services for biologically 37417
based mental illnesses for a period of at least six months 37418
independently caused the health insuring corporation's costs for 37419
claims and administrative expenses for the coverage of basic 37420
health care services to increase by more than one per cent per 37421
year. 37422

(b) The health insuring corporation submits a signed letter 37423
from an independent member of the American academy of actuaries to 37424
the superintendent of insurance opining that the increase in costs 37425
described in division (A)(3)(a) of this section could reasonably 37426
justify an increase of more than one per cent in the annual 37427
premiums or rates charged by the health insuring corporation for 37428
the coverage of basic health care services. 37429

(c) The superintendent of insurance makes the following 37430
determinations from the documentation and opinion submitted 37431
pursuant to divisions (A)(3)(a) and (b) of this section: 37432

(i) Incurred claims for diagnostic and treatment services for 37433
biologically based mental illnesses for a period of at least six 37434

months independently caused the health insuring corporation's 37435
costs for claims and administrative expenses for the coverage of 37436
basic health care services to increase by more than one per cent 37437
per year. 37438

(ii) The increase in costs reasonably justifies an increase 37439
of more than one per cent in the annual premiums or rates charged 37440
by the health insuring corporation for the coverage of basic 37441
health care services. 37442

Any determination made by the superintendent under this 37443
division is subject to Chapter 119. of the Revised Code. 37444

(B)(1) "Supplemental health care services" means any health 37445
care services other than basic health care services that a health 37446
insuring corporation may offer, alone or in combination with 37447
either basic health care services or other supplemental health 37448
care services, and includes: 37449

(a) Services of facilities for intermediate or long-term 37450
care, or both; 37451

(b) Dental care services; 37452

(c) Vision care and optometric services including lenses and 37453
frames; 37454

(d) Podiatric care or foot care services; 37455

(e) Mental health services, excluding diagnostic and 37456
treatment services for biologically based mental illnesses; 37457

(f) Short-term outpatient evaluative and crisis-intervention 37458
mental health services; 37459

(g) Medical or psychological treatment and referral services 37460
for alcohol and drug abuse or addiction; 37461

(h) Home health services; 37462

(i) Prescription drug services; 37463

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| (j) Nursing services; | 37464 |
| (k) Services of a dietitian licensed under Chapter 4759. of the Revised Code; | 37465 37466 |
| (l) Physical therapy services; | 37467 |
| (m) Chiropractic services; | 37468 |
| (n) Any other category of services approved by the superintendent of insurance. | 37469 37470 |
| (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. | 37471 37472 37473 37474 37475 |
| (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. | 37476 37477 37478 37479 37480 |
| (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. | 37481 37482 37483 37484 37485 37486 37487 |
| (E) "Children's buy-in program" has the same meaning as in section 5101.5211 of the Revised Code. | 37488 37489 |
| (F) "Closed panel plan" means a health care plan that requires enrollees to use participating providers. | 37490 37491 |
| (G) <u>(F)</u> "Compensation" means remuneration for the provision of health care services, determined on other than a fee-for-service | 37492 37493 |

or discounted-fee-for-service basis. 37494

~~(H)~~(G) "Contractual periodic prepayment" means the formula 37495
for determining the premium rate for all subscribers of a health 37496
insuring corporation. 37497

~~(I)~~(H) "Corporation" means a corporation formed under Chapter 37498
1701. or 1702. of the Revised Code or the similar laws of another 37499
state. 37500

~~(J)~~(I) "Emergency health services" means those health care 37501
services that must be available on a seven-days-per-week, 37502
twenty-four-hours-per-day basis in order to prevent jeopardy to an 37503
enrollee's health status that would occur if such services were 37504
not received as soon as possible, and includes, where appropriate, 37505
provisions for transportation and indemnity payments or service 37506
agreements for out-of-area coverage. 37507

~~(K)~~(J) "Enrollee" means any natural person who is entitled to 37508
receive health care benefits provided by a health insuring 37509
corporation. 37510

~~(L)~~(K) "Evidence of coverage" means any certificate, 37511
agreement, policy, or contract issued to a subscriber that sets 37512
out the coverage and other rights to which such person is entitled 37513
under a health care plan. 37514

~~(M)~~(L) "Health care facility" means any facility, except a 37515
health care practitioner's office, that provides preventive, 37516
diagnostic, therapeutic, acute convalescent, rehabilitation, 37517
mental health, mental retardation, intermediate care, or skilled 37518
nursing services. 37519

~~(N)~~(M) "Health care services" means basic, supplemental, and 37520
specialty health care services. 37521

~~(O)~~(N) "Health delivery network" means any group of providers 37522
or health care facilities, or both, or any representative thereof, 37523

that have entered into an agreement to offer health care services 37524
in a panel rather than on an individual basis. 37525

~~(P)~~(O) "Health insuring corporation" means a corporation, as 37526
defined in division ~~(I)~~(H) of this section, that, pursuant to a 37527
policy, contract, certificate, or agreement, pays for, reimburses, 37528
or provides, delivers, arranges for, or otherwise makes available, 37529
basic health care services, supplemental health care services, or 37530
specialty health care services, or a combination of basic health 37531
care services and either supplemental health care services or 37532
specialty health care services, through either an open panel plan 37533
or a closed panel plan. 37534

"Health insuring corporation" does not include a limited 37535
liability company formed pursuant to Chapter 1705. of the Revised 37536
Code, an insurer licensed under Title XXXIX of the Revised Code if 37537
that insurer offers only open panel plans under which all 37538
providers and health care facilities participating receive their 37539
compensation directly from the insurer, a corporation formed by or 37540
on behalf of a political subdivision or a department, office, or 37541
institution of the state, or a public entity formed by or on 37542
behalf of a board of county commissioners, a county board of 37543
developmental disabilities, an alcohol and drug addiction services 37544
board, a board of alcohol, drug addiction, and mental health 37545
services, or a community mental health board, as those terms are 37546
used in Chapters 340. and 5126. of the Revised Code. Except as 37547
provided by division (D) of section 1751.02 of the Revised Code, 37548
or as otherwise provided by law, no board, commission, agency, or 37549
other entity under the control of a political subdivision may 37550
accept insurance risk in providing for health care services. 37551
However, nothing in this division shall be construed as 37552
prohibiting such entities from purchasing the services of a health 37553
insuring corporation or a third-party administrator licensed under 37554
Chapter 3959. of the Revised Code. 37555

~~(Q)~~(P) "Intermediary organization" means a health delivery network or other entity that contracts with licensed health insuring corporations or self-insured employers, or both, to provide health care services, and that enters into contractual arrangements with other entities for the provision of health care services for the purpose of fulfilling the terms of its contracts with the health insuring corporations and self-insured employers.

~~(R)~~(O) "Intermediate care" means residential care above the level of room and board for patients who require personal assistance and health-related services, but who do not require skilled nursing care.

~~(S)~~(R) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

~~(T)~~(S) "Medical record" means the personal information that relates to an individual's physical or mental condition, medical history, or medical treatment.

~~(U)~~(T) "Medicare" means the program established under Title XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 1395, as amended.

~~(V)~~(U)(1) "Open panel plan" means a health care plan that provides incentives for enrollees to use participating providers and that also allows enrollees to use providers that are not participating providers.

(2) No health insuring corporation may offer an open panel plan, unless the health insuring corporation is also licensed as an insurer under Title XXXIX of the Revised Code, the health insuring corporation, on June 4, 1997, holds a certificate of authority or license to operate under Chapter 1736. or 1740. of the Revised Code, or an insurer licensed under Title XXXIX of the Revised Code is responsible for the out-of-network risk as evidenced by both an evidence of coverage filing under section

1751.11 of the Revised Code and a policy and certificate filing 37587
under section 3923.02 of the Revised Code. 37588

~~(W)~~(V) "Panel" means a group of providers or health care 37589
facilities that have joined together to deliver health care 37590
services through a contractual arrangement with a health insuring 37591
corporation, employer group, or other payor. 37592

~~(X)~~(W) "Person" has the same meaning as in section 1.59 of 37593
the Revised Code, and, unless the context otherwise requires, 37594
includes any insurance company holding a certificate of authority 37595
under Title XXXIX of the Revised Code, any subsidiary and 37596
affiliate of an insurance company, and any government agency. 37597

~~(Y)~~(X) "Premium rate" means any set fee regularly paid by a 37598
subscriber to a health insuring corporation. A "premium rate" does 37599
not include a one-time membership fee, an annual administrative 37600
fee, or a nominal access fee, paid to a managed health care system 37601
under which the recipient of health care services remains solely 37602
responsible for any charges accessed for those services by the 37603
provider or health care facility. 37604

~~(Z)~~(Y) "Primary care provider" means a provider that is 37605
designated by a health insuring corporation to supervise, 37606
coordinate, or provide initial care or continuing care to an 37607
enrollee, and that may be required by the health insuring 37608
corporation to initiate a referral for specialty care and to 37609
maintain supervision of the health care services rendered to the 37610
enrollee. 37611

~~(AA)~~(Z) "Provider" means any natural person or partnership of 37612
natural persons who are licensed, certified, accredited, or 37613
otherwise authorized in this state to furnish health care 37614
services, or any professional association organized under Chapter 37615
1785. of the Revised Code, provided that nothing in this chapter 37616
or other provisions of law shall be construed to preclude a health 37617

insuring corporation, health care practitioner, or organized 37618
health care group associated with a health insuring corporation 37619
from employing certified nurse practitioners, certified nurse 37620
anesthetists, clinical nurse specialists, certified nurse 37621
midwives, dietitians, physician assistants, dental assistants, 37622
dental hygienists, optometric technicians, or other allied health 37623
personnel who are licensed, certified, accredited, or otherwise 37624
authorized in this state to furnish health care services. 37625

~~(BB)~~(AA) "Provider sponsored organization" means a 37626
corporation, as defined in division ~~(I)~~(H) of this section, that 37627
is at least eighty per cent owned or controlled by one or more 37628
hospitals, as defined in section 3727.01 of the Revised Code, or 37629
one or more physicians licensed to practice medicine or surgery or 37630
osteopathic medicine and surgery under Chapter 4731. of the 37631
Revised Code, or any combination of such physicians and hospitals. 37632
Such control is presumed to exist if at least eighty per cent of 37633
the voting rights or governance rights of a provider sponsored 37634
organization are directly or indirectly owned, controlled, or 37635
otherwise held by any combination of the physicians and hospitals 37636
described in this division. 37637

~~(CC)~~(BB) "Solicitation document" means the written materials 37638
provided to prospective subscribers or enrollees, or both, and 37639
used for advertising and marketing to induce enrollment in the 37640
health care plans of a health insuring corporation. 37641

~~(DD)~~(CC) "Subscriber" means a person who is responsible for 37642
making payments to a health insuring corporation for participation 37643
in a health care plan, or an enrollee whose employment or other 37644
status is the basis of eligibility for enrollment in a health 37645
insuring corporation. 37646

~~(EE)~~(DD) "Urgent care services" means those health care 37647
services that are appropriately provided for an unforeseen 37648
condition of a kind that usually requires medical attention 37649

without delay but that does not pose a threat to the life, limb, 37650
or permanent health of the injured or ill person, and may include 37651
such health care services provided out of the health insuring 37652
corporation's approved service area pursuant to indemnity payments 37653
or service agreements. 37654

Sec. 1751.04. (A) Except as provided by division (D) of this 37655
section, upon the receipt by the superintendent of insurance of a 37656
complete application for a certificate of authority to establish 37657
or operate a health insuring corporation, which application sets 37658
forth or is accompanied by the information and documents required 37659
by division (A) of section 1751.03 of the Revised Code, the 37660
superintendent shall review the application and accompanying 37661
documents and make findings as to whether the applicant for a 37662
certificate of authority has done all of the following with 37663
respect to any basic health care services and supplemental health 37664
care services to be furnished: 37665

(1) Demonstrated the willingness and potential ability to 37666
ensure that all basic health care services and supplemental health 37667
care services described in the evidence of coverage will be 37668
provided to all its enrollees as promptly as is appropriate and in 37669
a manner that assures continuity; 37670

(2) Made effective arrangements to ensure that its enrollees 37671
have reliable access to qualified providers in those specialties 37672
that are generally available in the geographic area or areas to be 37673
served by the applicant and that are necessary to provide all 37674
basic health care services and supplemental health care services 37675
described in the evidence of coverage; 37676

(3) Made appropriate arrangements for the availability of 37677
short-term health care services in emergencies within the 37678
geographic area or areas to be served by the applicant, 37679
twenty-four hours per day, seven days per week, and for the 37680

provision of adequate coverage whenever an out-of-area emergency
arises; 37681
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(4) Made appropriate arrangements for an ongoing evaluation 37683
and assurance of the quality of health care services provided to 37684
enrollees, including, if applicable, the development of a quality 37685
assurance program complying with the requirements of sections 37686
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 37687
personnel, facilities, and equipment by or through which the 37688
services are rendered; 37689

(5) Developed a procedure to gather and report statistics 37690
relating to the cost and effectiveness of its operations, the 37691
pattern of utilization of its services, and the quality, 37692
availability, and accessibility of its services. 37693

(B) Based upon the information provided in the application 37694
for issuance of a certificate of authority, the superintendent 37695
shall determine whether or not the applicant meets the 37696
requirements of division (A) of this section. If the 37697
superintendent determines that the applicant does not meet these 37698
requirements, the superintendent shall specify in what respects it 37699
is deficient. However, the superintendent shall not deny an 37700
application because the requirements of this section are not met 37701
unless the applicant has been given an opportunity for a hearing 37702
on that issue. 37703

(C) If the applicant requests a hearing, the superintendent 37704
shall hold a hearing before denying an application because the 37705
applicant does not meet the requirements of this section. The 37706
hearing shall be held in accordance with Chapter 119. of the 37707
Revised Code. 37708

(D) Nothing in this section requires the superintendent to 37709
review or make findings with regard to an application and 37710
accompanying documents to establish or operate any of the 37711

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| following: | 37712 |
| (1) A health insuring corporation to cover solely medicaid recipients; | 37713 37714 |
| (2) A health insuring corporation to cover solely medicare beneficiaries; | 37715 37716 |
| (3) A health insuring corporation to cover solely medicaid recipients and medicare beneficiaries; | 37717 37718 |
| (4) A health insuring corporation to cover solely participants of the children's buy-in program; | 37719 37720 |
| (5) A health insuring corporation to cover solely medicaid recipients and participants of the children's buy-in program; | 37721 37722 |
| (6) A health insuring corporation to cover solely medicaid recipients, medicare beneficiaries, and participants of the children's buy-in program. | 37723 37724 37725 |
| 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. | 37726 37727 37728 |
| (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, provides the subscriber with access to information on the coverage available under the subscriber's health care plan and information | 37729 37730 37731 37732 37733 37734 37735 37736 37737 37738 37739 37740 37741 |

on the health care plan's internal and external review processes. 37742

(C) No evidence of coverage, or amendment to the evidence of 37743
coverage, shall be delivered, issued for delivery, renewed, or 37744
used, until the form of the evidence of coverage or amendment has 37745
been filed by the health insuring corporation with the 37746
superintendent of insurance. If the superintendent does not 37747
disapprove the evidence of coverage or amendment within sixty days 37748
after it is filed it shall be deemed approved, unless the 37749
superintendent sooner gives approval for the evidence of coverage 37750
or amendment. With respect to an amendment to an approved evidence 37751
of coverage, the superintendent only may disapprove provisions 37752
amended or added to the evidence of coverage. If the 37753
superintendent determines within the sixty-day period that any 37754
evidence of coverage or amendment fails to meet the requirements 37755
of this section, the superintendent shall so notify the health 37756
insuring corporation and it shall be unlawful for the health 37757
insuring corporation to use such evidence of coverage or 37758
amendment. At any time, the superintendent, upon at least thirty 37759
days' written notice to a health insuring corporation, may 37760
withdraw an approval, deemed or actual, of any evidence of 37761
coverage or amendment on any of the grounds stated in this 37762
section. Such disapproval shall be effected by a written order, 37763
which shall state the grounds for disapproval and shall be issued 37764
in accordance with Chapter 119. of the Revised Code. 37765

(D) No evidence of coverage or amendment shall be delivered, 37766
issued for delivery, renewed, or used: 37767

(1) If it contains provisions or statements that are 37768
inequitable, untrue, misleading, or deceptive; 37769

(2) Unless it contains a clear, concise, and complete 37770
statement of the following: 37771

(a) The health care services and insurance or other benefits, 37772

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| if any, to which an enrollee is entitled under the health care plan; | 37773 37774 |
| (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; | 37775 37776 37777 |
| (c) An enrollee's personal financial obligation for noncovered services; | 37778 37779 |
| (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; | 37780 37781 37782 |
| (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. | 37783 37784 37785 37786 |
| (f) The method utilized by the health insuring corporation for resolving enrollee complaints; | 37787 37788 |
| (g) The utilization review, internal review, and external review procedures established under sections 1751.77 to 1751.85 of the Revised Code. | 37789 37790 37791 |
| (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: | 37792 37793 37794 37795 37796 37797 |
| (a) The enrollee's discharge from the hospital; | 37798 |
| (b) The determination by the enrollee's attending physician that inpatient care is no longer medically indicated for the enrollee; however, nothing in division (D)(3)(b) of this section precludes a health insuring corporation from engaging in | 37799 37800 37801 37802 |

utilization review as described in the evidence of coverage. 37803

(c) The enrollee's reaching the limit for contractual 37804
benefits; 37805

(d) The effective date of any new coverage. 37806

(4) Unless it contains a provision that states, in substance, 37807
that the health insuring corporation is not a member of any 37808
guaranty fund, and that in the event of the health insuring 37809
corporation's insolvency, an enrollee is protected only to the 37810
extent that the hold harmless provision required by section 37811
1751.13 of the Revised Code applies to the health care services 37812
rendered; 37813

(5) Unless it contains a provision that states, in substance, 37814
that in the event of the insolvency of the health insuring 37815
corporation, an enrollee may be financially responsible for health 37816
care services rendered by a provider or health care facility that 37817
is not under contract to the health insuring corporation, whether 37818
or not the health insuring corporation authorized the use of the 37819
provider or health care facility. 37820

(E) Notwithstanding divisions (C) and (D) of this section, a 37821
health insuring corporation may use an evidence of coverage that 37822
provides for the coverage of beneficiaries enrolled in medicare 37823
pursuant to a medicare contract, or an evidence of coverage that 37824
provides for the coverage of beneficiaries enrolled in the federal 37825
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 37826
an evidence of coverage that provides for the coverage of medicaid 37827
recipients, ~~or an evidence of coverage that provides for coverage~~ 37828
~~of participants of the children's buy in program,~~ or an evidence 37829
of coverage that provides for the coverage of beneficiaries under 37830
any other federal health care program regulated by a federal 37831
regulatory body, or an evidence of coverage that provides for the 37832
coverage of beneficiaries under any contract covering officers or 37833

employees of the state that has been entered into by the 37834
department of administrative services, if both of the following 37835
apply: 37836

(1) The evidence of coverage has been approved by the United 37837
States department of health and human services, the United States 37838
office of personnel management, the Ohio department of job and 37839
family services, or the department of administrative services. 37840

(2) The evidence of coverage is filed with the superintendent 37841
of insurance prior to use and is accompanied by documentation of 37842
approval from the United States department of health and human 37843
services, the United States office of personnel management, the 37844
Ohio department of job and family services, or the department of 37845
administrative services. 37846

Sec. 1751.111. (A)(1) This section applies to both of the 37847
following: 37848

(a) A health insuring corporation that issues or requires the 37849
use of a standardized identification card or an electronic 37850
technology for submission and routing of prescription drug claims 37851
pursuant to a policy, contract, or agreement for health care 37852
services; 37853

(b) A person or entity that a health insuring corporation 37854
contracts with to issue a standardized identification card or an 37855
electronic technology described in division (A)(1)(a) of this 37856
section. 37857

(2) Notwithstanding division (A)(1) of this section, this 37858
section does not apply to the issuance or required use of a 37859
standardized identification card or an electronic technology for 37860
submission and routing of prescription drug claims in connection 37861
with any of the following: 37862

(a) Coverage provided under the medicare advantage program 37863

operated pursuant to Part C of Title XVIII of the "Social Security Act," 49 Stat. 62 (1935), 42 U.S.C. 301, as amended. 37864
37865

(b) Coverage provided under medicaid. 37866

(c) ~~Coverage provided under the children's buy-in program.~~ 37867

~~(d)~~ Coverage provided under an employer's self-insurance plan 37868
or by any of its administrators, as defined in section 3959.01 of 37869
the Revised Code, to the extent that federal law supersedes, 37870
preempts, prohibits, or otherwise precludes the application of 37871
this section to the plan and its administrators. 37872

(B) A standardized identification card or an electronic 37873
technology issued or required to be used as provided in division 37874
(A)(1) of this section shall contain uniform prescription drug 37875
information in accordance with either division (B)(1) or (2) of 37876
this section. 37877

(1) The standardized identification card or the electronic 37878
technology shall be in a format and contain information fields 37879
approved by the national council for prescription drug programs or 37880
a successor organization, as specified in the council's or 37881
successor organization's pharmacy identification card 37882
implementation guide in effect on the first day of October most 37883
immediately preceding the issuance or required use of the 37884
standardized identification card or the electronic technology. 37885

(2) If the health insuring corporation or the person under 37886
contract with the corporation to issue a standardized 37887
identification card or an electronic technology requires the 37888
information for the submission and routing of a claim, the 37889
standardized identification card or the electronic technology 37890
shall contain any of the following information: 37891

(a) The health insuring corporation's name; 37892

(b) The subscriber's name, group number, and identification 37893

number; 37894

(c) A telephone number to inquire about pharmacy-related 37895
issues; 37896

(d) The issuer's international identification number, labeled 37897
as "ANSI BIN" or "RxBIN"; 37898

(e) The processor's control number, labeled as "RxPCN"; 37899

(f) The subscriber's pharmacy benefits group number if 37900
different from the subscriber's medical group number, labeled as 37901
"RxGrp." 37902

(C) If the standardized identification card or the electronic 37903
technology issued or required to be used as provided in division 37904
(A)(1) of this section is also used for submission and routing of 37905
nonpharmacy claims, the designation "Rx" is required to be 37906
included as part of the labels identified in divisions (B)(2)(d) 37907
and (e) of this section if the issuer's international 37908
identification number or the processor's control number is 37909
different for medical and pharmacy claims. 37910

(D) Each health insuring corporation described in division 37911
(A) of this section shall annually file a certificate with the 37912
superintendent of insurance certifying that it or any person it 37913
contracts with to issue a standardized identification card or 37914
electronic technology for submission and routing of prescription 37915
drug claims complies with this section. 37916

(E)(1) Except as provided in division (E)(2) of this section, 37917
if there is a change in the information contained in the 37918
standardized identification card or the electronic technology 37919
issued to a subscriber, the health insuring corporation or person 37920
under contract with the corporation to issue a standardized 37921
identification card or an electronic technology shall issue a new 37922
card or electronic technology to the subscriber. 37923

(2) A health insuring corporation or person under contract 37924
with the corporation is not required under division (E)(1) of this 37925
section to issue a new card or electronic technology to a 37926
subscriber more than once during a twelve-month period. 37927

(F) Nothing in this section shall be construed as requiring a 37928
health insuring corporation to produce more than one standardized 37929
identification card or one electronic technology for use by 37930
subscribers accessing health care benefits provided under a 37931
policy, contract, or agreement for health care services. 37932

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 37933
no premium rate for nongroup and conversion policies for health 37934
care services, or any amendment to them, may be used by any health 37935
insuring corporation at any time until the contractual periodic 37936
prepayment and premium rate, or amendment, have been filed with 37937
the superintendent of insurance, and shall not be effective until 37938
the expiration of sixty days after their filing unless the 37939
superintendent sooner gives approval. The filing shall be 37940
accompanied by an actuarial certification in the form prescribed 37941
by the superintendent. The superintendent shall disapprove the 37942
filing, if the superintendent determines within the sixty-day 37943
period that the contractual periodic prepayment or premium rate, 37944
or amendment, is not in accordance with sound actuarial principles 37945
or is not reasonably related to the applicable coverage and 37946
characteristics of the applicable class of enrollees. The 37947
superintendent shall notify the health insuring corporation of the 37948
disapproval, and it shall thereafter be unlawful for the health 37949
insuring corporation to use the contractual periodic prepayment or 37950
premium rate, or amendment. 37951

(2) No contractual periodic prepayment for group policies for 37952
health care services shall be used until the contractual periodic 37953
prepayment has been filed with the superintendent. The filing 37954

shall be accompanied by an actuarial certification in the form 37955
prescribed by the superintendent. The superintendent may reject a 37956
filing made under division (A)(2) of this section at any time, 37957
with at least thirty days' written notice to a health insuring 37958
corporation, if the contractual periodic prepayment is not in 37959
accordance with sound actuarial principles or is not reasonably 37960
related to the applicable coverage and characteristics of the 37961
applicable class of enrollees. 37962

(3) At any time, the superintendent, upon at least thirty 37963
days' written notice to a health insuring corporation, may 37964
withdraw the approval given under division (A)(1) of this section, 37965
deemed or actual, of any contractual periodic prepayment or 37966
premium rate, or amendment, based on information that either of 37967
the following applies: 37968

(a) The contractual periodic prepayment or premium rate, or 37969
amendment, is not in accordance with sound actuarial principles. 37970

(b) The contractual periodic prepayment or premium rate, or 37971
amendment, is not reasonably related to the applicable coverage 37972
and characteristics of the applicable class of enrollees. 37973

(4) Any disapproval under division (A)(1) of this section, 37974
any rejection of a filing made under division (A)(2) of this 37975
section, or any withdrawal of approval under division (A)(3) of 37976
this section, shall be effected by a written notice, which shall 37977
state the specific basis for the disapproval, rejection, or 37978
withdrawal and shall be issued in accordance with Chapter 119. of 37979
the Revised Code. 37980

(B) Notwithstanding division (A) of this section, a health 37981
insuring corporation may use a contractual periodic prepayment or 37982
premium rate for policies used for the coverage of beneficiaries 37983
enrolled in medicare pursuant to a medicare risk contract or 37984
medicare cost contract, or for policies used for the coverage of 37985

beneficiaries enrolled in the federal employees health benefits 37986
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 37987
coverage of medicaid recipients, ~~or for policies used for coverage~~ 37988
~~of participants of the children's buy in program,~~ or for policies 37989
used for the coverage of beneficiaries under any other federal 37990
health care program regulated by a federal regulatory body, or for 37991
policies used for the coverage of beneficiaries under any contract 37992
covering officers or employees of the state that has been entered 37993
into by the department of administrative services, if both of the 37994
following apply: 37995

(1) The contractual periodic prepayment or premium rate has 37996
been approved by the United States department of health and human 37997
services, the United States office of personnel management, the 37998
department of job and family services, or the department of 37999
administrative services. 38000

(2) The contractual periodic prepayment or premium rate is 38001
filed with the superintendent prior to use and is accompanied by 38002
documentation of approval from the United States department of 38003
health and human services, the United States office of personnel 38004
management, the department of job and family services, or the 38005
department of administrative services. 38006

(C) The administrative expense portion of all contractual 38007
periodic prepayment or premium rate filings submitted to the 38008
superintendent for review must reflect the actual cost of 38009
administering the product. The superintendent may require that the 38010
administrative expense portion of the filings be itemized and 38011
supported. 38012

(D)(1) Copayments must be reasonable and must not be a 38013
barrier to the necessary utilization of services by enrollees. 38014

(2) A health insuring corporation, in order to ensure that 38015
copayments are reasonable and not a barrier to the necessary 38016

utilization of basic health care services by enrollees, may do one 38017
of the following: 38018

(a) Impose copayment charges on any single covered basic 38019
health care service that does not exceed forty per cent of the 38020
average cost to the health insuring corporation of providing the 38021
service; 38022

(b) Impose copayment charges that annually do not exceed 38023
twenty per cent of the total annual cost to the health insuring 38024
corporation of providing all covered basic health care services, 38025
including physician office visits, urgent care services, and 38026
emergency health services, when aggregated as to all persons 38027
covered under the filed product in question. In addition, annual 38028
copayment charges as to each enrollee shall not exceed twenty per 38029
cent of the total annual cost to the health insuring corporation 38030
of providing all covered basic health care services, including 38031
physician office visits, urgent care services, and emergency 38032
health services, as to such enrollee. The total annual cost of 38033
providing a health care service is the cost to the health insuring 38034
corporation of providing the health care service to its enrollees 38035
as reduced by any applicable provider discount. 38036

(3) To ensure that copayments are reasonable and not a 38037
barrier to the utilization of basic health care services, a health 38038
insuring corporation may not impose, in any contract year, on any 38039
subscriber or enrollee, copayments that exceed two hundred per 38040
cent of the average annual premium rate to subscribers or 38041
enrollees. 38042

(4) For purposes of division (D) of this section, both of the 38043
following apply: 38044

(a) Copayments imposed by health insuring corporations in 38045
connection with a high deductible health plan that is linked to a 38046
health savings account are reasonable and are not a barrier to the 38047

necessary utilization of services by enrollees. 38048

(b) Divisions (D)(2) and (3) of this section do not apply to 38049
a high deductible health plan that is linked to a health savings 38050
account. 38051

(E) A health insuring corporation shall not impose lifetime 38052
maximums on basic health care services. However, a health insuring 38053
corporation may establish a benefit limit for inpatient hospital 38054
services that are provided pursuant to a policy, contract, 38055
certificate, or agreement for supplemental health care services. 38056

(F) A health insuring corporation may require that an 38057
enrollee pay an annual deductible that does not exceed one 38058
thousand dollars per enrollee or two thousand dollars per family, 38059
except that: 38060

(1) A health insuring corporation may impose higher 38061
deductibles for high deductible health plans that are linked to 38062
health savings accounts; 38063

(2) The superintendent may adopt rules allowing different 38064
annual deductible amounts for plans with a medical savings 38065
account, health reimbursement arrangement, flexible spending 38066
account, or similar account; 38067

(3) A health insuring corporation may impose higher 38068
deductibles under health plans if requested by the group contract, 38069
policy, certificate, or agreement holder, or an individual seeking 38070
coverage under an individual health plan. This shall not be 38071
construed as requiring the health insuring corporation to create 38072
customized health plans for group contract holders or individuals. 38073

(G) As used in this section, "health savings account" and 38074
"high deductible health plan" have the same meanings as in the 38075
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 38076
amended. 38077

Sec. 1751.13. (A)(1)(a) A health insuring corporation shall, 38078
either directly or indirectly, enter into contracts for the 38079
provision of health care services with a sufficient number and 38080
types of providers and health care facilities to ensure that all 38081
covered health care services will be accessible to enrollees from 38082
a contracted provider or health care facility. 38083

(b) A health insuring corporation shall not refuse to 38084
contract with a physician for the provision of health care 38085
services or refuse to recognize a physician as a specialist on the 38086
basis that the physician attended an educational program or a 38087
residency program approved or certified by the American 38088
osteopathic association. A health insuring corporation shall not 38089
refuse to contract with a health care facility for the provision 38090
of health care services on the basis that the health care facility 38091
is certified or accredited by the American osteopathic association 38092
or that the health care facility is an osteopathic hospital as 38093
defined in section 3702.51 of the Revised Code. 38094

(c) Nothing in division (A)(1)(b) of this section shall be 38095
construed to require a health insuring corporation to make a 38096
benefit payment under a closed panel plan to a physician or health 38097
care facility with which the health insuring corporation does not 38098
have a contract, provided that none of the bases set forth in that 38099
division are used as a reason for failing to make a benefit 38100
payment. 38101

(2) When a health insuring corporation is unable to provide a 38102
covered health care service from a contracted provider or health 38103
care facility, the health insuring corporation must provide that 38104
health care service from a noncontracted provider or health care 38105
facility consistent with the terms of the enrollee's policy, 38106
contract, certificate, or agreement. The health insuring 38107
corporation shall either ensure that the health care service be 38108

provided at no greater cost to the enrollee than if the enrollee 38109
had obtained the health care service from a contracted provider or 38110
health care facility, or make other arrangements acceptable to the 38111
superintendent of insurance. 38112

(3) Nothing in this section shall prohibit a health insuring 38113
corporation from entering into contracts with out-of-state 38114
providers or health care facilities that are licensed, certified, 38115
accredited, or otherwise authorized in that state. 38116

(B)(1) A health insuring corporation shall, either directly 38117
or indirectly, enter into contracts with all providers and health 38118
care facilities through which health care services are provided to 38119
its enrollees. 38120

(2) A health insuring corporation, upon written request, 38121
shall assist its contracted providers in finding stop-loss or 38122
reinsurance carriers. 38123

(C) A health insuring corporation shall file an annual 38124
certificate with the superintendent certifying that all provider 38125
contracts and contracts with health care facilities through which 38126
health care services are being provided contain the following: 38127

(1) A description of the method by which the provider or 38128
health care facility will be notified of the specific health care 38129
services for which the provider or health care facility will be 38130
responsible, including any limitations or conditions on such 38131
services; 38132

(2) The specific hold harmless provision specifying 38133
protection of enrollees set forth as follows: 38134

"[Provider/Health Care Facility] agrees that in no event, 38135
including but not limited to nonpayment by the health insuring 38136
corporation, insolvency of the health insuring corporation, or 38137
breach of this agreement, shall [Provider/Health Care Facility] 38138
bill, charge, collect a deposit from, seek remuneration or 38139

reimbursement from, or have any recourse against, a subscriber, 38140
enrollee, person to whom health care services have been provided, 38141
or person acting on behalf of the covered enrollee, for health 38142
care services provided pursuant to this agreement. This does not 38143
prohibit [Provider/Health Care Facility] from collecting 38144
co-insurance, deductibles, or copayments as specifically provided 38145
in the evidence of coverage, or fees for uncovered health care 38146
services delivered on a fee-for-service basis to persons 38147
referenced above, nor from any recourse against the health 38148
insuring corporation or its successor." 38149

(3) Provisions requiring the provider or health care facility 38150
to continue to provide covered health care services to enrollees 38151
in the event of the health insuring corporation's insolvency or 38152
discontinuance of operations. The provisions shall require the 38153
provider or health care facility to continue to provide covered 38154
health care services to enrollees as needed to complete any 38155
medically necessary procedures commenced but unfinished at the 38156
time of the health insuring corporation's insolvency or 38157
discontinuance of operations. The completion of a medically 38158
necessary procedure shall include the rendering of all covered 38159
health care services that constitute medically necessary follow-up 38160
care for that procedure. If an enrollee is receiving necessary 38161
inpatient care at a hospital, the provisions may limit the 38162
required provision of covered health care services relating to 38163
that inpatient care in accordance with division (D)(3) of section 38164
1751.11 of the Revised Code, and may also limit such required 38165
provision of covered health care services to the period ending 38166
thirty days after the health insuring corporation's insolvency or 38167
discontinuance of operations. 38168

The provisions required by division (C)(3) of this section 38169
shall not require any provider or health care facility to continue 38170
to provide any covered health care service after the occurrence of 38171

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| any of the following: | 38172 |
| (a) The end of the thirty-day period following the entry of a liquidation order under Chapter 3903. of the Revised Code; | 38173 38174 |
| (b) The end of the enrollee's period of coverage for a contractual prepayment or premium; | 38175 38176 |
| (c) The enrollee obtains equivalent coverage with another health insuring corporation or insurer, or the enrollee's employer obtains such coverage for the enrollee; | 38177 38178 38179 |
| (d) The enrollee or the enrollee's employer terminates coverage under the contract; | 38180 38181 |
| (e) A liquidator effects a transfer of the health insuring corporation's obligations under the contract under division (A)(8) of section 3903.21 of the Revised Code. | 38182 38183 38184 |
| (4) A provision clearly stating the rights and responsibilities of the health insuring corporation, and of the contracted providers and health care facilities, with respect to administrative policies and programs, including, but not limited to, payments systems, utilization review, quality assurance, assessment, and improvement programs, credentialing, confidentiality requirements, and any applicable federal or state programs; | 38185 38186 38187 38188 38189 38190 38191 38192 |
| (5) A provision regarding the availability and confidentiality of those health records maintained by providers and health care facilities to monitor and evaluate the quality of care, to conduct evaluations and audits, and to determine on a concurrent or retrospective basis the necessity of and appropriateness of health care services provided to enrollees. The provision shall include terms requiring the provider or health care facility to make these health records available to appropriate state and federal authorities involved in assessing the quality of care or in investigating the grievances or | 38193 38194 38195 38196 38197 38198 38199 38200 38201 38202 |

complaints of enrollees, and requiring the provider or health care 38203
facility to comply with applicable state and federal laws related 38204
to the confidentiality of medical or health records. 38205

(6) A provision that states that contractual rights and 38206
responsibilities may not be assigned or delegated by the provider 38207
or health care facility without the prior written consent of the 38208
health insuring corporation; 38209

(7) A provision requiring the provider or health care 38210
facility to maintain adequate professional liability and 38211
malpractice insurance. The provision shall also require the 38212
provider or health care facility to notify the health insuring 38213
corporation not more than ten days after the provider's or health 38214
care facility's receipt of notice of any reduction or cancellation 38215
of such coverage. 38216

(8) A provision requiring the provider or health care 38217
facility to observe, protect, and promote the rights of enrollees 38218
as patients; 38219

(9) A provision requiring the provider or health care 38220
facility to provide health care services without discrimination on 38221
the basis of a patient's participation in the health care plan, 38222
age, sex, ethnicity, religion, sexual preference, health status, 38223
or disability, and without regard to the source of payments made 38224
for health care services rendered to a patient. This requirement 38225
shall not apply to circumstances when the provider or health care 38226
facility appropriately does not render services due to limitations 38227
arising from the provider's or health care facility's lack of 38228
training, experience, or skill, or due to licensing restrictions. 38229

(10) A provision containing the specifics of any obligation 38230
on the primary care provider to provide, or to arrange for the 38231
provision of, covered health care services twenty-four hours per 38232
day, seven days per week; 38233

(11) A provision setting forth procedures for the resolution of disputes arising out of the contract; 38234
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(12) A provision stating that the hold harmless provision required by division (C)(2) of this section shall survive the termination of the contract with respect to services covered and provided under the contract during the time the contract was in effect, regardless of the reason for the termination, including the insolvency of the health insuring corporation; 38236
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(13) A provision requiring those terms that are used in the contract and that are defined by this chapter, be used in the contract in a manner consistent with those definitions. 38242
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This division does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare risk contract or medicare cost contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, ~~or to the coverage of participants of the children's buy in program,~~ or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of administrative services. 38245
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(D)(1) No health insuring corporation contract with a provider or health care facility shall contain any of the following: 38256
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(a) A provision that directly or indirectly offers an inducement to the provider or health care facility to reduce or limit medically necessary health care services to a covered enrollee; 38259
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(b) A provision that penalizes a provider or health care facility that assists an enrollee to seek a reconsideration of the 38263
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| health insuring corporation's decision to deny or limit benefits | 38265 |
| to the enrollee; | 38266 |
| (c) A provision that limits or otherwise restricts the | 38267 |
| provider's or health care facility's ethical and legal | 38268 |
| responsibility to fully advise enrollees about their medical | 38269 |
| condition and about medically appropriate treatment options; | 38270 |
| (d) A provision that penalizes a provider or health care | 38271 |
| facility for principally advocating for medically necessary health | 38272 |
| care services; | 38273 |
| (e) A provision that penalizes a provider or health care | 38274 |
| facility for providing information or testimony to a legislative | 38275 |
| or regulatory body or agency. This shall not be construed to | 38276 |
| prohibit a health insuring corporation from penalizing a provider | 38277 |
| or health care facility that provides information or testimony | 38278 |
| that is libelous or slanderous or that discloses trade secrets | 38279 |
| which the provider or health care facility has no privilege or | 38280 |
| permission to disclose. | 38281 |
| (f) A provision that violates Chapter 3963. of the Revised | 38282 |
| Code. | 38283 |
| (2) Nothing in this division shall be construed to prohibit a | 38284 |
| health insuring corporation from doing either of the following: | 38285 |
| (a) Making a determination not to reimburse or pay for a | 38286 |
| particular medical treatment or other health care service; | 38287 |
| (b) Enforcing reasonable peer review or utilization review | 38288 |
| protocols, or determining whether a particular provider or health | 38289 |
| care facility has complied with these protocols. | 38290 |
| (E) Any contract between a health insuring corporation and an | 38291 |
| intermediary organization shall clearly specify that the health | 38292 |
| insuring corporation must approve or disapprove the participation | 38293 |
| of any provider or health care facility with which the | 38294 |

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| intermediary organization contracts. | 38295 |
| (F) If an intermediary organization that is not a health | 38296 |
| delivery network contracting solely with self-insured employers | 38297 |
| subcontracts with a provider or health care facility, the | 38298 |
| subcontract with the provider or health care facility shall do all | 38299 |
| of the following: | 38300 |
| (1) Contain the provisions required by divisions (C) and (G) | 38301 |
| of this section, as made applicable to an intermediary | 38302 |
| organization, without the inclusion of inducements or penalties | 38303 |
| described in division (D) of this section; | 38304 |
| (2) Acknowledge that the health insuring corporation is a | 38305 |
| third-party beneficiary to the agreement; | 38306 |
| (3) Acknowledge the health insuring corporation's role in | 38307 |
| approving the participation of the provider or health care | 38308 |
| facility, pursuant to division (E) of this section. | 38309 |
| (G) Any provider contract or contract with a health care | 38310 |
| facility shall clearly specify the health insuring corporation's | 38311 |
| statutory responsibility to monitor and oversee the offering of | 38312 |
| covered health care services to its enrollees. | 38313 |
| (H)(1) A health insuring corporation shall maintain its | 38314 |
| provider contracts and its contracts with health care facilities | 38315 |
| at one or more of its places of business in this state, and shall | 38316 |
| provide copies of these contracts to facilitate regulatory review | 38317 |
| upon written notice by the superintendent of insurance. | 38318 |
| (2) Any contract with an intermediary organization that | 38319 |
| accepts compensation shall include provisions requiring the | 38320 |
| intermediary organization to provide the superintendent with | 38321 |
| regulatory access to all books, records, financial information, | 38322 |
| and documents related to the provision of health care services to | 38323 |
| subscribers and enrollees under the contract. The contract shall | 38324 |
| require the intermediary organization to maintain such books, | 38325 |

records, financial information, and documents at its principal 38326
place of business in this state and to preserve them for at least 38327
three years in a manner that facilitates regulatory review. 38328

(I)(1) A health insuring corporation shall notify its 38329
affected enrollees of the termination of a contract for the 38330
provision of health care services between the health insuring 38331
corporation and a primary care physician or hospital, by mail, 38332
within thirty days after the termination of the contract. 38333

(a) Notice shall be given to subscribers of the termination 38334
of a contract with a primary care physician if the subscriber, or 38335
a dependent covered under the subscriber's health care coverage, 38336
has received health care services from the primary care physician 38337
within the previous twelve months or if the subscriber or 38338
dependent has selected the physician as the subscriber's or 38339
dependent's primary care physician within the previous twelve 38340
months. 38341

(b) Notice shall be given to subscribers of the termination 38342
of a contract with a hospital if the subscriber, or a dependent 38343
covered under the subscriber's health care coverage, has received 38344
health care services from that hospital within the previous twelve 38345
months. 38346

(2) The health insuring corporation shall pay, in accordance 38347
with the terms of the contract, for all covered health care 38348
services rendered to an enrollee by a primary care physician or 38349
hospital between the date of the termination of the contract and 38350
five days after the notification of the contract termination is 38351
mailed to a subscriber at the subscriber's last known address. 38352

(J) Divisions (A) and (B) of this section do not apply to any 38353
health insuring corporation that, on June 4, 1997, holds a 38354
certificate of authority or license to operate under Chapter 1740. 38355
of the Revised Code. 38356

(K) Nothing in this section shall restrict the governing body of a hospital from exercising the authority granted it pursuant to section 3701.351 of the Revised Code.

Sec. 1751.15. (A) Each health insuring corporation shall accept individuals for open enrollment coverage as provided in sections 3923.58 and 3923.581 of the Revised Code. A health insuring corporation may reinsure coverage of any individual acquired under those sections with the open enrollment reinsurance program in accordance with division (G) of section 3924.11 of the Revised Code. Fixed periodic prepayment rates charged for coverage reinsured by the program shall be established in accordance with section 3924.12 of the Revised Code.

(B) This section does not apply to any of the following:

(1) Any health insuring corporation that offers only supplemental health care services or specialty health care services;

(2) Any health insuring corporation that offers plans only through medicare, or medicaid, ~~or the children's buy-in program~~ and that has no other commercial enrollment;

(3) Any health insuring corporation that offers plans only through other federal health care programs regulated by federal regulatory bodies and that has no other commercial enrollment;

(4) Any health insuring corporation that offers plans only through contracts covering officers or employees of the state that have been entered into by the department of administrative services and that has no other commercial enrollment.

Sec. 1751.17. (A) As used in this section, "nongroup contract" means a contract issued by a health insuring corporation to an individual who makes direct application for coverage under the contract and who, if required by the health insuring

corporation, submits to medical underwriting. "Nongroup contract" 38387
does not include group conversion coverage, coverage obtained 38388
through open enrollment, or coverage issued on the basis of 38389
membership in a group. 38390

(B) Except as provided in division (C) of this section, every 38391
nongroup contract that is issued by a health insuring corporation 38392
and that makes available basic health care services shall provide 38393
an option for conversion to a contract issued on a direct-payment 38394
basis to an enrollee covered by the nongroup contract. The option 38395
for conversion shall be available: 38396

(1) Upon the death of the subscriber, to the surviving spouse 38397
with respect to the spouse or dependents who were then covered by 38398
the nongroup contract; 38399

(2) Upon the divorce, dissolution, or annulment of the 38400
marriage of the subscriber, to the divorced spouse, or, in the 38401
event of annulment, to the former spouse of the subscriber; 38402

(3) To a child solely with respect to the child, upon the 38403
child's attaining the limiting age of coverage under the nongroup 38404
contract while covered as a dependent under the contract. 38405

(C) The direct payment contract offered pursuant to division 38406
(B) of this section shall not be made available to an enrollee if 38407
any of the following applies: 38408

(1) The enrollee is, or is eligible to be, covered for 38409
benefits at least comparable to the nongroup contract under any of 38410
the following: 38411

(a) Medicaid; 38412

(b) ~~The children's buy-in program;~~ 38413

~~(c)~~ Medicare; 38414

~~(d)~~ (c) Any act of congress or law under this or any other 38415
state of the United States providing coverage at least comparable 38416

to the benefits offered under division (C)(1)(a) ~~or (b) or (c)~~ 38417
of this section. 38418

(2) The nongroup contract under which the enrollee was 38419
covered was terminated due to nonpayment of a premium rate. 38420

(3) The enrollee is eligible for group coverage provided by, 38421
or available through, an employer or association and the group 38422
coverage provides benefits comparable to the benefits provided 38423
under a direct payment contract. 38424

(D) The direct payment contract offered pursuant to division 38425
(B) of this section shall provide benefits that are at least 38426
comparable to the benefits provided by the nongroup contract under 38427
which the enrollee was covered at the time of the occurrence of 38428
any of the events set forth in division (B) of this section. The 38429
coverage provided under the direct payment contract shall be 38430
continuous, provided that the enrollee makes the required premium 38431
rate payment within the thirty-day period immediately following 38432
the occurrence of the event, and may be terminated for nonpayment 38433
of any required premium rate payment. 38434

(E) The evidence of coverage of every nongroup contract shall 38435
contain notice that an option for conversion to a contract issued 38436
on a direct-payment basis is available, in accordance with this 38437
section, to any enrollee covered by the contract. 38438

(F) Benefits otherwise payable to an enrollee under a direct 38439
payment contract shall be reduced by the amount of any benefits 38440
available to the enrollee under any applicable group health 38441
insuring corporation contract or group sickness and accident 38442
insurance policy. 38443

(G) Nothing in this section shall be construed as requiring a 38444
health insuring corporation to offer nongroup contracts. 38445

(H) This section does not apply to any nongroup contract 38446
offering only supplemental health care services or specialty 38447

health care services. 38448

Sec. 1751.20. (A) No health insuring corporation, or agent, 38449
employee, or representative of a health insuring corporation, 38450
shall use any advertisement or solicitation document, or shall 38451
engage in any activity, that is unfair, untrue, misleading, or 38452
deceptive. 38453

(B) No health insuring corporation shall use a name that is 38454
deceptively similar to the name or description of any insurance or 38455
surety corporation doing business in this state. 38456

(C) All solicitation documents, advertisements, evidences of 38457
coverage, and enrollee identification cards used by a health 38458
insuring corporation shall contain the health insuring 38459
corporation's name. The use of a trade name, an insurance group 38460
designation, the name of a parent company, the name of a division 38461
of an affiliated insurance company, a service mark, a slogan, a 38462
symbol, or other device, without the name of the health insuring 38463
corporation as stated in its articles of incorporation, shall not 38464
satisfy this requirement if the usage would have the capacity and 38465
tendency to mislead or deceive persons as to the true identity of 38466
the health insuring corporation. 38467

(D) No solicitation document or advertisement used by a 38468
health insuring corporation shall contain any words, symbols, or 38469
physical materials that are so similar in content, phraseology, 38470
shape, color, or other characteristic to those used by an agency 38471
of the federal government or this state, that prospective 38472
enrollees may be led to believe that the solicitation document or 38473
advertisement is connected with an agency of the federal 38474
government or this state. 38475

(E) A health insuring corporation that provides basic health 38476
care services may use the phrase "health maintenance organization" 38477
or the abbreviation "HMO" in its marketing name, advertising, 38478

solicitation documents, or marketing literature, or in reference 38479
to the phrase "doing business as" or the abbreviation "DBA." 38480

(F) This section does not apply to the coverage of 38481
beneficiaries enrolled in medicare pursuant to a medicare risk 38482
contract or medicare cost contract, or to the coverage of 38483
beneficiaries enrolled in the federal employee health benefits 38484
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 38485
medicaid recipients, ~~or to the coverage of participants of the~~ 38486
~~children's buy-in program,~~ or to the coverage of beneficiaries 38487
under any federal health care program regulated by a federal 38488
regulatory body, or to the coverage of beneficiaries under any 38489
contract covering officers or employees of the state that has been 38490
entered into by the department of administrative services. 38491

Sec. 1751.31. (A) Any changes in a health insuring 38492
corporation's solicitation document shall be filed with the 38493
superintendent of insurance. The superintendent, within sixty days 38494
of filing, may disapprove any solicitation document or amendment 38495
to it on any of the grounds stated in this section. Such 38496
disapproval shall be effected by written notice to the health 38497
insuring corporation. The notice shall state the grounds for 38498
disapproval and shall be issued in accordance with Chapter 119. of 38499
the Revised Code. 38500

(B) The solicitation document shall contain all information 38501
necessary to enable a consumer to make an informed choice as to 38502
whether or not to enroll in the health insuring corporation. The 38503
information shall include a specific description of the health 38504
care services to be available and the approximate number and type 38505
of full-time equivalent medical practitioners. The information 38506
shall be presented in the solicitation document in a manner that 38507
is clear, concise, and intelligible to prospective applicants in 38508
the proposed service area. 38509

(C) Every potential applicant whose subscription to a health care plan is solicited shall receive, at or before the time of solicitation, a solicitation document approved by the superintendent.

(D) Notwithstanding division (A) of this section, a health insuring corporation may use a solicitation document that the corporation uses in connection with policies for medicare beneficiaries pursuant to a medicare risk contract or medicare cost contract, or for policies for beneficiaries of the federal employees health benefits program pursuant to 5 U.S.C.A. 8905, or for policies for medicaid recipients, or for policies for beneficiaries of any other federal health care program regulated by a federal regulatory body, ~~or for policies for participants of the children's buy-in program,~~ or for policies for beneficiaries of contracts covering officers or employees of the state entered into by the department of administrative services, if both of the following apply:

(1) The solicitation document has been approved by the United States department of health and human services, the United States office of personnel management, the department of job and family services, or the department of administrative services.

(2) The solicitation document is filed with the superintendent of insurance prior to use and is accompanied by documentation of approval from the United States department of health and human services, the United States office of personnel management, the department of job and family services, or the department of administrative services.

(E) No health insuring corporation, or its agents or representatives, shall use monetary or other valuable consideration, engage in misleading or deceptive practices, or make untrue, misleading, or deceptive representations to induce enrollment. Nothing in this division shall prohibit incentive

forms of remuneration such as commission sales programs for the 38542
health insuring corporation's employees and agents. 38543

(F) Any person obligated for any part of a premium rate in 38544
connection with an enrollment agreement, in addition to any right 38545
otherwise available to revoke an offer, may cancel such agreement 38546
within seventy-two hours after having signed the agreement or 38547
offer to enroll. Cancellation occurs when written notice of the 38548
cancellation is given to the health insuring corporation or its 38549
agents or other representatives. A notice of cancellation mailed 38550
to the health insuring corporation shall be considered to have 38551
been filed on its postmark date. 38552

(G) Nothing in this section shall prohibit healthy lifestyle 38553
programs. 38554

Sec. 1751.34. (A) Each health insuring corporation and each 38555
applicant for a certificate of authority under this chapter shall 38556
be subject to examination by the superintendent of insurance in 38557
accordance with section 3901.07 of the Revised Code. Section 38558
3901.07 of the Revised Code shall govern every aspect of the 38559
examination, including the circumstances under and frequency with 38560
which it is conducted, the authority of the superintendent and any 38561
examiner or other person appointed by the superintendent, the 38562
liability for the assessment of expenses incurred in conducting 38563
the examination, and the remittance of the assessment to the 38564
superintendent's examination fund. 38565

(B) The superintendent shall make an examination concerning 38566
the matters subject to the superintendent's consideration in 38567
section 1751.04 of the Revised Code as often as the superintendent 38568
considers it necessary for the protection of the interests of the 38569
people of this state. The expenses of such examinations shall be 38570
assessed against the health insuring corporation being examined in 38571
the manner in which expenses of examinations are assessed against 38572

an insurance company under section 3901.07 of the Revised Code. 38573
Nothing in this division requires the superintendent to make an 38574
examination of any of the following: 38575

(1) A health insuring corporation that covers solely medicaid 38576
recipients; 38577

(2) A health insuring corporation that covers solely medicare 38578
beneficiaries; 38579

(3) A health insuring corporation that covers solely medicaid 38580
recipients and medicare beneficiaries; 38581

~~(4) A health insuring corporation that covers solely 38582
participants of the children's buy in program; 38583~~

~~(5) A health insuring corporation that covers solely medicaid 38584
recipients and participants of the children's buy in program; 38585~~

~~(6) A health insuring corporation that covers solely medicaid 38586
recipients, medicare beneficiaries, and participants of the 38587
children's buy in program. 38588~~

(C) An examination, pursuant to section 3901.07 of the 38589
Revised Code, of an insurance company holding a certificate of 38590
authority under this chapter to organize and operate a health 38591
insuring corporation shall include an examination of the health 38592
insuring corporation pursuant to this section and the examination 38593
shall satisfy the requirements of divisions (A) and (B) of this 38594
section. 38595

(D) The superintendent may conduct market conduct 38596
examinations pursuant to section 3901.011 of the Revised Code of 38597
any health insuring corporation as often as the superintendent 38598
considers it necessary for the protection of the interests of 38599
subscribers and enrollees. The expenses of such market conduct 38600
examinations shall be assessed against the health insuring 38601
corporation being examined. All costs, assessments, or fines 38602

collected under this division shall be paid into the state 38603
treasury to the credit of the department of insurance operating 38604
fund. 38605

Sec. 1751.60. (A) Except as provided for in divisions (E) and 38606
(F) of this section, every provider or health care facility that 38607
contracts with a health insuring corporation to provide health 38608
care services to the health insuring corporation's enrollees or 38609
subscribers shall seek compensation for covered services solely 38610
from the health insuring corporation and not, under any 38611
circumstances, from the enrollees or subscribers, except for 38612
approved copayments and deductibles. 38613

(B) No subscriber or enrollee of a health insuring 38614
corporation is liable to any contracting provider or health care 38615
facility for the cost of any covered health care services, if the 38616
subscriber or enrollee has acted in accordance with the evidence 38617
of coverage. 38618

(C) Except as provided for in divisions (E) and (F) of this 38619
section, every contract between a health insuring corporation and 38620
provider or health care facility shall contain a provision 38621
approved by the superintendent of insurance requiring the provider 38622
or health care facility to seek compensation solely from the 38623
health insuring corporation and not, under any circumstances, from 38624
the subscriber or enrollee, except for approved copayments and 38625
deductibles. 38626

(D) Nothing in this section shall be construed as preventing 38627
a provider or health care facility from billing the enrollee or 38628
subscriber of a health insuring corporation for noncovered 38629
services. 38630

(E) Upon application by a health insuring corporation and a 38631
provider or health care facility, the superintendent may waive the 38632
requirements of divisions (A) and (C) of this section when, in 38633

addition to the reserve requirements contained in section 1751.28 38634
of the Revised Code, the health insuring corporation provides 38635
sufficient assurances to the superintendent that the provider or 38636
health care facility has been provided with financial guarantees. 38637
No waiver of the requirements of divisions (A) and (C) of this 38638
section is effective as to enrollees or subscribers for whom the 38639
health insuring corporation is compensated under a provider 38640
agreement or risk contract entered into pursuant to Chapter 5111. 38641
or 5115. of the Revised Code ~~or under the children's buy in~~ 38642
~~program.~~ 38643

(F) The requirements of divisions (A) to (C) of this section 38644
apply only to health care services provided to an enrollee or 38645
subscriber prior to the effective date of a termination of a 38646
contract between the health insuring corporation and the provider 38647
or health care facility. 38648

Sec. 1761.04. (A) The licensing and operation of a credit 38649
union share guaranty corporation is subject to the regulation of 38650
the superintendent of insurance pursuant to Chapters 3901., 3903., 38651
3905., 3925., 3927., 3929., 3937., 3941., and 3999. of the Revised 38652
Code to the extent such laws are otherwise applicable and are not 38653
in conflict with this chapter. 38654

(B) A credit union share guaranty corporation shall pay, by 38655
the fifteenth day of April of each year, to the superintendent of 38656
credit unions, an annual fee of one-half of one per cent of its 38657
guarantee fund as shown by the corporation's last annual financial 38658
report, but in no event shall such payment exceed ~~five~~ twenty-five 38659
thousand dollars in any calendar year. 38660

(C) In addition to the specific powers and duties given the 38661
superintendent of insurance and the superintendent of credit 38662
unions under this chapter, the superintendents may independently, 38663
pursuant to Chapter 119. of the Revised Code, adopt, amend, and 38664

rescind such rules as are necessary to implement the requirements 38665
of this chapter. 38666

Sec. 1776.83. (A) A limited liability partnership and a 38667
foreign limited liability partnership authorized to transact 38668
business in this state shall file a biennial report in the office 38669
of the secretary of state. The report shall contain all of the 38670
following: 38671

(1) The name of the limited liability partnership and the 38672
state or other jurisdiction under whose laws the foreign limited 38673
liability partnership is formed; 38674

(2) The street address of the partnership's chief executive 38675
office and, if the partnership's chief executive office is not in 38676
this state, the street address of any office of the partnership in 38677
this state; 38678

(3) If the partnership does not have an office in this state, 38679
the name and street address of the partnership's current agent for 38680
service of process. 38681

(B) A partnership shall file a biennial report between the 38682
first day of April and the first day of July of each odd-numbered 38683
year that follows the calendar year in which the partnership files 38684
a statement of qualification or a foreign partnership becomes 38685
authorized to transact business in this state. 38686

(C) The secretary of state may revoke the statement of 38687
qualification of any partnership that fails to file a biennial 38688
report when due or pay the required filing fee. To revoke a 38689
statement, the secretary of state shall provide the partnership at 38690
least sixty days' written notice of the intent to revoke, mailed 38691
to the partnership at its chief executive office set forth in the 38692
last filed statement of qualification or biennial report or sent 38693
by electronic mail to the last electronic mail address provided to 38694

the secretary of state. The notice shall specify the report that 38695
the partnership failed to file, the unpaid fee, and the effective 38696
date of the revocation. The revocation is not effective if the 38697
partnership files the report and pays the fee before the effective 38698
date of the revocation. 38699

(D) A revocation under division (C) of this section affects 38700
only a partnership's status as a limited liability partnership and 38701
is not an event of dissolution of the partnership. 38702

(E) A partnership whose statement of qualification is revoked 38703
may apply to the secretary of state for reinstatement within two 38704
years after the effective date of the revocation. The application 38705
for reinstatement shall state the name of the partnership, the 38706
effective date of the revocation, and that the ground for 38707
revocation either did not exist or has been corrected. 38708

(F) A reinstatement under division (E) of this section 38709
relates back to and takes effect as of the effective date of the 38710
revocation, and the partnership's status as a limited liability 38711
partnership continues as if the revocation had never occurred. 38712

Sec. 1785.06. A professional association, within thirty days 38713
after the thirtieth day of June in each even-numbered year, shall 38714
furnish a statement to the secretary of state showing the names 38715
and post-office addresses of all of the shareholders in the 38716
association and certifying that all of the shareholders are duly 38717
licensed, certificated, or otherwise legally authorized to render 38718
within this state the same professional service for which the 38719
association was organized or, in the case of a combination of 38720
professional services described in division (B) of section 1785.01 38721
of the Revised Code, to render within this state any of the 38722
applicable types of professional services for which the 38723
association was organized. This statement shall be made on a form 38724
that the secretary of state shall prescribe, shall be signed by an 38725

officer of the association, and shall be filed in the office of 38726
the secretary of state. 38727

If any professional association fails to file the biennial 38728
statement within the time required by this section, the secretary 38729
of state shall give notice of the failure by ~~certified~~ ordinary or 38730
electronic mail, ~~return receipt requested~~, to the last known 38731
physical or electronic address of the association or its agent. If 38732
the biennial statement is not filed within thirty days after the 38733
mailing of the notice, the secretary of state, upon the expiration 38734
of that period, shall cancel the association's articles of 38735
incorporation, give notice of the cancellation to the association 38736
by ordinary or electronic mail sent to the last known physical or 38737
electronic address of the association or its agent, and make a 38738
notation of the cancellation on the records of the secretary of 38739
state. 38740

A professional association whose articles have been canceled 38741
pursuant to this section may be reinstated by filing an 38742
application for reinstatement and the required biennial statement 38743
or statements and by paying the reinstatement fee specified in 38744
division (Q) of section 111.16 of the Revised Code. The rights, 38745
privileges, and franchises of a professional association whose 38746
articles have been reinstated are subject to section 1701.922 of 38747
the Revised Code. The secretary of state shall inform the tax 38748
commissioner of all cancellations and reinstatements under this 38749
section. 38750

Sec. 1901.02. (A) The municipal courts established by section 38751
1901.01 of the Revised Code have jurisdiction within the corporate 38752
limits of their respective municipal corporations, or, for the 38753
Clermont county municipal court, the Columbiana county municipal 38754
court, and, effective January 1, 2008, the Erie county municipal 38755
court, within the municipal corporation or unincorporated 38756

territory in which they are established, and are courts of record. 38757
Each of the courts shall be styled 38758
"..... municipal court," inserting 38759
the name of the municipal corporation, except the following 38760
courts, which shall be styled as set forth below: 38761

(1) The municipal court established in Chesapeake that shall 38762
be styled and known as the "Lawrence county municipal court"; 38763

(2) The municipal court established in Cincinnati that shall 38764
be styled and known as the "Hamilton county municipal court"; 38765

(3) The municipal court established in Ravenna that shall be 38766
styled and known as the "Portage county municipal court"; 38767

(4) The municipal court established in Athens that shall be 38768
styled and known as the "Athens county municipal court"; 38769

(5) The municipal court established in Columbus that shall be 38770
styled and known as the "Franklin county municipal court"; 38771

(6) The municipal court established in London that shall be 38772
styled and known as the "Madison county municipal court"; 38773

(7) The municipal court established in Newark that shall be 38774
styled and known as the "Licking county municipal court"; 38775

(8) The municipal court established in Wooster that shall be 38776
styled and known as the "Wayne county municipal court"; 38777

(9) The municipal court established in Wapakoneta that shall 38778
be styled and known as the "Auglaize county municipal court"; 38779

(10) The municipal court established in Troy that shall be 38780
styled and known as the "Miami county municipal court"; 38781

(11) The municipal court established in Bucyrus that shall be 38782
styled and known as the "Crawford county municipal court"; 38783

(12) The municipal court established in Logan that shall be 38784
styled and known as the "Hocking county municipal court"; 38785

- (13) The municipal court established in Urbana that shall be styled and known as the "Champaign county municipal court"; 38786
38787
- (14) The municipal court established in Jackson that shall be styled and known as the "Jackson county municipal court"; 38788
38789
- (15) The municipal court established in Springfield that shall be styled and known as the "Clark county municipal court"; 38790
38791
- (16) The municipal court established in Kenton that shall be styled and known as the "Hardin county municipal court"; 38792
38793
- (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"; 38794
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- (18) The municipal court established in Wilmington that, beginning July 1, 1992, shall be styled and known as the "Clinton county municipal court"; 38799
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38801
- (19) The municipal court established in Port Clinton that shall be styled and known as "the Ottawa county municipal court"; 38802
38803
- (20) The municipal court established in Lancaster that, beginning January 2, 2000, shall be styled and known as the "Fairfield county municipal court"; 38804
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38806
- (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"; 38807
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- (22) The municipal court established in Georgetown that, beginning February 9, 2003, shall be styled and known as the "Brown county municipal court"; 38812
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- (23) The municipal court established in Mount Gilead that, 38815

beginning January 1, 2003, shall be styled and known as the 38816
"Morrow county municipal court"; 38817

(24) The municipal court established in Greenville that, 38818
beginning January 1, 2005, shall be styled and known as the "Darke 38819
county municipal court"; 38820

(25) The municipal court established in Millersburg that, 38821
beginning January 1, 2007, shall be styled and known as the 38822
"Holmes county municipal court"; 38823

(26) The municipal court established in Carrollton that, 38824
beginning January 1, 2007, shall be styled and known as the 38825
"Carroll county municipal court"; 38826

(27) The municipal court established within Erie county in 38827
Milan or established in any other municipal corporation or 38828
unincorporated territory that is within Erie county, is within the 38829
territorial jurisdiction of that court, and is selected by the 38830
legislative authority of that court that, beginning January 1, 38831
2008, shall be styled and known as the "Erie county municipal 38832
court"; 38833

(28) The municipal court established in Ottawa that, 38834
beginning January 1, 2011, shall be styled and known as the 38835
"Putnam county municipal court"; 38836

(29) The municipal court established within Montgomery county 38837
in any municipal corporation or unincorporated territory within 38838
Montgomery county, except the municipal corporations of 38839
Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, 38840
Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton 38841
and Butler, German, Harrison, Miami, and Washington townships, 38842
that is selected by the legislative authority of that court and 38843
that, beginning July 1, 2010, shall be styled and known as the 38844
"Montgomery county municipal court." 38845

(B) In addition to the jurisdiction set forth in division (A) 38846

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| of this section, the municipal courts established by section | 38847 |
| 1901.01 of the Revised Code have jurisdiction as follows: | 38848 |
| The Akron municipal court has jurisdiction within Bath, | 38849 |
| Richfield, and Springfield townships, and within the municipal | 38850 |
| corporations of Fairlawn, Lakemore, and Mogadore, in Summit | 38851 |
| county. | 38852 |
| The Alliance municipal court has jurisdiction within | 38853 |
| Lexington, Marlboro, Paris, and Washington townships in Stark | 38854 |
| county. | 38855 |
| The Ashland municipal court has jurisdiction within Ashland | 38856 |
| county. | 38857 |
| The Ashtabula municipal court has jurisdiction within | 38858 |
| Ashtabula, Plymouth, and Saybrook townships in Ashtabula county. | 38859 |
| The Athens county municipal court has jurisdiction within | 38860 |
| Athens county. | 38861 |
| The Auglaize county municipal court has jurisdiction within | 38862 |
| Auglaize county. | 38863 |
| The Avon Lake municipal court has jurisdiction within the | 38864 |
| municipal corporations of Avon and Sheffield in Lorain county. | 38865 |
| The Barberton municipal court has jurisdiction within | 38866 |
| Coventry, Franklin, and Green townships, within all of Copley | 38867 |
| township except within the municipal corporation of Fairlawn, and | 38868 |
| within the municipal corporations of Clinton and Norton, in Summit | 38869 |
| county. | 38870 |
| The Bedford municipal court has jurisdiction within the | 38871 |
| municipal corporations of Bedford Heights, Oakwood, Glenwillow, | 38872 |
| Solon, Bentleyville, Chagrin Falls, Moreland Hills, Orange, | 38873 |
| Warrensville Heights, North Randall, and Woodmere, and within | 38874 |
| Warrensville and Chagrin Falls townships, in Cuyahoga county. | 38875 |
| The Bellefontaine municipal court has jurisdiction within | 38876 |

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| Logan county. | 38877 |
| The Bellevue municipal court has jurisdiction within Lyme and Sherman townships in Huron county and within York township in Sandusky county. | 38878 38879 38880 |
| 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. | 38881 38882 38883 38884 |
| 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. | 38885 38886 38887 38888 38889 38890 38891 38892 |
| Beginning February 9, 2003, the Brown county municipal court has jurisdiction within Brown county. | 38893 38894 |
| The Bryan municipal court has jurisdiction within Williams county. | 38895 38896 |
| The Cambridge municipal court has jurisdiction within Guernsey county. | 38897 38898 |
| The Campbell municipal court has jurisdiction within Coitsville township in Mahoning county. | 38899 38900 |
| The Canton municipal court has jurisdiction within Canton, Lake, Nimishillen, Osnaburg, Pike, Plain, and Sandy townships in Stark county. | 38901 38902 38903 |
| The Carroll county municipal court has jurisdiction within Carroll county. | 38904 38905 |
| The Celina municipal court has jurisdiction within Mercer | 38906 |

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| county. | 38907 |
| The Champaign county municipal court has jurisdiction within Champaign county. | 38908 38909 |
| The Chardon municipal court has jurisdiction within Geauga county. | 38910 38911 |
| The Chillicothe municipal court has jurisdiction within Ross county. | 38912 38913 |
| The Circleville municipal court has jurisdiction within Pickaway county. | 38914 38915 |
| The Clark county municipal court has jurisdiction within Clark county. | 38916 38917 |
| The Clermont county municipal court has jurisdiction within Clermont county. | 38918 38919 |
| The Cleveland municipal court has jurisdiction within the municipal corporation of Bratenahl in Cuyahoga county. | 38920 38921 |
| Beginning July 1, 1992, the Clinton county municipal court has jurisdiction within Clinton county. | 38922 38923 |
| 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. | 38924 38925 38926 38927 |
| The Coshocton municipal court has jurisdiction within Coshocton county. | 38928 38929 |
| The Crawford county municipal court has jurisdiction within Crawford county. | 38930 38931 |
| Until December 31, 2008, the Cuyahoga Falls municipal court has jurisdiction within Boston, Hudson, Northfield Center, Sagamore Hills, and Twinsburg townships, and within the municipal corporations of Boston Heights, Hudson, Munroe Falls, Northfield, | 38932 38933 38934 38935 |

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| Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg, and Macedonia, in Summit county. | 38936 38937 |
| Beginning January 1, 2005, the Darke county municipal court has jurisdiction within Darke county except within the municipal corporation of Bradford. | 38938 38939 38940 |
| The Defiance municipal court has jurisdiction within Defiance county. | 38941 38942 |
| The Delaware municipal court has jurisdiction within Delaware county. | 38943 38944 |
| The East Liverpool municipal court has jurisdiction within Liverpool and St. Clair townships in Columbiana county. | 38945 38946 |
| The Eaton municipal court has jurisdiction within Preble county. | 38947 38948 |
| 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. | 38949 38950 38951 38952 |
| 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. | 38953 38954 38955 38956 38957 |
| The Fairborn municipal court has jurisdiction within the municipal corporation of Beaver creek and within Bath and Beaver creek townships in Greene county. | 38958 38959 38960 |
| Beginning January 2, 2000, the Fairfield county municipal court has jurisdiction within Fairfield county. | 38961 38962 |
| The Findlay municipal court has jurisdiction within all of Hancock county except within Washington township. | 38963 38964 |
| The Fostoria municipal court has jurisdiction within Loudon | 38965 |

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| and Jackson townships in Seneca county, within Washington township | 38966 |
| in Hancock county, and within Perry township, <u>except within the</u> | 38967 |
| <u>municipal corporation of West Millgrove,</u> in Wood county. | 38968 |
| The Franklin municipal court has jurisdiction within Franklin | 38969 |
| township in Warren county. | 38970 |
| The Franklin county municipal court has jurisdiction within | 38971 |
| Franklin county. | 38972 |
| The Fremont municipal court has jurisdiction within Ballville | 38973 |
| and Sandusky townships in Sandusky county. | 38974 |
| The Gallipolis municipal court has jurisdiction within Gallia | 38975 |
| county. | 38976 |
| The Garfield Heights municipal court has jurisdiction within | 38977 |
| the municipal corporations of Maple Heights, Walton Hills, Valley | 38978 |
| View, Cuyahoga Heights, Newburgh Heights, Independence, and | 38979 |
| Brecksville in Cuyahoga county. | 38980 |
| The Girard municipal court has jurisdiction within Liberty, | 38981 |
| Vienna, and Hubbard townships in Trumbull county. | 38982 |
| The Hamilton municipal court has jurisdiction within Ross and | 38983 |
| St. Clair townships in Butler county. | 38984 |
| The Hamilton county municipal court has jurisdiction within | 38985 |
| Hamilton county. | 38986 |
| The Hardin county municipal court has jurisdiction within | 38987 |
| Hardin county. | 38988 |
| The Hillsboro municipal court has jurisdiction within all of | 38989 |
| Highland county except within Madison township. | 38990 |
| The Hocking county municipal court has jurisdiction within | 38991 |
| Hocking county. | 38992 |
| The Holmes county municipal court has jurisdiction within | 38993 |
| Holmes county. | 38994 |

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| The Huron municipal court has jurisdiction within all of Huron township in Erie county except within the municipal corporation of Sandusky. | 38995 38996 38997 |
| The Ironton municipal court has jurisdiction within Aid, Decatur, Elizabeth, Hamilton, Lawrence, Upper, and Washington townships in Lawrence county. | 38998 38999 39000 |
| The Jackson county municipal court has jurisdiction within Jackson county. | 39001 39002 |
| The Kettering municipal court has jurisdiction within the municipal corporations of Centerville and Moraine, and within Washington township, in Montgomery county. | 39003 39004 39005 |
| Until January 2, 2000, the Lancaster municipal court has jurisdiction within Fairfield county. | 39006 39007 |
| The Lawrence county municipal court has jurisdiction within the townships of Fayette, Mason, Perry, Rome, Symmes, Union, and Windsor in Lawrence county. | 39008 39009 39010 |
| The Lebanon municipal court has jurisdiction within Turtlecreek township in Warren county. | 39011 39012 |
| The Licking county municipal court has jurisdiction within Licking county. | 39013 39014 |
| The Lima municipal court has jurisdiction within Allen county. | 39015 39016 |
| The Lorain municipal court has jurisdiction within the municipal corporation of Sheffield Lake, and within Sheffield township, in Lorain county. | 39017 39018 39019 |
| The Lyndhurst municipal court has jurisdiction within the municipal corporations of Mayfield Heights, Gates Mills, Mayfield, Highland Heights, and Richmond Heights in Cuyahoga county. | 39020 39021 39022 |
| The Madison county municipal court has jurisdiction within Madison county. | 39023 39024 |

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| The Mansfield municipal court has jurisdiction within | 39025 |
| Madison, Springfield, Sandusky, Franklin, Weller, Mifflin, Troy, | 39026 |
| Washington, Monroe, Perry, Jefferson, and Worthington townships, | 39027 |
| and within sections 35-36-31 and 32 of Butler township, in | 39028 |
| Richland county. | 39029 |
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| The Marietta municipal court has jurisdiction within | 39030 |
| Washington county. | 39031 |
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| The Marion municipal court has jurisdiction within Marion | 39032 |
| county. | 39033 |
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| The Marysville municipal court has jurisdiction within Union | 39034 |
| county. | 39035 |
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| The Mason municipal court has jurisdiction within Deerfield | 39036 |
| township in Warren county. | 39037 |
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| The Massillon municipal court has jurisdiction within | 39038 |
| Bethlehem, Perry, Sugar Creek, Tuscarawas, Lawrence, and Jackson | 39039 |
| townships in Stark county. | 39040 |
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| The Maumee municipal court has jurisdiction within the | 39041 |
| municipal corporations of Waterville and Whitehouse, within | 39042 |
| Waterville and Providence townships, and within those portions of | 39043 |
| Springfield, Monclova, and Swanton townships lying south of the | 39044 |
| northerly boundary line of the Ohio turnpike, in Lucas county. | 39045 |
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| The Medina municipal court has jurisdiction within the | 39046 |
| municipal corporations of Briarwood Beach, Brunswick, | 39047 |
| Chippewa-on-the-Lake, and Spencer and within the townships of | 39048 |
| Brunswick Hills, Chatham, Granger, Hinckley, Lafayette, | 39049 |
| Litchfield, Liverpool, Medina, Montville, Spencer, and York | 39050 |
| townships, in Medina county. | 39051 |
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| The Mentor municipal court has jurisdiction within the | 39052 |
| municipal corporation of Mentor-on-the-Lake in Lake county. | 39053 |
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| The Miami county municipal court has jurisdiction within | 39054 |

Miami county and within the part of the municipal corporation of 39055
Bradford that is located in Darke county. 39056

The Miamisburg municipal court has jurisdiction within the 39057
municipal corporations of Germantown and West Carrollton, and 39058
within German and Miami townships in Montgomery county. 39059

The Middletown municipal court has jurisdiction within 39060
Madison township, and within all of Lemon township, except within 39061
the municipal corporation of Monroe, in Butler county. 39062

Beginning July 1, 2010, the Montgomery county municipal court 39063
has jurisdiction within all of Montgomery county except for the 39064
municipal corporations of Centerville, Clayton, Dayton, Englewood, 39065
Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, 39066
Vandalia, and West Carrollton and Butler, German, Harrison, Miami, 39067
and Washington townships. 39068

Beginning January 1, 2003, the Morrow county municipal court 39069
has jurisdiction within Morrow county. 39070

The Mount Vernon municipal court has jurisdiction within Knox 39071
county. 39072

The Napoleon municipal court has jurisdiction within Henry 39073
county. 39074

The New Philadelphia municipal court has jurisdiction within 39075
the municipal corporation of Dover, and within Auburn, Bucks, 39076
Fairfield, Goshen, Jefferson, Warren, York, Dover, Franklin, 39077
Lawrence, Sandy, Sugarcreek, and Wayne townships in Tuscarawas 39078
county. 39079

The Newton Falls municipal court has jurisdiction within 39080
Bristol, Bloomfield, Lordstown, Newton, Braceville, Southington, 39081
Farmington, and Mesopotamia townships in Trumbull county. 39082

The Niles municipal court has jurisdiction within the 39083
municipal corporation of McDonald, and within Weathersfield 39084

township in Trumbull county. 39085

The Norwalk municipal court has jurisdiction within all of 39086
Huron county except within the municipal corporation of Bellevue 39087
and except within Lyme and Sherman townships. 39088

The Oberlin municipal court has jurisdiction within the 39089
municipal corporations of Amherst, Kipton, Rochester, South 39090
Amherst, and Wellington, and within Henrietta, Russia, Camden, 39091
Pittsfield, Brighton, Wellington, Penfield, Rochester, and 39092
Huntington townships, and within all of Amherst township except 39093
within the municipal corporation of Lorain, in Lorain county. 39094

The Oregon municipal court has jurisdiction within the 39095
municipal corporation of Harbor View, and within Jerusalem 39096
township, in Lucas county, and north within Maumee Bay and Lake 39097
Erie to the boundary line between Ohio and Michigan between the 39098
easterly boundary of the court and the easterly boundary of the 39099
Toledo municipal court. 39100

The Ottawa county municipal court has jurisdiction within 39101
Ottawa county. 39102

The Painesville municipal court has jurisdiction within 39103
Painesville, Perry, Leroy, Concord, and Madison townships in Lake 39104
county. 39105

The Parma municipal court has jurisdiction within the 39106
municipal corporations of Parma Heights, Brooklyn, Linndale, North 39107
Royalton, Broadview Heights, Seven Hills, and Brooklyn Heights in 39108
Cuyahoga county. 39109

The Perrysburg municipal court has jurisdiction within the 39110
municipal corporations of Luckey, Millbury, Northwood, Rossford, 39111
and Walbridge, and within Perrysburg, Lake, and Troy townships, in 39112
Wood county. 39113

The Portage county municipal court has jurisdiction within 39114

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| Portage county. | 39115 |
| The Portsmouth municipal court has jurisdiction within Scioto county. | 39116 39117 |
| The Putnam county municipal court has jurisdiction within Putnam county. | 39118 39119 |
| 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. | 39120 39121 39122 39123 |
| The Sandusky municipal court has jurisdiction within the municipal corporations of Castalia and Bay View, and within Perkins township, in Erie county. | 39124 39125 39126 |
| The Shaker Heights municipal court has jurisdiction within the municipal corporations of University Heights, Beachwood, Pepper Pike, and Hunting Valley in Cuyahoga county. | 39127 39128 39129 |
| 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. | 39130 39131 39132 39133 |
| The Sidney municipal court has jurisdiction within Shelby county. | 39134 39135 |
| 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. | 39136 39137 39138 39139 39140 39141 |
| The Struthers municipal court has jurisdiction within the municipal corporations of Lowellville, New Middleton, and Poland, and within Poland and Springfield townships in Mahoning county. | 39142 39143 39144 |

The Sylvania municipal court has jurisdiction within the 39145
municipal corporations of Berkey and Holland, and within Sylvania, 39146
Richfield, Spencer, and Harding townships, and within those 39147
portions of Swanton, Monclova, and Springfield townships lying 39148
north of the northerly boundary line of the Ohio turnpike, in 39149
Lucas county. 39150

The Tiffin municipal court has jurisdiction within Adams, Big 39151
Spring, Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, 39152
Scipio, Seneca, Thompson, and Venice townships in Seneca county. 39153

The Toledo municipal court has jurisdiction within Washington 39154
township, and within the municipal corporation of Ottawa Hills, in 39155
Lucas county. 39156

The Upper Sandusky municipal court has jurisdiction within 39157
Wyandot county. 39158

The Vandalia municipal court has jurisdiction within the 39159
municipal corporations of Clayton, Englewood, and Union, and 39160
within Butler, Harrison, and Randolph townships, in Montgomery 39161
county. 39162

The Van Wert municipal court has jurisdiction within Van Wert 39163
county. 39164

The Vermilion municipal court has jurisdiction within the 39165
townships of Vermilion and Florence in Erie county and within all 39166
of Brownhelm township except within the municipal corporation of 39167
Lorain, in Lorain county. 39168

The Wadsworth municipal court has jurisdiction within the 39169
municipal corporations of Gloria Glens Park, Lodi, Seville, and 39170
Westfield Center, and within Guilford, Harrisville, Homer, Sharon, 39171
Wadsworth, and Westfield townships in Medina county. 39172

The Warren municipal court has jurisdiction within Warren and 39173
Champion townships, and within all of Howland township except 39174

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| within the municipal corporation of Niles, in Trumbull county. | 39175 |
| The Washington Court House municipal court has jurisdiction within Fayette county. | 39176 39177 |
| The Wayne county municipal court has jurisdiction within Wayne county. | 39178 39179 |
| The Willoughby municipal court has jurisdiction within the municipal corporations of Eastlake, Wickliffe, Willowick, Willoughby Hills, Kirtland, Kirtland Hills, Waite Hill, Timberlake, and Lakeline, and within Kirtland township, in Lake county. | 39180 39181 39182 39183 39184 |
| Through June 30, 1992, the Wilmington municipal court has jurisdiction within Clinton county. | 39185 39186 |
| The Xenia municipal court has jurisdiction within Caesar creek, Cedarville, Jefferson, Miami, New Jasper, Ross, Silvercreek, Spring Valley, Sugarcreek, and Xenia townships in Greene county. | 39187 39188 39189 39190 |
| (C) As used in this section: | 39191 |
| (1) "Within a township" includes all land, including, but not limited to, any part of any municipal corporation, that is physically located within the territorial boundaries of that township, whether or not that land or municipal corporation is governmentally a part of the township. | 39192 39193 39194 39195 39196 |
| (2) "Within a municipal corporation" includes all land within the territorial boundaries of the municipal corporation and any townships that are coextensive with the municipal corporation. | 39197 39198 39199 |
| Sec. 1901.18. (A) Except as otherwise provided in this division or section 1901.181 of the Revised Code, subject to the monetary jurisdiction of municipal courts as set forth in section 1901.17 of the Revised Code, a municipal court has original jurisdiction within its territory in all of the following actions | 39200 39201 39202 39203 39204 |

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| or proceedings and to perform all of the following functions: | 39205 |
| (1) In any civil action, of whatever nature or remedy, of which judges of county courts have jurisdiction; | 39206 39207 |
| (2) In any action or proceeding at law for the recovery of money or personal property of which the court of common pleas has jurisdiction; | 39208 39209 39210 |
| (3) In any action at law based on contract, to determine, preserve, and enforce all legal and equitable rights involved in the contract, to decree an accounting, reformation, or cancellation of the contract, and to hear and determine all legal and equitable remedies necessary or proper for a complete determination of the rights of the parties to the contract; | 39211 39212 39213 39214 39215 39216 |
| (4) In any action or proceeding for the sale of personal property under chattel mortgage, lien, encumbrance, or other charge, for the foreclosure and marshalling of liens on personal property of that nature, and for the rendering of personal judgment in the action or proceeding; | 39217 39218 39219 39220 39221 |
| (5) In any action or proceeding to enforce the collection of its own judgments or the judgments rendered by any court within the territory to which the municipal court has succeeded, and to subject the interest of a judgment debtor in personal property to satisfy judgments enforceable by the municipal court; | 39222 39223 39224 39225 39226 |
| (6) In any action or proceeding in the nature of interpleader; | 39227 39228 |
| (7) In any action of replevin; | 39229 |
| (8) In any action of forcible entry and detainer; | 39230 |
| (9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by | 39231 39232 39233 39234 |

courts of another state, as defined in section 2919.27 of the Revised Code; 39235
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(10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction; 39237
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(11) In any action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court; 39243
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(12) In any civil action as described in division (B)(1) of section 3767.41 of the Revised Code that relates to a public nuisance, and, to the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in the civil action. 39247
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(B) The Cleveland municipal court also shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions: 39252
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(1) In all actions and proceedings for the sale of real property under lien of a judgment of the municipal court or a lien for machinery, material, or fuel furnished or labor performed, irrespective of amount, and, in those actions and proceedings, the court may proceed to foreclose and marshal all liens and all vested or contingent rights, to appoint a receiver, and to render personal judgment irrespective of amount in favor of any party. 39255
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(2) In all actions for the foreclosure of a mortgage on real property given to secure the payment of money or the enforcement of a specific lien for money or other encumbrance or charge on real property, when the amount claimed by the plaintiff does not 39262
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exceed fifteen thousand dollars and the real property is situated 39266
within the territory, and, in those actions, the court may proceed 39267
to foreclose all liens and all vested and contingent rights and 39268
may proceed to render judgments and make findings and orders 39269
between the parties in the same manner and to the same extent as 39270
in similar actions in the court of common pleas. 39271

(3) In all actions for the recovery of real property situated 39272
within the territory to the same extent as courts of common pleas 39273
have jurisdiction; 39274

(4) In all actions for injunction to prevent or terminate 39275
violations of the ordinances and regulations of the city of 39276
Cleveland enacted or promulgated under the police power of the 39277
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 39278
Constitution, over which the court of common pleas has or may have 39279
jurisdiction, and, in those actions, the court may proceed to 39280
render judgments and make findings and orders in the same manner 39281
and to the same extent as in similar actions in the court of 39282
common pleas. 39283

Sec. 1901.261. (A)(1) A municipal court may determine that 39284
for the efficient operation of the court additional funds are 39285
required to computerize the court, to make available computerized 39286
legal research services, or to do both. Upon making a 39287
determination that additional funds are required for either or 39288
both of those purposes, the court shall include in its schedule of 39289
fees and costs under section 1901.26 of the Revised Code one 39290
additional fee not to exceed three dollars on the filing of each 39291
cause of action or appeal equivalent to one described in division 39292
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 39293
direct the clerk of the court to charge the fee. 39294

(2) All fees collected under this section shall be paid to 39295
the county treasurer if the court is a county-operated municipal 39296

court or to the city treasurer if the court is not a 39297
county-operated municipal court. The treasurer shall place the 39298
funds from the fees in a separate fund to be disbursed upon an 39299
order of the court, subject to an appropriation by the board of 39300
county commissioners if the court is a county-operated municipal 39301
court or by the legislative authority of the municipal corporation 39302
if the court is not a county-operated municipal court, in an 39303
amount not greater than the actual cost to the court of 39304
computerizing the court, procuring and maintaining computerized 39305
legal research services, or both. 39306

(3) If the court determines that the funds in the fund 39307
described in division (A)(2) of this section are more than 39308
sufficient to satisfy the purpose for which the additional fee 39309
described in division (A)(1) of this section was imposed, the 39310
court may declare a surplus in the fund and, subject to an 39311
appropriation by the board of county commissioners if the court is 39312
a county-operated municipal court or by the legislative authority 39313
of the municipal corporation if the court is not a county-operated 39314
municipal court, expend those surplus funds for other appropriate 39315
technological expenses of the court. 39316

(B)(1) A municipal court may determine that, for the 39317
efficient operation of the court, additional funds are required to 39318
computerize the office of the clerk of the court and, upon that 39319
determination, may include in its schedule of fees and costs under 39320
section 1901.26 of the Revised Code an additional fee not to 39321
exceed ten dollars on the filing of each cause of action or 39322
appeal, on the filing, docketing, and endorsing of each 39323
certificate of judgment, or on the docketing and indexing of each 39324
aid in execution or petition to vacate, revive, or modify a 39325
judgment that is equivalent to one described in division (A), (P), 39326
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 39327
to division (B)(2) of this section, all moneys collected under 39328

division (B)(1) of this section shall be paid to the county treasurer if the court is a county-operated municipal court or to the city treasurer if the court is not a county-operated municipal court. The treasurer shall place the funds from the fees in a separate fund to be disbursed, upon an order of the municipal court and subject to an appropriation by the board of county commissioners if the court is a county-operated municipal court or by the legislative authority of the municipal corporation if the court is not a county-operated municipal court, in an amount no greater than the actual cost to the court of procuring and maintaining computer systems for the office of the clerk of the municipal court.

(2) If a municipal court makes the determination described in division (B)(1) of this section, the board of county commissioners of the county if the court is a county-operated municipal court or the legislative authority of the municipal corporation if the court is not a county-operated municipal court, may issue one or more general obligation bonds for the purpose of procuring and maintaining the computer systems for the office of the clerk of the municipal court. In addition to the purposes stated in division (B)(1) of this section for which the moneys collected under that division may be expended, the moneys additionally may be expended to pay debt charges and financing costs related to any general obligation bonds issued pursuant to division (B)(2) of this section as they become due. General obligation bonds issued pursuant to division (B)(2) of this section are Chapter 133 securities.

Sec. 1901.262. (A) A municipal court may establish by rule procedures for the resolution of disputes between parties. Any procedures so adopted shall include, but are not limited to, mediation. If the court establishes any procedures under this division, the court may include in the court's schedule of fees

and costs under section 1901.26 of the Revised Code a reasonable 39361
fee, that is to be collected on the filing of each civil or 39362
criminal action or proceeding, and that is to be used to implement 39363
the procedures, and the court shall direct the clerk of the court 39364
to charge the fee. 39365

(B) All fees collected under division (A) of this section 39366
shall be paid to the county treasurer if the court is a 39367
county-operated municipal court or to the city treasurer if the 39368
court is not a county-operated municipal court. The treasurer 39369
shall place the funds from the fees in a separate fund to be 39370
disbursed upon an order of the court, subject to an appropriation 39371
by the board of county commissioners if the court is a 39372
county-operated municipal court or by the legislative authority of 39373
the municipal corporation if the court is not a county-operated 39374
municipal court. 39375

(C) If the court determines that the amount of the moneys in 39376
the fund described in division (B) of this section is more than 39377
the amount sufficient to satisfy the purpose for which the 39378
additional fee described in division (A) of this section was 39379
imposed, the court may declare a surplus in the fund and, subject 39380
to an appropriation by the board of county commissioners if the 39381
court is a county-operated municipal court or by the legislative 39382
authority of the municipal corporation if the court is not a 39383
county-operated municipal court, expend the surplus moneys for 39384
other appropriate expenses of the court. 39385

Sec. 1907.261. (A)(1) A county court may determine that for 39386
the efficient operation of the court additional funds are required 39387
to computerize the court, to make available computerized legal 39388
research services, or to do both. Upon making a determination that 39389
additional funds are required for either or both of those 39390
purposes, the court shall include in its schedule of fees and 39391

costs under section 1907.24 of the Revised Code one additional fee 39392
not to exceed three dollars on the filing of each cause of action 39393
or appeal equivalent to one described in division (A), (Q), or (U) 39394
of section 2303.20 of the Revised Code and shall direct the clerk 39395
of the court to charge the fee. 39396

(2) All fees collected under this section shall be paid to 39397
the county treasurer. The treasurer shall place the funds from the 39398
fees in a separate fund to be disbursed upon an order of the 39399
court, subject to an appropriation by the board of county 39400
commissioners, in an amount not greater than the actual cost to 39401
the court of computerizing the court, procuring and maintaining 39402
computerized legal research services, or both. 39403

(3) If the court determines that the funds in the fund 39404
described in division (A)(2) of this section are more than 39405
sufficient to satisfy the purpose for which the additional fee 39406
described in division (A)(1) of this section was imposed, the 39407
court may declare a surplus in the fund and, subject to an 39408
appropriation by the board of county commissioners, expend those 39409
surplus funds for other appropriate technological expenses of the 39410
court. 39411

(B)(1) A county court may determine that, for the efficient 39412
operation of the court, additional funds are required to 39413
computerize the office of the clerk of the court and, upon that 39414
determination, may include in its schedule of fees and costs under 39415
section 1907.24 of the Revised Code an additional fee not to 39416
exceed ten dollars on the filing of each cause of action or 39417
appeal, on the filing, docketing, and endorsing of each 39418
certificate of judgment, or on the docketing and indexing of each 39419
aid in execution or petition to vacate, revive, or modify a 39420
judgment that is equivalent to one described in division (A), (P), 39421
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 39422
to division (B)(2) of this section, all moneys collected under 39423

division (B)(1) of this section shall be paid to the county 39424
treasurer. The treasurer shall place the funds from the fees in a 39425
separate fund to be disbursed, upon an order of the county court 39426
and subject to an appropriation by the board of county 39427
commissioners, in an amount no greater than the actual cost to the 39428
court of procuring and maintaining computer systems for the office 39429
of the clerk of the county court. 39430

(2) If a county court makes the determination described in 39431
division (B)(1) of this section, the board of county commissioners 39432
of that county may issue one or more general obligation bonds for 39433
the purpose of procuring and maintaining the computer systems for 39434
the office of the clerk of the county court. In addition to the 39435
purposes stated in division (B)(1) of this section for which the 39436
moneys collected under that division may be expended, the moneys 39437
additionally may be expended to pay debt charges and financing 39438
costs related to any general obligation bonds issued pursuant to 39439
division (B)(2) of this section as they become due. General 39440
obligation bonds issued pursuant to division (B)(2) of this 39441
section are Chapter 133. securities. 39442

Sec. 1907.262. (A) A county court may establish by rule 39443
procedures for the resolution of disputes between parties. Any 39444
procedures so adopted shall include, but are not limited to, 39445
mediation. If the court establishes any procedures under this 39446
division, the court may include in the court's schedule of fees 39447
and costs under section 1907.24 of the Revised Code a reasonable 39448
fee, that is to be collected on the filing of each civil or 39449
criminal action or proceeding, and that is to be used to implement 39450
the procedures, and the court shall direct the clerk of the court 39451
to charge the fee. 39452

(B) All fees collected under division (A) of this section 39453
shall be paid to the county treasurer. The treasurer shall place 39454

the funds from the fees in a separate fund to be disbursed upon an order of the court, subject to an appropriation by the board of county commissioners.

(C) If the court determines that the amount of the moneys in the fund described in division (B) of this section is more than the amount sufficient to satisfy the purpose for which the additional fee described in division (A) 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 the surplus moneys for other appropriate expenses of the court.

Sec. 1907.53. (A)(1) Each judge of a county court may appoint a bailiff on a full-time or part-time basis. The bailiff shall receive compensation as prescribed by the appointing judge, and the compensation is payable in semimonthly installments from the treasury of the county or other authorized fund. Before entering upon the duties of the office, a bailiff shall take an oath to faithfully perform those duties and shall give a bond of not less than three thousand dollars, as the appointing judge prescribes, conditioned on the faithful performance of the duties as bailiff.

(2) The board of county commissioners may purchase motor vehicles for the use of the bailiff that the court determines necessary to perform the duties of the office. The board, upon approval by the court, shall pay all expenses, maintenance, and upkeep of the vehicles from the county treasury or other authorized fund. Any allowances, costs, and expenses for the operation of private motor vehicles by the bailiffs for official duties, including the cost of oil, gasoline, and maintenance, shall be prescribed by the court and subject to the approval of the board and shall be paid from the county treasury or other authorized fund.

(B)(1) In a county court district in which no bailiff is 39486
appointed pursuant to division (A)(1) of this section, every 39487
deputy sheriff of the county, every police officer of a municipal 39488
corporation within the jurisdiction of the court, every member of 39489
a township or joint ~~township~~ police district police force, and 39490
every police constable of a township within the county court 39491
district is ex officio a bailiff of the court in and for the 39492
county, municipal corporation, or township within which the deputy 39493
sheriff, police officer, police force member, or police constable 39494
is commissioned and shall perform, in respect to cases within that 39495
jurisdiction and without additional compensation, any duties that 39496
are required by a judge of the court or by the clerk of the court. 39497

(2) At the request of a county court judge, a deputy sheriff 39498
or constable shall attend the county court while a trial is in 39499
progress. 39500

(C)(1) A bailiff and an ex officio bailiff shall perform for 39501
the county court services similar to those performed by the 39502
sheriff for the court of common pleas and shall perform any other 39503
duties that are required by rule of court. 39504

(2) The bailiff may administer oaths to witnesses and jurors 39505
and receive verdicts in the same manner and form and to the same 39506
extent as the clerk or deputy clerks of the county court. The 39507
bailiff may approve all undertakings and bonds given in actions of 39508
replevin and all redelivery bonds in attachments. 39509

(D) Bailiffs and deputy bailiffs are in the unclassified 39510
civil service. 39511

Sec. 1909.11. A county court judge has jurisdiction in any 39512
action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 39513
of the Revised Code if the residential premises that are the 39514
subject of the action are located within the territorial 39515
jurisdiction of the judge's county court district. 39516

Sec. 1923.01. (A) As provided in this chapter, any judge of a 39517
county or municipal court or a court of common pleas, within the 39518
judge's proper area of jurisdiction, may inquire about persons who 39519
make unlawful and forcible entry into lands or tenements and 39520
detain them, and about persons who make a lawful and peaceable 39521
entry into lands or tenements and hold them unlawfully and by 39522
force. If, upon the inquiry, it is found that an unlawful and 39523
forcible entry has been made and the lands or tenements are 39524
detained, or that, after a lawful entry, lands or tenements are 39525
held unlawfully and by force, a judge shall cause the plaintiff in 39526
an action under this chapter to have restitution of the lands or 39527
tenements. 39528

(B) An action shall be brought under this chapter within two 39529
years after the cause of action accrues. 39530

(C) As used in this chapter: 39531

(1) "Tenant" means a person who is entitled under a rental 39532
agreement to the use or occupancy of premises, other than premises 39533
located in a manufactured home park, to the exclusion of others, 39534
except that as used in division (A)(6) of section 1923.02 and 39535
section 1923.051 of the Revised Code, "tenant" includes a 39536
manufactured home park resident. 39537

(2) "Landlord" means the owner, lessor, or sublessor of 39538
premises, or the agent or person the landlord authorizes to manage 39539
premises or to receive rent from a tenant under a rental 39540
agreement, except, if required by the facts of the action to which 39541
the term is applied, "landlord" means a park operator. 39542

(3) "Resident" has the same meaning as in section ~~3733.01~~ 39543
4781.01 of the Revised Code. 39544

(4) "Residential premises" has the same meaning as in section 39545
5321.01 of the Revised Code, except, if required by the facts of 39546

the action to which the term is applied, "residential premises" 39547
has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised 39548
Code. 39549

(5) "Rental agreement" means any agreement or lease, written 39550
or oral, that establishes or modifies the terms, conditions, 39551
rules, or other provisions concerning the use or occupancy of 39552
premises by one of the parties to the agreement or lease, except 39553
that "rental agreement," as used in division (A)(13) of section 39554
1923.02 of the Revised Code and where the context requires as used 39555
in this chapter, means a rental agreement as defined in division 39556
(D) of section 5322.01 of the Revised Code. 39557

(6) "Controlled substance" has the same meaning as in section 39558
3719.01 of the Revised Code. 39559

(7) "School premises" has the same meaning as in section 39560
2925.01 of the Revised Code. 39561

(8) "Sexually oriented offense" and "child-victim oriented 39562
offense" have the same meanings as in section 2950.01 of the 39563
Revised Code. 39564

(9) "Recreational vehicle" and "mobile home" have the same 39565
meanings as in section 4501.01 of the Revised Code. 39566

(10) "Manufactured home" has the same meaning as in section 39567
3781.06 of the Revised Code. 39568

(11) "Manufactured home park" has the same meaning as in 39569
section ~~3733.01~~ 4781.01 of the Revised Code and also means any 39570
tract of land upon which one or two manufactured or mobile homes 39571
used for habitation are parked, either free of charge or for 39572
revenue purposes, pursuant to rental agreements between the owners 39573
of the manufactured or mobile homes and the owner of the tract of 39574
land. 39575

(12) "Park operator" has the same meaning as in section 39576

~~3733.01~~ 4781.01 of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter ~~3733.~~ 4781. of the Revised Code.

(13) "Personal property" means tangible personal property other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action under this chapter.

(14) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.

Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:

(1) Against tenants or manufactured home park residents holding over their terms;

(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;

(3) In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of which the sale was made;

(4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after the sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;

(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of

possession to them; 39607

(6) In any other case of the unlawful and forcible detention 39608
of lands or tenements. For purposes of this division, in addition 39609
to any other type of unlawful and forcible detention of lands or 39610
tenements, such a detention may be determined to exist when both 39611
of the following apply: 39612

(a) A tenant fails to vacate residential premises within 39613
three days after both of the following occur: 39614

(i) The tenant's landlord has actual knowledge of or has 39615
reasonable cause to believe that the tenant, any person in the 39616
tenant's household, or any person on the premises with the consent 39617
of the tenant previously has or presently is engaged in a 39618
violation of Chapter 2925. or 3719. of the Revised Code, or of a 39619
municipal ordinance that is substantially similar to any section 39620
in either of those chapters, which involves a controlled substance 39621
and which occurred in, is occurring in, or otherwise was or is 39622
connected with the premises, whether or not the tenant or other 39623
person has been charged with, has pleaded guilty to or been 39624
convicted of, or has been determined to be a delinquent child for 39625
an act that, if committed by an adult, would be a violation as 39626
described in this division. For purposes of this division, a 39627
landlord has "actual knowledge of or has reasonable cause to 39628
believe" that a tenant, any person in the tenant's household, or 39629
any person on the premises with the consent of the tenant 39630
previously has or presently is engaged in a violation as described 39631
in this division if a search warrant was issued pursuant to 39632
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 39633
affidavit presented to obtain the warrant named or described the 39634
tenant or person as the individual to be searched and particularly 39635
described the tenant's premises as the place to be searched, named 39636
or described one or more controlled substances to be searched for 39637
and seized, stated substantially the offense under Chapter 2925. 39638

or 3719. of the Revised Code or the substantially similar 39639
municipal ordinance that occurred in, is occurring in, or 39640
otherwise was or is connected with the tenant's premises, and 39641
states the factual basis for the affiant's belief that the 39642
controlled substances are located on the tenant's premises; the 39643
warrant was properly executed by a law enforcement officer and any 39644
controlled substance described in the affidavit was found by that 39645
officer during the search and seizure; and, subsequent to the 39646
search and seizure, the landlord was informed by that or another 39647
law enforcement officer of the fact that the tenant or person has 39648
or presently is engaged in a violation as described in this 39649
division and it occurred in, is occurring in, or otherwise was or 39650
is connected with the tenant's premises. 39651

(ii) The landlord gives the tenant the notice required by 39652
division (C) of section 5321.17 of the Revised Code. 39653

(b) The court determines, by a preponderance of the evidence, 39654
that the tenant, any person in the tenant's household, or any 39655
person on the premises with the consent of the tenant previously 39656
has or presently is engaged in a violation as described in 39657
division (A)(6)(a)(i) of this section. 39658

(7) In cases arising out of Chapter 5313. of the Revised 39659
Code. In those cases, the court has the authority to declare a 39660
forfeiture of the vendee's rights under a land installment 39661
contract and to grant any other claims arising out of the 39662
contract. 39663

(8) Against tenants who have breached an obligation that is 39664
imposed by section 5321.05 of the Revised Code, other than the 39665
obligation specified in division (A)(9) of that section, and that 39666
materially affects health and safety. Prior to the commencement of 39667
an action under this division, notice shall be given to the tenant 39668
and compliance secured with section 5321.11 of the Revised Code. 39669

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|--|---|
| (9) Against tenants who have breached an obligation imposed upon them by a written rental agreement; | 39670 39671 |
| (10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply. | 39672 39673 39674 39675 39676 39677 |
| (11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the public health council <u>manufactured homes commission</u> , or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 3733.13 <u>4781.45</u> of the Revised Code; | 39678 39679 39680 39681 39682 39683 |
| (12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured home park, has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator; | 39684 39685 39686 39687 39688 39689 39690 39691 39692 |
| (13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code, who have breached the terms of a rental agreement or violated section 5322.04 of the Revised Code; | 39693 39694 39695 39696 |
| (14) Against any resident or occupant who, pursuant to a rental agreement, resides in or occupies residential premises located within one thousand feet of any school premises or preschool or child day-care center premises and to whom both of | 39697 39698 39699 39700 |

the following apply: 39701

(a) The resident's or occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code. 39702
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(b) The state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense. 39705
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(15) Against any tenant who permits any person to occupy residential premises located within one thousand feet of any school premises or preschool or child day-care center premises if both of the following apply to the person: 39711
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(a) The person's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code. 39715
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39717

(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense. 39718
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(B) If a tenant or manufactured home park resident holding under an oral tenancy is in default in the payment of rent, the tenant or resident forfeits the right of occupancy, and the landlord may, at the landlord's option, terminate the tenancy by notifying the tenant or resident, as provided in section 1923.04 of the Revised Code, to leave the premises, for the restitution of which an action may then be brought under this chapter. 39723
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(C)(1) If a tenant or any other person with the tenant's permission resides in or occupies residential premises that are 39730
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located within one thousand feet of any school premises and is a 39732
resident or occupant of the type described in division (A)(14) of 39733
this section or a person of the type described in division (A)(15) 39734
of this section, the landlord for those residential premises, upon 39735
discovery that the tenant or other person is a resident, occupant, 39736
or person of that nature, may terminate the rental agreement or 39737
tenancy for those residential premises by notifying the tenant and 39738
all other occupants, as provided in section 1923.04 of the Revised 39739
Code, to leave the premises. 39740

(2) If a landlord is authorized to terminate a rental 39741
agreement or tenancy pursuant to division (C)(1) of this section 39742
but does not so terminate the rental agreement or tenancy, the 39743
landlord is not liable in a tort or other civil action in damages 39744
for any injury, death, or loss to person or property that 39745
allegedly result from that decision. 39746

(D) This chapter does not apply to a student tenant as 39747
defined by division (H) of section 5321.01 of the Revised Code 39748
when the college or university proceeds to terminate a rental 39749
agreement pursuant to section 5321.031 of the Revised Code. 39750

Sec. 1923.061. (A) Any defense in an action under this 39751
chapter may be asserted at trial. 39752

(B) In an action for possession of residential premises based 39753
upon nonpayment of the rent or in an action for rent when the 39754
tenant or manufactured home park resident is in possession, the 39755
tenant or resident may counterclaim for any amount ~~he~~ the tenant 39756
or resident may recover under the rental agreement or under 39757
Chapter ~~3733-~~ 4781. or 5321. of the Revised Code. In that event, 39758
the court from time to time may order the tenant or resident to 39759
pay into court all or part of the past due rent and rent becoming 39760
due during the pendency of the action. After trial and judgment, 39761
the party to whom a net judgment is owed shall be paid first from 39762

the money paid into court, and any balance shall be satisfied as 39763
any other judgment. If no rent remains due after application of 39764
this division, judgment shall be entered for the tenant or 39765
resident in the action for possession. If the tenant or resident 39766
has paid into court an amount greater than that necessary to 39767
satisfy a judgment obtained by the landlord, the balance shall be 39768
returned by the court to the tenant or resident. 39769

Sec. 1923.15. During any proceeding involving residential 39770
premises under this chapter, the court may order an appropriate 39771
governmental agency to inspect the residential premises. If the 39772
agency determines and the court finds conditions which constitute 39773
a violation of section ~~3733.10~~ 4781.38 or 5321.04 of the Revised 39774
Code, and if the premises have been vacated or are to be restored 39775
to the landlord, the court may issue an order forbidding the 39776
re-rental of the property until such conditions are corrected. If 39777
the agency determines and the court finds such conditions, and if 39778
the court finds that the tenant or manufactured home park resident 39779
may remain in possession, the court may order such conditions 39780
corrected. If such conditions have been caused by the tenant or 39781
resident, the court may award damages to the landlord equal to the 39782
reasonable cost of correcting such conditions. 39783

Sec. 2101.08. The probate judge may appoint a ~~stenographic~~ 39784
reporter and fix ~~his~~ the reporter's compensation in the manner 39785
provided for the court of common pleas in sections 2301.18 to 39786
2301.26, ~~inclusive,~~ of the Revised Code. 39787

Sec. 2101.162. (A)(1) The probate judge may determine that, 39788
for the efficient operation of the probate court, additional funds 39789
are required to computerize the court, make available computerized 39790
legal research services, or to do both. Upon making a 39791
determination that additional funds are required for either or 39792

both of those purposes, the probate judge shall charge a fee not 39793
to exceed three dollars or authorize and direct a deputy clerk of 39794
~~his~~ the probate court to charge a fee not to exceed three dollars, 39795
in addition to the fees specified in divisions (A)(1), (3), (4), 39796
(6), (14) to (17), (20) to (25), (27), (30) to (32), (34), (35), 39797
(37) to (48), (50) to (55), (59) to (61), (63) to (66), (69), and 39798
(72) of section 2101.16 of the Revised Code, the fee adopted 39799
pursuant to division (F) of that section, and the fee charged in 39800
connection with the docketing and indexing of an appeal. 39801

(2) All moneys collected under division (A)(1) of this 39802
section shall be paid to the county treasurer. The treasurer shall 39803
place the moneys from the fees in a separate fund to be disbursed, 39804
upon an order of the probate judge, subject to an appropriation by 39805
the board of county commissioners, in an amount no greater than 39806
the actual cost to the court of procuring and maintaining 39807
computerization of the court, computerized legal research 39808
services, or both. 39809

(3) If the court determines that the funds in the fund 39810
described in division (A)(2) of this section are more than 39811
sufficient to satisfy the purpose for which the additional fee 39812
described in division (A)(1) of this section was imposed, the 39813
court may declare a surplus in the fund and, subject to an 39814
appropriation by the board of county commissioners, expend those 39815
surplus funds for other appropriate technological expenses of the 39816
court. 39817

(B)(1) The probate judge may determine that, for the 39818
efficient operation of ~~his~~ the probate court, additional funds are 39819
required to computerize the office of the clerk of the court and, 39820
upon that determination, may charge a fee, not to exceed ten 39821
dollars, or authorize and direct a deputy clerk of the probate 39822
court to charge a fee, not to exceed ten dollars, in addition to 39823
the fees specified in divisions (A)(1), (3), (4), (6), (14) to 39824

(17), (20) to (25), (27), (30) to (32), (34), (35), (37) to (48), 39825
(50) to (55), (59) to (61), (63) to (66), (69), and (72) of 39826
section 2101.16 of the Revised Code, the fee adopted pursuant to 39827
division (F) of that section, and the fee charged in connection 39828
with the docketing and indexing of an appeal. Subject to division 39829
(B)(2) of this section, all moneys collected under this division 39830
shall be paid to the county treasurer to be disbursed, upon an 39831
order of the probate judge and subject to appropriation by the 39832
board of county commissioners, in an amount no greater than the 39833
actual cost to the probate court of procuring and maintaining 39834
computer systems for the office of the clerk of the court. 39835

(2) If the probate judge makes the determination described in 39836
division (B)(1) of this section, the board of county commissioners 39837
may issue one or more general obligation bonds for the purpose of 39838
procuring and maintaining the computer systems for the office of 39839
the clerk of the probate court. In addition to the purposes stated 39840
in division (B)(1) of this section for which the moneys collected 39841
under that division may be expended, the moneys additionally may 39842
be expended to pay debt charges on and financing costs related to 39843
any general obligation bonds issued pursuant to this division as 39844
they become due. General obligation bonds issued pursuant to this 39845
division are Chapter 133. securities. 39846

Sec. 2105.09. (A) The county auditor, unless ~~he~~ the auditor 39847
acts pursuant to division (C) of this section, shall take 39848
possession of real property escheated to the state that is located 39849
in ~~his~~ the auditor's county and outside the incorporated area of a 39850
city. The auditor shall take possession in the name of the state 39851
and sell the property at public auction, at the county seat of the 39852
county, to the highest bidder, after having given thirty days' 39853
notice of the intended sale in a newspaper ~~published within of~~ 39854
general circulation in the county or as provided in section 7.16 39855
of the Revised Code. 39856

On the application of the auditor, the court of common pleas shall appoint three disinterested freeholders of the county to appraise the real property. The freeholders shall be governed by the same rule as appraisers in sheriffs' or administrators' sales. The auditor shall sell the property at not less than two thirds of its appraised value and may sell it for cash, or for one-third cash and the balance in equal annual payments, the deferred payments to be amply secured. Upon payment of the whole consideration, the auditor shall execute a deed to the purchaser, in the name and on behalf of the state. The proceeds of the sale shall be paid by the auditor to the county treasurer.

If there is a regularly organized agricultural society within the county, the treasurer shall pay the greater of six hundred dollars or five per cent of the proceeds, in any case, to the society. The excess of the proceeds, or the whole thereof if there is no regularly organized agricultural society within the county, shall be distributed as follows:

(1) Twenty-five per cent shall be paid equally to the townships of the county;

(2) Seventy per cent shall be paid into the state treasury to the credit of the agro Ohio fund created under section 901.04 of the Revised Code;

(3) Five per cent shall be credited to the county general fund for such lawful purposes as the board of county commissioners provides.

(B) The legislative authority of a city within which are lands escheated to the state, unless it acts pursuant to division (C) of this section, shall take possession of the lands for the city, and the title to the lands shall vest in the city. The city shall use the premises primarily for health, welfare, or recreational purposes, or may lease them at such prices and for

such purposes as it considers proper. With the approval of the tax commissioner, the city may sell the lands or any undivided interest in the lands, in the same manner as is provided in the sale of land not needed for any municipal purposes; provided, that the net proceeds from the rent or sale of the premises shall be devoted to health, welfare, or recreational purposes.

(C) As an alternative to the procedure prescribed in divisions (A) and (B) of this section, the county auditor, or if the real property is located within the incorporated area of a city, the legislative authority of that city by an affirmative vote of at least a majority of its members, may request the probate court to direct the administrator or executor of the estate that contains the escheated property to commence an action in the probate court for authority to sell the real property in the manner provided in Chapter 2127. of the Revised Code. The proceeds from the sale of real property that is located outside the incorporated area of a city shall be distributed by the court in the same manner as the proceeds are distributed under division (A) of this section. The proceeds from the sale of real property that is located within the incorporated area of a city shall be distributed by the court in the same manner as the proceeds are distributed under division (B) of this section.

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

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| (b) The juvenile court of Cuyahoga county or Hamilton county | 39919 |
| that is separately and independently created by section 2151.08 or | 39920 |
| Chapter 2153. of the Revised Code and that has jurisdiction under | 39921 |
| this chapter and Chapter 2152. of the Revised Code; | 39922 |
| (c) If division (A)(1)(a) or (b) of this section does not | 39923 |
| apply, the probate division of the court of common pleas. | 39924 |
| (2) "Juvenile judge" means a judge of a court having | 39925 |
| jurisdiction under this chapter. | 39926 |
| (3) "Private child placing agency" means any association, as | 39927 |
| defined in section 5103.02 of the Revised Code, that is certified | 39928 |
| under section 5103.03 of the Revised Code to accept temporary, | 39929 |
| permanent, or legal custody of children and place the children for | 39930 |
| either foster care or adoption. | 39931 |
| (4) "Private noncustodial agency" means any person, | 39932 |
| organization, association, or society certified by the department | 39933 |
| of job and family services that does not accept temporary or | 39934 |
| permanent legal custody of children, that is privately operated in | 39935 |
| this state, and that does one or more of the following: | 39936 |
| (a) Receives and cares for children for two or more | 39937 |
| consecutive weeks; | 39938 |
| (b) Participates in the placement of children in certified | 39939 |
| foster homes; | 39940 |
| (c) Provides adoption services in conjunction with a public | 39941 |
| children services agency or private child placing agency. | 39942 |
| (B) As used in this chapter: | 39943 |
| (1) "Adequate parental care" means the provision by a child's | 39944 |
| parent or parents, guardian, or custodian of adequate food, | 39945 |
| clothing, and shelter to ensure the child's health and physical | 39946 |
| safety and the provision by a child's parent or parents of | 39947 |
| specialized services warranted by the child's physical or mental | 39948 |

needs. 39949

(2) "Adult" means an individual who is eighteen years of age or older. 39950
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(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. 39952
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(4) "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. 39956
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(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. 39962
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~~(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. 39965
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~~(6)~~(7) "Child day camp," "child care," "child day-care 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. 39973
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~~(7)~~(8) "Child care provider" means an individual who is a 39980
child-care staff member or administrator of a child day-care 39981
center, a type A family day-care home, or a type B family day-care 39982
home, or an in-home aide or an individual who is licensed, is 39983
regulated, is approved, operates under the direction of, or 39984
otherwise is certified by the department of job and family 39985
services, department of developmental disabilities, or the early 39986
childhood programs of the department of education. 39987

~~(8)~~(9) "Chronic truant" has the same meaning as in section 39988
2152.02 of the Revised Code. 39989

~~(9)~~(10) "Commit" means to vest custody as ordered by the 39990
court. 39991

~~(10)~~(11) "Counseling" includes both of the following: 39992

(a) General counseling services performed by a public 39993
children services agency or shelter for victims of domestic 39994
violence to assist a child, a child's parents, and a child's 39995
siblings in alleviating identified problems that may cause or have 39996
caused the child to be an abused, neglected, or dependent child. 39997

(b) Psychiatric or psychological therapeutic counseling 39998
services provided to correct or alleviate any mental or emotional 39999
illness or disorder and performed by a licensed psychiatrist, 40000
licensed psychologist, or a person licensed under Chapter 4757. of 40001
the Revised Code to engage in social work or professional 40002
counseling. 40003

~~(11)~~(12) "Custodian" means a person who has legal custody of 40004
a child or a public children services agency or private child 40005
placing agency that has permanent, temporary, or legal custody of 40006
a child. 40007

~~(12)~~(13) "Delinquent child" has the same meaning as in 40008
section 2152.02 of the Revised Code. 40009

~~(13)~~(14) "Detention" means the temporary care of children 40010
pending court adjudication or disposition, or execution of a court 40011
order, in a public or private facility designed to physically 40012
restrict the movement and activities of children. 40013

~~(14)~~(15) "Developmental disability" has the same meaning as 40014
in section 5123.01 of the Revised Code. 40015

~~(15)~~(16) "Differential response approach" means an approach 40016
that a public children services agency may use to respond to 40017
accepted reports of child abuse or neglect with either an 40018
alternative response or a traditional response. 40019

(17) "Foster caregiver" has the same meaning as in section 40020
5103.02 of the Revised Code. 40021

~~(16)~~(18) "Guardian" means a person, association, or 40022
corporation that is granted authority by a probate court pursuant 40023
to Chapter 2111. of the Revised Code to exercise parental rights 40024
over a child to the extent provided in the court's order and 40025
subject to the residual parental rights of the child's parents. 40026

~~(17)~~(19) "Habitual truant" means any child of compulsory 40027
school age who is absent without legitimate excuse for absence 40028
from the public school the child is supposed to attend for five or 40029
more consecutive school days, seven or more school days in one 40030
school month, or twelve or more school days in a school year. 40031

~~(18)~~(20) "Juvenile traffic offender" has the same meaning as 40032
in section 2152.02 of the Revised Code. 40033

~~(19)~~(21) "Legal custody" means a legal status that vests in 40034
the custodian the right to have physical care and control of the 40035
child and to determine where and with whom the child shall live, 40036
and the right and duty to protect, train, and discipline the child 40037
and to provide the child with food, shelter, education, and 40038
medical care, all subject to any residual parental rights, 40039
privileges, and responsibilities. An individual granted legal 40040

custody shall exercise the rights and responsibilities personally 40041
unless otherwise authorized by any section of the Revised Code or 40042
by the court. 40043

~~(20)~~(22) A "legitimate excuse for absence from the public 40044
school the child is supposed to attend" includes, but is not 40045
limited to, any of the following: 40046

(a) The fact that the child in question has enrolled in and 40047
is attending another public or nonpublic school in this or another 40048
state; 40049

(b) The fact that the child in question is excused from 40050
attendance at school for any of the reasons specified in section 40051
3321.04 of the Revised Code; 40052

(c) The fact that the child in question has received an age 40053
and schooling certificate in accordance with section 3331.01 of 40054
the Revised Code. 40055

~~(21)~~(23) "Mental illness" and "mentally ill person subject to 40056
hospitalization by court order" have the same meanings as in 40057
section 5122.01 of the Revised Code. 40058

~~(22)~~(24) "Mental injury" means any behavioral, cognitive, 40059
emotional, or mental disorder in a child caused by an act or 40060
omission that is described in section 2919.22 of the Revised Code 40061
and is committed by the parent or other person responsible for the 40062
child's care. 40063

~~(23)~~(25) "Mentally retarded person" has the same meaning as 40064
in section 5123.01 of the Revised Code. 40065

~~(24)~~(26) "Nonsecure care, supervision, or training" means 40066
care, supervision, or training of a child in a facility that does 40067
not confine or prevent movement of the child within the facility 40068
or from the facility. 40069

~~(25)~~(27) "Of compulsory school age" has the same meaning as 40070

in section 3321.01 of the Revised Code. 40071

~~(26)~~(28) "Organization" means any institution, public, 40072
semipublic, or private, and any private association, society, or 40073
agency located or operating in the state, incorporated or 40074
unincorporated, having among its functions the furnishing of 40075
protective services or care for children, or the placement of 40076
children in certified foster homes or elsewhere. 40077

~~(27)~~(29) "Out-of-home care" means detention facilities, 40078
shelter facilities, certified children's crisis care facilities, 40079
certified foster homes, placement in a prospective adoptive home 40080
prior to the issuance of a final decree of adoption, 40081
organizations, certified organizations, child day-care centers, 40082
type A family day-care homes, child care provided by type B family 40083
day-care home providers and by in-home aides, group home 40084
providers, group homes, institutions, state institutions, 40085
residential facilities, residential care facilities, residential 40086
camps, day camps, public schools, chartered nonpublic schools, 40087
educational service centers, hospitals, and medical clinics that 40088
are responsible for the care, physical custody, or control of 40089
children. 40090

~~(28)~~(30) "Out-of-home care child abuse" means any of the 40091
following when committed by a person responsible for the care of a 40092
child in out-of-home care: 40093

(a) Engaging in sexual activity with a child in the person's 40094
care; 40095

(b) Denial to a child, as a means of punishment, of proper or 40096
necessary subsistence, education, medical care, or other care 40097
necessary for a child's health; 40098

(c) Use of restraint procedures on a child that cause injury 40099
or pain; 40100

(d) Administration of prescription drugs or psychotropic 40101

medication to the child without the written approval and ongoing supervision of a licensed physician; 40102
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(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death. 40104
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~~(29)~~(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 40109
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(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child; 40112
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(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person; 40115
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(c) Failure to develop a process for all of the following: 40119

(i) Administration of prescription drugs or psychotropic drugs for the child; 40120
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(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed; 40122
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(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug. 40124
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(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 40127
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(e) Confinement of the child to a locked room without monitoring by staff; 40130
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(f) Failure to provide ongoing security for all prescription and nonprescription medication; 40132
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(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 40134
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~~(30)~~(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 40137
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~~(31)~~(33) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 40143
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~~(32)~~(34) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 40148
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~~(33)~~(35) "Person responsible for a child's care in out-of-home care" means any of the following: 40151
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(a) Any foster caregiver, in-home aide, or provider; 40153

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic; 40154
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(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

~~(34)~~(36) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

~~(35)~~(37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

~~(36)~~(38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

~~(37)~~(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate

placement of the child and to enter into a written agreement with 40193
a foster care provider or with another person or agency with whom 40194
the child is placed. 40195

~~(38)~~(40) "Practice of social work" and "practice of 40196
professional counseling" have the same meanings as in section 40197
4757.01 of the Revised Code. 40198

~~(39)~~(41) "Sanction, service, or condition" means a sanction, 40199
service, or condition created by court order following an 40200
adjudication that a child is an unruly child that is described in 40201
division (A)(4) of section 2152.19 of the Revised Code. 40202

~~(40)~~(42) "Protective supervision" means an order of 40203
disposition pursuant to which the court permits an abused, 40204
neglected, dependent, or unruly child to remain in the custody of 40205
the child's parents, guardian, or custodian and stay in the 40206
child's home, subject to any conditions and limitations upon the 40207
child, the child's parents, guardian, or custodian, or any other 40208
person that the court prescribes, including supervision as 40209
directed by the court for the protection of the child. 40210

~~(41)~~(43) "Psychiatrist" has the same meaning as in section 40211
5122.01 of the Revised Code. 40212

~~(42)~~(44) "Psychologist" has the same meaning as in section 40213
4732.01 of the Revised Code. 40214

~~(43)~~(45) "Residential camp" means a program in which the 40215
care, physical custody, or control of children is accepted 40216
overnight for recreational or recreational and educational 40217
purposes. 40218

~~(44)~~(46) "Residential care facility" means an institution, 40219
residence, or facility that is licensed by the department of 40220
mental health under section 5119.22 of the Revised Code and that 40221
provides care for a child. 40222

~~(45)~~(47) "Residential facility" means a home or facility that 40223
is licensed by the department of developmental disabilities under 40224
section 5123.19 of the Revised Code and in which a child with a 40225
developmental disability resides. 40226

~~(46)~~(48) "Residual parental rights, privileges, and 40227
responsibilities" means those rights, privileges, and 40228
responsibilities remaining with the natural parent after the 40229
transfer of legal custody of the child, including, but not 40230
necessarily limited to, the privilege of reasonable visitation, 40231
consent to adoption, the privilege to determine the child's 40232
religious affiliation, and the responsibility for support. 40233

~~(47)~~(49) "School day" means the school day established by the 40234
state board of education pursuant to section 3313.48 of the 40235
Revised Code. 40236

~~(48)~~(50) "School month" and "school year" have the same 40237
meanings as in section 3313.62 of the Revised Code. 40238

~~(49)~~(51) "Secure correctional facility" means a facility 40239
under the direction of the department of youth services that is 40240
designed to physically restrict the movement and activities of 40241
children and used for the placement of children after adjudication 40242
and disposition. 40243

~~(50)~~(52) "Sexual activity" has the same meaning as in section 40244
2907.01 of the Revised Code. 40245

~~(51)~~(53) "Shelter" means the temporary care of children in 40246
physically unrestricted facilities pending court adjudication or 40247
disposition. 40248

~~(52)~~(54) "Shelter for victims of domestic violence" has the 40249
same meaning as in section 3113.33 of the Revised Code. 40250

~~(53)~~(55) "Temporary custody" means legal custody of a child 40251
who is removed from the child's home, which custody may be 40252

terminated at any time at the discretion of the court or, if the 40253
legal custody is granted in an agreement for temporary custody, by 40254
the person who executed the agreement. 40255

(56) "Traditional response" means a public children services 40256
agency's response to a report of child abuse or neglect that 40257
encourages engagement of the family in a comprehensive evaluation 40258
of the child's current and future safety needs and a fact-finding 40259
process to determine whether child abuse or neglect occurred and 40260
the circumstances surrounding the alleged harm or risk of harm. 40261

(C) For the purposes of this chapter, a child shall be 40262
presumed abandoned when the parents of the child have failed to 40263
visit or maintain contact with the child for more than ninety 40264
days, regardless of whether the parents resume contact with the 40265
child after that period of ninety days. 40266

Sec. 2151.3515. As used in sections 2151.3515 to 2151.3530 of 40267
the Revised Code: 40268

(A) "Deserted child" means a child whose parent has 40269
voluntarily delivered the child to an emergency medical service 40270
worker, peace officer, or hospital employee without expressing an 40271
intent to return for the child. 40272

(B) "Emergency medical service organization," "emergency 40273
medical technician-basic," "emergency medical 40274
technician-intermediate," "first responder," and "paramedic" have 40275
the same meanings as in section 4765.01 of the Revised Code. 40276

(C) "Emergency medical service worker" means a first 40277
responder, emergency medical technician-basic, emergency medical 40278
technician-intermediate, or paramedic. 40279

(D) "Hospital" has the same meaning as in section 3727.01 of 40280
the Revised Code. 40281

(E) "Hospital employee" means any of the following persons: 40282

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|---|----------------------------------|
| (1) A physician who has been granted privileges to practice at the hospital; | 40283 40284 |
| (2) A nurse, physician assistant, or nursing assistant employed by the hospital; | 40285 40286 |
| (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. | 40287 40288 40289 |
| (F) "Law enforcement agency" means an organization or entity made up of peace officers. | 40290 40291 |
| (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. | 40292 40293 40294 |
| (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. | 40295 40296 40297 40298 |
| (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. | 40299 40300 40301 40302 |
| (J) "Physician" and "physician assistant" have the same meanings as in section 4730.01 of the Revised Code. | 40303 40304 |
| Sec. 2151.412. (A) Each public children services agency and private child placing agency shall prepare and maintain a case plan for any child to whom the agency is providing services and to whom any of the following applies: | 40305 40306 40307 40308 |
| (1) The agency filed a complaint pursuant to section 2151.27 of the Revised Code alleging that the child is an abused, neglected, or dependent child; | 40309 40310 40311 |

(2) The agency has temporary or permanent custody of the child; 40312
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(3) The child is living at home subject to an order for protective supervision; 40314
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(4) The child is in a planned permanent living arrangement. 40316

Except as provided by division (A)(2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B)(2) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child. 40317
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(B) Each public children services agency shall prepare and maintain a case plan or a family service plan for any child for whom the agency is providing in-home services pursuant to an alternative response. 40323
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(C)(1) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 671 (1980), as amended. 40327
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(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. The rules for public children services agencies shall include the requirements for case plans or family service plans maintained for children and their families who are receiving services in their 40334
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homes from public children services agencies pursuant to an 40343
alternative response. The agencies shall maintain case plans and 40344
family service plans as required by those rules; however, the case 40345
plans and family service plans shall not be subject to any other 40346
provision of this section except as specifically required by the 40347
rules. 40348

~~(C)~~(D) Each public children services agency and private child 40349
placing agency that is required by division (A) of this section to 40350
maintain a case plan shall file the case plan with the court prior 40351
to the child's adjudicatory hearing but no later than thirty days 40352
after the earlier of the date on which the complaint in the case 40353
was filed or the child was first placed into shelter care. If the 40354
agency does not have sufficient information prior to the 40355
adjudicatory hearing to complete any part of the case plan, the 40356
agency shall specify in the case plan the additional information 40357
necessary to complete each part of the case plan and the steps 40358
that will be taken to obtain that information. All parts of the 40359
case plan shall be completed by the earlier of thirty days after 40360
the adjudicatory hearing or the date of the dispositional hearing 40361
for the child. 40362

~~(D)~~(E) Any agency that is required by division (A) of this 40363
section to prepare a case plan shall attempt to obtain an 40364
agreement among all parties, including, but not limited to, the 40365
parents, guardian, or custodian of the child and the guardian ad 40366
litem of the child regarding the content of the case plan. If all 40367
parties agree to the content of the case plan and the court 40368
approves it, the court shall journalize it as part of its 40369
dispositional order. If the agency cannot obtain an agreement upon 40370
the contents of the case plan or the court does not approve it, 40371
the parties shall present evidence on the contents of the case 40372
plan at the dispositional hearing. The court, based upon the 40373
evidence presented at the dispositional hearing and the best 40374

interest of the child, shall determine the contents of the case 40375
plan and journalize it as part of the dispositional order for the 40376
child. 40377

~~(E)~~(F)(1) All parties, including the parents, guardian, or 40378
custodian of the child, are bound by the terms of the journalized 40379
case plan. A party that fails to comply with the terms of the 40380
journalized case plan may be held in contempt of court. 40381

(2) Any party may propose a change to a substantive part of 40382
the case plan, including, but not limited to, the child's 40383
placement and the visitation rights of any party. A party 40384
proposing a change to the case plan shall file the proposed change 40385
with the court and give notice of the proposed change in writing 40386
before the end of the day after the day of filing it to all 40387
parties and the child's guardian ad litem. All parties and the 40388
guardian ad litem shall have seven days from the date the notice 40389
is sent to object to and request a hearing on the proposed change. 40390

(a) If it receives a timely request for a hearing, the court 40391
shall schedule a hearing pursuant to section 2151.417 of the 40392
Revised Code to be held no later than thirty days after the 40393
request is received by the court. The court shall give notice of 40394
the date, time, and location of the hearing to all parties and the 40395
guardian ad litem. The agency may implement the proposed change 40396
after the hearing, if the court approves it. The agency shall not 40397
implement the proposed change unless it is approved by the court. 40398

(b) If it does not receive a timely request for a hearing, 40399
the court may approve the proposed change without a hearing. If 40400
the court approves the proposed change without a hearing, it shall 40401
journalize the case plan with the change not later than fourteen 40402
days after the change is filed with the court. If the court does 40403
not approve the proposed change to the case plan, it shall 40404
schedule a hearing to be held pursuant to section 2151.417 of the 40405
Revised Code no later than thirty days after the expiration of the 40406

fourteen-day time period and give notice of the date, time, and 40407
location of the hearing to all parties and the guardian ad litem 40408
of the child. If, despite the requirements of division ~~(E)~~(F)(2) 40409
of this section, the court neither approves and journalizes the 40410
proposed change nor conducts a hearing, the agency may implement 40411
the proposed change not earlier than fifteen days after it is 40412
submitted to the court. 40413

(3) If an agency has reasonable cause to believe that a child 40414
is suffering from illness or injury and is not receiving proper 40415
care and that an appropriate change in the child's case plan is 40416
necessary to prevent immediate or threatened physical or emotional 40417
harm, to believe that a child is in immediate danger from the 40418
child's surroundings and that an immediate change in the child's 40419
case plan is necessary to prevent immediate or threatened physical 40420
or emotional harm to the child, or to believe that a parent, 40421
guardian, custodian, or other member of the child's household has 40422
abused or neglected the child and that the child is in danger of 40423
immediate or threatened physical or emotional harm from that 40424
person unless the agency makes an appropriate change in the 40425
child's case plan, it may implement the change without prior 40426
agreement or a court hearing and, before the end of the next day 40427
after the change is made, give all parties, the guardian ad litem 40428
of the child, and the court notice of the change. Before the end 40429
of the third day after implementing the change in the case plan, 40430
the agency shall file a statement of the change with the court and 40431
give notice of the filing accompanied by a copy of the statement 40432
to all parties and the guardian ad litem. All parties and the 40433
guardian ad litem shall have ten days from the date the notice is 40434
sent to object to and request a hearing on the change. 40435

(a) If it receives a timely request for a hearing, the court 40436
shall schedule a hearing pursuant to section 2151.417 of the 40437
Revised Code to be held no later than thirty days after the 40438

request is received by the court. The court shall give notice of 40439
the date, time, and location of the hearing to all parties and the 40440
guardian ad litem. The agency shall continue to administer the 40441
case plan with the change after the hearing, if the court approves 40442
the change. If the court does not approve the change, the court 40443
shall make appropriate changes to the case plan and shall 40444
journalize the case plan. 40445

(b) If it does not receive a timely request for a hearing, 40446
the court may approve the change without a hearing. If the court 40447
approves the change without a hearing, it shall journalize the 40448
case plan with the change within fourteen days after receipt of 40449
the change. If the court does not approve the change to the case 40450
plan, it shall schedule a hearing under section 2151.417 of the 40451
Revised Code to be held no later than thirty days after the 40452
expiration of the fourteen-day time period and give notice of the 40453
date, time, and location of the hearing to all parties and the 40454
guardian ad litem of the child. 40455

~~(F)~~(G)(1) All case plans for children in temporary custody 40456
shall have the following general goals: 40457

(a) Consistent with the best interest and special needs of 40458
the child, to achieve a safe out-of-home placement in the least 40459
restrictive, most family-like setting available and in close 40460
proximity to the home from which the child was removed or the home 40461
in which the child will be permanently placed; 40462

(b) To eliminate with all due speed the need for the 40463
out-of-home placement so that the child can safely return home. 40464

(2) The director of job and family services shall adopt rules 40465
pursuant to Chapter 119. of the Revised Code setting forth the 40466
general goals of case plans for children subject to dispositional 40467
orders for protective supervision, a planned permanent living 40468
arrangement, or permanent custody. 40469

~~(G)~~(H) In the agency's development of a case plan and the 40470
court's review of the case plan, the child's health and safety 40471
shall be the paramount concern. The agency and the court shall be 40472
guided by the following general priorities: 40473

(1) A child who is residing with or can be placed with the 40474
child's parents within a reasonable time should remain in their 40475
legal custody even if an order of protective supervision is 40476
required for a reasonable period of time; 40477

(2) If both parents of the child have abandoned the child, 40478
have relinquished custody of the child, have become incapable of 40479
supporting or caring for the child even with reasonable 40480
assistance, or have a detrimental effect on the health, safety, 40481
and best interest of the child, the child should be placed in the 40482
legal custody of a suitable member of the child's extended family; 40483

(3) If a child described in division ~~(G)~~(H)(2) of this 40484
section has no suitable member of the child's extended family to 40485
accept legal custody, the child should be placed in the legal 40486
custody of a suitable nonrelative who shall be made a party to the 40487
proceedings after being given legal custody of the child; 40488

(4) If the child has no suitable member of the child's 40489
extended family to accept legal custody of the child and no 40490
suitable nonrelative is available to accept legal custody of the 40491
child and, if the child temporarily cannot or should not be placed 40492
with the child's parents, guardian, or custodian, the child should 40493
be placed in the temporary custody of a public children services 40494
agency or a private child placing agency; 40495

(5) If the child cannot be placed with either of the child's 40496
parents within a reasonable period of time or should not be placed 40497
with either, if no suitable member of the child's extended family 40498
or suitable nonrelative is available to accept legal custody of 40499
the child, and if the agency has a reasonable expectation of 40500

placing the child for adoption, the child should be committed to 40501
the permanent custody of the public children services agency or 40502
private child placing agency; 40503

(6) If the child is to be placed for adoption or foster care, 40504
the placement shall not be delayed or denied on the basis of the 40505
child's or adoptive or foster family's race, color, or national 40506
origin. 40507

~~(H)~~(I) The case plan for a child in temporary custody shall 40508
include at a minimum the following requirements if the child is or 40509
has been the victim of abuse or neglect or if the child witnessed 40510
the commission in the child's household of abuse or neglect 40511
against a sibling of the child, a parent of the child, or any 40512
other person in the child's household: 40513

(1) A requirement that the child's parents, guardian, or 40514
custodian participate in mandatory counseling; 40515

(2) A requirement that the child's parents, guardian, or 40516
custodian participate in any supportive services that are required 40517
by or provided pursuant to the child's case plan. 40518

~~(I)~~(J) A case plan may include, as a supplement, a plan for 40519
locating a permanent family placement. The supplement shall not be 40520
considered part of the case plan for purposes of division ~~(D)~~(E) 40521
of this section. 40522

Sec. 2151.421. (A)(1)(a) No person described in division 40523
(A)(1)(b) of this section who is acting in an official or 40524
professional capacity and knows, or has reasonable cause to 40525
suspect based on facts that would cause a reasonable person in a 40526
similar position to suspect, that a child under eighteen years of 40527
age or a mentally retarded, developmentally disabled, or 40528
physically impaired child under twenty-one years of age has 40529
suffered or faces a threat of suffering any physical or mental 40530

wound, injury, disability, or condition of a nature that 40531
reasonably indicates abuse or neglect of the child shall fail to 40532
immediately report that knowledge or reasonable cause to suspect 40533
to the entity or persons specified in this division. Except as 40534
provided in section 5120.173 of the Revised Code, the person 40535
making the report shall make it to the public children services 40536
agency or a municipal or county peace officer in the county in 40537
which the child resides or in which the abuse or neglect is 40538
occurring or has occurred. In the circumstances described in 40539
section 5120.173 of the Revised Code, the person making the report 40540
shall make it to the entity specified in that section. 40541

(b) Division (A)(1)(a) of this section applies to any person 40542
who is an attorney; physician, including a hospital intern or 40543
resident; dentist; podiatrist; practitioner of a limited branch of 40544
medicine as specified in section 4731.15 of the Revised Code; 40545
registered nurse; licensed practical nurse; visiting nurse; other 40546
health care professional; licensed psychologist; licensed school 40547
psychologist; independent marriage and family therapist or 40548
marriage and family therapist; speech pathologist or audiologist; 40549
coroner; administrator or employee of a child day-care center; 40550
administrator or employee of a residential camp or child day camp; 40551
administrator or employee of a certified child care agency or 40552
other public or private children services agency; school teacher; 40553
school employee; school authority; person engaged in social work 40554
or the practice of professional counseling; agent of a county 40555
humane society; person, other than a cleric, rendering spiritual 40556
treatment through prayer in accordance with the tenets of a 40557
well-recognized religion; employee of a county department of job 40558
and family services who is a professional and who works with 40559
children and families; superintendent, board member, or employee 40560
of a county board of developmental disabilities; investigative 40561
agent contracted with by a county board of developmental 40562
disabilities; employee of the department of developmental 40563

disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of a home health agency; employee of an entity that provides homemaker services; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; or third party employed by a public children services agency to assist in providing child or family related services.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client

or patient has suffered or faces a threat of suffering any 40596
physical or mental wound, injury, disability, or condition of a 40597
nature that reasonably indicates abuse or neglect of the client or 40598
patient. 40599

(c) The abuse or neglect does not arise out of the client's 40600
or patient's attempt to have an abortion without the notification 40601
of her parents, guardian, or custodian in accordance with section 40602
2151.85 of the Revised Code. 40603

(4)(a) No cleric and no person, other than a volunteer, 40604
designated by any church, religious society, or faith acting as a 40605
leader, official, or delegate on behalf of the church, religious 40606
society, or faith who is acting in an official or professional 40607
capacity, who knows, or has reasonable cause to believe based on 40608
facts that would cause a reasonable person in a similar position 40609
to believe, that a child under eighteen years of age or a mentally 40610
retarded, developmentally disabled, or physically impaired child 40611
under twenty-one years of age has suffered or faces a threat of 40612
suffering any physical or mental wound, injury, disability, or 40613
condition of a nature that reasonably indicates abuse or neglect 40614
of the child, and who knows, or has reasonable cause to believe 40615
based on facts that would cause a reasonable person in a similar 40616
position to believe, that another cleric or another person, other 40617
than a volunteer, designated by a church, religious society, or 40618
faith acting as a leader, official, or delegate on behalf of the 40619
church, religious society, or faith caused, or poses the threat of 40620
causing, the wound, injury, disability, or condition that 40621
reasonably indicates abuse or neglect shall fail to immediately 40622
report that knowledge or reasonable cause to believe to the entity 40623
or persons specified in this division. Except as provided in 40624
section 5120.173 of the Revised Code, the person making the report 40625
shall make it to the public children services agency or a 40626
municipal or county peace officer in the county in which the child 40627

resides or in which the abuse or neglect is occurring or has 40628
occurred. In the circumstances described in section 5120.173 of 40629
the Revised Code, the person making the report shall make it to 40630
the entity specified in that section. 40631

(b) Except as provided in division (A)(4)(c) of this section, 40632
a cleric is not required to make a report pursuant to division 40633
(A)(4)(a) of this section concerning any communication the cleric 40634
receives from a penitent in a cleric-penitent relationship, if, in 40635
accordance with division (C) of section 2317.02 of the Revised 40636
Code, the cleric could not testify with respect to that 40637
communication in a civil or criminal proceeding. 40638

(c) The penitent in a cleric-penitent relationship described 40639
in division (A)(4)(b) of this section is deemed to have waived any 40640
testimonial privilege under division (C) of section 2317.02 of the 40641
Revised Code with respect to any communication the cleric receives 40642
from the penitent in that cleric-penitent relationship, and the 40643
cleric shall make a report pursuant to division (A)(4)(a) of this 40644
section with respect to that communication, if all of the 40645
following apply: 40646

(i) The penitent, at the time of the communication, is either 40647
a child under eighteen years of age or a mentally retarded, 40648
developmentally disabled, or physically impaired person under 40649
twenty-one years of age. 40650

(ii) The cleric knows, or has reasonable cause to believe 40651
based on facts that would cause a reasonable person in a similar 40652
position to believe, as a result of the communication or any 40653
observations made during that communication, the penitent has 40654
suffered or faces a threat of suffering any physical or mental 40655
wound, injury, disability, or condition of a nature that 40656
reasonably indicates abuse or neglect of the penitent. 40657

(iii) The abuse or neglect does not arise out of the 40658

penitent's attempt to have an abortion performed upon a child 40659
under eighteen years of age or upon a mentally retarded, 40660
developmentally disabled, or physically impaired person under 40661
twenty-one years of age without the notification of her parents, 40662
guardian, or custodian in accordance with section 2151.85 of the 40663
Revised Code. 40664

(d) Divisions (A)(4)(a) and (c) of this section do not apply 40665
in a cleric-penitent relationship when the disclosure of any 40666
communication the cleric receives from the penitent is in 40667
violation of the sacred trust. 40668

(e) As used in divisions (A)(1) and (4) of this section, 40669
"cleric" and "sacred trust" have the same meanings as in section 40670
2317.02 of the Revised Code. 40671

(B) Anyone who knows, or has reasonable cause to suspect 40672
based on facts that would cause a reasonable person in similar 40673
circumstances to suspect, that a child under eighteen years of age 40674
or a mentally retarded, developmentally disabled, or physically 40675
impaired person under twenty-one years of age has suffered or 40676
faces a threat of suffering any physical or mental wound, injury, 40677
disability, or other condition of a nature that reasonably 40678
indicates abuse or neglect of the child may report or cause 40679
reports to be made of that knowledge or reasonable cause to 40680
suspect to the entity or persons specified in this division. 40681
Except as provided in section 5120.173 of the Revised Code, a 40682
person making a report or causing a report to be made under this 40683
division shall make it or cause it to be made to the public 40684
children services agency or to a municipal or county peace 40685
officer. In the circumstances described in section 5120.173 of the 40686
Revised Code, a person making a report or causing a report to be 40687
made under this division shall make it or cause it to be made to 40688
the entity specified in that section. 40689

(C) Any report made pursuant to division (A) or (B) of this 40690

section shall be made forthwith either by telephone or in person 40691
and shall be followed by a written report, if requested by the 40692
receiving agency or officer. The written report shall contain: 40693

(1) The names and addresses of the child and the child's 40694
parents or the person or persons having custody of the child, if 40695
known; 40696

(2) The child's age and the nature and extent of the child's 40697
injuries, abuse, or neglect that is known or reasonably suspected 40698
or believed, as applicable, to have occurred or of the threat of 40699
injury, abuse, or neglect that is known or reasonably suspected or 40700
believed, as applicable, to exist, including any evidence of 40701
previous injuries, abuse, or neglect; 40702

(3) Any other information that might be helpful in 40703
establishing the cause of the injury, abuse, or neglect that is 40704
known or reasonably suspected or believed, as applicable, to have 40705
occurred or of the threat of injury, abuse, or neglect that is 40706
known or reasonably suspected or believed, as applicable, to 40707
exist. 40708

Any person, who is required by division (A) of this section 40709
to report child abuse or child neglect that is known or reasonably 40710
suspected or believed to have occurred, may take or cause to be 40711
taken color photographs of areas of trauma visible on a child and, 40712
if medically indicated, cause to be performed radiological 40713
examinations of the child. 40714

(D) As used in this division, "children's advocacy center" 40715
and "sexual abuse of a child" have the same meanings as in section 40716
2151.425 of the Revised Code. 40717

(1) When a municipal or county peace officer receives a 40718
report concerning the possible abuse or neglect of a child or the 40719
possible threat of abuse or neglect of a child, upon receipt of 40720
the report, the municipal or county peace officer who receives the 40721

report shall refer the report to the appropriate public children services agency. 40722
40723

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following: 40724
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(a) Comply with section 2151.422 of the Revised Code; 40728

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center. 40729
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(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code. 40740
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(F)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 40751
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2151.428 of the Revised Code that applies to the particular 40753
report, the public children services agency shall investigate, 40754
within twenty-four hours, each report of child abuse or child 40755
neglect that is known or reasonably suspected or believed to have 40756
occurred and of a threat of child abuse or child neglect that is 40757
known or reasonably suspected or believed to exist that is 40758
referred to it under this section to determine the circumstances 40759
surrounding the injuries, abuse, or neglect or the threat of 40760
injury, abuse, or neglect, the cause of the injuries, abuse, 40761
neglect, or threat, and the person or persons responsible. The 40762
investigation shall be made in cooperation with the law 40763
enforcement agency and in accordance with the memorandum of 40764
understanding prepared under division (J) of this section. A 40765
representative of the public children services agency shall, at 40766
the time of initial contact with the person subject to the 40767
investigation, inform the person of the specific complaints or 40768
allegations made against the person. The information shall be 40769
given in a manner that is consistent with division (H)(1) of this 40770
section and protects the rights of the person making the report 40771
under this section. 40772

A failure to make the investigation in accordance with the 40773
memorandum is not grounds for, and shall not result in, the 40774
dismissal of any charges or complaint arising from the report or 40775
the suppression of any evidence obtained as a result of the report 40776
and does not give, and shall not be construed as giving, any 40777
rights or any grounds for appeal or post-conviction relief to any 40778
person. The public children services agency shall report each case 40779
to the uniform statewide automated child welfare information 40780
system that the department of job and family services shall 40781
maintain in accordance with section 5101.13 of the Revised Code. 40782
The public children services agency shall submit a report of its 40783
investigation, in writing, to the law enforcement agency. 40784

(2) The public children services agency shall make any 40785
recommendations to the county prosecuting attorney or city 40786
director of law that it considers necessary to protect any 40787
children that are brought to its attention. 40788

(G)(1)(a) Except as provided in division (H)(3) of this 40789
section, anyone or any hospital, institution, school, health 40790
department, or agency participating in the making of reports under 40791
division (A) of this section, anyone or any hospital, institution, 40792
school, health department, or agency participating in good faith 40793
in the making of reports under division (B) of this section, and 40794
anyone participating in good faith in a judicial proceeding 40795
resulting from the reports, shall be immune from any civil or 40796
criminal liability for injury, death, or loss to person or 40797
property that otherwise might be incurred or imposed as a result 40798
of the making of the reports or the participation in the judicial 40799
proceeding. 40800

(b) Notwithstanding section 4731.22 of the Revised Code, the 40801
physician-patient privilege shall not be a ground for excluding 40802
evidence regarding a child's injuries, abuse, or neglect, or the 40803
cause of the injuries, abuse, or neglect in any judicial 40804
proceeding resulting from a report submitted pursuant to this 40805
section. 40806

(2) In any civil or criminal action or proceeding in which it 40807
is alleged and proved that participation in the making of a report 40808
under this section was not in good faith or participation in a 40809
judicial proceeding resulting from a report made under this 40810
section was not in good faith, the court shall award the 40811
prevailing party reasonable attorney's fees and costs and, if a 40812
civil action or proceeding is voluntarily dismissed, may award 40813
reasonable attorney's fees and costs to the party against whom the 40814
civil action or proceeding is brought. 40815

(H)(1) Except as provided in divisions (H)(4) and (N) of this 40816

section, a report made under this section is confidential. The 40817
information provided in a report made pursuant to this section and 40818
the name of the person who made the report shall not be released 40819
for use, and shall not be used, as evidence in any civil action or 40820
proceeding brought against the person who made the report. Nothing 40821
in this division shall preclude the use of reports of other 40822
incidents of known or suspected abuse or neglect in a civil action 40823
or proceeding brought pursuant to division (M) of this section 40824
against a person who is alleged to have violated division (A)(1) 40825
of this section, provided that any information in a report that 40826
would identify the child who is the subject of the report or the 40827
maker of the report, if the maker of the report is not the 40828
defendant or an agent or employee of the defendant, has been 40829
redacted. In a criminal proceeding, the report is admissible in 40830
evidence in accordance with the Rules of Evidence and is subject 40831
to discovery in accordance with the Rules of Criminal Procedure. 40832

(2) No person shall permit or encourage the unauthorized 40833
dissemination of the contents of any report made under this 40834
section. 40835

(3) A person who knowingly makes or causes another person to 40836
make a false report under division (B) of this section that 40837
alleges that any person has committed an act or omission that 40838
resulted in a child being an abused child or a neglected child is 40839
guilty of a violation of section 2921.14 of the Revised Code. 40840

(4) If a report is made pursuant to division (A) or (B) of 40841
this section and the child who is the subject of the report dies 40842
for any reason at any time after the report is made, but before 40843
the child attains eighteen years of age, the public children 40844
services agency or municipal or county peace officer to which the 40845
report was made or referred, on the request of the child fatality 40846
review board, shall submit a summary sheet of information 40847
providing a summary of the report to the review board of the 40848

county in which the deceased child resided at the time of death. 40849
On the request of the review board, the agency or peace officer 40850
may, at its discretion, make the report available to the review 40851
board. If the county served by the public children services agency 40852
is also served by a children's advocacy center and the report of 40853
alleged sexual abuse of a child or another type of abuse of a 40854
child is specified in the memorandum of understanding that creates 40855
the center as being within the center's jurisdiction, the agency 40856
or center shall perform the duties and functions specified in this 40857
division in accordance with the interagency agreement entered into 40858
under section 2151.428 of the Revised Code relative to that 40859
advocacy center. 40860

(5) A public children services agency shall advise a person 40861
alleged to have inflicted abuse or neglect on a child who is the 40862
subject of a report made pursuant to this section, including a 40863
report alleging sexual abuse of a child or another type of abuse 40864
of a child referred to a children's advocacy center pursuant to an 40865
interagency agreement entered into under section 2151.428 of the 40866
Revised Code, in writing of the disposition of the investigation. 40867
The agency shall not provide to the person any information that 40868
identifies the person who made the report, statements of 40869
witnesses, or police or other investigative reports. 40870

(I) Any report that is required by this section, other than a 40871
report that is made to the state highway patrol as described in 40872
section 5120.173 of the Revised Code, shall result in protective 40873
services and emergency supportive services being made available by 40874
the public children services agency on behalf of the children 40875
about whom the report is made, in an effort to prevent further 40876
neglect or abuse, to enhance their welfare, and, whenever 40877
possible, to preserve the family unit intact. The agency required 40878
to provide the services shall be the agency conducting the 40879
investigation of the report pursuant to section 2151.422 of the 40880

Revised Code. 40881

(J)(1) Each public children services agency shall prepare a 40882
memorandum of understanding that is signed by all of the 40883
following: 40884

(a) If there is only one juvenile judge in the county, the 40885
juvenile judge of the county or the juvenile judge's 40886
representative; 40887

(b) If there is more than one juvenile judge in the county, a 40888
juvenile judge or the juvenile judges' representative selected by 40889
the juvenile judges or, if they are unable to do so for any 40890
reason, the juvenile judge who is senior in point of service or 40891
the senior juvenile judge's representative; 40892

(c) The county peace officer; 40893

(d) All chief municipal peace officers within the county; 40894

(e) Other law enforcement officers handling child abuse and 40895
neglect cases in the county; 40896

(f) The prosecuting attorney of the county; 40897

(g) If the public children services agency is not the county 40898
department of job and family services, the county department of 40899
job and family services; 40900

(h) The county humane society; 40901

(i) If the public children services agency participated in 40902
the execution of a memorandum of understanding under section 40903
2151.426 of the Revised Code establishing a children's advocacy 40904
center, each participating member of the children's advocacy 40905
center established by the memorandum. 40906

(2) A memorandum of understanding shall set forth the normal 40907
operating procedure to be employed by all concerned officials in 40908
the execution of their respective responsibilities under this 40909
section and division (C) of section 2919.21, division (B)(1) of 40910

section 2919.22, division (B) of section 2919.23, and section 40911
2919.24 of the Revised Code and shall have as two of its primary 40912
goals the elimination of all unnecessary interviews of children 40913
who are the subject of reports made pursuant to division (A) or 40914
(B) of this section and, when feasible, providing for only one 40915
interview of a child who is the subject of any report made 40916
pursuant to division (A) or (B) of this section. A failure to 40917
follow the procedure set forth in the memorandum by the concerned 40918
officials is not grounds for, and shall not result in, the 40919
dismissal of any charges or complaint arising from any reported 40920
case of abuse or neglect or the suppression of any evidence 40921
obtained as a result of any reported child abuse or child neglect 40922
and does not give, and shall not be construed as giving, any 40923
rights or any grounds for appeal or post-conviction relief to any 40924
person. 40925

(3) A memorandum of understanding shall include all of the 40926
following: 40927

(a) The roles and responsibilities for handling emergency and 40928
nonemergency cases of abuse and neglect; 40929

(b) Standards and procedures to be used in handling and 40930
coordinating investigations of reported cases of child abuse and 40931
reported cases of child neglect, methods to be used in 40932
interviewing the child who is the subject of the report and who 40933
allegedly was abused or neglected, and standards and procedures 40934
addressing the categories of persons who may interview the child 40935
who is the subject of the report and who allegedly was abused or 40936
neglected. 40937

(4) If a public children services agency participated in the 40938
execution of a memorandum of understanding under section 2151.426 40939
of the Revised Code establishing a children's advocacy center, the 40940
agency shall incorporate the contents of that memorandum in the 40941
memorandum prepared pursuant to this section. 40942

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (J)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(K)(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect

children from child abuse and child neglect. 41005

(M) Whoever violates division (A) of this section is liable 41006
for compensatory and exemplary damages to the child who would have 41007
been the subject of the report that was not made. A person who 41008
brings a civil action or proceeding pursuant to this division 41009
against a person who is alleged to have violated division (A)(1) 41010
of this section may use in the action or proceeding reports of 41011
other incidents of known or suspected abuse or neglect, provided 41012
that any information in a report that would identify the child who 41013
is the subject of the report or the maker of the report, if the 41014
maker is not the defendant or an agent or employee of the 41015
defendant, has been redacted. 41016

(N)(1) As used in this division: 41017

(a) "Out-of-home care" includes a nonchartered nonpublic 41018
school if the alleged child abuse or child neglect, or alleged 41019
threat of child abuse or child neglect, described in a report 41020
received by a public children services agency allegedly occurred 41021
in or involved the nonchartered nonpublic school and the alleged 41022
perpetrator named in the report holds a certificate, permit, or 41023
license issued by the state board of education under section 41024
3301.071 or Chapter 3319. of the Revised Code. 41025

(b) "Administrator, director, or other chief administrative 41026
officer" means the superintendent of the school district if the 41027
out-of-home care entity subject to a report made pursuant to this 41028
section is a school operated by the district. 41029

(2) No later than the end of the day following the day on 41030
which a public children services agency receives a report of 41031
alleged child abuse or child neglect, or a report of an alleged 41032
threat of child abuse or child neglect, that allegedly occurred in 41033
or involved an out-of-home care entity, the agency shall provide 41034
written notice of the allegations contained in and the person 41035

named as the alleged perpetrator in the report to the 41036
administrator, director, or other chief administrative officer of 41037
the out-of-home care entity that is the subject of the report 41038
unless the administrator, director, or other chief administrative 41039
officer is named as an alleged perpetrator in the report. If the 41040
administrator, director, or other chief administrative officer of 41041
an out-of-home care entity is named as an alleged perpetrator in a 41042
report of alleged child abuse or child neglect, or a report of an 41043
alleged threat of child abuse or child neglect, that allegedly 41044
occurred in or involved the out-of-home care entity, the agency 41045
shall provide the written notice to the owner or governing board 41046
of the out-of-home care entity that is the subject of the report. 41047
The agency shall not provide witness statements or police or other 41048
investigative reports. 41049

(3) No later than three days after the day on which a public 41050
children services agency that conducted the investigation as 41051
determined pursuant to section 2151.422 of the Revised Code makes 41052
a disposition of an investigation involving a report of alleged 41053
child abuse or child neglect, or a report of an alleged threat of 41054
child abuse or child neglect, that allegedly occurred in or 41055
involved an out-of-home care entity, the agency shall send written 41056
notice of the disposition of the investigation to the 41057
administrator, director, or other chief administrative officer and 41058
the owner or governing board of the out-of-home care entity. The 41059
agency shall not provide witness statements or police or other 41060
investigative reports. 41061

(O) As used in this section, "investigation" means the public 41062
children services agency's response to an accepted report of child 41063
abuse or neglect through either an alternative response or a 41064
traditional response. 41065

Sec. 2151.424. (A) If a child has been placed in a certified 41066

foster home or is in the custody of a relative of the child, other than a parent of the child, a court, prior to conducting any hearing pursuant to division ~~(E)~~(F)(2) or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with respect to the child, shall notify the foster caregiver or relative of the date, time, and place of the hearing. At the hearing, the foster caregiver or relative shall have the right to present evidence.

(B) If a public children services agency or private child placing agency has permanent custody of a child and a petition to adopt the child has been filed under Chapter 3107. of the Revised Code, the agency, prior to conducting a review under section 2151.416 of the Revised Code, or a court, prior to conducting a hearing under division ~~(E)~~(F)(2) or (3) of section 2151.412 or section 2151.416 or 2151.417 of the Revised Code, shall notify the prospective adoptive parent of the date, time, and place of the review or hearing. At the review or hearing, the prospective adoptive parent shall have the right to present evidence.

(C) The notice and the opportunity to present evidence do not make the foster caregiver, relative, or prospective adoptive parent a party in the action or proceeding pursuant to which the review or hearing is conducted.

Sec. 2151.429. (A) The differential response approach, as defined in section 2151.011 of the Revised Code, pursued by a public children services agency shall include two response pathways, the traditional response pathway and the alternative response pathway. The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the procedures and criteria for public children services agencies to assign and reassign response pathways.

(B) The agency shall use the traditional response for the

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|---|-------|
| <u>following types of accepted reports:</u> | 41098 |
| <u>(1) Physical abuse resulting in serious injury or that</u> | 41099 |
| <u>creates a serious and immediate risk to a child's health and</u> | 41100 |
| <u>safety.</u> | 41101 |
| <u>(2) Sexual abuse.</u> | 41102 |
| <u>(3) Child fatality.</u> | 41103 |
| <u>(4) Reports requiring a specialized assessment as identified</u> | 41104 |
| <u>by rule adopted by the department.</u> | 41105 |
| <u>(5) Reports requiring a third party investigative procedure</u> | 41106 |
| <u>as identified by rule adopted by the department.</u> | 41107 |
| <u>(C) For all other child abuse and neglect reports, an</u> | 41108 |
| <u>alternative response shall be the preferred response, whenever</u> | 41109 |
| <u>appropriate and in accordance with rules adopted by the</u> | 41110 |
| <u>department.</u> | 41111 |
| | |
| Sec. 2151.541. (A)(1) The juvenile judge may determine that, | 41112 |
| for the efficient operation of the juvenile court, additional | 41113 |
| funds are required to computerize the court, to make available | 41114 |
| computerized legal research services, or both. Upon making a | 41115 |
| determination that additional funds are required for either or | 41116 |
| both of those purposes, the judge shall do one of the following: | 41117 |
| (a) If he <u>the judge</u> is clerk of the court, charge one | 41118 |
| additional fee not to exceed three dollars on the filing of each | 41119 |
| cause of action or appeal under division (A), (Q), or (U) of | 41120 |
| section 2303.20 of the Revised Code; | 41121 |
| (b) If the clerk of the court of common pleas serves as the | 41122 |
| clerk of the juvenile court pursuant to section 2151.12 of the | 41123 |
| Revised Code, authorize and direct the clerk to charge one | 41124 |
| additional fee not to exceed three dollars on the filing of each | 41125 |
| cause of action or appeal under division (A), (Q), or (U) of | 41126 |
| section 2303.20 of the Revised Code. | 41127 |

(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, upon an order of the juvenile judge, subject to an appropriation by the board of county commissioners, 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 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 the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code. Subject to division (B)(2) of this section, all moneys collected under this division shall be paid to the county treasurer to be disbursed, upon an order of the juvenile judge and subject to appropriation by the board of county commissioners, in an amount no greater than the actual cost to the juvenile court of procuring and maintaining computer systems for the clerk's office.

(2) If the juvenile judge makes the determination described 41160
in division (B)(1) of this section, the board of county 41161
commissioners may issue one or more general obligation bonds for 41162
the purpose of procuring and maintaining the computer systems for 41163
the office of the clerk of the juvenile court. In addition to the 41164
purposes stated in division (B)(1) of this section for which the 41165
moneys collected under that division may be expended, the moneys 41166
additionally may be expended to pay debt charges on and financing 41167
costs related to any general obligation bonds issued pursuant to 41168
this division as they become due. General obligation bonds issued 41169
pursuant to this division are Chapter 133. securities. 41170

Sec. 2152.72. (A) This section applies only to a child who is 41171
or previously has been adjudicated a delinquent child for an act 41172
to which any of the following applies: 41173

(1) The act is a violation of section 2903.01, 2903.02, 41174
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 41175
2907.05 of the Revised Code. 41176

(2) The act is a violation of section 2923.01 of the Revised 41177
Code and involved an attempt to commit aggravated murder or 41178
murder. 41179

(3) The act would be a felony if committed by an adult, and 41180
the court determined that the child, if an adult, would be guilty 41181
of a specification found in section 2941.141, 2941.144, or 41182
2941.145 of the Revised Code or in another section of the Revised 41183
Code that relates to the possession or use of a firearm during the 41184
commission of the act for which the child was adjudicated a 41185
delinquent child. 41186

(4) The act would be an offense of violence that is a felony 41187
if committed by an adult, and the court determined that the child, 41188
if an adult, would be guilty of a specification found in section 41189
2941.1411 of the Revised Code or in another section of the Revised 41190

Code that relates to the wearing or carrying of body armor during 41191
the commission of the act for which the child was adjudicated a 41192
delinquent child. 41193

(B)(1) Except as provided in division (E) of this section, a 41194
public children services agency, private child placing agency, 41195
private noncustodial agency, or court, the department of youth 41196
services, or another private or government entity shall not place 41197
a child in a certified foster home or for adoption until it 41198
provides the foster caregivers or prospective adoptive parents 41199
with all of the following: 41200

(a) A written report describing the child's social history; 41201

(b) A written report describing all the acts committed by the 41202
child the entity knows of that resulted in the child being 41203
adjudicated a delinquent child and the disposition made by the 41204
court, unless the records pertaining to the acts have been sealed 41205
pursuant to section 2151.356 of the Revised Code; 41206

(c) A written report describing any other violent act 41207
committed by the child of which the entity is aware; 41208

(d) The substantial and material conclusions and 41209
recommendations of any psychiatric or psychological examination 41210
conducted on the child or, if no psychological or psychiatric 41211
examination of the child is available, the substantial and 41212
material conclusions and recommendations of an examination to 41213
detect mental and emotional disorders conducted in compliance with 41214
the requirements of Chapter 4757. of the Revised Code by an 41215
independent social worker, social worker, professional clinical 41216
counselor, or professional counselor licensed under that chapter. 41217
The entity shall not provide any part of a psychological, 41218
psychiatric, or mental and emotional disorder examination to the 41219
foster caregivers or prospective adoptive parents other than the 41220
substantial and material conclusions. 41221

(2) Notwithstanding sections 2151.356 to 2151.358 of the Revised Code, if records of an adjudication that a child is a delinquent child have been sealed pursuant to those sections and an entity knows the records have been sealed, the entity shall provide the foster caregivers or prospective adoptive parents a written statement that the records of a prior adjudication have been sealed.

(C)(1) The entity that places the child in a certified foster home or for adoption shall conduct a psychological examination of the child unless either of the following applies:

(a) An entity is not required to conduct the examination if an examination was conducted no more than one year prior to the child's placement, and division (C)(1)(b) of this section does not apply.

(b) An entity is not required to conduct the examination if a foster caregiver seeks to adopt the foster caregiver's foster child, and an examination was conducted no more than two years prior to the date the foster caregiver seeks to adopt the child.

(2) No later than sixty days after placing the child, the entity shall provide the foster caregiver or prospective adoptive parents a written report detailing the substantial and material conclusions and recommendations of the examination conducted pursuant to this division.

(D)(1) Except as provided in divisions (D)(2) and (3) of this section, the expenses of conducting the examinations and preparing the reports and assessment required by division (B) or (C) of this section shall be paid by the entity that places the child in the certified foster home or for adoption.

(2) When a juvenile court grants temporary or permanent custody of a child pursuant to any section of the Revised Code, including section 2151.33, 2151.353, 2151.354, or 2152.19 of the

Revised Code, to a public children services agency or private
child placing agency, the court shall provide the agency the
information described in division (B) of this section, pay the
expenses of preparing that information, and, if a new examination
is required to be conducted, pay the expenses of conducting the
examination described in division (C) of this section. On receipt
of the information described in division (B) of this section, the
agency shall provide to the court written acknowledgment that the
agency received the information. The court shall keep the
acknowledgment and provide a copy to the agency. On the motion of
the agency, the court may terminate the order granting temporary
or permanent custody of the child to that agency, if the court
does not provide the information described in division (B) of this
section.

(3) If one of the following entities is placing a child in a
certified foster home or for adoption with the assistance of or by
contracting with a public children services agency, private child
placing agency, or a private noncustodial agency, the entity shall
provide the agency with the information described in division (B)
of this section, pay the expenses of preparing that information,
and, if a new examination is required to be conducted, pay the
expenses of conducting the examination described in division (C)
of this section:

(a) The department of youth services if the placement is
pursuant to any section of the Revised Code including section
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised
Code;

(b) A juvenile court with temporary or permanent custody of a
child pursuant to section 2151.354 or 2152.19 of the Revised Code;

(c) A public children services agency or private child
placing agency with temporary or permanent custody of the child.

The agency receiving the information described in division 41284
(B) of this section shall provide the entity described in division 41285
(D)(3)(a) to (c) of this section that sent the information written 41286
acknowledgment that the agency received the information and 41287
provided it to the foster caregivers or prospective adoptive 41288
parents. The entity shall keep the acknowledgment and provide a 41289
copy to the agency. An entity that places a child in a certified 41290
foster home or for adoption with the assistance of or by 41291
contracting with an agency remains responsible to provide the 41292
information described in division (B) of this section to the 41293
foster caregivers or prospective adoptive parents unless the 41294
entity receives written acknowledgment that the agency provided 41295
the information. 41296

(E) If a child is placed in a certified foster home as a 41297
result of an emergency removal of the child from home pursuant to 41298
division (D) of section 2151.31 of the Revised Code, an emergency 41299
change in the child's case plan pursuant to division ~~(E)~~(F)(3) of 41300
section 2151.412 of the Revised Code, or an emergency placement by 41301
the department of youth services pursuant to this chapter or 41302
Chapter 5139. of the Revised Code, the entity that places the 41303
child in the certified foster home shall provide the information 41304
described in division (B) of this section no later than ninety-six 41305
hours after the child is placed in the certified foster home. 41306

(F) On receipt of the information described in divisions (B) 41307
and (C) of this section, the foster caregiver or prospective 41308
adoptive parents shall provide to the entity that places the child 41309
in the foster caregiver's or prospective adoptive parents' home a 41310
written acknowledgment that the foster caregiver or prospective 41311
adoptive parents received the information. The entity shall keep 41312
the acknowledgment and provide a copy to the foster caregiver or 41313
prospective adoptive parents. 41314

(G) No person employed by an entity subject to this section 41315

and made responsible by that entity for the child's placement in a 41316
certified foster home or for adoption shall fail to provide the 41317
foster caregivers or prospective adoptive parents with the 41318
information required by divisions (B) and (C) of this section. 41319

(H) It is not a violation of any duty of confidentiality 41320
provided for in the Revised Code or a code of professional 41321
responsibility for a person or government entity to provide the 41322
substantial and material conclusions and recommendations of a 41323
psychiatric or psychological examination, or an examination to 41324
detect mental and emotional disorders, in accordance with division 41325
(B)(1)(d) or (C) of this section. 41326

(I) As used in this section: 41327

(1) "Body armor" has the same meaning as in section 2941.1411 41328
of the Revised Code. 41329

(2) "Firearm" has the same meaning as in section 2923.11 of 41330
the Revised Code. 41331

Sec. 2301.03. (A) In Franklin county, the judges of the court 41332
of common pleas whose terms begin on January 1, 1953, January 2, 41333
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 41334
successors, shall have the same qualifications, exercise the same 41335
powers and jurisdiction, and receive the same compensation as 41336
other judges of the court of common pleas of Franklin county and 41337
shall be elected and designated as judges of the court of common 41338
pleas, division of domestic relations. They shall have all the 41339
powers relating to juvenile courts, and all cases under Chapters 41340
2151. and 2152. of the Revised Code, all parentage proceedings 41341
under Chapter 3111. of the Revised Code over which the juvenile 41342
court has jurisdiction, and all divorce, dissolution of marriage, 41343
legal separation, and annulment cases shall be assigned to them. 41344
In addition to the judge's regular duties, the judge who is senior 41345
in point of service shall serve on the children services board and 41346

the county advisory board and shall be the administrator of the 41347
domestic relations division and its subdivisions and departments. 41348

41349

(B) In Hamilton county: 41350

(1) The judge of the court of common pleas, whose term begins 41351
on January 1, 1957, and successors, and the judge of the court of 41352
common pleas, whose term begins on February 14, 1967, and 41353
successors, shall be the juvenile judges as provided in Chapters 41354
2151. and 2152. of the Revised Code, with the powers and 41355
jurisdiction conferred by those chapters. 41356

(2) The judges of the court of common pleas whose terms begin 41357
on January 5, 1957, January 16, 1981, and July 1, 1991, and 41358
successors, shall be elected and designated as judges of the court 41359
of common pleas, division of domestic relations, and shall have 41360
assigned to them all divorce, dissolution of marriage, legal 41361
separation, and annulment cases coming before the court. On or 41362
after the first day of July and before the first day of August of 41363
1991 and each year thereafter, a majority of the judges of the 41364
division of domestic relations shall elect one of the judges of 41365
the division as administrative judge of that division. If a 41366
majority of the judges of the division of domestic relations are 41367
unable for any reason to elect an administrative judge for the 41368
division before the first day of August, a majority of the judges 41369
of the Hamilton county court of common pleas, as soon as possible 41370
after that date, shall elect one of the judges of the division of 41371
domestic relations as administrative judge of that division. The 41372
term of the administrative judge shall begin on the earlier of the 41373
first day of August of the year in which the administrative judge 41374
is elected or the date on which the administrative judge is 41375
elected by a majority of the judges of the Hamilton county court 41376
of common pleas and shall terminate on the date on which the 41377
administrative judge's successor is elected in the following year. 41378

In addition to the judge's regular duties, the administrative 41379
judge of the division of domestic relations shall be the 41380
administrator of the domestic relations division and its 41381
subdivisions and departments and shall have charge of the 41382
employment, assignment, and supervision of the personnel of the 41383
division engaged in handling, servicing, or investigating divorce, 41384
dissolution of marriage, legal separation, and annulment cases, 41385
including any referees considered necessary by the judges in the 41386
discharge of their various duties. 41387

The administrative judge of the division of domestic 41388
relations also shall designate the title, compensation, expense 41389
allowances, hours, leaves of absence, and vacations of the 41390
personnel of the division, and shall fix the duties of its 41391
personnel. The duties of the personnel, in addition to those 41392
provided for in other sections of the Revised Code, shall include 41393
the handling, servicing, and investigation of divorce, dissolution 41394
of marriage, legal separation, and annulment cases and counseling 41395
and conciliation services that may be made available to persons 41396
requesting them, whether or not the persons are parties to an 41397
action pending in the division. 41398

The board of county commissioners shall appropriate the sum 41399
of money each year as will meet all the administrative expenses of 41400
the division of domestic relations, including reasonable expenses 41401
of the domestic relations judges and the division counselors and 41402
other employees designated to conduct the handling, servicing, and 41403
investigation of divorce, dissolution of marriage, legal 41404
separation, and annulment cases, conciliation and counseling, and 41405
all matters relating to those cases and counseling, and the 41406
expenses involved in the attendance of division personnel at 41407
domestic relations and welfare conferences designated by the 41408
division, and the further sum each year as will provide for the 41409
adequate operation of the division of domestic relations. 41410

The compensation and expenses of all employees and the salary 41411
and expenses of the judges shall be paid by the county treasurer 41412
from the money appropriated for the operation of the division, 41413
upon the warrant of the county auditor, certified to by the 41414
administrative judge of the division of domestic relations. 41415

The summonses, warrants, citations, subpoenas, and other 41416
writs of the division may issue to a bailiff, constable, or staff 41417
investigator of the division or to the sheriff of any county or 41418
any marshal, constable, or police officer, and the provisions of 41419
law relating to the subpoenaing of witnesses in other cases shall 41420
apply insofar as they are applicable. When a summons, warrant, 41421
citation, subpoena, or other writ is issued to an officer, other 41422
than a bailiff, constable, or staff investigator of the division, 41423
the expense of serving it shall be assessed as a part of the costs 41424
in the case involved. 41425

(3) The judge of the court of common pleas of Hamilton county 41426
whose term begins on January 3, 1997, and the successors to that 41427
judge shall each be elected and designated as the drug court judge 41428
of the court of common pleas of Hamilton county. The drug court 41429
judge may accept or reject any case referred to the drug court 41430
judge under division (B)(3) of this section. After the drug court 41431
judge accepts a referred case, the drug court judge has full 41432
authority over the case, including the authority to conduct 41433
arraignment, accept pleas, enter findings and dispositions, 41434
conduct trials, order treatment, and if treatment is not 41435
successfully completed pronounce and enter sentence. 41436

A judge of the general division of the court of common pleas 41437
of Hamilton county and a judge of the Hamilton county municipal 41438
court may refer to the drug court judge any case, and any 41439
companion cases, the judge determines meet the criteria described 41440
under divisions (B)(3)(a) and (b) of this section. If the drug 41441
court judge accepts referral of a referred case, the case, and any 41442

companion cases, shall be transferred to the drug court judge. A 41443
judge may refer a case meeting the criteria described in divisions 41444
(B)(3)(a) and (b) of this section that involves a violation of a 41445
condition of a community control sanction to the drug court judge, 41446
and, if the drug court judge accepts the referral, the referring 41447
judge and the drug court judge have concurrent jurisdiction over 41448
the case. 41449

A judge of the general division of the court of common pleas 41450
of Hamilton county and a judge of the Hamilton county municipal 41451
court may refer a case to the drug court judge under division 41452
(B)(3) of this section if the judge determines that both of the 41453
following apply: 41454

(a) One of the following applies: 41455

(i) The case involves a drug abuse offense, as defined in 41456
section 2925.01 of the Revised Code, that is a felony of the third 41457
or fourth degree if the offense is committed prior to July 1, 41458
1996, a felony of the third, fourth, or fifth degree if the 41459
offense is committed on or after July 1, 1996, or a misdemeanor. 41460

(ii) The case involves a theft offense, as defined in section 41461
2913.01 of the Revised Code, that is a felony of the third or 41462
fourth degree if the offense is committed prior to July 1, 1996, a 41463
felony of the third, fourth, or fifth degree if the offense is 41464
committed on or after July 1, 1996, or a misdemeanor, and the 41465
defendant is drug or alcohol dependent or in danger of becoming 41466
drug or alcohol dependent and would benefit from treatment. 41467

(b) All of the following apply: 41468

(i) The case involves an offense for which a community 41469
control sanction may be imposed or is a case in which a mandatory 41470
prison term or a mandatory jail term is not required to be 41471
imposed. 41472

(ii) The defendant has no history of violent behavior. 41473

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|---|---|
| (iii) The defendant has no history of mental illness. | 41474 |
| (iv) The defendant's current or past behavior, or both, is drug or alcohol driven. | 41475 41476 |
| (v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process. | 41477 41478 |
| (vi) The defendant has no acute health condition. | 41479 |
| (vii) If the defendant is incarcerated, the county prosecutor approves of the referral. | 41480 41481 |
| (4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge. | 41482 41483 41484 41485 41486 41487 41488 41489 41490 41491 41492 |
| (5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code. | 41493 41494 41495 41496 |
| (C)(1) In Lorain county: | 41497 |
| (a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of | 41498 41499 41500 41501 41502 41503 |

Lorain county and shall be elected and designated as the judges of 41504
the court of common pleas, division of domestic relations. The 41505
judges of the court of common pleas whose terms begin on January 41506
3, 1959, January 4, 1989, and January 2, 1999, and successors, 41507
shall have all of the powers relating to juvenile courts, and all 41508
cases under Chapters 2151. and 2152. of the Revised Code, all 41509
parentage proceedings over which the juvenile court has 41510
jurisdiction, and all divorce, dissolution of marriage, legal 41511
separation, and annulment cases shall be assigned to them, except 41512
cases that for some special reason are assigned to some other 41513
judge of the court of common pleas. From February 9, 2009, through 41514
September 28, 2009, the judge of the court of common pleas whose 41515
term begins on February 9, 2009, shall have all the powers 41516
relating to juvenile courts, and cases under Chapters 2151. and 41517
2152. of the Revised Code, parentage proceedings over which the 41518
juvenile court has jurisdiction, and divorce, dissolution of 41519
marriage, legal separation, and annulment cases shall be assigned 41520
to that judge, except cases that for some special reason are 41521
assigned to some other judge of the court of common pleas. 41522

(b) From January 1, 2006, through September 28, 2009, the 41523
judges of the court of common pleas, division of domestic 41524
relations, in addition to the powers and jurisdiction set forth in 41525
division (C)(1)(a) of this section, shall have jurisdiction over 41526
matters that are within the jurisdiction of the probate court 41527
under Chapter 2101. and other provisions of the Revised Code. 41528

(c) The judge of the court of common pleas, division of 41529
domestic relations, whose term begins on February 9, 2009, is the 41530
successor to the probate judge who was elected in 2002 for a term 41531
that began on February 9, 2003. After September 28, 2009, the 41532
judge of the court of common pleas, division of domestic 41533
relations, whose term begins on February 9, 2009, shall be the 41534
probate judge. 41535

(2)(a) From February 9, 2009, through September 28, 2009, 41536
with respect to Lorain county, all references in law to the 41537
probate court shall be construed as references to the court of 41538
common pleas, division of domestic relations, and all references 41539
to the probate judge shall be construed as references to the 41540
judges of the court of common pleas, division of domestic 41541
relations. 41542

(b) From February 9, 2009, through September 28, 2009, with 41543
respect to Lorain county, all references in law to the clerk of 41544
the probate court shall be construed as references to the judge 41545
who is serving pursuant to Rule 4 of the Rules of Superintendence 41546
for the Courts of Ohio as the administrative judge of the court of 41547
common pleas, division of domestic relations. 41548

(D) In Lucas county: 41549

(1) The judges of the court of common pleas whose terms begin 41550
on January 1, 1955, and January 3, 1965, and successors, shall 41551
have the same qualifications, exercise the same powers and 41552
jurisdiction, and receive the same compensation as other judges of 41553
the court of common pleas of Lucas county and shall be elected and 41554
designated as judges of the court of common pleas, division of 41555
domestic relations. All divorce, dissolution of marriage, legal 41556
separation, and annulment cases shall be assigned to them. 41557

The judge of the division of domestic relations, senior in 41558
point of service, shall be considered as the presiding judge of 41559
the court of common pleas, division of domestic relations, and 41560
shall be charged exclusively with the assignment and division of 41561
the work of the division and the employment and supervision of all 41562
other personnel of the domestic relations division. 41563

(2) The judges of the court of common pleas whose terms begin 41564
on January 5, 1977, and January 2, 1991, and successors shall have 41565
the same qualifications, exercise the same powers and 41566

jurisdiction, and receive the same compensation as other judges of 41567
the court of common pleas of Lucas county, shall be elected and 41568
designated as judges of the court of common pleas, juvenile 41569
division, and shall be the juvenile judges as provided in Chapters 41570
2151. and 2152. of the Revised Code with the powers and 41571
jurisdictions conferred by those chapters. In addition to the 41572
judge's regular duties, the judge of the court of common pleas, 41573
juvenile division, senior in point of service, shall be the 41574
administrator of the juvenile division and its subdivisions and 41575
departments and shall have charge of the employment, assignment, 41576
and supervision of the personnel of the division engaged in 41577
handling, servicing, or investigating juvenile cases, including 41578
any referees considered necessary by the judges of the division in 41579
the discharge of their various duties. 41580

The judge of the court of common pleas, juvenile division, 41581
senior in point of service, also shall designate the title, 41582
compensation, expense allowance, hours, leaves of absence, and 41583
vacation of the personnel of the division and shall fix the duties 41584
of the personnel of the division. The duties of the personnel, in 41585
addition to other statutory duties include the handling, 41586
servicing, and investigation of juvenile cases and counseling and 41587
conciliation services that may be made available to persons 41588
requesting them, whether or not the persons are parties to an 41589
action pending in the division. 41590

(3) If one of the judges of the court of common pleas, 41591
division of domestic relations, or one of the judges of the 41592
juvenile division is sick, absent, or unable to perform that 41593
judge's judicial duties or the volume of cases pending in that 41594
judge's division necessitates it, the duties shall be performed by 41595
the judges of the other of those divisions. 41596

(E) In Mahoning county: 41597

(1) The judge of the court of common pleas whose term began 41598

on January 1, 1955, and successors, shall have the same 41599
qualifications, exercise the same powers and jurisdiction, and 41600
receive the same compensation as other judges of the court of 41601
common pleas of Mahoning county, shall be elected and designated 41602
as judge of the court of common pleas, division of domestic 41603
relations, and shall be assigned all the divorce, dissolution of 41604
marriage, legal separation, and annulment cases coming before the 41605
court. In addition to the judge's regular duties, the judge of the 41606
court of common pleas, division of domestic relations, shall be 41607
the administrator of the domestic relations division and its 41608
subdivisions and departments and shall have charge of the 41609
employment, assignment, and supervision of the personnel of the 41610
division engaged in handling, servicing, or investigating divorce, 41611
dissolution of marriage, legal separation, and annulment cases, 41612
including any referees considered necessary in the discharge of 41613
the various duties of the judge's office. 41614

The judge also shall designate the title, compensation, 41615
expense allowances, hours, leaves of absence, and vacations of the 41616
personnel of the division and shall fix the duties of the 41617
personnel of the division. The duties of the personnel, in 41618
addition to other statutory duties, include the handling, 41619
servicing, and investigation of divorce, dissolution of marriage, 41620
legal separation, and annulment cases and counseling and 41621
conciliation services that may be made available to persons 41622
requesting them, whether or not the persons are parties to an 41623
action pending in the division. 41624

(2) The judge of the court of common pleas whose term began 41625
on January 2, 1969, and successors, shall have the same 41626
qualifications, exercise the same powers and jurisdiction, and 41627
receive the same compensation as other judges of the court of 41628
common pleas of Mahoning county, shall be elected and designated 41629
as judge of the court of common pleas, juvenile division, and 41630

shall be the juvenile judge as provided in Chapters 2151. and 41631
2152. of the Revised Code, with the powers and jurisdictions 41632
conferred by those chapters. In addition to the judge's regular 41633
duties, the judge of the court of common pleas, juvenile division, 41634
shall be the administrator of the juvenile division and its 41635
subdivisions and departments and shall have charge of the 41636
employment, assignment, and supervision of the personnel of the 41637
division engaged in handling, servicing, or investigating juvenile 41638
cases, including any referees considered necessary by the judge in 41639
the discharge of the judge's various duties. 41640

The judge also shall designate the title, compensation, 41641
expense allowances, hours, leaves of absence, and vacation of the 41642
personnel of the division and shall fix the duties of the 41643
personnel of the division. The duties of the personnel, in 41644
addition to other statutory duties, include the handling, 41645
servicing, and investigation of juvenile cases and counseling and 41646
conciliation services that may be made available to persons 41647
requesting them, whether or not the persons are parties to an 41648
action pending in the division. 41649

(3) If a judge of the court of common pleas, division of 41650
domestic relations or juvenile division, is sick, absent, or 41651
unable to perform that judge's judicial duties, or the volume of 41652
cases pending in that judge's division necessitates it, that 41653
judge's duties shall be performed by another judge of the court of 41654
common pleas. 41655

(F) In Montgomery county: 41656

(1) The judges of the court of common pleas whose terms begin 41657
on January 2, 1953, and January 4, 1977, and successors, shall 41658
have the same qualifications, exercise the same powers and 41659
jurisdiction, and receive the same compensation as other judges of 41660
the court of common pleas of Montgomery county and shall be 41661
elected and designated as judges of the court of common pleas, 41662

division of domestic relations. These judges shall have assigned 41663
to them all divorce, dissolution of marriage, legal separation, 41664
and annulment cases. 41665

The judge of the division of domestic relations, senior in 41666
point of service, shall be charged exclusively with the assignment 41667
and division of the work of the division and shall have charge of 41668
the employment and supervision of the personnel of the division 41669
engaged in handling, servicing, or investigating divorce, 41670
dissolution of marriage, legal separation, and annulment cases, 41671
including any necessary referees, except those employees who may 41672
be appointed by the judge, junior in point of service, under this 41673
section and sections 2301.12, and 2301.18, ~~and 2301.19~~ of the 41674
Revised Code. The judge of the division of domestic relations, 41675
senior in point of service, also shall designate the title, 41676
compensation, expense allowances, hours, leaves of absence, and 41677
vacation of the personnel of the division and shall fix their 41678
duties. 41679

(2) The judges of the court of common pleas whose terms begin 41680
on January 1, 1953, and January 1, 1993, and successors, shall 41681
have the same qualifications, exercise the same powers and 41682
jurisdiction, and receive the same compensation as other judges of 41683
the court of common pleas of Montgomery county, shall be elected 41684
and designated as judges of the court of common pleas, juvenile 41685
division, and shall be, and have the powers and jurisdiction of, 41686
the juvenile judge as provided in Chapters 2151. and 2152. of the 41687
Revised Code. 41688

In addition to the judge's regular duties, the judge of the 41689
court of common pleas, juvenile division, senior in point of 41690
service, shall be the administrator of the juvenile division and 41691
its subdivisions and departments and shall have charge of the 41692
employment, assignment, and supervision of the personnel of the 41693
juvenile division, including any necessary referees, who are 41694

engaged in handling, servicing, or investigating juvenile cases. 41695
The judge, senior in point of service, also shall designate the 41696
title, compensation, expense allowances, hours, leaves of absence, 41697
and vacation of the personnel of the division and shall fix their 41698
duties. The duties of the personnel, in addition to other 41699
statutory duties, shall include the handling, servicing, and 41700
investigation of juvenile cases and of any counseling and 41701
conciliation services that are available upon request to persons, 41702
whether or not they are parties to an action pending in the 41703
division. 41704

If one of the judges of the court of common pleas, division 41705
of domestic relations, or one of the judges of the court of common 41706
pleas, juvenile division, is sick, absent, or unable to perform 41707
that judge's duties or the volume of cases pending in that judge's 41708
division necessitates it, the duties of that judge may be 41709
performed by the judge or judges of the other of those divisions. 41710

(G) In Richland county: 41711

(1) The judge of the court of common pleas whose term begins 41712
on January 1, 1957, and successors, shall have the same 41713
qualifications, exercise the same powers and jurisdiction, and 41714
receive the same compensation as the other judges of the court of 41715
common pleas of Richland county and shall be elected and 41716
designated as judge of the court of common pleas, division of 41717
domestic relations. That judge shall be assigned and hear all 41718
divorce, dissolution of marriage, legal separation, and annulment 41719
cases, all domestic violence cases arising under section 3113.31 41720
of the Revised Code, and all post-decree proceedings arising from 41721
any case pertaining to any of those matters. The division of 41722
domestic relations has concurrent jurisdiction with the juvenile 41723
division of the court of common pleas of Richland county to 41724
determine the care, custody, or control of any child not a ward of 41725
another court of this state, and to hear and determine a request 41726

for an order for the support of any child if the request is not 41727
ancillary to an action for divorce, dissolution of marriage, 41728
annulment, or legal separation, a criminal or civil action 41729
involving an allegation of domestic violence, or an action for 41730
support brought under Chapter 3115. of the Revised Code. Except in 41731
cases that are subject to the exclusive original jurisdiction of 41732
the juvenile court, the judge of the division of domestic 41733
relations shall be assigned and hear all cases pertaining to 41734
paternity or parentage, the care, custody, or control of children, 41735
parenting time or visitation, child support, or the allocation of 41736
parental rights and responsibilities for the care of children, all 41737
proceedings arising under Chapter 3111. of the Revised Code, all 41738
proceedings arising under the uniform interstate family support 41739
act contained in Chapter 3115. of the Revised Code, and all 41740
post-decree proceedings arising from any case pertaining to any of 41741
those matters. 41742

In addition to the judge's regular duties, the judge of the 41743
court of common pleas, division of domestic relations, shall be 41744
the administrator of the domestic relations division and its 41745
subdivisions and departments. The judge shall have charge of the 41746
employment, assignment, and supervision of the personnel of the 41747
domestic relations division, including any magistrates the judge 41748
considers necessary for the discharge of the judge's duties. The 41749
judge shall also designate the title, compensation, expense 41750
allowances, hours, leaves of absence, vacation, and other 41751
employment-related matters of the personnel of the division and 41752
shall fix their duties. 41753

(2) The judge of the court of common pleas whose term begins 41754
on January 3, 2005, and successors, shall have the same 41755
qualifications, exercise the same powers and jurisdiction, and 41756
receive the same compensation as other judges of the court of 41757
common pleas of Richland county, shall be elected and designated 41758

as judge of the court of common pleas, juvenile division, and 41759
shall be, and have the powers and jurisdiction of, the juvenile 41760
judge as provided in Chapters 2151. and 2152. of the Revised Code. 41761
Except in cases that are subject to the exclusive original 41762
jurisdiction of the juvenile court, the judge of the juvenile 41763
division shall not have jurisdiction or the power to hear, and 41764
shall not be assigned, any case pertaining to paternity or 41765
parentage, the care, custody, or control of children, parenting 41766
time or visitation, child support, or the allocation of parental 41767
rights and responsibilities for the care of children or any 41768
post-decree proceeding arising from any case pertaining to any of 41769
those matters. The judge of the juvenile division shall not have 41770
jurisdiction or the power to hear, and shall not be assigned, any 41771
proceeding under the uniform interstate family support act 41772
contained in Chapter 3115. of the Revised Code. 41773

In addition to the judge's regular duties, the judge of the 41774
juvenile division shall be the administrator of the juvenile 41775
division and its subdivisions and departments. The judge shall 41776
have charge of the employment, assignment, and supervision of the 41777
personnel of the juvenile division who are engaged in handling, 41778
servicing, or investigating juvenile cases, including any 41779
magistrates whom the judge considers necessary for the discharge 41780
of the judge's various duties. 41781

The judge of the juvenile division also shall designate the 41782
title, compensation, expense allowances, hours, leaves of absence, 41783
and vacation of the personnel of the division and shall fix their 41784
duties. The duties of the personnel, in addition to other 41785
statutory duties, include the handling, servicing, and 41786
investigation of juvenile cases and providing any counseling, 41787
conciliation, and mediation services that the court makes 41788
available to persons, whether or not the persons are parties to an 41789
action pending in the court, who request the services. 41790

(H) In Stark county, the judges of the court of common pleas 41791
whose terms begin on January 1, 1953, January 2, 1959, and January 41792
1, 1993, and successors, shall have the same qualifications, 41793
exercise the same powers and jurisdiction, and receive the same 41794
compensation as other judges of the court of common pleas of Stark 41795
county and shall be elected and designated as judges of the court 41796
of common pleas, division of domestic relations. They shall have 41797
all the powers relating to juvenile courts, and all cases under 41798
Chapters 2151. and 2152. of the Revised Code, all parentage 41799
proceedings over which the juvenile court has jurisdiction, and 41800
all divorce, dissolution of marriage, legal separation, and 41801
annulment cases, except cases that are assigned to some other 41802
judge of the court of common pleas for some special reason, shall 41803
be assigned to the judges. 41804

The judge of the division of domestic relations, second most 41805
senior in point of service, shall have charge of the employment 41806
and supervision of the personnel of the division engaged in 41807
handling, servicing, or investigating divorce, dissolution of 41808
marriage, legal separation, and annulment cases, and necessary 41809
referees required for the judge's respective court. 41810

The judge of the division of domestic relations, senior in 41811
point of service, shall be charged exclusively with the 41812
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 41813
of the Revised Code and with the assignment and division of the 41814
work of the division and the employment and supervision of all 41815
other personnel of the division, including, but not limited to, 41816
that judge's necessary referees, but excepting those employees who 41817
may be appointed by the judge second most senior in point of 41818
service. The senior judge further shall serve in every other 41819
position in which the statutes permit or require a juvenile judge 41820
to serve. 41821

(I) In Summit county: 41822

(1) The judges of the court of common pleas whose terms begin 41823
on January 4, 1967, and January 6, 1993, and successors, shall 41824
have the same qualifications, exercise the same powers and 41825
jurisdiction, and receive the same compensation as other judges of 41826
the court of common pleas of Summit county and shall be elected 41827
and designated as judges of the court of common pleas, division of 41828
domestic relations. The judges of the division of domestic 41829
relations shall have assigned to them and hear all divorce, 41830
dissolution of marriage, legal separation, and annulment cases 41831
that come before the court. Except in cases that are subject to 41832
the exclusive original jurisdiction of the juvenile court, the 41833
judges of the division of domestic relations shall have assigned 41834
to them and hear all cases pertaining to paternity, custody, 41835
visitation, child support, or the allocation of parental rights 41836
and responsibilities for the care of children and all post-decree 41837
proceedings arising from any case pertaining to any of those 41838
matters. The judges of the division of domestic relations shall 41839
have assigned to them and hear all proceedings under the uniform 41840
interstate family support act contained in Chapter 3115. of the 41841
Revised Code. 41842

The judge of the division of domestic relations, senior in 41843
point of service, shall be the administrator of the domestic 41844
relations division and its subdivisions and departments and shall 41845
have charge of the employment, assignment, and supervision of the 41846
personnel of the division, including any necessary referees, who 41847
are engaged in handling, servicing, or investigating divorce, 41848
dissolution of marriage, legal separation, and annulment cases. 41849
That judge also shall designate the title, compensation, expense 41850
allowances, hours, leaves of absence, and vacations of the 41851
personnel of the division and shall fix their duties. The duties 41852
of the personnel, in addition to other statutory duties, shall 41853
include the handling, servicing, and investigation of divorce, 41854
dissolution of marriage, legal separation, and annulment cases and 41855

of any counseling and conciliation services that are available 41856
upon request to all persons, whether or not they are parties to an 41857
action pending in the division. 41858

(2) The judge of the court of common pleas whose term begins 41859
on January 1, 1955, and successors, shall have the same 41860
qualifications, exercise the same powers and jurisdiction, and 41861
receive the same compensation as other judges of the court of 41862
common pleas of Summit county, shall be elected and designated as 41863
judge of the court of common pleas, juvenile division, and shall 41864
be, and have the powers and jurisdiction of, the juvenile judge as 41865
provided in Chapters 2151. and 2152. of the Revised Code. Except 41866
in cases that are subject to the exclusive original jurisdiction 41867
of the juvenile court, the judge of the juvenile division shall 41868
not have jurisdiction or the power to hear, and shall not be 41869
assigned, any case pertaining to paternity, custody, visitation, 41870
child support, or the allocation of parental rights and 41871
responsibilities for the care of children or any post-decree 41872
proceeding arising from any case pertaining to any of those 41873
matters. The judge of the juvenile division shall not have 41874
jurisdiction or the power to hear, and shall not be assigned, any 41875
proceeding under the uniform interstate family support act 41876
contained in Chapter 3115. of the Revised Code. 41877

The juvenile judge shall be the administrator of the juvenile 41878
division and its subdivisions and departments and shall have 41879
charge of the employment, assignment, and supervision of the 41880
personnel of the juvenile division, including any necessary 41881
referees, who are engaged in handling, servicing, or investigating 41882
juvenile cases. The judge also shall designate the title, 41883
compensation, expense allowances, hours, leaves of absence, and 41884
vacation of the personnel of the division and shall fix their 41885
duties. The duties of the personnel, in addition to other 41886
statutory duties, shall include the handling, servicing, and 41887

investigation of juvenile cases and of any counseling and 41888
conciliation services that are available upon request to persons, 41889
whether or not they are parties to an action pending in the 41890
division. 41891

(J) In Trumbull county, the judges of the court of common 41892
pleas whose terms begin on January 1, 1953, and January 2, 1977, 41893
and successors, shall have the same qualifications, exercise the 41894
same powers and jurisdiction, and receive the same compensation as 41895
other judges of the court of common pleas of Trumbull county and 41896
shall be elected and designated as judges of the court of common 41897
pleas, division of domestic relations. They shall have all the 41898
powers relating to juvenile courts, and all cases under Chapters 41899
2151. and 2152. of the Revised Code, all parentage proceedings 41900
over which the juvenile court has jurisdiction, and all divorce, 41901
dissolution of marriage, legal separation, and annulment cases 41902
shall be assigned to them, except cases that for some special 41903
reason are assigned to some other judge of the court of common 41904
pleas. 41905

(K) In Butler county: 41906

(1) The judges of the court of common pleas whose terms begin 41907
on January 1, 1957, and January 4, 1993, and successors, shall 41908
have the same qualifications, exercise the same powers and 41909
jurisdiction, and receive the same compensation as other judges of 41910
the court of common pleas of Butler county and shall be elected 41911
and designated as judges of the court of common pleas, division of 41912
domestic relations. The judges of the division of domestic 41913
relations shall have assigned to them all divorce, dissolution of 41914
marriage, legal separation, and annulment cases coming before the 41915
court, except in cases that for some special reason are assigned 41916
to some other judge of the court of common pleas. The judges of 41917
the division of domestic relations also have concurrent 41918
jurisdiction with judges of the juvenile division of the court of 41919

common pleas of Butler county with respect to and may hear cases 41920
to determine the custody, support, or custody and support of a 41921
child who is born of issue of a marriage and who is not the ward 41922
of another court of this state, cases commenced by a party of the 41923
marriage to obtain an order requiring support of any child when 41924
the request for that order is not ancillary to an action for 41925
divorce, dissolution of marriage, annulment, or legal separation, 41926
a criminal or civil action involving an allegation of domestic 41927
violence, an action for support under Chapter 3115. of the Revised 41928
Code, or an action that is within the exclusive original 41929
jurisdiction of the juvenile division of the court of common pleas 41930
of Butler county and that involves an allegation that the child is 41931
an abused, neglected, or dependent child, and post-decree 41932
proceedings and matters arising from those types of cases. The 41933
judge senior in point of service shall be charged with the 41934
assignment and division of the work of the division and with the 41935
employment and supervision of all other personnel of the domestic 41936
relations division. 41937

The judge senior in point of service also shall designate the 41938
title, compensation, expense allowances, hours, leaves of absence, 41939
and vacations of the personnel of the division and shall fix their 41940
duties. The duties of the personnel, in addition to other 41941
statutory duties, shall include the handling, servicing, and 41942
investigation of divorce, dissolution of marriage, legal 41943
separation, and annulment cases and providing any counseling and 41944
conciliation services that the division makes available to 41945
persons, whether or not the persons are parties to an action 41946
pending in the division, who request the services. 41947

(2) The judges of the court of common pleas whose terms begin 41948
on January 3, 1987, and January 2, 2003, and successors, shall 41949
have the same qualifications, exercise the same powers and 41950
jurisdiction, and receive the same compensation as other judges of 41951

the court of common pleas of Butler county, shall be elected and 41952
designated as judges of the court of common pleas, juvenile 41953
division, and shall be the juvenile judges as provided in Chapters 41954
2151. and 2152. of the Revised Code, with the powers and 41955
jurisdictions conferred by those chapters. Except in cases that 41956
are subject to the exclusive original jurisdiction of the juvenile 41957
court, the judges of the juvenile division shall not have 41958
jurisdiction or the power to hear and shall not be assigned, but 41959
shall have the limited ability and authority to certify, any case 41960
commenced by a party of a marriage to determine the custody, 41961
support, or custody and support of a child who is born of issue of 41962
the marriage and who is not the ward of another court of this 41963
state when the request for the order in the case is not ancillary 41964
to an action for divorce, dissolution of marriage, annulment, or 41965
legal separation. The judge of the court of common pleas, juvenile 41966
division, who is senior in point of service, shall be the 41967
administrator of the juvenile division and its subdivisions and 41968
departments. The judge, senior in point of service, shall have 41969
charge of the employment, assignment, and supervision of the 41970
personnel of the juvenile division who are engaged in handling, 41971
servicing, or investigating juvenile cases, including any referees 41972
whom the judge considers necessary for the discharge of the 41973
judge's various duties. 41974

The judge, senior in point of service, also shall designate 41975
the title, compensation, expense allowances, hours, leaves of 41976
absence, and vacation of the personnel of the division and shall 41977
fix their duties. The duties of the personnel, in addition to 41978
other statutory duties, include the handling, servicing, and 41979
investigation of juvenile cases and providing any counseling and 41980
conciliation services that the division makes available to 41981
persons, whether or not the persons are parties to an action 41982
pending in the division, who request the services. 41983

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(L)(1) In Cuyahoga county, the judges of the court of common pleas whose terms begin on January 8, 1961, January 9, 1961, January 18, 1975, January 19, 1975, and January 13, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Cuyahoga county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to all divorce, dissolution of marriage, legal separation, and annulment cases, except in cases that are assigned to some other judge of the court of common pleas for some special reason.

(2) The administrative judge is administrator of the domestic relations division and its subdivisions and departments and has the following powers concerning division personnel:

(a) Full charge of the employment, assignment, and supervision;

(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.

(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution of marriage, legal separation and annulment matters.

(M) In Lake county:

(1) The judge of the court of common pleas whose term begins

on January 2, 1961, and successors, shall have the same 42015
qualifications, exercise the same powers and jurisdiction, and 42016
receive the same compensation as the other judges of the court of 42017
common pleas of Lake county and shall be elected and designated as 42018
judge of the court of common pleas, division of domestic 42019
relations. The judge shall be assigned all the divorce, 42020
dissolution of marriage, legal separation, and annulment cases 42021
coming before the court, except in cases that for some special 42022
reason are assigned to some other judge of the court of common 42023
pleas. The judge shall be charged with the assignment and division 42024
of the work of the division and with the employment and 42025
supervision of all other personnel of the domestic relations 42026
division. 42027

The judge also shall designate the title, compensation, 42028
expense allowances, hours, leaves of absence, and vacations of the 42029
personnel of the division and shall fix their duties. The duties 42030
of the personnel, in addition to other statutory duties, shall 42031
include the handling, servicing, and investigation of divorce, 42032
dissolution of marriage, legal separation, and annulment cases and 42033
providing any counseling and conciliation services that the 42034
division makes available to persons, whether or not the persons 42035
are parties to an action pending in the division, who request the 42036
services. 42037

(2) The judge of the court of common pleas whose term begins 42038
on January 4, 1979, and successors, shall have the same 42039
qualifications, exercise the same powers and jurisdiction, and 42040
receive the same compensation as other judges of the court of 42041
common pleas of Lake county, shall be elected and designated as 42042
judge of the court of common pleas, juvenile division, and shall 42043
be the juvenile judge as provided in Chapters 2151. and 2152. of 42044
the Revised Code, with the powers and jurisdictions conferred by 42045
those chapters. The judge of the court of common pleas, juvenile 42046

division, shall be the administrator of the juvenile division and 42047
its subdivisions and departments. The judge shall have charge of 42048
the employment, assignment, and supervision of the personnel of 42049
the juvenile division who are engaged in handling, servicing, or 42050
investigating juvenile cases, including any referees whom the 42051
judge considers necessary for the discharge of the judge's various 42052
duties. 42053

The judge also shall designate the title, compensation, 42054
expense allowances, hours, leaves of absence, and vacation of the 42055
personnel of the division and shall fix their duties. The duties 42056
of the personnel, in addition to other statutory duties, include 42057
the handling, servicing, and investigation of juvenile cases and 42058
providing any counseling and conciliation services that the 42059
division makes available to persons, whether or not the persons 42060
are parties to an action pending in the division, who request the 42061
services. 42062

(3) If a judge of the court of common pleas, division of 42063
domestic relations or juvenile division, is sick, absent, or 42064
unable to perform that judge's judicial duties or the volume of 42065
cases pending in the judge's division necessitates it, the duties 42066
of that judge shall be performed by the other judges of the 42067
domestic relations and juvenile divisions. 42068

(N) In Erie county: 42069

(1) The judge of the court of common pleas whose term begins 42070
on January 2, 1971, and the successors to that judge whose terms 42071
begin before January 2, 2007, shall have the same qualifications, 42072
exercise the same powers and jurisdiction, and receive the same 42073
compensation as the other judge of the court of common pleas of 42074
Erie county and shall be elected and designated as judge of the 42075
court of common pleas, division of domestic relations. The judge 42076
shall have all the powers relating to juvenile courts, and shall 42077
be assigned all cases under Chapters 2151. and 2152. of the 42078

Revised Code, parentage proceedings over which the juvenile court 42079
has jurisdiction, and divorce, dissolution of marriage, legal 42080
separation, and annulment cases, except cases that for some 42081
special reason are assigned to some other judge. 42082

On or after January 2, 2007, the judge of the court of common 42083
pleas who is elected in 2006 shall be the successor to the judge 42084
of the domestic relations division whose term expires on January 42085
1, 2007, shall be designated as judge of the court of common 42086
pleas, juvenile division, and shall be the juvenile judge as 42087
provided in Chapters 2151. and 2152. of the Revised Code with the 42088
powers and jurisdictions conferred by those chapters. 42089

(2) The judge of the court of common pleas, general division, 42090
whose term begins on January 1, 2005, and successors, the judge of 42091
the court of common pleas, general division whose term begins on 42092
January 2, 2005, and successors, and the judge of the court of 42093
common pleas, general division, whose term begins February 9, 42094
2009, and successors, shall have assigned to them, in addition to 42095
all matters that are within the jurisdiction of the general 42096
division of the court of common pleas, all divorce, dissolution of 42097
marriage, legal separation, and annulment cases coming before the 42098
court, and all matters that are within the jurisdiction of the 42099
probate court under Chapter 2101., and other provisions, of the 42100
Revised Code. 42101

(0) In Greene county: 42102

(1) The judge of the court of common pleas whose term begins 42103
on January 1, 1961, and successors, shall have the same 42104
qualifications, exercise the same powers and jurisdiction, and 42105
receive the same compensation as the other judges of the court of 42106
common pleas of Greene county and shall be elected and designated 42107
as the judge of the court of common pleas, division of domestic 42108
relations. The judge shall be assigned all divorce, dissolution of 42109
marriage, legal separation, annulment, uniform reciprocal support 42110

enforcement, and domestic violence cases and all other cases 42111
related to domestic relations, except cases that for some special 42112
reason are assigned to some other judge of the court of common 42113
pleas. 42114

The judge shall be charged with the assignment and division 42115
of the work of the division and with the employment and 42116
supervision of all other personnel of the division. The judge also 42117
shall designate the title, compensation, hours, leaves of absence, 42118
and vacations of the personnel of the division and shall fix their 42119
duties. The duties of the personnel of the division, in addition 42120
to other statutory duties, shall include the handling, servicing, 42121
and investigation of divorce, dissolution of marriage, legal 42122
separation, and annulment cases and the provision of counseling 42123
and conciliation services that the division considers necessary 42124
and makes available to persons who request the services, whether 42125
or not the persons are parties in an action pending in the 42126
division. The compensation for the personnel shall be paid from 42127
the overall court budget and shall be included in the 42128
appropriations for the existing judges of the general division of 42129
the court of common pleas. 42130

(2) The judge of the court of common pleas whose term begins 42131
on January 1, 1995, and successors, shall have the same 42132
qualifications, exercise the same powers and jurisdiction, and 42133
receive the same compensation as the other judges of the court of 42134
common pleas of Greene county, shall be elected and designated as 42135
judge of the court of common pleas, juvenile division, and, on or 42136
after January 1, 1995, shall be the juvenile judge as provided in 42137
Chapters 2151. and 2152. of the Revised Code with the powers and 42138
jurisdiction conferred by those chapters. The judge of the court 42139
of common pleas, juvenile division, shall be the administrator of 42140
the juvenile division and its subdivisions and departments. The 42141
judge shall have charge of the employment, assignment, and 42142

supervision of the personnel of the juvenile division who are 42143
engaged in handling, servicing, or investigating juvenile cases, 42144
including any referees whom the judge considers necessary for the 42145
discharge of the judge's various duties. 42146

The judge also shall designate the title, compensation, 42147
expense allowances, hours, leaves of absence, and vacation of the 42148
personnel of the division and shall fix their duties. The duties 42149
of the personnel, in addition to other statutory duties, include 42150
the handling, servicing, and investigation of juvenile cases and 42151
providing any counseling and conciliation services that the court 42152
makes available to persons, whether or not the persons are parties 42153
to an action pending in the court, who request the services. 42154

(3) If one of the judges of the court of common pleas, 42155
general division, is sick, absent, or unable to perform that 42156
judge's judicial duties or the volume of cases pending in the 42157
general division necessitates it, the duties of that judge of the 42158
general division shall be performed by the judge of the division 42159
of domestic relations and the judge of the juvenile division. 42160

(P) In Portage county, the judge of the court of common 42161
pleas, whose term begins January 2, 1987, and successors, shall 42162
have the same qualifications, exercise the same powers and 42163
jurisdiction, and receive the same compensation as the other 42164
judges of the court of common pleas of Portage county and shall be 42165
elected and designated as judge of the court of common pleas, 42166
division of domestic relations. The judge shall be assigned all 42167
divorce, dissolution of marriage, legal separation, and annulment 42168
cases coming before the court, except in cases that for some 42169
special reason are assigned to some other judge of the court of 42170
common pleas. The judge shall be charged with the assignment and 42171
division of the work of the division and with the employment and 42172
supervision of all other personnel of the domestic relations 42173
division. 42174

The judge also shall designate the title, compensation, 42175
expense allowances, hours, leaves of absence, and vacations of the 42176
personnel of the division and shall fix their duties. The duties 42177
of the personnel, in addition to other statutory duties, shall 42178
include the handling, servicing, and investigation of divorce, 42179
dissolution of marriage, legal separation, and annulment cases and 42180
providing any counseling and conciliation services that the 42181
division makes available to persons, whether or not the persons 42182
are parties to an action pending in the division, who request the 42183
services. 42184

(Q) In Clermont county, the judge of the court of common 42185
pleas, whose term begins January 2, 1987, and successors, shall 42186
have the same qualifications, exercise the same powers and 42187
jurisdiction, and receive the same compensation as the other 42188
judges of the court of common pleas of Clermont county and shall 42189
be elected and designated as judge of the court of common pleas, 42190
division of domestic relations. The judge shall be assigned all 42191
divorce, dissolution of marriage, legal separation, and annulment 42192
cases coming before the court, except in cases that for some 42193
special reason are assigned to some other judge of the court of 42194
common pleas. The judge shall be charged with the assignment and 42195
division of the work of the division and with the employment and 42196
supervision of all other personnel of the domestic relations 42197
division. 42198

The judge also shall designate the title, compensation, 42199
expense allowances, hours, leaves of absence, and vacations of the 42200
personnel of the division and shall fix their duties. The duties 42201
of the personnel, in addition to other statutory duties, shall 42202
include the handling, servicing, and investigation of divorce, 42203
dissolution of marriage, legal separation, and annulment cases and 42204
providing any counseling and conciliation services that the 42205
division makes available to persons, whether or not the persons 42206

are parties to an action pending in the division, who request the 42207
services. 42208

(R) In Warren county, the judge of the court of common pleas, 42209
whose term begins January 1, 1987, and successors, shall have the 42210
same qualifications, exercise the same powers and jurisdiction, 42211
and receive the same compensation as the other judges of the court 42212
of common pleas of Warren county and shall be elected and 42213
designated as judge of the court of common pleas, division of 42214
domestic relations. The judge shall be assigned all divorce, 42215
dissolution of marriage, legal separation, and annulment cases 42216
coming before the court, except in cases that for some special 42217
reason are assigned to some other judge of the court of common 42218
pleas. The judge shall be charged with the assignment and division 42219
of the work of the division and with the employment and 42220
supervision of all other personnel of the domestic relations 42221
division. 42222

The judge also shall designate the title, compensation, 42223
expense allowances, hours, leaves of absence, and vacations of the 42224
personnel of the division and shall fix their duties. The duties 42225
of the personnel, in addition to other statutory duties, shall 42226
include the handling, servicing, and investigation of divorce, 42227
dissolution of marriage, legal separation, and annulment cases and 42228
providing any counseling and conciliation services that the 42229
division makes available to persons, whether or not the persons 42230
are parties to an action pending in the division, who request the 42231
services. 42232

(S) In Licking county, the judges of the court of common 42233
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 42234
and successors, shall have the same qualifications, exercise the 42235
same powers and jurisdiction, and receive the same compensation as 42236
the other judges of the court of common pleas of Licking county 42237
and shall be elected and designated as judges of the court of 42238

common pleas, division of domestic relations. The judges shall be 42239
assigned all divorce, dissolution of marriage, legal separation, 42240
and annulment cases, all cases arising under Chapter 3111. of the 42241
Revised Code, all proceedings involving child support, the 42242
allocation of parental rights and responsibilities for the care of 42243
children and the designation for the children of a place of 42244
residence and legal custodian, parenting time, and visitation, and 42245
all post-decree proceedings and matters arising from those cases 42246
and proceedings, except in cases that for some special reason are 42247
assigned to another judge of the court of common pleas. The 42248
administrative judge of the division of domestic relations shall 42249
be charged with the assignment and division of the work of the 42250
division and with the employment and supervision of the personnel 42251
of the division. 42252

The administrative judge of the division of domestic 42253
relations shall designate the title, compensation, expense 42254
allowances, hours, leaves of absence, and vacations of the 42255
personnel of the division and shall fix the duties of the 42256
personnel of the division. The duties of the personnel of the 42257
division, in addition to other statutory duties, shall include the 42258
handling, servicing, and investigation of divorce, dissolution of 42259
marriage, legal separation, and annulment cases, cases arising 42260
under Chapter 3111. of the Revised Code, and proceedings involving 42261
child support, the allocation of parental rights and 42262
responsibilities for the care of children and the designation for 42263
the children of a place of residence and legal custodian, 42264
parenting time, and visitation and providing any counseling and 42265
conciliation services that the division makes available to 42266
persons, whether or not the persons are parties to an action 42267
pending in the division, who request the services. 42268

(T) In Allen county, the judge of the court of common pleas, 42269
whose term begins January 1, 1993, and successors, shall have the 42270

same qualifications, exercise the same powers and jurisdiction, 42271
and receive the same compensation as the other judges of the court 42272
of common pleas of Allen county and shall be elected and 42273
designated as judge of the court of common pleas, division of 42274
domestic relations. The judge shall be assigned all divorce, 42275
dissolution of marriage, legal separation, and annulment cases, 42276
all cases arising under Chapter 3111. of the Revised Code, all 42277
proceedings involving child support, the allocation of parental 42278
rights and responsibilities for the care of children and the 42279
designation for the children of a place of residence and legal 42280
custodian, parenting time, and visitation, and all post-decree 42281
proceedings and matters arising from those cases and proceedings, 42282
except in cases that for some special reason are assigned to 42283
another judge of the court of common pleas. The judge shall be 42284
charged with the assignment and division of the work of the 42285
division and with the employment and supervision of the personnel 42286
of the division. 42287

The judge shall designate the title, compensation, expense 42288
allowances, hours, leaves of absence, and vacations of the 42289
personnel of the division and shall fix the duties of the 42290
personnel of the division. The duties of the personnel of the 42291
division, in addition to other statutory duties, shall include the 42292
handling, servicing, and investigation of divorce, dissolution of 42293
marriage, legal separation, and annulment cases, cases arising 42294
under Chapter 3111. of the Revised Code, and proceedings involving 42295
child support, the allocation of parental rights and 42296
responsibilities for the care of children and the designation for 42297
the children of a place of residence and legal custodian, 42298
parenting time, and visitation, and providing any counseling and 42299
conciliation services that the division makes available to 42300
persons, whether or not the persons are parties to an action 42301
pending in the division, who request the services. 42302

(U) In Medina county, the judge of the court of common pleas 42303
whose term begins January 1, 1995, and successors, shall have the 42304
same qualifications, exercise the same powers and jurisdiction, 42305
and receive the same compensation as other judges of the court of 42306
common pleas of Medina county and shall be elected and designated 42307
as judge of the court of common pleas, division of domestic 42308
relations. The judge shall be assigned all divorce, dissolution of 42309
marriage, legal separation, and annulment cases, all cases arising 42310
under Chapter 3111. of the Revised Code, all proceedings involving 42311
child support, the allocation of parental rights and 42312
responsibilities for the care of children and the designation for 42313
the children of a place of residence and legal custodian, 42314
parenting time, and visitation, and all post-decree proceedings 42315
and matters arising from those cases and proceedings, except in 42316
cases that for some special reason are assigned to another judge 42317
of the court of common pleas. The judge shall be charged with the 42318
assignment and division of the work of the division and with the 42319
employment and supervision of the personnel of the division. 42320

The judge shall designate the title, compensation, expense 42321
allowances, hours, leaves of absence, and vacations of the 42322
personnel of the division and shall fix the duties of the 42323
personnel of the division. The duties of the personnel, in 42324
addition to other statutory duties, include the handling, 42325
servicing, and investigation of divorce, dissolution of marriage, 42326
legal separation, and annulment cases, cases arising under Chapter 42327
3111. of the Revised Code, and proceedings involving child 42328
support, the allocation of parental rights and responsibilities 42329
for the care of children and the designation for the children of a 42330
place of residence and legal custodian, parenting time, and 42331
visitation, and providing counseling and conciliation services 42332
that the division makes available to persons, whether or not the 42333
persons are parties to an action pending in the division, who 42334
request the services. 42335

(V) In Fairfield county, the judge of the court of common 42336
pleas whose term begins January 2, 1995, and successors, shall 42337
have the same qualifications, exercise the same powers and 42338
jurisdiction, and receive the same compensation as the other 42339
judges of the court of common pleas of Fairfield county and shall 42340
be elected and designated as judge of the court of common pleas, 42341
division of domestic relations. The judge shall be assigned all 42342
divorce, dissolution of marriage, legal separation, and annulment 42343
cases, all cases arising under Chapter 3111. of the Revised Code, 42344
all proceedings involving child support, the allocation of 42345
parental rights and responsibilities for the care of children and 42346
the designation for the children of a place of residence and legal 42347
custodian, parenting time, and visitation, and all post-decree 42348
proceedings and matters arising from those cases and proceedings, 42349
except in cases that for some special reason are assigned to 42350
another judge of the court of common pleas. The judge also has 42351
concurrent jurisdiction with the probate-juvenile division of the 42352
court of common pleas of Fairfield county with respect to and may 42353
hear cases to determine the custody of a child, as defined in 42354
section 2151.011 of the Revised Code, who is not the ward of 42355
another court of this state, cases that are commenced by a parent, 42356
guardian, or custodian of a child, as defined in section 2151.011 42357
of the Revised Code, to obtain an order requiring a parent of the 42358
child to pay child support for that child when the request for 42359
that order is not ancillary to an action for divorce, dissolution 42360
of marriage, annulment, or legal separation, a criminal or civil 42361
action involving an allegation of domestic violence, an action for 42362
support under Chapter 3115. of the Revised Code, or an action that 42363
is within the exclusive original jurisdiction of the 42364
probate-juvenile division of the court of common pleas of 42365
Fairfield county and that involves an allegation that the child is 42366
an abused, neglected, or dependent child, and post-decree 42367
proceedings and matters arising from those types of cases. 42368

The judge of the domestic relations division shall be charged 42369
with the assignment and division of the work of the division and 42370
with the employment and supervision of the personnel of the 42371
division. 42372

The judge shall designate the title, compensation, expense 42373
allowances, hours, leaves of absence, and vacations of the 42374
personnel of the division and shall fix the duties of the 42375
personnel of the division. The duties of the personnel of the 42376
division, in addition to other statutory duties, shall include the 42377
handling, servicing, and investigation of divorce, dissolution of 42378
marriage, legal separation, and annulment cases, cases arising 42379
under Chapter 3111. of the Revised Code, and proceedings involving 42380
child support, the allocation of parental rights and 42381
responsibilities for the care of children and the designation for 42382
the children of a place of residence and legal custodian, 42383
parenting time, and visitation, and providing any counseling and 42384
conciliation services that the division makes available to 42385
persons, regardless of whether the persons are parties to an 42386
action pending in the division, who request the services. When the 42387
judge hears a case to determine the custody of a child, as defined 42388
in section 2151.011 of the Revised Code, who is not the ward of 42389
another court of this state or a case that is commenced by a 42390
parent, guardian, or custodian of a child, as defined in section 42391
2151.011 of the Revised Code, to obtain an order requiring a 42392
parent of the child to pay child support for that child when the 42393
request for that order is not ancillary to an action for divorce, 42394
dissolution of marriage, annulment, or legal separation, a 42395
criminal or civil action involving an allegation of domestic 42396
violence, an action for support under Chapter 3115. of the Revised 42397
Code, or an action that is within the exclusive original 42398
jurisdiction of the probate-juvenile division of the court of 42399
common pleas of Fairfield county and that involves an allegation 42400
that the child is an abused, neglected, or dependent child, the 42401

duties of the personnel of the domestic relations division also 42402
include the handling, servicing, and investigation of those types 42403
of cases. 42404

(W)(1) In Clark county, the judge of the court of common 42405
pleas whose term begins on January 2, 1995, and successors, shall 42406
have the same qualifications, exercise the same powers and 42407
jurisdiction, and receive the same compensation as other judges of 42408
the court of common pleas of Clark county and shall be elected and 42409
designated as judge of the court of common pleas, domestic 42410
relations division. The judge shall have all the powers relating 42411
to juvenile courts, and all cases under Chapters 2151. and 2152. 42412
of the Revised Code and all parentage proceedings under Chapter 42413
3111. of the Revised Code over which the juvenile court has 42414
jurisdiction shall be assigned to the judge of the division of 42415
domestic relations. All divorce, dissolution of marriage, legal 42416
separation, annulment, uniform reciprocal support enforcement, and 42417
other cases related to domestic relations shall be assigned to the 42418
domestic relations division, and the presiding judge of the court 42419
of common pleas shall assign the cases to the judge of the 42420
domestic relations division and the judges of the general 42421
division. 42422

(2) In addition to the judge's regular duties, the judge of 42423
the division of domestic relations shall serve on the children 42424
services board and the county advisory board. 42425

(3) If the judge of the court of common pleas of Clark 42426
county, division of domestic relations, is sick, absent, or unable 42427
to perform that judge's judicial duties or if the presiding judge 42428
of the court of common pleas of Clark county determines that the 42429
volume of cases pending in the division of domestic relations 42430
necessitates it, the duties of the judge of the division of 42431
domestic relations shall be performed by the judges of the general 42432
division or probate division of the court of common pleas of Clark 42433

county, as assigned for that purpose by the presiding judge of 42434
that court, and the judges so assigned shall act in conjunction 42435
with the judge of the division of domestic relations of that 42436
court. 42437

(X) In Scioto county, the judge of the court of common pleas 42438
whose term begins January 2, 1995, and successors, shall have the 42439
same qualifications, exercise the same powers and jurisdiction, 42440
and receive the same compensation as other judges of the court of 42441
common pleas of Scioto county and shall be elected and designated 42442
as judge of the court of common pleas, division of domestic 42443
relations. The judge shall be assigned all divorce, dissolution of 42444
marriage, legal separation, and annulment cases, all cases arising 42445
under Chapter 3111. of the Revised Code, all proceedings involving 42446
child support, the allocation of parental rights and 42447
responsibilities for the care of children and the designation for 42448
the children of a place of residence and legal custodian, 42449
parenting time, visitation, and all post-decree proceedings and 42450
matters arising from those cases and proceedings, except in cases 42451
that for some special reason are assigned to another judge of the 42452
court of common pleas. The judge shall be charged with the 42453
assignment and division of the work of the division and with the 42454
employment and supervision of the personnel of the division. 42455

The judge shall designate the title, compensation, expense 42456
allowances, hours, leaves of absence, and vacations of the 42457
personnel of the division and shall fix the duties of the 42458
personnel of the division. The duties of the personnel, in 42459
addition to other statutory duties, include the handling, 42460
servicing, and investigation of divorce, dissolution of marriage, 42461
legal separation, and annulment cases, cases arising under Chapter 42462
3111. of the Revised Code, and proceedings involving child 42463
support, the allocation of parental rights and responsibilities 42464
for the care of children and the designation for the children of a 42465

place of residence and legal custodian, parenting time, and 42466
visitation, and providing counseling and conciliation services 42467
that the division makes available to persons, whether or not the 42468
persons are parties to an action pending in the division, who 42469
request the services. 42470

(Y) In Auglaize county, the judge of the probate and juvenile 42471
divisions of the Auglaize county court of common pleas also shall 42472
be the administrative judge of the domestic relations division of 42473
the court and shall be assigned all divorce, dissolution of 42474
marriage, legal separation, and annulment cases coming before the 42475
court. The judge shall have all powers as administrator of the 42476
domestic relations division and shall have charge of the personnel 42477
engaged in handling, servicing, or investigating divorce, 42478
dissolution of marriage, legal separation, and annulment cases, 42479
including any referees considered necessary for the discharge of 42480
the judge's various duties. 42481

(Z)(1) In Marion county, the judge of the court of common 42482
pleas whose term begins on February 9, 1999, and the successors to 42483
that judge, shall have the same qualifications, exercise the same 42484
powers and jurisdiction, and receive the same compensation as the 42485
other judges of the court of common pleas of Marion county and 42486
shall be elected and designated as judge of the court of common 42487
pleas, domestic relations-juvenile-probate division. Except as 42488
otherwise specified in this division, that judge, and the 42489
successors to that judge, shall have all the powers relating to 42490
juvenile courts, and all cases under Chapters 2151. and 2152. of 42491
the Revised Code, all cases arising under Chapter 3111. of the 42492
Revised Code, all divorce, dissolution of marriage, legal 42493
separation, and annulment cases, all proceedings involving child 42494
support, the allocation of parental rights and responsibilities 42495
for the care of children and the designation for the children of a 42496
place of residence and legal custodian, parenting time, and 42497

visitation, and all post-decree proceedings and matters arising 42498
from those cases and proceedings shall be assigned to that judge 42499
and the successors to that judge. Except as provided in division 42500
(Z)(2) of this section and notwithstanding any other provision of 42501
any section of the Revised Code, on and after February 9, 2003, 42502
the judge of the court of common pleas of Marion county whose term 42503
begins on February 9, 1999, and the successors to that judge, 42504
shall have all the powers relating to the probate division of the 42505
court of common pleas of Marion county in addition to the powers 42506
previously specified in this division, and shall exercise 42507
concurrent jurisdiction with the judge of the probate division of 42508
that court over all matters that are within the jurisdiction of 42509
the probate division of that court under Chapter 2101., and other 42510
provisions, of the Revised Code in addition to the jurisdiction of 42511
the domestic relations-juvenile-probate division of that court 42512
otherwise specified in division (Z)(1) of this section. 42513

(2) The judge of the domestic relations-juvenile-probate 42514
division of the court of common pleas of Marion county or the 42515
judge of the probate division of the court of common pleas of 42516
Marion county, whichever of those judges is senior in total length 42517
of service on the court of common pleas of Marion county, 42518
regardless of the division or divisions of service, shall serve as 42519
the clerk of the probate division of the court of common pleas of 42520
Marion county. 42521

(3) On and after February 9, 2003, all references in law to 42522
"the probate court," "the probate judge," "the juvenile court," or 42523
"the judge of the juvenile court" shall be construed, with respect 42524
to Marion county, as being references to both "the probate 42525
division" and "the domestic relations-juvenile-probate division" 42526
and as being references to both "the judge of the probate 42527
division" and "the judge of the domestic relations- 42528
juvenile-probate division." On and after February 9, 2003, all 42529

references in law to "the clerk of the probate court" shall be 42530
construed, with respect to Marion county, as being references to 42531
the judge who is serving pursuant to division (Z)(2) of this 42532
section as the clerk of the probate division of the court of 42533
common pleas of Marion county. 42534

(AA) In Muskingum county, the judge of the court of common 42535
pleas whose term begins on January 2, 2003, and successors, shall 42536
have the same qualifications, exercise the same powers and 42537
jurisdiction, and receive the same compensation as the other 42538
judges of the court of common pleas of Muskingum county and shall 42539
be elected and designated as the judge of the court of common 42540
pleas, division of domestic relations. The judge shall be assigned 42541
all divorce, dissolution of marriage, legal separation, and 42542
annulment cases, all cases arising under Chapter 3111. of the 42543
Revised Code, all proceedings involving child support, the 42544
allocation of parental rights and responsibilities for the care of 42545
children and the designation for the children of a place of 42546
residence and legal custodian, parenting time, and visitation, and 42547
all post-decree proceedings and matters arising from those cases 42548
and proceedings, except in cases that for some special reason are 42549
assigned to another judge of the court of common pleas. The judge 42550
shall be charged with the assignment and division of the work of 42551
the division and with the employment and supervision of the 42552
personnel of the division. 42553

The judge shall designate the title, compensation, expense 42554
allowances, hours, leaves of absence, and vacations of the 42555
personnel of the division and shall fix the duties of the 42556
personnel of the division. The duties of the personnel of the 42557
division, in addition to other statutory duties, shall include the 42558
handling, servicing, and investigation of divorce, dissolution of 42559
marriage, legal separation, and annulment cases, cases arising 42560
under Chapter 3111. of the Revised Code, and proceedings involving 42561

child support, the allocation of parental rights and 42562
responsibilities for the care of children and the designation for 42563
the children of a place of residence and legal custodian, 42564
parenting time, and visitation and providing any counseling and 42565
conciliation services that the division makes available to 42566
persons, whether or not the persons are parties to an action 42567
pending in the division, who request the services. 42568

(BB) In Henry county, the judge of the court of common pleas 42569
whose term begins on January 1, 2005, and successors, shall have 42570
the same qualifications, exercise the same powers and 42571
jurisdiction, and receive the same compensation as the other judge 42572
of the court of common pleas of Henry county and shall be elected 42573
and designated as the judge of the court of common pleas, division 42574
of domestic relations. The judge shall have all of the powers 42575
relating to juvenile courts, and all cases under Chapter 2151. or 42576
2152. of the Revised Code, all parentage proceedings arising under 42577
Chapter 3111. of the Revised Code over which the juvenile court 42578
has jurisdiction, all divorce, dissolution of marriage, legal 42579
separation, and annulment cases, all proceedings involving child 42580
support, the allocation of parental rights and responsibilities 42581
for the care of children and the designation for the children of a 42582
place of residence and legal custodian, parenting time, and 42583
visitation, and all post-decree proceedings and matters arising 42584
from those cases and proceedings shall be assigned to that judge, 42585
except in cases that for some special reason are assigned to the 42586
other judge of the court of common pleas. 42587

(CC)(1) In Logan county, the judge of the court of common 42588
pleas whose term begins January 2, 2005, and the successors to 42589
that judge, shall have the same qualifications, exercise the same 42590
powers and jurisdiction, and receive the same compensation as the 42591
other judges of the court of common pleas of Logan county and 42592
shall be elected and designated as judge of the court of common 42593

pleas, domestic relations-juvenile-probate division. Except as 42594
otherwise specified in this division, that judge, and the 42595
successors to that judge, shall have all the powers relating to 42596
juvenile courts, and all cases under Chapters 2151. and 2152. of 42597
the Revised Code, all cases arising under Chapter 3111. of the 42598
Revised Code, all divorce, dissolution of marriage, legal 42599
separation, and annulment cases, all proceedings involving child 42600
support, the allocation of parental rights and responsibilities 42601
for the care of children and designation for the children of a 42602
place of residence and legal custodian, parenting time, and 42603
visitation, and all post-decree proceedings and matters arising 42604
from those cases and proceedings shall be assigned to that judge 42605
and the successors to that judge. Notwithstanding any other 42606
provision of any section of the Revised Code, on and after January 42607
2, 2005, the judge of the court of common pleas of Logan county 42608
whose term begins on January 2, 2005, and the successors to that 42609
judge, shall have all the powers relating to the probate division 42610
of the court of common pleas of Logan county in addition to the 42611
powers previously specified in this division and shall exercise 42612
concurrent jurisdiction with the judge of the probate division of 42613
that court over all matters that are within the jurisdiction of 42614
the probate division of that court under Chapter 2101., and other 42615
provisions, of the Revised Code in addition to the jurisdiction of 42616
the domestic relations-juvenile-probate division of that court 42617
otherwise specified in division (CC)(1) of this section. 42618

(2) The judge of the domestic relations-juvenile-probate 42619
division of the court of common pleas of Logan county or the 42620
probate judge of the court of common pleas of Logan county who is 42621
elected as the administrative judge of the probate division of the 42622
court of common pleas of Logan county pursuant to Rule 4 of the 42623
Rules of Superintendence shall be the clerk of the probate 42624
division and juvenile division of the court of common pleas of 42625
Logan county. The clerk of the court of common pleas who is 42626

elected pursuant to section 2303.01 of the Revised Code shall keep 42627
all of the journals, records, books, papers, and files pertaining 42628
to the domestic relations cases. 42629

(3) On and after January 2, 2005, all references in law to 42630
"the probate court," "the probate judge," "the juvenile court," or 42631
"the judge of the juvenile court" shall be construed, with respect 42632
to Logan county, as being references to both "the probate 42633
division" and the "domestic relations-juvenile-probate division" 42634
and as being references to both "the judge of the probate 42635
division" and the "judge of the domestic 42636
relations-juvenile-probate division." On and after January 2, 42637
2005, all references in law to "the clerk of the probate court" 42638
shall be construed, with respect to Logan county, as being 42639
references to the judge who is serving pursuant to division 42640
(CC)(2) of this section as the clerk of the probate division of 42641
the court of common pleas of Logan county. 42642

(DD)(1) In Champaign county, the judge of the court of common 42643
pleas whose term begins February 9, 2003, and the judge of the 42644
court of common pleas whose term begins February 10, 2009, and the 42645
successors to those judges, shall have the same qualifications, 42646
exercise the same powers and jurisdiction, and receive the same 42647
compensation as the other judges of the court of common pleas of 42648
Champaign county and shall be elected and designated as judges of 42649
the court of common pleas, domestic relations-juvenile-probate 42650
division. Except as otherwise specified in this division, those 42651
judges, and the successors to those judges, shall have all the 42652
powers relating to juvenile courts, and all cases under Chapters 42653
2151. and 2152. of the Revised Code, all cases arising under 42654
Chapter 3111. of the Revised Code, all divorce, dissolution of 42655
marriage, legal separation, and annulment cases, all proceedings 42656
involving child support, the allocation of parental rights and 42657
responsibilities for the care of children and the designation for 42658

the children of a place of residence and legal custodian, 42659
parenting time, and visitation, and all post-decree proceedings 42660
and matters arising from those cases and proceedings shall be 42661
assigned to those judges and the successors to those judges. 42662
Notwithstanding any other provision of any section of the Revised 42663
Code, on and after February 9, 2009, the judges designated by this 42664
division as judges of the court of common pleas of Champaign 42665
county, domestic relations-juvenile-probate division, and the 42666
successors to those judges, shall have all the powers relating to 42667
probate courts in addition to the powers previously specified in 42668
this division and shall exercise jurisdiction over all matters 42669
that are within the jurisdiction of probate courts under Chapter 42670
2101., and other provisions, of the Revised Code in addition to 42671
the jurisdiction of the domestic relations-juvenile-probate 42672
division otherwise specified in division (DD)(1) of this section. 42673

(2) On and after February 9, 2009, all references in law to 42674
"the probate court," "the probate judge," "the juvenile court," or 42675
"the judge of the juvenile court" shall be construed with respect 42676
to Champaign county as being references to the "domestic 42677
relations-juvenile-probate division" and as being references to 42678
the "judge of the domestic relations-juvenile-probate division." 42679
On and after February 9, 2009, all references in law to "the clerk 42680
of the probate court" shall be construed with respect to Champaign 42681
county as being references to the judge who is serving pursuant to 42682
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 42683
the administrative judge of the court of common pleas, domestic 42684
relations-juvenile-probate division. 42685

(EE) If a judge of the court of common pleas, division of 42686
domestic relations, or juvenile judge, of any of the counties 42687
mentioned in this section is sick, absent, or unable to perform 42688
that judge's judicial duties or the volume of cases pending in the 42689
judge's division necessitates it, the duties of that judge shall 42690

be performed by another judge of the court of common pleas of that 42691
county, assigned for that purpose by the presiding judge of the 42692
court of common pleas of that county to act in place of or in 42693
conjunction with that judge, as the case may require. 42694

Sec. 2301.031. (A)(1) The domestic relations judges of a 42695
domestic relations division created by section 2301.03 of the 42696
Revised Code may determine that, for the efficient operation of 42697
their division, additional funds are required to computerize the 42698
division, to make available computerized legal research services, 42699
or both. Upon making a determination that additional funds are 42700
required for either or both of those purposes, the judges shall do 42701
one of the following: 42702

(a) Authorize and direct the clerk or a deputy clerk of the 42703
division to charge one additional fee not to exceed three dollars 42704
on the filing of each cause of action or appeal under division 42705
(A), (Q), or (U) of section 2303.20 of the Revised Code; 42706

(b) If the clerk of the court of common pleas serves as the 42707
clerk of the division, authorize and direct the clerk of the court 42708
of common pleas to charge one additional fee not to exceed three 42709
dollars on the filing of each cause of action or appeal under 42710
division (A), (Q), or (U) of section 2303.20 of the Revised Code. 42711

(2) All moneys collected under division (A)(1) of this 42712
section shall be paid to the county treasurer. The treasurer shall 42713
place the moneys from the fees in a separate fund to be disbursed, 42714
upon an order of the domestic relations judges, subject to an 42715
appropriation by the board of county commissioners, in an amount 42716
no greater than the actual cost to the division of procuring and 42717
maintaining computerization of the court, computerized legal 42718
research services, or both. 42719

(3) If the court determines that the funds in the fund 42720
described in division (A)(2) of this section are more than 42721

sufficient to satisfy the purpose for which the additional fee 42722
described in division (A)(1) of this section was imposed, the 42723
court may declare a surplus in the fund and, subject to an 42724
appropriation by the board of county commissioners, expend those 42725
surplus funds for other appropriate technological expenses of the 42726
court. 42727

(B)(1) If the clerk of the court of common pleas is not 42728
serving as the clerk of a juvenile or domestic relations division 42729
created by section 2301.03 of the Revised Code, the juvenile or 42730
domestic relations judges may determine that, for the efficient 42731
operation of their division, additional funds are required to 42732
computerize the office of the clerk of their division and, upon 42733
that determination, may authorize and direct the clerk or a deputy 42734
clerk of their division to charge an additional fee, not to exceed 42735
ten dollars, on the filing of each cause of action or appeal, on 42736
the filing, docketing, and endorsing of each certificate of 42737
judgment, or on the docketing and indexing of each aid in 42738
execution or petition to vacate, revive, or modify a judgment 42739
under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of 42740
the Revised Code. Subject to division (B)(2) of this section, all 42741
moneys collected under this division shall be paid to the county 42742
treasurer to be disbursed, upon an order of the juvenile or 42743
domestic relations judges and subject to appropriation by the 42744
board of county commissioners, in an amount no greater than the 42745
actual cost to the juvenile or domestic relations division of 42746
procuring and maintaining computer systems for the clerk's office. 42747

(2) If juvenile or domestic relations judges make the 42748
determination described in division (B)(1) of this section, the 42749
board of county commissioners may issue one or more general 42750
obligation bonds for the purpose of procuring and maintaining the 42751
computer systems for the office of the clerk of the juvenile or 42752
domestic relations division. In addition to the purposes stated in 42753

division (B)(1) of this section for which the moneys collected 42754
under that division may be expended, the moneys additionally may 42755
be expended to pay debt charges on and financing costs related to 42756
any general obligation bonds issued pursuant to this division as 42757
they become due. General obligation bonds issued pursuant to this 42758
division are Chapter 133. securities. 42759

Sec. 2301.18. The court of common pleas shall appoint a 42760
~~stenographic~~ reporter as the official shorthand reporter of ~~such~~ 42761
the court, ~~who shall hold the appointment~~ for a term not exceeding 42762
three years ~~from the date thereof,~~ unless removed by the court, 42763
after a good cause shown, for neglect of duty, misconduct in 42764
office, or incompetency. ~~Such~~ The court of common pleas may 42765
appoint assistant reporters as the business of the court requires, 42766
for terms not exceeding three years under one appointment. The 42767
official ~~shorthand~~ reporter and assistant reporters shall take an 42768
oath faithfully and impartially to discharge the duties of ~~such~~ 42769
~~position~~ their positions. 42770

Sec. 2301.20. ~~Upon the trial of a~~ All civil ~~or~~ and criminal 42771
~~action~~ actions in the court of common pleas, ~~if either party to~~ 42772
~~the action or his attorney requests the services of a shorthand~~ 42773
~~reporter, the trial judge shall grant the request, or may order a~~ 42774
~~full report of the testimony or other proceedings. In either case,~~ 42775
~~the shorthand shall be recorded. The~~ reporter shall take accurate 42776
~~shorthand~~ notes of, or shall electronically record, the oral 42777
testimony ~~or other oral proceedings.~~ The notes and electronic 42778
records shall be filed in the office of the official ~~shorthand~~ 42779
reporter and carefully preserved for either of the following 42780
periods of time: 42781

(A) If the action is not a capital case, the notes and 42782
electronic records shall be preserved for the period of time 42783
specified by the court of common pleas, which period of time shall 42784

not be longer than the period of time that the other records of 42785
the particular action are required to be kept. 42786

(B) If the action is a capital case, the notes and electronic 42787
records shall be preserved for the longer of ten years or until 42788
the final disposition of the action. 42789

Sec. 2301.21. In every case ~~reported~~ recorded as provided in 42790
section 2301.20 of the Revised Code, there shall be taxed for each 42791
day's service of the official or assistant ~~shorthand~~ reporters a 42792
fee of twenty-five dollars, to be collected as other costs in the 42793
case. The fees so collected shall be paid quarterly by the clerk 42794
of the court of common pleas in which the cases were tried into 42795
the treasury of the county and shall be credited by the county 42796
treasurer to the general fund. 42797

Sec. 2301.22. Each ~~shorthand~~ reporter shall receive such 42798
compensation as the court of common pleas making the appointment 42799
fixes. ~~Such~~ That compensation shall be in place of all per diem 42800
compensation in ~~such~~ those courts. In case ~~such~~ the appointment is 42801
for a term of less than one year, ~~such~~ the court may allow a per 42802
diem compensation to be fixed by the court, plus actual and 42803
necessary expenses incurred, for each day ~~such shorthand~~ the 42804
reporter is actually engaged in taking testimony or performing 42805
other duties under the orders of ~~such~~ the court, which allowance 42806
shall be in full payment for all services so rendered. 42807

The county auditor shall issue warrants on the county 42808
treasurer for the payment of ~~such~~ the compensation under this 42809
section in equal monthly installments, ~~when~~ if the compensation is 42810
allowed annually, and ~~when~~ in case of services per diem, for the 42811
amount of the bill approved by the court, from the general fund 42812
upon the presentation of a certified copy of the journal entry of 42813
appointment and compensation of ~~such shorthand~~ the reporters. 42814

Sec. 2301.23. When ~~shorthand~~ notes have been taken or an 42815
electronic recording has been made in a case as provided in 42816
section 2301.20 of the Revised Code, if the court~~,~~ or either party 42817
to the suit ~~or his attorney,~~ requests written transcripts of any 42818
portion of ~~such notes in longhand~~ the proceeding, the ~~shorthand~~ 42819
reporter reporting the case shall make full and accurate 42820
transcripts of the notes ~~for the use of such court or party or~~ 42821
electronic recording. The court may direct the official ~~shorthand~~ 42822
reporter to furnish to the court and the parties copies of 42823
decisions rendered and charges delivered by the court in pending 42824
cases. 42825

When the compensation for transcripts, copies of decisions, 42826
or charges is taxed as a part of the costs, ~~such~~ the transcripts, 42827
copies of decisions, and charges shall remain on file with the 42828
papers of the case. 42829

Sec. 2301.24. The compensation of ~~shorthand~~ reporters for 42830
making written transcripts ~~and copies~~ as provided in section 42831
2301.23 of the Revised Code shall be fixed by ~~the judges of the~~ 42832
court of common pleas of the county wherein in which the trial is 42833
~~had held~~. Such If more than one transcript of the same testimony 42834
or proceeding is ordered, the reporter shall make copies of the 42835
transcript at cost pursuant to division (B)(1) of section 149.43 42836
of the Revised Code, or shall provide an electronic copy of the 42837
transcript free of charge. The compensation shall be paid 42838
~~forthwith~~ by the party for whose benefit a transcript is made. The 42839
compensation for transcripts ~~of testimony~~ requested by the 42840
prosecuting attorney ~~during trial~~ or an indigent defendant in 42841
criminal cases or by the trial judge~~,~~ in either civil or criminal 42842
cases, and for copies of decisions and charges furnished by 42843
direction of the court shall be paid from the county treasury~~,~~ and 42844
taxed and collected as costs. 42845

Sec. 2301.25. When ordered by the prosecuting attorney or the 42846
defendant in a criminal ~~trial, case~~ or when ordered by a judge of 42847
the court of common pleas ~~for his use,~~ in either civil or criminal 42848
cases, the costs of transcripts ~~mentioned in section 2301.23 of~~ 42849
~~the Revised Code,~~ shall be taxed as costs in the case, collected 42850
as other costs, whether ~~such~~ the transcripts have been prepaid or 42851
not, as provided by section 2301.24 of the Revised Code, ~~and~~ paid 42852
by the clerk of the court of common pleas, quarterly, into the 42853
county treasury, and credited to the general fund. If, upon final 42854
judgment, the costs or any part ~~thereof shall be~~ of the costs are 42855
adjudged against a defendant in a criminal case, ~~he~~ the defendant 42856
shall be allowed credit on the cost bill of the amount paid ~~by him~~ 42857
for the transcript ~~he ordered~~ and, if the costs are finally 42858
adjudged against the state, the defendant shall have ~~his~~ the 42859
defendant's deposit refunded. ~~When more than one transcript of the~~ 42860
~~same testimony or proceedings is ordered at the same time by the~~ 42861
~~same party, or by the court, the compensation for making such~~ 42862
~~additional transcript shall be one half the compensation allowed~~ 42863
~~for the first copy, and shall be paid for in the same manner~~ 42864
~~except that where ordered by the same party only the cost of the~~ 42865
~~original shall be taxed as costs.~~ All ~~such~~ transcripts shall be 42866
taken and received as prima-facie evidence of their correctness. 42867
~~When~~ If the testimony of witnesses is taken before the grand jury 42868
by ~~shorthand~~ reporters, they shall receive for ~~such~~ the 42869
transcripts ~~as are ordered by the prosecuting attorney~~ the same 42870
compensation ~~per folio~~ and be paid ~~therefor~~ in the same manner as 42871
provided in this section and section 2301.24 of the Revised Code. 42872
42873

Sec. 2301.26. ~~Shorthand reporters~~ Reporters appointed under 42874
~~sections~~ section 2301.18 ~~and 2301.19~~ of the Revised Code, may be 42875
appointed referees to take and report evidence in causes pending 42876

in any of the courts of this state. In the taking of evidence as 42877
~~such~~ referees, ~~they~~ the reporters may administer oaths to 42878
witnesses. They shall be furnished by the board of county 42879
commissioners with a suitable room in the courthouse, and with 42880
~~stationery~~, supplies and ~~other~~ equipment necessary ~~in~~ for the 42881
proper discharge of their duties and for the preservation of their 42882
~~stenographic~~ notes and electronic records. ~~Such~~ The notes and 42883
electronic records shall be the property of the county and 42884
carefully preserved in the office of the ~~shorthand~~ reporters. 42885

Sec. 2303.201. (A)(1) The court of common pleas of any county 42886
may determine that for the efficient operation of the court 42887
additional funds are required to computerize the court, to make 42888
available computerized legal research services, or to do both. 42889
Upon making a determination that additional funds are required for 42890
either or both of those purposes, the court shall authorize and 42891
direct the clerk of the court of common pleas to charge one 42892
additional fee, not to exceed three dollars, on the filing of each 42893
cause of action or appeal under divisions (A), (Q), and (U) of 42894
section 2303.20 of the Revised Code. 42895

(2) All fees collected under division (A)(1) of this section 42896
shall be paid to the county treasurer. The treasurer shall place 42897
the funds from the fees in a separate fund to be disbursed, upon 42898
an order of the court, subject to an appropriation by the board of 42899
county commissioners, in an amount not greater than the actual 42900
cost to the court of procuring and maintaining computerization of 42901
the court, computerized legal research services, or both. 42902

(3) If the court determines that the funds in the fund 42903
described in division (A)(2) of this section are more than 42904
sufficient to satisfy the purpose for which the additional fee 42905
described in division (A)(1) of this section was imposed, the 42906
court may declare a surplus in the fund and, subject to an 42907

appropriation by the board of county commissioners, expend those 42908
surplus funds for other appropriate technological expenses of the 42909
court. 42910

(B)(1) The court of common pleas of any county may determine 42911
that, for the efficient operation of the court, additional funds 42912
are required to computerize the office of the clerk of the court 42913
of common pleas and, upon that determination, authorize and direct 42914
the clerk of the court of common pleas to charge an additional 42915
fee, not to exceed ten dollars, on the filing of each cause of 42916
action or appeal, on the filing, docketing, and endorsing of each 42917
certificate of judgment, or on the docketing and indexing of each 42918
aid in execution or petition to vacate, revive, or modify a 42919
judgment under divisions (A), (P), (Q), (T), and (U) of section 42920
2303.20 of the Revised Code. Subject to division (B)(2) of this 42921
section, all moneys collected under division (B)(1) of this 42922
section shall be paid to the county treasurer to be disbursed, 42923
upon an order of the court of common pleas and subject to 42924
appropriation by the board of county commissioners, in an amount 42925
no greater than the actual cost to the court of procuring and 42926
maintaining computer systems for the office of the clerk of the 42927
court of common pleas. 42928

(2) If the court of common pleas of a county makes the 42929
determination described in division (B)(1) of this section, the 42930
board of county commissioners of that county may issue one or more 42931
general obligation bonds for the purpose of procuring and 42932
maintaining the computer systems for the office of the clerk of 42933
the court of common pleas. In addition to the purposes stated in 42934
division (B)(1) of this section for which the moneys collected 42935
under that division may be expended, the moneys additionally may 42936
be expended to pay debt charges on and financing costs related to 42937
any general obligation bonds issued pursuant to division (B)(2) of 42938
this section as they become due. General obligation bonds issued 42939

pursuant to division (B)(2) of this section are Chapter 133. 42940
securities. 42941

(C) The court of common pleas shall collect the sum of 42942
twenty-six dollars as additional filing fees in each new civil 42943
action or proceeding for the charitable public purpose of 42944
providing financial assistance to legal aid societies that operate 42945
within the state and to support the office of the state public 42946
defender. This division does not apply to proceedings concerning 42947
annulments, dissolutions of marriage, divorces, legal separation, 42948
spousal support, marital property or separate property 42949
distribution, support, or other domestic relations matters; to a 42950
juvenile division of a court of common pleas; to a probate 42951
division of a court of common pleas, except that the additional 42952
filing fees shall apply to name change, guardianship, adoption, 42953
and decedents' estate proceedings; or to an execution on a 42954
judgment, proceeding in aid of execution, or other post-judgment 42955
proceeding arising out of a civil action. The filing fees required 42956
to be collected under this division shall be in addition to any 42957
other filing fees imposed in the action or proceeding and shall be 42958
collected at the time of the filing of the action or proceeding. 42959
The court shall not waive the payment of the additional filing 42960
fees in a new civil action or proceeding unless the court waives 42961
the advanced payment of all filing fees in the action or 42962
proceeding. All such moneys collected during a month except for an 42963
amount equal to up to one per cent of those moneys retained to 42964
cover administrative costs shall be transmitted on or before the 42965
twentieth day of the following month by the clerk of the court to 42966
the treasurer of state in a manner prescribed by the treasurer of 42967
state or by the Ohio legal assistance foundation. The treasurer of 42968
state shall deposit four per cent of the funds collected under 42969
this division to the credit of the civil case filing fee fund 42970
established under section 120.07 of the Revised Code and 42971
ninety-six per cent of the funds collected under this division to 42972

the credit of the legal aid fund established under section 120.52 42973
of the Revised Code. 42974

The court may retain up to one per cent of the moneys it 42975
collects under this division to cover administrative costs, 42976
including the hiring of any additional personnel necessary to 42977
implement this division. If the court fails to transmit to the 42978
treasurer of state the moneys the court collects under this 42979
division in a manner prescribed by the treasurer of state or by 42980
the Ohio legal assistance foundation, the court shall forfeit the 42981
moneys the court retains under this division to cover 42982
administrative costs, including the hiring of any additional 42983
personnel necessary to implement this division, and shall transmit 42984
to the treasurer of state all moneys collected under this 42985
division, including the forfeited amount retained for 42986
administrative costs, for deposit in the legal aid fund. 42987

(D) On and after the thirtieth day after December 9, 1994, 42988
the court of common pleas shall collect the sum of thirty-two 42989
dollars as additional filing fees in each new action or proceeding 42990
for annulment, divorce, or dissolution of marriage for the purpose 42991
of funding shelters for victims of domestic violence pursuant to 42992
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 42993
required to be collected under this division shall be in addition 42994
to any other filing fees imposed in the action or proceeding and 42995
shall be collected at the time of the filing of the action or 42996
proceeding. The court shall not waive the payment of the 42997
additional filing fees in a new action or proceeding for 42998
annulment, divorce, or dissolution of marriage unless the court 42999
waives the advanced payment of all filing fees in the action or 43000
proceeding. On or before the twentieth day of each month, all 43001
moneys collected during the immediately preceding month pursuant 43002
to this division shall be deposited by the clerk of the court into 43003
the county treasury in the special fund used for deposit of 43004

additional marriage license fees as described in section 3113.34 43005
of the Revised Code. Upon their deposit into the fund, the moneys 43006
shall be retained in the fund and expended only as described in 43007
section 3113.34 of the Revised Code. 43008

(E)(1) The court of common pleas may determine that, for the 43009
efficient operation of the court, additional funds are necessary 43010
to acquire and pay for special projects of the court, including, 43011
but not limited to, the acquisition of additional facilities or 43012
the rehabilitation of existing facilities, the acquisition of 43013
equipment, the hiring and training of staff, community service 43014
programs, mediation or dispute resolution services, the employment 43015
of magistrates, the training and education of judges, acting 43016
judges, and magistrates, and other related services. Upon that 43017
determination, the court by rule may charge a fee, in addition to 43018
all other court costs, on the filing of each criminal cause, civil 43019
action or proceeding, or judgment by confession. 43020

If the court of common pleas offers a special program or 43021
service in cases of a specific type, the court by rule may assess 43022
an additional charge in a case of that type, over and above court 43023
costs, to cover the special program or service. The court shall 43024
adjust the special assessment periodically, but not retroactively, 43025
so that the amount assessed in those cases does not exceed the 43026
actual cost of providing the service or program. 43027

All moneys collected under division (E) of this section shall 43028
be paid to the county treasurer for deposit into either a general 43029
special projects fund or a fund established for a specific special 43030
project. Moneys from a fund of that nature shall be disbursed upon 43031
an order of the court, subject to an appropriation by the board of 43032
county commissioners, in an amount no greater than the actual cost 43033
to the court of a project. If a specific fund is terminated 43034
because of the discontinuance of a program or service established 43035
under division (E) of this section, the court may order, subject 43036

to an appropriation by the board of county commissioners, that 43037
moneys remaining in the fund be transferred to an account 43038
established under this division for a similar purpose. 43039

(2) As used in division (E) of this section: 43040

(a) "Criminal cause" means a charge alleging the violation of 43041
a statute or ordinance, or subsection of a statute or ordinance, 43042
that requires a separate finding of fact or a separate plea before 43043
disposition and of which the defendant may be found guilty, 43044
whether filed as part of a multiple charge on a single summons, 43045
citation, or complaint or as a separate charge on a single 43046
summons, citation, or complaint. "Criminal cause" does not include 43047
separate violations of the same statute or ordinance, or 43048
subsection of the same statute or ordinance, unless each charge is 43049
filed on a separate summons, citation, or complaint. 43050

(b) "Civil action or proceeding" means any civil litigation 43051
that must be determined by judgment entry. 43052

Sec. 2305.01. Except as otherwise provided by this section or 43053
section 2305.03 of the Revised Code, the court of common pleas has 43054
original jurisdiction in all civil cases in which the sum or 43055
matter in dispute exceeds the exclusive original jurisdiction of 43056
county courts and appellate jurisdiction from the decisions of 43057
boards of county commissioners. The court of common pleas shall 43058
not have jurisdiction, in any tort action to which the amounts 43059
apply, to award punitive or exemplary damages that exceed the 43060
amounts set forth in section 2315.21 of the Revised Code. The 43061
court of common pleas shall not have jurisdiction in any tort 43062
action to which the limits apply to enter judgment on an award of 43063
compensatory damages for noneconomic loss in excess of the limits 43064
set forth in section 2315.18 of the Revised Code. 43065

The court of common pleas may on its own motion transfer for 43066
trial any action in the court to any municipal court in the county 43067

having concurrent jurisdiction of the subject matter of, and the parties to, the action, if the amount sought by the plaintiff does not exceed one thousand dollars and if the judge or presiding judge of the municipal court concurs in the proposed transfer. Upon the issuance of an order of transfer, the clerk of courts shall remove to the designated municipal court the entire case file. Any untaxed portion of the common pleas deposit for court costs shall be remitted to the municipal court by the clerk of courts to be applied in accordance with section 1901.26 of the Revised Code, and the costs taxed by the municipal court shall be added to any costs taxed in the common pleas court.

The court of common pleas has jurisdiction in any action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the Revised Code if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court.

The courts of common pleas of Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, Meigs, Monroe, Scioto, and Washington counties have jurisdiction beyond the north or northwest shore of the Ohio river extending to the opposite shore line, between the extended boundary lines of any adjacent counties or adjacent state. Each of those courts of common pleas has concurrent jurisdiction on the Ohio river with any adjacent court of common pleas that borders on that river and with any court of Kentucky or of West Virginia that borders on the Ohio river and that has jurisdiction on the Ohio river under the law of Kentucky or the law of West Virginia, whichever is applicable, or under federal law.

Sec. 2305.232. (A) No person who gives aid or advice in an emergency situation relating to the prevention of an imminent release of hazardous material, to the clean-up or disposal of

hazardous material that has been released, or to the related 43099
mitigation of the effects of a release of hazardous material, nor 43100
the public or private employer of such a person, is liable in 43101
civil damages as a result of the aid or advice if all of the 43102
following apply: 43103

(1) The aid or advice was given at the request of: 43104

(a) A sheriff, the chief of police or other chief officer of 43105
the law enforcement agency of a municipal corporation, the chief 43106
of police of a township police district or joint police district, 43107
the chief of a fire department, the state fire marshal, the 43108
director of environmental protection, the chairperson of the 43109
public utilities commission, the superintendent of the state 43110
highway patrol, the executive director of the emergency management 43111
agency, the chief executive of a municipal corporation, ~~or~~ the 43112
authorized representative of any such official, or the legislative 43113
authority of a township or county; or 43114

(b) The owner or manufacturer of the hazardous material, an 43115
association of manufacturers of the hazardous material, or a 43116
hazardous material mutual aid group. 43117

(2) The person giving the aid or advice acted without 43118
anticipating remuneration for self or the person's employer from 43119
the governmental official, authority, or agency that requested the 43120
aid or advice; 43121

(3) The person giving the aid or advice was specially 43122
qualified by training or experience to give the aid or advice; 43123

(4) Neither the person giving the aid or advice nor the 43124
public or private employer of the person giving the aid or advice 43125
was responsible for causing the release or threat of release nor 43126
would otherwise be liable for damages caused by the release; 43127

(5) The person giving the aid or advice did not engage in 43128
willful, wanton, or reckless misconduct or grossly negligent 43129

conduct in giving the aid or advice; 43130

(6) The person giving the aid or advice notified the 43131
emergency response section of the environmental protection agency 43132
prior to giving the aid or advice. 43133

(B) The immunity conferred by this section does not limit the 43134
liability of any person whose action caused or contributed to the 43135
release of hazardous material. That person is liable for any 43136
enhancement of damages caused by the person giving aid or advice 43137
under this section unless the enhancement of damages was caused by 43138
the willful, wanton, or reckless misconduct or grossly negligent 43139
conduct of the person giving aid or advice. 43140

(C) This section does not apply to any person rendering care, 43141
assistance, or advice in response to a discharge of oil when that 43142
person's immunity from liability is subject to determination under 43143
section 2305.39 of the Revised Code. 43144

(D) As used in this section: 43145

(1) "Hazardous material" means any material designated as 43146
such under the "Hazardous Materials Transportation Act," 88 Stat. 43147
2156 (1975), 49 U.S.C.A. 1803, as amended. 43148

(2) "Mutual aid group" means any group formed at the federal, 43149
state, regional, or local level whose members agree to respond to 43150
incidents involving hazardous material whether or not they 43151
shipped, transported, manufactured, or were at all connected with 43152
the hazardous material involved in a particular incident. 43153

(3) "Discharge" and "oil" have the same meanings as in 43154
section 2305.39 of the Revised Code. 43155

Sec. 2317.02. The following persons shall not testify in 43156
certain respects: 43157

(A)(1) An attorney, concerning a communication made to the 43158
attorney by a client in that relation or the attorney's advice to 43159

a client, except that the attorney may testify by express consent 43160
of the client or, if the client is deceased, by the express 43161
consent of the surviving spouse or the executor or administrator 43162
of the estate of the deceased client. However, if the client 43163
voluntarily testifies or is deemed by section 2151.421 of the 43164
Revised Code to have waived any testimonial privilege under this 43165
division, the attorney may be compelled to testify on the same 43166
subject. 43167

The testimonial privilege established under this division 43168
does not apply concerning a communication between a client who has 43169
since died and the deceased client's attorney if the communication 43170
is relevant to a dispute between parties who claim through that 43171
deceased client, regardless of whether the claims are by testate 43172
or intestate succession or by inter vivos transaction, and the 43173
dispute addresses the competency of the deceased client when the 43174
deceased client executed a document that is the basis of the 43175
dispute or whether the deceased client was a victim of fraud, 43176
undue influence, or duress when the deceased client executed a 43177
document that is the basis of the dispute. 43178

(2) An attorney, concerning a communication made to the 43179
attorney by a client in that relationship or the attorney's advice 43180
to a client, except that if the client is an insurance company, 43181
the attorney may be compelled to testify, subject to an in camera 43182
inspection by a court, about communications made by the client to 43183
the attorney or by the attorney to the client that are related to 43184
the attorney's aiding or furthering an ongoing or future 43185
commission of bad faith by the client, if the party seeking 43186
disclosure of the communications has made a prima facie showing of 43187
bad faith, fraud, or criminal misconduct by the client. 43188

(B)(1) A physician or a dentist concerning a communication 43189
made to the physician or dentist by a patient in that relation or 43190
the physician's or dentist's advice to a patient, except as 43191

otherwise provided in this division, division (B)(2), and division 43192
(B)(3) of this section, and except that, if the patient is deemed 43193
by section 2151.421 of the Revised Code to have waived any 43194
testimonial privilege under this division, the physician may be 43195
compelled to testify on the same subject. 43196

The testimonial privilege established under this division 43197
does not apply, and a physician or dentist may testify or may be 43198
compelled to testify, in any of the following circumstances: 43199

(a) In any civil action, in accordance with the discovery 43200
provisions of the Rules of Civil Procedure in connection with a 43201
civil action, or in connection with a claim under Chapter 4123. of 43202
the Revised Code, under any of the following circumstances: 43203

(i) If the patient or the guardian or other legal 43204
representative of the patient gives express consent; 43205

(ii) If the patient is deceased, the spouse of the patient or 43206
the executor or administrator of the patient's estate gives 43207
express consent; 43208

(iii) If a medical claim, dental claim, chiropractic claim, 43209
or optometric claim, as defined in section 2305.113 of the Revised 43210
Code, an action for wrongful death, any other type of civil 43211
action, or a claim under Chapter 4123. of the Revised Code is 43212
filed by the patient, the personal representative of the estate of 43213
the patient if deceased, or the patient's guardian or other legal 43214
representative. 43215

(b) In any civil action concerning court-ordered treatment or 43216
services received by a patient, if the court-ordered treatment or 43217
services were ordered as part of a case plan journalized under 43218
section 2151.412 of the Revised Code or the court-ordered 43219
treatment or services are necessary or relevant to dependency, 43220
neglect, or abuse or temporary or permanent custody proceedings 43221
under Chapter 2151. of the Revised Code. 43222

(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, or other bodily substance at any time relevant to the criminal offense in question.

(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the physician or dentist that are related to the action and obtained by subpoena, search warrant, or other lawful means. A court that permits or compels a physician or dentist to testify in such an action or permits the introduction into evidence of patient records or other communications in such an action shall require that appropriate measures be taken to ensure that the confidentiality of any patient named or otherwise identified in the records is maintained. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(e)(i) If the communication was between a patient who has since died and the deceased patient's physician or dentist, the communication is relevant to a dispute between parties who claim through that deceased patient, 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 patient when the deceased patient executed a document that is the basis of the dispute or whether the deceased patient was a victim of fraud, undue influence, or duress when the deceased patient executed a document that is the basis of the

dispute. 43255

(ii) If neither the spouse of a patient nor the executor or 43256
administrator of that patient's estate gives consent under 43257
division (B)(1)(a)(ii) of this section, testimony or the 43258
disclosure of the patient's medical records by a physician, 43259
dentist, or other health care provider under division (B)(1)(e)(i) 43260
of this section is a permitted use or disclosure of protected 43261
health information, as defined in 45 C.F.R. 160.103, and an 43262
authorization or opportunity to be heard shall not be required. 43263

(iii) Division (B)(1)(e)(i) of this section does not require 43264
a mental health professional to disclose psychotherapy notes, as 43265
defined in 45 C.F.R. 164.501. 43266

(iv) An interested person who objects to testimony or 43267
disclosure under division (B)(1)(e)(i) of this section may seek a 43268
protective order pursuant to Civil Rule 26. 43269

(v) A person to whom protected health information is 43270
disclosed under division (B)(1)(e)(i) of this section shall not 43271
use or disclose the protected health information for any purpose 43272
other than the litigation or proceeding for which the information 43273
was requested and shall return the protected health information to 43274
the covered entity or destroy the protected health information, 43275
including all copies made, at the conclusion of the litigation or 43276
proceeding. 43277

(2)(a) If any law enforcement officer submits a written 43278
statement to a health care provider that states that an official 43279
criminal investigation has begun regarding a specified person or 43280
that a criminal action or proceeding has been commenced against a 43281
specified person, that requests the provider to supply to the 43282
officer copies of any records the provider possesses that pertain 43283
to any test or the results of any test administered to the 43284
specified person to determine the presence or concentration of 43285

alcohol, a drug of abuse, a combination of them, a controlled 43286
substance, or a metabolite of a controlled substance in the 43287
person's whole blood, blood serum or plasma, breath, or urine at 43288
any time relevant to the criminal offense in question, and that 43289
conforms to section 2317.022 of the Revised Code, the provider, 43290
except to the extent specifically prohibited by any law of this 43291
state or of the United States, shall supply to the officer a copy 43292
of any of the requested records the provider possesses. If the 43293
health care provider does not possess any of the requested 43294
records, the provider shall give the officer a written statement 43295
that indicates that the provider does not possess any of the 43296
requested records. 43297

(b) If a health care provider possesses any records of the 43298
type described in division (B)(2)(a) of this section regarding the 43299
person in question at any time relevant to the criminal offense in 43300
question, in lieu of personally testifying as to the results of 43301
the test in question, the custodian of the records may submit a 43302
certified copy of the records, and, upon its submission, the 43303
certified copy is qualified as authentic evidence and may be 43304
admitted as evidence in accordance with the Rules of Evidence. 43305
Division (A) of section 2317.422 of the Revised Code does not 43306
apply to any certified copy of records submitted in accordance 43307
with this division. Nothing in this division shall be construed to 43308
limit the right of any party to call as a witness the person who 43309
administered the test to which the records pertain, the person 43310
under whose supervision the test was administered, the custodian 43311
of the records, the person who made the records, or the person 43312
under whose supervision the records were made. 43313

(3)(a) If the testimonial privilege described in division 43314
(B)(1) of this section does not apply as provided in division 43315
(B)(1)(a)(iii) of this section, a physician or dentist may be 43316
compelled to testify or to submit to discovery under the Rules of 43317

Civil Procedure only as to a communication made to the physician 43318
or dentist by the patient in question in that relation, or the 43319
physician's or dentist's advice to the patient in question, that 43320
related causally or historically to physical or mental injuries 43321
that are relevant to issues in the medical claim, dental claim, 43322
chiropractic claim, or optometric claim, action for wrongful 43323
death, other civil action, or claim under Chapter 4123. of the 43324
Revised Code. 43325

(b) If the testimonial privilege described in division (B)(1) 43326
of this section does not apply to a physician or dentist as 43327
provided in division (B)(1)(c) of this section, the physician or 43328
dentist, in lieu of personally testifying as to the results of the 43329
test in question, may submit a certified copy of those results, 43330
and, upon its submission, the certified copy is qualified as 43331
authentic evidence and may be admitted as evidence in accordance 43332
with the Rules of Evidence. Division (A) of section 2317.422 of 43333
the Revised Code does not apply to any certified copy of results 43334
submitted in accordance with this division. Nothing in this 43335
division shall be construed to limit the right of any party to 43336
call as a witness the person who administered the test in 43337
question, the person under whose supervision the test was 43338
administered, the custodian of the results of the test, the person 43339
who compiled the results, or the person under whose supervision 43340
the results were compiled. 43341

(4) The testimonial privilege described in division (B)(1) of 43342
this section is not waived when a communication is made by a 43343
physician to a pharmacist or when there is communication between a 43344
patient and a pharmacist in furtherance of the physician-patient 43345
relation. 43346

(5)(a) As used in divisions (B)(1) to (4) of this section, 43347
"communication" means acquiring, recording, or transmitting any 43348
information, in any manner, concerning any facts, opinions, or 43349

statements necessary to enable a physician or dentist to diagnose, 43350
treat, prescribe, or act for a patient. A "communication" may 43351
include, but is not limited to, any medical or dental, office, or 43352
hospital communication such as a record, chart, letter, 43353
memorandum, laboratory test and results, x-ray, photograph, 43354
financial statement, diagnosis, or prognosis. 43355

(b) As used in division (B)(2) of this section, "health care 43356
provider" means a hospital, ambulatory care facility, long-term 43357
care facility, pharmacy, emergency facility, or health care 43358
practitioner. 43359

(c) As used in division (B)(5)(b) of this section: 43360

(i) "Ambulatory care facility" means a facility that provides 43361
medical, diagnostic, or surgical treatment to patients who do not 43362
require hospitalization, including a dialysis center, ambulatory 43363
surgical facility, cardiac catheterization facility, diagnostic 43364
imaging center, extracorporeal shock wave lithotripsy center, home 43365
health agency, inpatient hospice, birthing center, radiation 43366
therapy center, emergency facility, and an urgent care center. 43367
"Ambulatory health care facility" does not include the private 43368
office of a physician or dentist, whether the office is for an 43369
individual or group practice. 43370

(ii) "Emergency facility" means a hospital emergency 43371
department or any other facility that provides emergency medical 43372
services. 43373

(iii) "Health care practitioner" has the same meaning as in 43374
section 4769.01 of the Revised Code. 43375

(iv) "Hospital" has the same meaning as in section 3727.01 of 43376
the Revised Code. 43377

(v) "Long-term care facility" means a nursing home, 43378
residential care facility, or home for the aging, as those terms 43379
are defined in section 3721.01 of the Revised Code; an adult care 43380

facility, as defined in section ~~3722.01~~ 5119.70 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.

(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

(d) As used in divisions (B)(1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists.

(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B)(7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(C)(1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the cleric for a religious counseling purpose in the cleric's professional character. The cleric may testify by express consent of the person making the communication, except

when the disclosure of the information is in violation of a sacred trust and except that, if the person voluntarily testifies or is deemed by division (A)(4)(c) of section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the cleric may be compelled to testify on the same subject except when disclosure of the information is in violation of a sacred trust.

(2) As used in division (C) of this section:

(a) "Cleric" means a member of the clergy, rabbi, priest, Christian Science practitioner, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect.

(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:

(i) The confession or confidential communication was made directly to the cleric.

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(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; 43443

(F) A person who, if a party, would be restricted under 43444
section 2317.03 of the Revised Code, when the property or thing is 43445
sold or transferred by an executor, administrator, guardian, 43446
trustee, heir, devisee, or legatee, shall be restricted in the 43447
same manner in any action or proceeding concerning the property or 43448
thing. 43449

(G)(1) A school guidance counselor who holds a valid educator 43450
license from the state board of education as provided for in 43451
section 3319.22 of the Revised Code, a person licensed under 43452
Chapter 4757. of the Revised Code as a professional clinical 43453
counselor, professional counselor, social worker, independent 43454
social worker, marriage and family therapist or independent 43455
marriage and family therapist, or registered under Chapter 4757. 43456
of the Revised Code as a social work assistant concerning a 43457
confidential communication received from a client in that relation 43458
or the person's advice to a client unless any of the following 43459
applies: 43460

(a) The communication or advice indicates clear and present 43461
danger to the client or other persons. For the purposes of this 43462
division, cases in which there are indications of present or past 43463
child abuse or neglect of the client constitute a clear and 43464
present danger. 43465

(b) The client gives express consent to the testimony. 43466

(c) If the client is deceased, the surviving spouse or the 43467
executor or administrator of the estate of the deceased client 43468
gives express consent. 43469

(d) The client voluntarily testifies, in which case the 43470
school guidance counselor or person licensed or registered under 43471
Chapter 4757. of the Revised Code may be compelled to testify on 43472
the same subject. 43473

(e) The court in camera determines that the information 43474
communicated by the client is not germane to the counselor-client, 43475
marriage and family therapist-client, or social worker-client 43476
relationship. 43477

(f) A court, in an action brought against a school, its 43478
administration, or any of its personnel by the client, rules after 43479
an in-camera inspection that the testimony of the school guidance 43480
counselor is relevant to that action. 43481

(g) The testimony is sought in a civil action and concerns 43482
court-ordered treatment or services received by a patient as part 43483
of a case plan journalized under section 2151.412 of the Revised 43484
Code or the court-ordered treatment or services are necessary or 43485
relevant to dependency, neglect, or abuse or temporary or 43486
permanent custody proceedings under Chapter 2151. of the Revised 43487
Code. 43488

(2) Nothing in division (G)(1) of this section shall relieve 43489
a school guidance counselor or a person licensed or registered 43490
under Chapter 4757. of the Revised Code from the requirement to 43491
report information concerning child abuse or neglect under section 43492
2151.421 of the Revised Code. 43493

(H) A mediator acting under a mediation order issued under 43494
division (A) of section 3109.052 of the Revised Code or otherwise 43495
issued in any proceeding for divorce, dissolution, legal 43496
separation, annulment, or the allocation of parental rights and 43497
responsibilities for the care of children, in any action or 43498
proceeding, other than a criminal, delinquency, child abuse, child 43499
neglect, or dependent child action or proceeding, that is brought 43500
by or against either parent who takes part in mediation in 43501
accordance with the order and that pertains to the mediation 43502
process, to any information discussed or presented in the 43503
mediation process, to the allocation of parental rights and 43504
responsibilities for the care of the parents' children, or to the 43505

awarding of parenting time rights in relation to their children; 43506

(I) A communications assistant, acting within the scope of 43507
the communication assistant's authority, when providing 43508
telecommunications relay service pursuant to section 4931.06 of 43509
the Revised Code or Title II of the "Communications Act of 1934," 43510
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 43511
made through a telecommunications relay service. Nothing in this 43512
section shall limit the obligation of a communications assistant 43513
to divulge information or testify when mandated by federal law or 43514
regulation or pursuant to subpoena in a criminal proceeding. 43515

Nothing in this section shall limit any immunity or privilege 43516
granted under federal law or regulation. 43517

(J)(1) A chiropractor in a civil proceeding concerning a 43518
communication made to the chiropractor by a patient in that 43519
relation or the chiropractor's advice to a patient, except as 43520
otherwise provided in this division. The testimonial privilege 43521
established under this division does not apply, and a chiropractor 43522
may testify or may be compelled to testify, in any civil action, 43523
in accordance with the discovery provisions of the Rules of Civil 43524
Procedure in connection with a civil action, or in connection with 43525
a claim under Chapter 4123. of the Revised Code, under any of the 43526
following circumstances: 43527

(a) If the patient or the guardian or other legal 43528
representative of the patient gives express consent. 43529

(b) If the patient is deceased, the spouse of the patient or 43530
the executor or administrator of the patient's estate gives 43531
express consent. 43532

(c) If a medical claim, dental claim, chiropractic claim, or 43533
optometric claim, as defined in section 2305.113 of the Revised 43534
Code, an action for wrongful death, any other type of civil 43535
action, or a claim under Chapter 4123. of the Revised Code is 43536

filed by the patient, the personal representative of the estate of 43537
the patient if deceased, or the patient's guardian or other legal 43538
representative. 43539

(2) If the testimonial privilege described in division (J)(1) 43540
of this section does not apply as provided in division (J)(1)(c) 43541
of this section, a chiropractor may be compelled to testify or to 43542
submit to discovery under the Rules of Civil Procedure only as to 43543
a communication made to the chiropractor by the patient in 43544
question in that relation, or the chiropractor's advice to the 43545
patient in question, that related causally or historically to 43546
physical or mental injuries that are relevant to issues in the 43547
medical claim, dental claim, chiropractic claim, or optometric 43548
claim, action for wrongful death, other civil action, or claim 43549
under Chapter 4123. of the Revised Code. 43550

(3) The testimonial privilege established under this division 43551
does not apply, and a chiropractor may testify or be compelled to 43552
testify, in any criminal action or administrative proceeding. 43553

(4) As used in this division, "communication" means 43554
acquiring, recording, or transmitting any information, in any 43555
manner, concerning any facts, opinions, or statements necessary to 43556
enable a chiropractor to diagnose, treat, or act for a patient. A 43557
communication may include, but is not limited to, any 43558
chiropractic, office, or hospital communication such as a record, 43559
chart, letter, memorandum, laboratory test and results, x-ray, 43560
photograph, financial statement, diagnosis, or prognosis. 43561

(K)(1) Except as provided under division (K)(2) of this 43562
section, a critical incident stress management team member 43563
concerning a communication received from an individual who 43564
receives crisis response services from the team member, or the 43565
team member's advice to the individual, during a debriefing 43566
session. 43567

(2) The testimonial privilege established under division 43568
(K)(1) of this section does not apply if any of the following are 43569
true: 43570

(a) The communication or advice indicates clear and present 43571
danger to the individual who receives crisis response services or 43572
to other persons. For purposes of this division, cases in which 43573
there are indications of present or past child abuse or neglect of 43574
the individual constitute a clear and present danger. 43575

(b) The individual who received crisis response services 43576
gives express consent to the testimony. 43577

(c) If the individual who received crisis response services 43578
is deceased, the surviving spouse or the executor or administrator 43579
of the estate of the deceased individual gives express consent. 43580

(d) The individual who received crisis response services 43581
voluntarily testifies, in which case the team member may be 43582
compelled to testify on the same subject. 43583

(e) The court in camera determines that the information 43584
communicated by the individual who received crisis response 43585
services is not germane to the relationship between the individual 43586
and the team member. 43587

(f) The communication or advice pertains or is related to any 43588
criminal act. 43589

(3) As used in division (K) of this section: 43590

(a) "Crisis response services" means consultation, risk 43591
assessment, referral, and on-site crisis intervention services 43592
provided by a critical incident stress management team to 43593
individuals affected by crisis or disaster. 43594

(b) "Critical incident stress management team member" or 43595
"team member" means an individual specially trained to provide 43596
crisis response services as a member of an organized community or 43597

local crisis response team that holds membership in the Ohio
critical incident stress management network. 43598
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(c) "Debriefing session" means a session at which crisis
response services are rendered by a critical incident stress
management team member during or after a crisis or disaster. 43600
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(L)(1) Subject to division (L)(2) of this section and except
as provided in division (L)(3) of this section, an employee
assistance professional, concerning a communication made to the
employee assistance professional by a client in the employee
assistance professional's official capacity as an employee
assistance professional. 43603
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(2) Division (L)(1) of this section applies to an employee
assistance professional who meets either or both of the following
requirements: 43609
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(a) Is certified by the employee assistance certification
commission to engage in the employee assistance profession; 43612
43613

(b) Has education, training, and experience in all of the
following: 43614
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(i) Providing workplace-based services designed to address
employer and employee productivity issues; 43616
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(ii) Providing assistance to employees and employees'
dependents in identifying and finding the means to resolve
personal problems that affect the employees or the employees'
performance; 43618
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(iii) Identifying and resolving productivity problems
associated with an employee's concerns about any of the following
matters: health, marriage, family, finances, substance abuse or
other addiction, workplace, law, and emotional issues; 43622
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(iv) Selecting and evaluating available community resources; 43626

(v) Making appropriate referrals; 43627

| | |
|---|---|
| (vi) Local and national employee assistance agreements; | 43628 |
| (vii) Client confidentiality. | 43629 |
| (3) Division (L)(1) of this section does not apply to any of the following: | 43630 43631 |
| (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; | 43632 43633 43634 43635 |
| (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; | 43636 43637 43638 |
| (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; | 43639 43640 43641 |
| (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; | 43642 43643 43644 |
| (e) A civil or criminal malpractice action brought against the employee assistance professional; | 43645 43646 |
| (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; | 43647 43648 43649 |
| (g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law. | 43650 43651 |
| 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 a hospital, homes required to be licensed pursuant to section 3721.01 of the Revised Code, and adult care facilities required to | 43652 43653 43654 43655 43656 |

be licensed pursuant to Chapter ~~3722~~. 5119. of the Revised Code, 43657
in lieu of the testimony in open court of their custodian, person 43658
who made them, or person under whose supervision they were made, 43659
may be qualified as authentic evidence if any such person endorses 43660
thereon the person's verified certification identifying such 43661
records, giving the mode and time of their preparation, and 43662
stating that they were prepared in the usual course of the 43663
business of the institution. Such records, copies, or photographs 43664
may not be qualified by certification as provided in this section 43665
unless the party intending to offer them delivers a copy of them, 43666
or of their relevant portions, to the attorney of record for each 43667
adverse party not less than five days before trial. Nothing in 43668
this section shall be construed to limit the right of any party to 43669
call the custodian, person who made such records, or person under 43670
whose supervision they were made, as a witness. 43671

(B) Division (A) of this section does not apply to any 43672
certified copy of the results of any test given to determine the 43673
presence or concentration of alcohol, a drug of abuse, a 43674
combination of them, a controlled substance, or a metabolite of a 43675
controlled substance in a patient's whole blood, blood serum or 43676
plasma, breath, or urine at any time relevant to a criminal 43677
offense that is submitted in a criminal action or proceeding in 43678
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 43679
of the Revised Code. 43680

Sec. 2319.27. Except as section 147.08 of the Revised Code 43681
governs the fees chargeable by a notary public for services 43682
rendered in connection with depositions, the fees and expenses 43683
chargeable for the taking and certifying of a deposition by a 43684
person who is authorized to do so in this state, including, but 43685
not limited to, a ~~shorthand~~ reporter, stenographer, or person 43686
described in Civil Rule 28, may be established by that person 43687
subject to the qualification specified in this section, and may be 43688

different than the fees and expenses charged for the taking and 43689
certifying of depositions by similar persons in other areas of 43690
this state. Unless, prior to the taking and certifying of a 43691
deposition, the parties who request it agree that the fees or 43692
expenses to be charged may exceed the usual and customary fees or 43693
expenses charged in the particular community for similar services, 43694
such a person shall not charge fees or expenses in connection with 43695
the taking and certifying of the deposition that exceed those 43696
usual and customary fees and expenses. 43697

The person taking and certifying a deposition may retain the 43698
deposition until the fees and expenses that ~~he~~ the person charged 43699
are paid. ~~He~~ The person also shall tax the costs, if any, of a 43700
sheriff or other officer who serves any process in connection with 43701
the taking of a deposition and the fees of the witnesses, and, if 43702
directed by a person entitled to those costs or fees, may retain 43703
the deposition until those costs or fees are paid. 43704

Sec. 2329.26. (A) Lands and tenements taken in execution 43705
shall not be sold until all of the following occur: 43706

(1)(a) Except as otherwise provided in division (A)(1)(b) of 43707
this section, the judgment creditor who seeks the sale of the 43708
lands and tenements or the judgment creditor's attorney does both 43709
of the following: 43710

(i) Causes a written notice of the date, time, and place of 43711
the sale to be served in accordance with divisions (A) and (B) of 43712
Civil Rule 5 upon the judgment debtor and upon each other party to 43713
the action in which the judgment giving rise to the execution was 43714
rendered; 43715

(ii) At least seven calendar days prior to the date of the 43716
sale, files with the clerk of the court that rendered the judgment 43717
giving rise to the execution a copy of the written notice 43718
described in division (A)(1)(a)(i) of this section with proof of 43719

service endorsed on the copy in the form described in division (D) 43720
of Civil Rule 5. 43721

(b) Service of the written notice described in division 43722
(A)(1)(a)(i) of this section is not required to be made upon any 43723
party who is in default for failure to appear in the action in 43724
which the judgment giving rise to the execution was rendered. 43725

(2) The officer taking the lands and tenements gives public 43726
notice of the date, time, and place of the sale once a week for at 43727
least three consecutive weeks before the day of sale by 43728
advertisement in a newspaper ~~published in and~~ of general 43729
circulation in the county. The newspaper shall meet the 43730
requirements of section 7.12 of the Revised Code. The court 43731
ordering the sale may designate in the order of sale the newspaper 43732
in which this public notice shall be published, ~~and this public~~ 43733
~~notice is subject to division (A) of section 2329.27 of the~~ 43734
~~Revised Code.~~ 43735

(3) The officer taking the lands and tenements shall collect 43736
the purchaser's information required by section 2329.271 of the 43737
Revised Code. 43738

(B) A sale of lands and tenements taken in execution may be 43739
set aside in accordance with division (A) or (B) of section 43740
2329.27 of the Revised Code. 43741

Sec. 2335.05. In all cases or proceedings not specified in 43742
sections 2335.06 and 2335.08 of the Revised Code, except as 43743
otherwise provided in section 2335.061 of the Revised Code, each 43744
person subpoenaed as a witness shall be allowed one dollar for 43745
each day's attendance and the mileage allowed in courts of record. 43746
~~When~~ If not subpoenaed each person called upon to testify in a 43747
case or proceeding shall receive twenty-five cents. Such fee shall 43748
be taxed in the bill of costs, and if incurred in a state or 43749
ordinance case, or in a proceeding before a public officer, board, 43750

or commission, the fee shall be paid out of the proper public 43751
treasury, upon the certificate of the court, officer, board, or 43752
commission conducting the proceeding. 43753

Sec. 2335.06. ~~Each~~ (A) Except as otherwise provided in 43754
section 2335.061 of the Revised Code, each witness in civil cases 43755
shall receive the following fees: 43756

~~(A)(1)~~ Twelve dollars for each full day's attendance and six 43757
dollars for each half day's attendance at a court of record, 43758
mayor's court, or before a person authorized to take depositions, 43759
to be taxed in the bill of costs. Each witness shall also receive 43760
reimbursement for each mile necessarily traveled to and from the 43761
witness's place of residence to the place of giving testimony, to 43762
be taxed in the bill of costs. The board of county commissioners 43763
of each county shall set the reimbursement rate for each mile 43764
necessarily traveled by a witness in a civil case in the common 43765
pleas court, any division of the common pleas court, a county 43766
court, or a county-operated municipal court. The rate shall not 43767
exceed fifty and one-half cents for each mile. 43768

~~(B)(2)~~ For attending a coroner's inquest, the same fees and 43769
mileage provided by division ~~(A)(1)~~ of this section, payable from 43770
the county treasury on the certificate of the coroner. 43771

~~(C)(B)~~ As used in this section, "full day's attendance" means 43772
a day on which a witness is required or requested to be present at 43773
proceedings before and after twelve noon regardless of whether the 43774
witness actually testifies; "half day's attendance" means a day on 43775
which a witness is required or requested to be present at 43776
proceedings either before or after twelve noon, but not both, 43777
regardless of whether the witness actually testifies. 43778

Sec. 2335.061. (A) As used in this section: 43779

(1) "Coroner" has the same meaning as in section 313.01 of 43780

the Revised Code, and includes the following: 43781

(a) The coroner of a county other than a county in which the death occurred or the dead human body was found if the coroner of that other county performed services for the county in which the death occurred or the dead human body was found; 43782
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(b) A medical examiner appointed by the governing authority of a county to perform the duties of a coroner set forth in Chapter 313. of the Revised Code. 43786
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(2) "Deposition fee" means the amount derived by multiplying the hourly rate by the number of hours a coroner or deputy coroner spent preparing for and giving expert testimony at a deposition in a civil action pursuant to this section. 43789
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(3) "Deputy coroner" means a pathologist serving as a deputy coroner. 43793
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(4) "Expert testimony" means testimony given by a coroner or deputy coroner as an expert witness pursuant to this section and the Rules of Evidence. 43795
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(5) "Fact testimony" means testimony given by a coroner or deputy coroner regarding the performance of the duties of the coroner as set forth in Chapter 313. of the Revised Code. "Fact testimony" does not include expert testimony. 43798
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(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. 43802
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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. 43806
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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: 43811
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(a) The name of the coroner or deputy coroner whose testimony is sought; 43815
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(b) A brief statement of the issues upon which the party seeks expert testimony from the coroner or deputy coroner; 43817
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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; 43819
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(d) A statement of the obligations of the coroner or deputy coroner under division (C) of this section. 43823
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(2) The notice under division (B)(1) of this section shall be served together with the subpoena. 43825
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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 coroner holds office or is appointed or employed a testimonial fee or deposition fee, whichever is applicable, within thirty days after receiving the statement described in this division. Upon the conclusion of the coroner's or deputy coroner's expert testimony, the coroner or deputy coroner shall file a statement with the court on behalf of the county in which the coroner or deputy coroner holds office or is appointed or employed showing the fee due and how the coroner or deputy coroner calculated the fee. The coroner or deputy coroner shall serve a copy of the statement on each of the parties. 43827
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(D) For good cause shown, the court may permit a coroner or 43841

deputy coroner who has not been served with a subpoena under 43842
division (B) of this section to give expert testimony at a trial, 43843
hearing, or deposition in a civil action. Unless good cause is 43844
shown, the failure of a party to file with the court the notice 43845
described in division (B)(1) of this section prohibits the party 43846
from having a coroner or deputy coroner subpoenaed to give expert 43847
testimony at a trial, hearing, or deposition in a civil action or 43848
from otherwise calling the coroner or a deputy coroner to give 43849
expert testimony at a trial, hearing, or deposition in a civil 43850
action. 43851

(E) In the event of a dispute as to the contents of the 43852
notice filed by a party under division (B) of this section or as 43853
to the nature of the testimony sought from or given by a coroner 43854
or a deputy coroner at a trial, hearing, or deposition in a civil 43855
action, the court shall determine whether the testimony sought 43856
from or given by the coroner or deputy coroner is expert testimony 43857
or fact testimony. In making this determination, the court shall 43858
consider all of the following: 43859

(1) The definitions of "expert testimony" and "fact 43860
testimony" set forth in this section; 43861

(2) All applicable rules of evidence; 43862

(3) Any other information that the court considers relevant. 43863

(F) Nothing in this section shall be construed to alter, 43864
amend, or supersede the requirements of the Rules of Civil 43865
Procedure or the Rules of Evidence. 43866

Sec. 2501.16. (A) Each court of appeals may appoint one or 43867
more official ~~shorthand~~ reporters, law clerks, secretaries, and 43868
any other employees that the court considers necessary for its 43869
efficient operation. 43870

The clerk of the court of common pleas, acting as the clerk 43871

of the court of appeals for the county, shall perform the duties 43872
otherwise performed and collect the fees otherwise collected by 43873
the clerk of the court of common pleas, as set forth in section 43874
2303.03 of the Revised Code, and shall maintain the files and 43875
records of the court. The clerk of the court of common pleas, 43876
acting as the clerk of the court of appeals for the county, may 43877
refuse to accept for filing any pleading or paper submitted for 43878
filing by a person who has been found to be a vexatious litigator 43879
under section 2323.52 of the Revised Code and who has failed to 43880
obtain leave from the court of appeals to proceed under that 43881
section. The overhead expenses pertaining to the office of the 43882
clerk of the court of common pleas that result from the clerk's 43883
acting as clerk of the court of appeals for the county, other than 43884
wages and salaries, shall be paid from the funds provided under 43885
sections 2501.18 and 2501.181 of the Revised Code. 43886

Each officer and employee appointed pursuant to this section 43887
shall take an oath of office, serve at the pleasure of the court, 43888
and perform any duties that the court directs. Each ~~shorthand~~ 43889
reporter shall have the powers that are vested in official 43890
~~shorthand~~ reporters of the court of common pleas under sections 43891
2301.18 to 2301.26 of the Revised Code. Whenever an opinion, per 43892
curiam, or report of a case has been prepared in accordance with 43893
section 2503.20 of the Revised Code, the official ~~shorthand~~ 43894
reporter immediately shall forward one copy of the opinion, per 43895
curiam, or report to the reporter of the supreme court, without 43896
expense to the reporter. 43897

(B) The court of appeals may determine that, for the 43898
efficient operation of the court, additional funds are necessary 43899
to acquire and pay for special projects of the court, including, 43900
but not limited to, the acquisition of additional facilities or 43901
the rehabilitation of existing facilities, the acquisition of 43902
equipment, the hiring and training of staff, the employment of 43903

magistrates, the training and education of judges, acting judges, 43904
and magistrates, community service programs, and other related 43905
services. Upon that determination, the court by rule may charge a 43906
fee, in addition to all other court costs, on the filing of each 43907
case or cause over which the court has jurisdiction. 43908

If the court of appeals offers a special program or service 43909
in cases of a specific type, the court by rule may assess an 43910
additional charge in a case of that type, over and above court 43911
costs, to cover the special program or service. The court shall 43912
adjust the special assessment periodically, but not retroactively, 43913
so that the amount assessed in those cases does not exceed the 43914
actual cost of providing the service or program. 43915

All moneys collected under division (B) of this section shall 43916
be paid to the county treasurer of the county selected as the 43917
principal seat of that court of appeals for deposit into either a 43918
general special projects fund or a fund established for a specific 43919
special project. Moneys from a fund of that nature shall be 43920
disbursed upon an order of the court in an amount no greater than 43921
the actual cost to the court of a project. If a specific fund is 43922
terminated because of the discontinuance of a program or service 43923
established under division (B) of this section, the court may 43924
order that moneys remaining in the fund be transferred to an 43925
account established under this division for a similar purpose. 43926

Sec. 2501.17. Each officer and employee of a court of appeals 43927
appointed under section 2501.16 of the Revised Code shall receive 43928
the compensation that is fixed by the court of appeals and payable 43929
from the state treasury upon the certificate of the presiding or 43930
administrative judge of the district in which the officer or 43931
employee serves. The additional amount of compensation that the 43932
clerk of the court of common pleas receives for acting as the 43933
clerk of the court of appeals in ~~his~~ the clerk's county and 43934

assuming the duties of that office and that is equal to one-eighth 43935
of the annual compensation that ~~he~~ the clerk receives pursuant to 43936
sections 325.08 and 325.18 of the Revised Code for being the clerk 43937
of the court of common pleas is payable from the state treasury 43938
upon the certificate of the presiding or administrative judge of 43939
the district in which the clerk serves. 43940

~~Shorthand reporters~~ Reporters may receive additional 43941
compensation for transcripts of evidence, the fee for the 43942
transcripts to be fixed by the judges of the court of appeals and 43943
paid and collected in the same manner as the fees for transcripts 43944
furnished by official ~~shorthand~~ reporters of the court of common 43945
pleas under section 2301.24 of the Revised Code. ~~Shorthand~~ 43946
~~reporters~~ Reporters appointed for a term of less than one year 43947
shall receive a per diem compensation of not less than thirty 43948
dollars per day. All ~~shorthand~~ reporters shall receive their 43949
actual expenses for traveling when attending court in any county 43950
other than that in which they reside, to be paid as provided by 43951
section ~~2301.24~~ 2301.22 of the Revised Code. 43952

Sec. 2743.09. The clerk of the court of claims shall do all 43953
of the following: 43954

(A) Administer oaths and take and certify affidavits, 43955
depositions, and acknowledgments of powers of attorney and other 43956
instruments in writing; 43957

(B) Prepare the dockets, enter and record the orders, 43958
judgments, decisions, awards, and proceedings of the court of 43959
claims and the court of claims commissioners, and issue writs and 43960
process; 43961

(C) Maintain an office in Franklin county in rooms provided 43962
by the supreme court for that purpose; 43963

(D) Keep an appearance docket of civil actions, claims for an 43964

award of reparations, and appeals from decisions of the court of 43965
claims commissioners. The clerk may refuse to accept for filing 43966
any pleading or paper that relates to a civil action in the court 43967
of claims and that is submitted for filing by a person who has 43968
been found to be a vexatious litigator under section 2323.52 of 43969
the Revised Code and who has failed to obtain leave to proceed 43970
under that section. 43971

Upon the commencement of an action or claim, the clerk shall 43972
assign it a number. This number shall be placed on the first page, 43973
and every continuation page, of the appearance docket that 43974
concerns the particular action or claim. In addition, this number 43975
and the names of the parties shall be placed on the case file, and 43976
every paper filed in the action or claim. 43977

At the time the action is commenced the clerk shall enter in 43978
the appearance docket the names of the parties in full and the 43979
names of counsel and shall index the action alphabetically by the 43980
last name of each party. Thereafter, the clerk shall 43981
chronologically note in the appearance docket all process issued 43982
and returns, pleas, motions, papers filed in the action, orders, 43983
verdicts, and judgments. The notations shall be brief but shall 43984
show the date of filing, substance, and journal volume and page of 43985
each order, verdict, and judgment. An action is commenced for 43986
purposes of this division by the filing of a complaint, including 43987
a form complaint under section 2743.10 of the Revised Code or a 43988
petition for removal. 43989

At the time an appeal for an award of reparations is 43990
commenced, the clerk shall enter the full names of the claimant, 43991
the victim, and the attorneys in the appearance docket and shall 43992
index the claim alphabetically by the last name of the claimant 43993
and the victim. Thereafter, the clerk shall chronologically note 43994
in the appearance docket all process issued and returns, motions, 43995
papers filed in the claim, orders, decisions, and awards. The 43996

notations shall be brief but shall show the date of filing, 43997
substance, and journal volume and page of each order. 43998

(E) Keep all original papers filed in an action or claim in a 43999
separate file folder and a journal in which all orders, verdicts, 44000
and judgments of the court and commissioners shall be recorded; 44001

(F) Charge and collect fees pursuant to section 2303.20 of 44002
the Revised Code, keep a cashbook in which the clerk shall enter 44003
the amounts received, make a report to the clerk of the supreme 44004
court each quarter of the fees received during the preceding 44005
quarter, and pay them monthly into the state treasury; 44006

(G) Appoint stenographers, ~~shorthand~~ reporters, and other 44007
clerical personnel; 44008

(H) Under the direction of the chief justice, establish 44009
procedures for hearing and determining appeals for an award of 44010
reparations pursuant to sections 2743.51 to 2743.72 of the Revised 44011
Code. 44012

Sec. 2744.05. Notwithstanding any other provisions of the 44013
Revised Code or rules of a court to the contrary, in an action 44014
against a political subdivision to recover damages for injury, 44015
death, or loss to person or property caused by an act or omission 44016
in connection with a governmental or proprietary function: 44017

(A) Punitive or exemplary damages shall not be awarded. 44018

(B)(1) If a claimant receives or is entitled to receive 44019
benefits for injuries or loss allegedly incurred from a policy or 44020
policies of insurance or any other source, the benefits shall be 44021
disclosed to the court, and the amount of the benefits shall be 44022
deducted from any award against a political subdivision recovered 44023
by that claimant. No insurer or other person is entitled to bring 44024
an action under a subrogation provision in an insurance or other 44025
contract against a political subdivision with respect to those 44026

benefits. 44027

The amount of the benefits shall be deducted from an award 44028
against a political subdivision under division (B)(1) of this 44029
section regardless of whether the claimant may be under an 44030
obligation to pay back the benefits upon recovery, in whole or in 44031
part, for the claim. A claimant whose benefits have been deducted 44032
from an award under division (B)(1) of this section is not 44033
considered fully compensated and shall not be required to 44034
reimburse a subrogated claim for benefits deducted from an award 44035
pursuant to division (B)(1) of this section. 44036

(2) Nothing in division (B)(1) of this section shall be 44037
construed to do either of the following: 44038

(a) Limit the rights of a beneficiary under a life insurance 44039
policy or the rights of sureties under fidelity or surety bonds; 44040

(b) Prohibit the department of job and family services from 44041
recovering from the political subdivision, pursuant to section 44042
5101.58 of the Revised Code, the cost of medical assistance 44043
benefits provided under ~~sections 5101.5211 to 5101.5216~~ or Chapter 44044
5107.~~7~~ or 5111. of the Revised Code. 44045

(C)(1) There shall not be any limitation on compensatory 44046
damages that represent the actual loss of the person who is 44047
awarded the damages. However, except in wrongful death actions 44048
brought pursuant to Chapter 2125. of the Revised Code, damages 44049
that arise from the same cause of action, transaction or 44050
occurrence, or series of transactions or occurrences and that do 44051
not represent the actual loss of the person who is awarded the 44052
damages shall not exceed two hundred fifty thousand dollars in 44053
favor of any one person. The limitation on damages that do not 44054
represent the actual loss of the person who is awarded the damages 44055
provided in this division does not apply to court costs that are 44056
awarded to a plaintiff, or to interest on a judgment rendered in 44057

favor of a plaintiff, in an action against a political 44058
subdivision. 44059

(2) As used in this division, "the actual loss of the person 44060
who is awarded the damages" includes all of the following: 44061

(a) All wages, salaries, or other compensation lost by the 44062
person injured as a result of the injury, including wages, 44063
salaries, or other compensation lost as of the date of a judgment 44064
and future expected lost earnings of the person injured; 44065

(b) All expenditures of the person injured or another person 44066
on behalf of the person injured for medical care or treatment, for 44067
rehabilitation services, or for other care, treatment, services, 44068
products, or accommodations that were necessary because of the 44069
injury; 44070

(c) All expenditures to be incurred in the future, as 44071
determined by the court, by the person injured or another person 44072
on behalf of the person injured for medical care or treatment, for 44073
rehabilitation services, or for other care, treatment, services, 44074
products, or accommodations that will be necessary because of the 44075
injury; 44076

(d) All expenditures of a person whose property was injured 44077
or destroyed or of another person on behalf of the person whose 44078
property was injured or destroyed in order to repair or replace 44079
the property that was injured or destroyed; 44080

(e) All expenditures of the person injured or of the person 44081
whose property was injured or destroyed or of another person on 44082
behalf of the person injured or of the person whose property was 44083
injured or destroyed in relation to the actual preparation or 44084
presentation of the claim involved; 44085

(f) Any other expenditures of the person injured or of the 44086
person whose property was injured or destroyed or of another 44087
person on behalf of the person injured or of the person whose 44088

property was injured or destroyed that the court determines 44089
represent an actual loss experienced because of the personal or 44090
property injury or property loss. 44091

"The actual loss of the person who is awarded the damages" 44092
does not include any fees paid or owed to an attorney for any 44093
services rendered in relation to a personal or property injury or 44094
property loss, and does not include any damages awarded for pain 44095
and suffering, for the loss of society, consortium, companionship, 44096
care, assistance, attention, protection, advice, guidance, 44097
counsel, instruction, training, or education of the person 44098
injured, for mental anguish, or for any other intangible loss. 44099

Sec. 2901.01. (A) As used in the Revised Code: 44100

(1) "Force" means any violence, compulsion, or constraint 44101
physically exerted by any means upon or against a person or thing. 44102

(2) "Deadly force" means any force that carries a substantial 44103
risk that it will proximately result in the death of any person. 44104

(3) "Physical harm to persons" means any injury, illness, or 44105
other physiological impairment, regardless of its gravity or 44106
duration. 44107

(4) "Physical harm to property" means any tangible or 44108
intangible damage to property that, in any degree, results in loss 44109
to its value or interferes with its use or enjoyment. "Physical 44110
harm to property" does not include wear and tear occasioned by 44111
normal use. 44112

(5) "Serious physical harm to persons" means any of the 44113
following: 44114

(a) Any mental illness or condition of such gravity as would 44115
normally require hospitalization or prolonged psychiatric 44116
treatment; 44117

(b) Any physical harm that carries a substantial risk of 44118

| | |
|--|-------|
| death; | 44119 |
| (c) Any physical harm that involves some permanent | 44120 |
| incapacity, whether partial or total, or that involves some | 44121 |
| temporary, substantial incapacity; | 44122 |
| (d) Any physical harm that involves some permanent | 44123 |
| disfigurement or that involves some temporary, serious | 44124 |
| disfigurement; | 44125 |
| (e) Any physical harm that involves acute pain of such | 44126 |
| duration as to result in substantial suffering or that involves | 44127 |
| any degree of prolonged or intractable pain. | 44128 |
| (6) "Serious physical harm to property" means any physical | 44129 |
| harm to property that does either of the following: | 44130 |
| (a) Results in substantial loss to the value of the property | 44131 |
| or requires a substantial amount of time, effort, or money to | 44132 |
| repair or replace; | 44133 |
| (b) Temporarily prevents the use or enjoyment of the property | 44134 |
| or substantially interferes with its use or enjoyment for an | 44135 |
| extended period of time. | 44136 |
| (7) "Risk" means a significant possibility, as contrasted | 44137 |
| with a remote possibility, that a certain result may occur or that | 44138 |
| certain circumstances may exist. | 44139 |
| (8) "Substantial risk" means a strong possibility, as | 44140 |
| contrasted with a remote or significant possibility, that a | 44141 |
| certain result may occur or that certain circumstances may exist. | 44142 |
| (9) "Offense of violence" means any of the following: | 44143 |
| (a) A violation of section 2903.01, 2903.02, 2903.03, | 44144 |
| 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, | 44145 |
| 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, | 44146 |
| 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, | 44147 |
| 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, | 44148 |

2921.34, or 2923.161, of division (A)(1), (2), or (3) of section 44149
2911.12, or of division (B)(1), (2), (3), or (4) of section 44150
2919.22 of the Revised Code or felonious sexual penetration in 44151
violation of former section 2907.12 of the Revised Code; 44152

(b) A violation of an existing or former municipal ordinance 44153
or law of this or any other state or the United States, 44154
substantially equivalent to any section, division, or offense 44155
listed in division (A)(9)(a) of this section; 44156

(c) An offense, other than a traffic offense, under an 44157
existing or former municipal ordinance or law of this or any other 44158
state or the United States, committed purposely or knowingly, and 44159
involving physical harm to persons or a risk of serious physical 44160
harm to persons; 44161

(d) A conspiracy or attempt to commit, or complicity in 44162
committing, any offense under division (A)(9)(a), (b), or (c) of 44163
this section. 44164

(10)(a) "Property" means any property, real or personal, 44165
tangible or intangible, and any interest or license in that 44166
property. "Property" includes, but is not limited to, cable 44167
television service, other telecommunications service, 44168
telecommunications devices, information service, computers, data, 44169
computer software, financial instruments associated with 44170
computers, other documents associated with computers, or copies of 44171
the documents, whether in machine or human readable form, trade 44172
secrets, trademarks, copyrights, patents, and property protected 44173
by a trademark, copyright, or patent. "Financial instruments 44174
associated with computers" include, but are not limited to, 44175
checks, drafts, warrants, money orders, notes of indebtedness, 44176
certificates of deposit, letters of credit, bills of credit or 44177
debit cards, financial transaction authorization mechanisms, 44178
marketable securities, or any computer system representations of 44179
any of them. 44180

(b) As used in division (A)(10) of this section, "trade
secret" has the same meaning as in section 1333.61 of the Revised
Code, and "telecommunications service" and "information service"
have the same meanings as in section 2913.01 of the Revised Code.

(c) As used in divisions (A)(10) and (13) of this section,
"cable television service," "computer," "computer software,"
"computer system," "computer network," "data," and
"telecommunications device" have the same meanings as in section
2913.01 of the Revised Code.

(11) "Law enforcement officer" means any of the following:

(a) A sheriff, deputy sheriff, constable, police officer of a
township or joint ~~township~~ police district, marshal, deputy
marshal, municipal police officer, member of a police force
employed by a metropolitan housing authority under division (D) of
section 3735.31 of the Revised Code, or state highway patrol
trooper;

(b) An officer, agent, or employee of the state or any of its
agencies, instrumentalities, or political subdivisions, upon whom,
by statute, a duty to conserve the peace or to enforce all or
certain laws is imposed and the authority to arrest violators is
conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of
the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by
county, township, or municipal law enforcement authorities, within
the scope of the member's appointment or commission;

(e) A person lawfully called pursuant to section 311.07 of
the Revised Code to aid a sheriff in keeping the peace, for the
purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section 737.01

of the Revised Code as a special patrolling officer during riot or 44211
emergency, for the purposes and during the time when the person is 44212
appointed; 44213

(g) A member of the organized militia of this state or the 44214
armed forces of the United States, lawfully called to duty to aid 44215
civil authorities in keeping the peace or protect against domestic 44216
violence; 44217

(h) A prosecuting attorney, assistant prosecuting attorney, 44218
secret service officer, or municipal prosecutor; 44219

(i) A veterans' home police officer appointed under section 44220
5907.02 of the Revised Code; 44221

(j) A member of a police force employed by a regional transit 44222
authority under division (Y) of section 306.35 of the Revised 44223
Code; 44224

(k) A special police officer employed by a port authority 44225
under section 4582.04 or 4582.28 of the Revised Code; 44226

(l) The house of representatives sergeant at arms if the 44227
house of representatives sergeant at arms has arrest authority 44228
pursuant to division (E)(1) of section 101.311 of the Revised Code 44229
and an assistant house of representatives sergeant at arms; 44230

(m) A special police officer employed by a municipal 44231
corporation at a municipal airport, or other municipal air 44232
navigation facility, that has scheduled operations, as defined in 44233
section 119.3 of Title 14 of the Code of Federal Regulations, 14 44234
C.F.R. 119.3, as amended, and that is required to be under a 44235
security program and is governed by aviation security rules of the 44236
transportation security administration of the United States 44237
department of transportation as provided in Parts 1542. and 1544. 44238
of Title 49 of the Code of Federal Regulations, as amended. 44239

(12) "Privilege" means an immunity, license, or right 44240

conferred by law, bestowed by express or implied grant, arising 44241
out of status, position, office, or relationship, or growing out 44242
of necessity. 44243

(13) "Contraband" means any property that is illegal for a 44244
person to acquire or possess under a statute, ordinance, or rule, 44245
or that a trier of fact lawfully determines to be illegal to 44246
possess by reason of the property's involvement in an offense. 44247
"Contraband" includes, but is not limited to, all of the 44248
following: 44249

(a) Any controlled substance, as defined in section 3719.01 44250
of the Revised Code, or any device or paraphernalia; 44251

(b) Any unlawful gambling device or paraphernalia; 44252

(c) Any dangerous ordnance or obscene material. 44253

(14) A person is "not guilty by reason of insanity" relative 44254
to a charge of an offense only if the person proves, in the manner 44255
specified in section 2901.05 of the Revised Code, that at the time 44256
of the commission of the offense, the person did not know, as a 44257
result of a severe mental disease or defect, the wrongfulness of 44258
the person's acts. 44259

(B)(1)(a) Subject to division (B)(2) of this section, as used 44260
in any section contained in Title XXIX of the Revised Code that 44261
sets forth a criminal offense, "person" includes all of the 44262
following: 44263

(i) An individual, corporation, business trust, estate, 44264
trust, partnership, and association; 44265

(ii) An unborn human who is viable. 44266

(b) As used in any section contained in Title XXIX of the 44267
Revised Code that does not set forth a criminal offense, "person" 44268
includes an individual, corporation, business trust, estate, 44269
trust, partnership, and association. 44270

(c) As used in division (B)(1)(a) of this section: 44271

(i) "Unborn human" means an individual organism of the 44272
species *Homo sapiens* from fertilization until live birth. 44273

(ii) "Viable" means the stage of development of a human fetus 44274
at which there is a realistic possibility of maintaining and 44275
nourishing of a life outside the womb with or without temporary 44276
artificial life-sustaining support. 44277

(2) Notwithstanding division (B)(1)(a) of this section, in no 44278
case shall the portion of the definition of the term "person" that 44279
is set forth in division (B)(1)(a)(ii) of this section be applied 44280
or construed in any section contained in Title XXIX of the Revised 44281
Code that sets forth a criminal offense in any of the following 44282
manners: 44283

(a) Except as otherwise provided in division (B)(2)(a) of 44284
this section, in a manner so that the offense prohibits or is 44285
construed as prohibiting any pregnant woman or her physician from 44286
performing an abortion with the consent of the pregnant woman, 44287
with the consent of the pregnant woman implied by law in a medical 44288
emergency, or with the approval of one otherwise authorized by law 44289
to consent to medical treatment on behalf of the pregnant woman. 44290
An abortion that violates the conditions described in the 44291
immediately preceding sentence may be punished as a violation of 44292
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 44293
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 44294
of the Revised Code, as applicable. An abortion that does not 44295
violate the conditions described in the second immediately 44296
preceding sentence, but that does violate section 2919.12, 44297
division (B) of section 2919.13, or section 2919.151, 2919.17, or 44298
2919.18 of the Revised Code, may be punished as a violation of 44299
section 2919.12, division (B) of section 2919.13, or section 44300
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 44301
Consent is sufficient under this division if it is of the type 44302

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 44333
which the state board of education prescribes minimum standards 44334
under section 3301.07 of the Revised Code. 44335

(4) "School bus" has the same meaning as in section 4511.01 44336
of the Revised Code. 44337

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 44338
Revised Code: 44339

(A) "Care facility" means any of the following: 44340

(1) Any "home" as defined in section 3721.10 or 5111.20 of 44341
the Revised Code; 44342

(2) Any "residential facility" as defined in section 5123.19 44343
of the Revised Code; 44344

(3) Any institution or facility operated or provided by the 44345
department of mental health or by the department of developmental 44346
disabilities pursuant to sections 5119.02 and 5123.03 of the 44347
Revised Code; 44348

(4) Any "residential facility" as defined in section 5119.22 44349
of the Revised Code; 44350

(5) Any unit of any hospital, as defined in section 3701.01 44351
of the Revised Code, that provides the same services as a nursing 44352
home, as defined in section 3721.01 of the Revised Code; 44353

(6) Any institution, residence, or facility that provides, 44354
for a period of more than twenty-four hours, whether for a 44355
consideration or not, accommodations to one individual or two 44356
unrelated individuals who are dependent upon the services of 44357
others; 44358

(7) Any "adult care facility" as defined in section ~~3722.01~~ 44359
5119.70 of the Revised Code; 44360

(8) Any adult foster home certified ~~by the department of~~ 44361

~~aging or its designee~~ under section ~~173.36~~ 5119.692 of the Revised Code. 44362
44363

(B) "Abuse" means knowingly causing physical harm or 44364
recklessly causing serious physical harm to a person by physical 44365
contact with the person or by the inappropriate use of a physical 44366
or chemical restraint, medication, or isolation on the person. 44367

(C)(1) "Gross neglect" means knowingly failing to provide a 44368
person with any treatment, care, goods, or service that is 44369
necessary to maintain the health or safety of the person when the 44370
failure results in physical harm or serious physical harm to the 44371
person. 44372

(2) "Neglect" means recklessly failing to provide a person 44373
with any treatment, care, goods, or service that is necessary to 44374
maintain the health or safety of the person when the failure 44375
results in serious physical harm to the person. 44376

(D) "Inappropriate use of a physical or chemical restraint, 44377
medication, or isolation" means the use of physical or chemical 44378
restraint, medication, or isolation as punishment, for staff 44379
convenience, excessively, as a substitute for treatment, or in 44380
quantities that preclude habilitation and treatment. 44381

Sec. 2907.15. (A) As used in this section: 44382

(1) "Public retirement system" means the public employees 44383
retirement system, state teachers retirement system, school 44384
employees retirement system, Ohio police and fire pension fund, 44385
state highway patrol retirement system, or a municipal retirement 44386
system of a municipal corporation of this state. 44387

(2) "Government deferred compensation program" means such a 44388
program offered by the Ohio public employees deferred compensation 44389
board; a municipal corporation; ~~or~~ a governmental unit, as defined 44390
in section 148.06 of the Revised Code, or a program styled as a 44391

supplemental employee deferral plan offered by the treasurer of 44392
state. 44393

(3) "Deferred compensation program participant" means a 44394
"participating employee" or "continuing member," as defined in 44395
section 148.01 of the Revised Code, or any other public employee 44396
who has funds in a government deferred compensation program. 44397

(4) "Alternative retirement plan" means an alternative 44398
retirement plan provided pursuant to Chapter 3305. of the Revised 44399
Code. 44400

(5) "Prosecutor" has the same meaning as in section 2935.01 44401
of the Revised Code. 44402

In any case in which a sentencing court orders restitution to 44403
the victim under section 2929.18 or 2929.28 of the Revised Code 44404
for a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 44405
of the Revised Code and in which the offender is a government 44406
deferred compensation program participant, is an electing 44407
employee, as defined in section 3305.01 of the Revised Code, or is 44408
a member of, or receiving a pension, benefit, or allowance, other 44409
than a survivorship benefit, from, a public retirement system and 44410
committed the offense against a child, student, patient, or other 44411
person with whom the offender had contact in the context of the 44412
offender's public employment, at the request of the victim the 44413
prosecutor shall file a motion with the sentencing court 44414
specifying the government deferred compensation program, 44415
alternative retirement plan, or public retirement system and 44416
requesting that the court issue an order requiring the government 44417
deferred compensation program, alternative retirement plan, or 44418
public retirement system to withhold the amount required as 44419
restitution from one or more of the following: any payment to be 44420
made from a government deferred compensation program, any payment 44421
or benefit under an alternative retirement plan, or under a 44422
pension, annuity, allowance, or any other benefit, other than a 44423

survivorship benefit, that has been or is in the future granted to 44424
the offender; from any payment of accumulated employee 44425
contributions standing to the offender's credit with the 44426
government deferred compensation program, alternative retirement 44427
plan, or public retirement system; or from any payment of any 44428
other amounts to be paid to the offender pursuant to section 44429
113.42 or Chapter 145., 148., 742., 3307., 3309., or 5505. of the 44430
Revised Code on withdrawal of contributions. The motion may be 44431
filed at any time subsequent to the conviction of the offender or 44432
entry of a guilty plea. On the filing of the motion, the clerk of 44433
the court in which the motion is filed shall notify the offender 44434
and the government deferred compensation program, alternative 44435
retirement plan, or public retirement system, in writing, of all 44436
of the following: that the motion was filed; that the offender 44437
will be granted a hearing on the issuance of the requested order 44438
if the offender files a written request for a hearing with the 44439
clerk prior to the expiration of thirty days after the offender 44440
receives the notice; that, if a hearing is requested, the court 44441
will schedule a hearing as soon as possible and notify the 44442
offender and the government deferred compensation program, 44443
alternative retirement plan, or public retirement system of the 44444
date, time, and place of the hearing; that, if a hearing is 44445
conducted, it will be limited to a consideration of whether the 44446
offender can show good cause why the order should not be issued; 44447
that, if a hearing is conducted, the court will not issue the 44448
order if the court determines, based on evidence presented at the 44449
hearing by the offender, that there is good cause for the order 44450
not to be issued; that the court will issue the order if a hearing 44451
is not requested or if a hearing is conducted but the court does 44452
not determine, based on evidence presented at the hearing by the 44453
offender, that there is good cause for the order not to be issued; 44454
and that, if the order is issued, the government deferred 44455
compensation program, alternative retirement plan, or public 44456

retirement system specified in the motion will be required to 44457
withhold the amount required as restitution from payments to the 44458
offender. 44459

(B) In any case in which a motion requesting the issuance of 44460
a withholding order as described in division (A) of this section 44461
is filed, the offender may receive a hearing on the motion by 44462
delivering a written request for a hearing to the court prior to 44463
the expiration of thirty days after the offender's receipt of the 44464
notice provided pursuant to division (A) of this section. If the 44465
offender requests a hearing within the prescribed time, the court 44466
shall schedule a hearing as soon as possible after the request is 44467
made and notify the offender and the government deferred 44468
compensation program, alternative retirement plan, or public 44469
retirement system of the date, time, and place of the hearing. A 44470
hearing scheduled under this division shall be limited to a 44471
consideration of whether there is good cause, based on evidence 44472
presented by the offender, for the requested order not to be 44473
issued. If the court determines, based on evidence presented by 44474
the offender, that there is good cause for the order not to be 44475
issued, the court shall deny the motion and shall not issue the 44476
order. Good cause for not issuing the order includes a 44477
determination by the court that the order would severely impact 44478
the offender's ability to support the offender's dependents. 44479

If the offender does not request a hearing within the 44480
prescribed time or the court conducts a hearing but does not 44481
determine, based on evidence presented by the offender, that there 44482
is good cause for the order not to be issued, the court shall 44483
order the government deferred compensation program, alternative 44484
retirement plan, or public retirement system to withhold the 44485
amount required as restitution from one or more of the following: 44486
any payments to be made from a government deferred compensation 44487
program, any payment or benefit under an alternative retirement 44488

plan, or under a pension, annuity, allowance, or under any other 44489
benefit, other than a survivorship benefit, that has been or is in 44490
the future granted to the offender; from any payment of 44491
accumulated employee contributions standing to the offender's 44492
credit with the government deferred compensation program, 44493
alternative retirement plan, or public retirement system; or from 44494
any payment of any other amounts to be paid to the offender upon 44495
withdrawal of contributions pursuant to Chapter 145., 148., 742., 44496
3307., 3309., or 5505. of the Revised Code and to continue the 44497
withholding for that purpose, in accordance with the order, out of 44498
each payment to be made on or after the date of issuance of the 44499
order, until further order of the court. On receipt of an order 44500
issued under this division, the government deferred compensation 44501
program, alternative retirement plan, or public retirement system 44502
shall withhold the amount required as restitution, in accordance 44503
with the order, from any such payments and immediately forward the 44504
amount withheld to the clerk of the court in which the order was 44505
issued for payment to the person to whom restitution is to be 44506
made. The order shall not apply to any portion of payments made 44507
from a government deferred compensation program, alternative 44508
retirement plan, or public retirement system to a person other 44509
than the offender pursuant to a previously issued domestic court 44510
order. 44511

(C) Service of a notice required by division (A) or (B) of 44512
this section shall be effected in the same manner as provided in 44513
the Rules of Civil Procedure for the service of process. 44514

(D) Upon the filing of charges under section 2907.02, 44515
2907.03, 2907.04, or 2907.05 of the Revised Code against a person 44516
who is a deferred compensation program participant, an electing 44517
employee participating in an alternative retirement plan, or a 44518
member of, or receiving a pension benefit, or allowance, other 44519
than a survivorship benefit, from a public retirement system for 44520

an offense against a child, student, patient, or other person with whom the offender had contact in the context of the offender's public employment, the prosecutor shall send written notice that charges have been filed against that person to the appropriate government deferred compensation program, alternative retirement plan, or public retirement system. The notice shall specifically identify the person charged.

Sec. 2915.01. As used in this chapter:

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

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

(C) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.

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

(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

(F) "Gambling device" means any of the following:

(1) A book, totalizer, or other equipment for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance; 44550
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(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes; 44553
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(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter. 44555
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(G) "Gambling offense" means any of the following: 44557

(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code; 44558
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(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996; 44561
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(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element; 44566
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(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section. 44569
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(H) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational, veteran's, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has received from the internal revenue service a determination letter that currently is 44572
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in effect stating that the organization is, exempt from federal 44580
income taxation under subsection 501(a) and described in 44581
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 44582
501(c)(19) of the Internal Revenue Code, or if the organization is 44583
a sporting organization that is exempt from federal income 44584
taxation under subsection 501(a) and is described in subsection 44585
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 44586
organization, an organization, except a volunteer rescue service 44587
or volunteer firefighter's organization, shall have been in 44588
continuous existence as such in this state for a period of two 44589
years immediately preceding either the making of an application 44590
for a bingo license under section 2915.08 of the Revised Code or 44591
the conducting of any game of chance as provided in division (D) 44592
of section 2915.02 of the Revised Code. A charitable organization 44593
that is exempt from federal income taxation under subsection 44594
501(a) and described in subsection 501(c)(3) of the Internal 44595
Revenue Code and that is created by a veteran's organization, a 44596
fraternal organization, or a sporting organization does not have 44597
to have been in continuous existence as such in this state for a 44598
period of two years immediately preceding either the making of an 44599
application for a bingo license under section 2915.08 of the 44600
Revised Code or the conducting of any game of chance as provided 44601
in division (D) of section 2915.02 of the Revised Code. 44602

(I) "Religious organization" means any church, body of 44603
communicants, or group that is not organized or operated for 44604
profit and that gathers in common membership for regular worship 44605
and religious observances. 44606

(J) "Educational organization" means any organization within 44607
this state that is not organized for profit, the primary purpose 44608
of which is to educate and develop the capabilities of individuals 44609
through instruction by means of operating or contributing to the 44610
support of a school, academy, college, or university. 44611

(K) "Veteran's organization" means any individual post or 44612
state headquarters of a national veteran's association or an 44613
auxiliary unit of any individual post of a national veteran's 44614
association, which post, state headquarters, or auxiliary unit is 44615
incorporated as a nonprofit corporation and either has received a 44616
letter from the state headquarters of the national veteran's 44617
association indicating that the individual post or auxiliary unit 44618
is in good standing with the national veteran's association or has 44619
received a letter from the national veteran's association 44620
indicating that the state headquarters is in good standing with 44621
the national veteran's association. As used in this division, 44622
"national veteran's association" means any veteran's association 44623
that has been in continuous existence as such for a period of at 44624
least five years and either is incorporated by an act of the 44625
United States congress or has a national dues-paying membership of 44626
at least five thousand persons. 44627

(L) "Volunteer firefighter's organization" means any 44628
organization of volunteer firefighters, as defined in section 44629
146.01 of the Revised Code, that is organized and operated 44630
exclusively to provide financial support for a volunteer fire 44631
department or a volunteer fire company and that is recognized or 44632
ratified by a county, municipal corporation, or township. 44633

(M) "Fraternal organization" means any society, order, state 44634
headquarters, or association within this state, except a college 44635
or high school fraternity, that is not organized for profit, that 44636
is a branch, lodge, or chapter of a national or state 44637
organization, that exists exclusively for the common business or 44638
sodality of its members. 44639

(N) "Volunteer rescue service organization" means any 44640
organization of volunteers organized to function as an emergency 44641
medical service organization, as defined in section 4765.01 of the 44642
Revised Code. 44643

(O) "Service organization" means either of the following: 44644

(1) Any organization, not organized for profit, that is 44645
organized and operated exclusively to provide, or to contribute to 44646
the support of organizations or institutions organized and 44647
operated exclusively to provide, medical and therapeutic services 44648
for persons who are crippled, born with birth defects, or have any 44649
other mental or physical defect or those organized and operated 44650
exclusively to protect, or to contribute to the support of 44651
organizations or institutions organized and operated exclusively 44652
to protect, animals from inhumane treatment or provide immediate 44653
shelter to victims of domestic violence; 44654

(2) Any organization that is described in subsection 44655
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 44656
and is either a governmental unit or an organization that is tax 44657
exempt under subsection 501(a) and described in subsection 44658
501(c)(3) of the Internal Revenue Code and that is an 44659
organization, not organized for profit, that is organized and 44660
operated primarily to provide, or to contribute to the support of 44661
organizations or institutions organized and operated primarily to 44662
provide, medical and therapeutic services for persons who are 44663
crippled, born with birth defects, or have any other mental or 44664
physical defect. 44665

(P) "Nonprofit medical organization" means either of the 44666
following: 44667

(1) Any organization that has been incorporated as a 44668
nonprofit corporation for at least five years and that has 44669
continuously operated and will be operated exclusively to provide, 44670
or to contribute to the support of organizations or institutions 44671
organized and operated exclusively to provide, hospital, medical, 44672
research, or therapeutic services for the public; 44673

(2) Any organization that is described and qualified under 44674

subsection 501(c)(3) of the Internal Revenue Code, that has been 44675
incorporated as a nonprofit corporation for at least five years, 44676
and that has continuously operated and will be operated primarily 44677
to provide, or to contribute to the support of organizations or 44678
institutions organized and operated primarily to provide, 44679
hospital, medical, research, or therapeutic services for the 44680
public. 44681

(Q) "Senior citizen's organization" means any private 44682
organization, not organized for profit, that is organized and 44683
operated exclusively to provide recreational or social services 44684
for persons who are fifty-five years of age or older and that is 44685
described and qualified under subsection 501(c)(3) of the Internal 44686
Revenue Code. 44687

(R) "Charitable bingo game" means any bingo game described in 44688
division (S)(1) or (2) of this section that is conducted by a 44689
charitable organization that has obtained a license pursuant to 44690
section 2915.08 of the Revised Code and the proceeds of which are 44691
used for a charitable purpose. 44692

(S) "Bingo" means either of the following: 44693

(1) A game with all of the following characteristics: 44694

(a) The participants use bingo cards or sheets, including 44695
paper formats and electronic representation or image formats, that 44696
are divided into twenty-five spaces arranged in five horizontal 44697
and five vertical rows of spaces, with each space, except the 44698
central space, being designated by a combination of a letter and a 44699
number and with the central space being designated as a free 44700
space. 44701

(b) The participants cover the spaces on the bingo cards or 44702
sheets that correspond to combinations of letters and numbers that 44703
are announced by a bingo game operator. 44704

(c) A bingo game operator announces combinations of letters 44705

and numbers that appear on objects that a bingo game operator 44706
selects by chance, either manually or mechanically, from a 44707
receptacle that contains seventy-five objects at the beginning of 44708
each game, each object marked by a different combination of a 44709
letter and a number that corresponds to one of the seventy-five 44710
possible combinations of a letter and a number that can appear on 44711
the bingo cards or sheets. 44712

(d) The winner of the bingo game includes any participant who 44713
properly announces during the interval between the announcements 44714
of letters and numbers as described in division (S)(1)(c) of this 44715
section, that a predetermined and preannounced pattern of spaces 44716
has been covered on a bingo card or sheet being used by the 44717
participant. 44718

(2) Instant bingo, punch boards, and raffles. 44719

(T) "Conduct" means to back, promote, organize, manage, carry 44720
on, sponsor, or prepare for the operation of bingo or a game of 44721
chance. 44722

(U) "Bingo game operator" means any person, except security 44723
personnel, who performs work or labor at the site of bingo, 44724
including, but not limited to, collecting money from participants, 44725
handing out bingo cards or sheets or objects to cover spaces on 44726
bingo cards or sheets, selecting from a receptacle the objects 44727
that contain the combination of letters and numbers that appear on 44728
bingo cards or sheets, calling out the combinations of letters and 44729
numbers, distributing prizes, selling or redeeming instant bingo 44730
tickets or cards, supervising the operation of a punch board, 44731
selling raffle tickets, selecting raffle tickets from a receptacle 44732
and announcing the winning numbers in a raffle, and preparing, 44733
selling, and serving food or beverages. 44734

(V) "Participant" means any person who plays bingo. 44735

(W) "Bingo session" means a period that includes both of the 44736

following: 44737

(1) Not to exceed five continuous hours for the conduct of 44738
one or more games described in division (S)(1) of this section, 44739
instant bingo, and seal cards; 44740

(2) A period for the conduct of instant bingo and seal cards 44741
for not more than two hours before and not more than two hours 44742
after the period described in division (W)(1) of this section. 44743

(X) "Gross receipts" means all money or assets, including 44744
admission fees, that a person receives from bingo without the 44745
deduction of any amounts for prizes paid out or for the expenses 44746
of conducting bingo. "Gross receipts" does not include any money 44747
directly taken in from the sale of food or beverages by a 44748
charitable organization conducting bingo, or by a bona fide 44749
auxiliary unit or society of a charitable organization conducting 44750
bingo, provided all of the following apply: 44751

(1) The auxiliary unit or society has been in existence as a 44752
bona fide auxiliary unit or society of the charitable organization 44753
for at least two years prior to conducting bingo. 44754

(2) The person who purchases the food or beverage receives 44755
nothing of value except the food or beverage and items customarily 44756
received with the purchase of that food or beverage. 44757

(3) The food and beverages are sold at customary and 44758
reasonable prices. 44759

(Y) "Security personnel" includes any person who either is a 44760
sheriff, deputy sheriff, marshal, deputy marshal, township 44761
constable, or member of an organized police department of a 44762
municipal corporation or has successfully completed a peace 44763
officer's training course pursuant to sections 109.71 to 109.79 of 44764
the Revised Code and who is hired to provide security for the 44765
premises on which bingo is conducted. 44766

(Z) "Charitable purpose" means that the net profit of bingo, 44767
other than instant bingo, is used by, or is given, donated, or 44768
otherwise transferred to, any of the following: 44769

(1) Any organization that is described in subsection 44770
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 44771
and is either a governmental unit or an organization that is tax 44772
exempt under subsection 501(a) and described in subsection 44773
501(c)(3) of the Internal Revenue Code; 44774

(2) A veteran's organization that is a post, chapter, or 44775
organization of veterans, or an auxiliary unit or society of, or a 44776
trust or foundation for, any such post, chapter, or organization 44777
organized in the United States or any of its possessions, at least 44778
seventy-five per cent of the members of which are veterans and 44779
substantially all of the other members of which are individuals 44780
who are spouses, widows, or widowers of veterans, or such 44781
individuals, provided that no part of the net earnings of such 44782
post, chapter, or organization inures to the benefit of any 44783
private shareholder or individual, and further provided that the 44784
net profit is used by the post, chapter, or organization for the 44785
charitable purposes set forth in division (B)(12) of section 44786
5739.02 of the Revised Code, is used for awarding scholarships to 44787
or for attendance at an institution mentioned in division (B)(12) 44788
of section 5739.02 of the Revised Code, is donated to a 44789
governmental agency, or is used for nonprofit youth activities, 44790
the purchase of United States or Ohio flags that are donated to 44791
schools, youth groups, or other bona fide nonprofit organizations, 44792
promotion of patriotism, or disaster relief; 44793

(3) A fraternal organization that has been in continuous 44794
existence in this state for fifteen years and that uses the net 44795
profit exclusively for religious, charitable, scientific, 44796
literary, or educational purposes, or for the prevention of 44797
cruelty to children or animals, if contributions for such use 44798

would qualify as a deductible charitable contribution under 44799
subsection 170 of the Internal Revenue Code; 44800

(4) A volunteer firefighter's organization that uses the net 44801
profit for the purposes set forth in division (L) of this section. 44802

(AA) "Internal Revenue Code" means the "Internal Revenue Code 44803
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 44804
amended. 44805

(BB) "Youth athletic organization" means any organization, 44806
not organized for profit, that is organized and operated 44807
exclusively to provide financial support to, or to operate, 44808
athletic activities for persons who are twenty-one years of age or 44809
younger by means of sponsoring, organizing, operating, or 44810
contributing to the support of an athletic team, club, league, or 44811
association. 44812

(CC) "Youth athletic park organization" means any 44813
organization, not organized for profit, that satisfies both of the 44814
following: 44815

(1) It owns, operates, and maintains playing fields that 44816
satisfy both of the following: 44817

(a) The playing fields are used at least one hundred days per 44818
year for athletic activities by one or more organizations, not 44819
organized for profit, each of which is organized and operated 44820
exclusively to provide financial support to, or to operate, 44821
athletic activities for persons who are eighteen years of age or 44822
younger by means of sponsoring, organizing, operating, or 44823
contributing to the support of an athletic team, club, league, or 44824
association. 44825

(b) The playing fields are not used for any profit-making 44826
activity at any time during the year. 44827

(2) It uses the proceeds of bingo it conducts exclusively for 44828

the operation, maintenance, and improvement of its playing fields 44829
of the type described in division (CC)(1) of this section. 44830

(DD) "Amateur athletic organization" means any organization, 44831
not organized for profit, that is organized and operated 44832
exclusively to provide financial support to, or to operate, 44833
athletic activities for persons who are training for amateur 44834
athletic competition that is sanctioned by a national governing 44835
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 44836
3045, 36 U.S.C.A. 373. 44837

(EE) "Bingo supplies" means bingo cards or sheets; instant 44838
bingo tickets or cards; electronic bingo aids; raffle tickets; 44839
punch boards; seal cards; instant bingo ticket dispensers; and 44840
devices for selecting or displaying the combination of bingo 44841
letters and numbers or raffle tickets. Items that are "bingo 44842
supplies" are not gambling devices if sold or otherwise provided, 44843
and used, in accordance with this chapter. For purposes of this 44844
chapter, "bingo supplies" are not to be considered equipment used 44845
to conduct a bingo game. 44846

(FF) "Instant bingo" means a form of bingo that uses folded 44847
or banded tickets or paper cards with perforated break-open tabs, 44848
a face of which is covered or otherwise hidden from view to 44849
conceal a number, letter, or symbol, or set of numbers, letters, 44850
or symbols, some of which have been designated in advance as prize 44851
winners. "Instant bingo" includes seal cards. "Instant bingo" does 44852
not include any device that is activated by the insertion of a 44853
coin, currency, token, or an equivalent, and that contains as one 44854
of its components a video display monitor that is capable of 44855
displaying numbers, letters, symbols, or characters in winning or 44856
losing combinations. 44857

(GG) "Seal card" means a form of instant bingo that uses 44858
instant bingo tickets in conjunction with a board or placard that 44859
contains one or more seals that, when removed or opened, reveal 44860

predesignated winning numbers, letters, or symbols. 44861

(HH) "Raffle" means a form of bingo in which the one or more 44862
prizes are won by one or more persons who have purchased a raffle 44863
ticket. The one or more winners of the raffle are determined by 44864
drawing a ticket stub or other detachable section from a 44865
receptacle containing ticket stubs or detachable sections 44866
corresponding to all tickets sold for the raffle. "Raffle" does 44867
not include the drawing of a ticket stub or other detachable 44868
section of a ticket purchased to attend a professional sporting 44869
event if both of the following apply: 44870

(1) The ticket stub or other detachable section is used to 44871
select the winner of a free prize given away at the professional 44872
sporting event; and 44873

(2) The cost of the ticket is the same as the cost of a 44874
ticket to the professional sporting event on days when no free 44875
prize is given away. 44876

(II) "Punch board" means a board containing a number of holes 44877
or receptacles of uniform size in which are placed, mechanically 44878
and randomly, serially numbered slips of paper that may be punched 44879
or drawn from the hole or receptacle when used in conjunction with 44880
instant bingo. A player may punch or draw the numbered slips of 44881
paper from the holes or receptacles and obtain the prize 44882
established for the game if the number drawn corresponds to a 44883
winning number or, if the punch board includes the use of a seal 44884
card, a potential winning number. 44885

(JJ) "Gross profit" means gross receipts minus the amount 44886
actually expended for the payment of prize awards. 44887

(KK) "Net profit" means gross profit minus expenses. 44888

(LL) "Expenses" means the reasonable amount of gross profit 44889
actually expended for all of the following: 44890

| | |
|---|----------------------------------|
| (1) The purchase or lease of bingo supplies; | 44891 |
| (2) The annual license fee required under section 2915.08 of the Revised Code; | 44892 44893 |
| (3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code; | 44894 44895 |
| (4) Audits and accounting services; | 44896 |
| (5) Safes; | 44897 |
| (6) Cash registers; | 44898 |
| (7) Hiring security personnel; | 44899 |
| (8) Advertising bingo; | 44900 |
| (9) Renting premises in which to conduct a bingo session; | 44901 |
| (10) Tables and chairs; | 44902 |
| (11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen; | 44903 44904 44905 44906 |
| (12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted; | 44907 44908 |
| (13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code. | 44909 44910 44911 44912 |
| (MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized. | 44913 44914 44915 |
| (NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction. | 44916 44917 44918 44919 |

(OO) "Suspend" means to interrupt temporarily all rights and 44920
privileges of the holder of a license issued under section 44921
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 44922
gaming license issued by another jurisdiction. 44923

(PP) "Distributor" means any person who purchases or obtains 44924
bingo supplies and who does either of the following: 44925

(1) Sells, offers for sale, or otherwise provides or offers 44926
to provide the bingo supplies to another person for use in this 44927
state; 44928

(2) Modifies, converts, adds to, or removes parts from the 44929
bingo supplies to further their promotion or sale for use in this 44930
state. 44931

(QQ) "Manufacturer" means any person who assembles completed 44932
bingo supplies from raw materials, other items, or subparts or who 44933
modifies, converts, adds to, or removes parts from bingo supplies 44934
to further their promotion or sale. 44935

(RR) "Gross annual revenues" means the annual gross receipts 44936
derived from the conduct of bingo described in division (S)(1) of 44937
this section plus the annual net profit derived from the conduct 44938
of bingo described in division (S)(2) of this section. 44939

(SS) "Instant bingo ticket dispenser" means a mechanical 44940
device that dispenses an instant bingo ticket or card as the sole 44941
item of value dispensed and that has the following 44942
characteristics: 44943

(1) It is activated upon the insertion of United States 44944
currency. 44945

(2) It performs no gaming functions. 44946

(3) It does not contain a video display monitor or generate 44947
noise. 44948

(4) It is not capable of displaying any numbers, letters, 44949

symbols, or characters in winning or losing combinations. 44950

(5) It does not simulate or display rolling or spinning 44951
reels. 44952

(6) It is incapable of determining whether a dispensed bingo 44953
ticket or card is a winning or nonwinning ticket or card and 44954
requires a winning ticket or card to be paid by a bingo game 44955
operator. 44956

(7) It may provide accounting and security features to aid in 44957
accounting for the instant bingo tickets or cards it dispenses. 44958

(8) It is not part of an electronic network and is not 44959
interactive. 44960

(TT)(1) "Electronic bingo aid" means an electronic device 44961
used by a participant to monitor bingo cards or sheets purchased 44962
at the time and place of a bingo session and that does all of the 44963
following: 44964

(a) It provides a means for a participant to input numbers 44965
and letters announced by a bingo caller. 44966

(b) It compares the numbers and letters entered by the 44967
participant to the bingo faces previously stored in the memory of 44968
the device. 44969

(c) It identifies a winning bingo pattern. 44970

(2) "Electronic bingo aid" does not include any device into 44971
which a coin, currency, token, or an equivalent is inserted to 44972
activate play. 44973

(UU) "Deal of instant bingo tickets" means a single game of 44974
instant bingo tickets all with the same serial number. 44975

(VV)(1) "Slot machine" means either of the following: 44976

(a) Any mechanical, electronic, video, or digital device that 44977
is capable of accepting anything of value, directly or indirectly, 44978

from or on behalf of a player who gives the thing of value in the hope of gain;

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

(2) "Slot machine" does not include a skill-based amusement machine or an instant bingo ticket dispenser.

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

(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

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

(1) The name of the game;

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

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| (3) The form number; | 45009 |
| (4) The ticket count; | 45010 |
| (5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets; | 45011 45012 45013 45014 |
| (6) The cost per play; | 45015 |
| (7) The serial number of the game. | 45016 |
| (ZZ) "Historic railroad educational organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that owns in fee simple the tracks and the right_of_way of a historic railroad that the organization restores or maintains and on which the organization provides excursions as part of a program to promote tourism and educate visitors regarding the role of railroad transportation in Ohio history, and that received as donations from a charitable organization that holds a license to conduct bingo under this chapter an amount equal to at least fifty per cent of that licensed charitable organization's net proceeds from the conduct of bingo during each of the five years preceding June 30, 2003. "Historic railroad" means all or a portion of the tracks and right-of-way of a railroad that was owned and operated by a for-profit common carrier in this state at any time prior to January 1, 1950. | 45017 45018 45019 45020 45021 45022 45023 45024 45025 45026 45027 45028 45029 45030 45031 45032 |
| (AAA)(1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply: | 45033 45034 45035 45036 45037 45038 |
| (a) The wholesale value of a merchandise prize awarded as a | 45039 |

result of the single play of a machine does not exceed ten 45040
dollars; 45041

(b) Redeemable vouchers awarded for any single play of a 45042
machine are not redeemable for a merchandise prize with a 45043
wholesale value of more than ten dollars; 45044

(c) Redeemable vouchers are not redeemable for a merchandise 45045
prize that has a wholesale value of more than ten dollars times 45046
the fewest number of single plays necessary to accrue the 45047
redeemable vouchers required to obtain that prize; and 45048

(d) Any redeemable vouchers or merchandise prizes are 45049
distributed at the site of the skill-based amusement machine at 45050
the time of play. 45051

A card for the purchase of gasoline is a redeemable voucher 45052
for purposes of division (AAA)(1) of this section even if the 45053
skill-based amusement machine for the play of which the card is 45054
awarded is located at a place where gasoline may not be legally 45055
distributed to the public or the card is not redeemable at the 45056
location of, or at the time of playing, the skill-based amusement 45057
machine. 45058

(2) A device shall not be considered a skill-based amusement 45059
machine and shall be considered a slot machine if it pays cash or 45060
one or more of the following apply: 45061

(a) The ability of a player to succeed at the game is 45062
impacted by the number or ratio of prior wins to prior losses of 45063
players playing the game. 45064

(b) Any reward of redeemable vouchers is not based solely on 45065
the player achieving the object of the game or the player's score; 45066

(c) The outcome of the game, or the value of the redeemable 45067
voucher or merchandise prize awarded for winning the game, can be 45068
controlled by a source other than any player playing the game. 45069

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (AAA)(1) of this section:

(a) As used in this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (AAA)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the

outcome of the play of the game does not make the device a 45101
skill-based amusement machine. 45102

(BBB) "Merchandise prize" means any item of value, but shall 45103
not include any of the following: 45104

(1) Cash, gift cards, or any equivalent thereof; 45105

(2) Plays on games of chance, state lottery tickets, bingo, 45106
or instant bingo; 45107

(3) Firearms, tobacco, or alcoholic beverages; or 45108

(4) A redeemable voucher that is redeemable for any of the 45109
items listed in division (BBB)(1), (2), or (3) of this section. 45110

(CCC) "Redeemable voucher" means any ticket, token, coupon, 45111
receipt, or other noncash representation of value. 45112

(DDD) "Pool not conducted for profit" means a scheme in which 45113
a participant gives a valuable consideration for a chance to win a 45114
prize and the total amount of consideration wagered is distributed 45115
to a participant or participants. 45116

(EEE) "Sporting organization" means a hunting, fishing, or 45117
trapping organization, other than a college or high school 45118
fraternity or sorority, that is not organized for profit, that is 45119
affiliated with a state or national sporting organization, 45120
including but not limited to, the Ohio league of sportsmen, and 45121
that has been in continuous existence in this state for a period 45122
of three years. 45123

(FFF) "Community action agency" has the same meaning as in 45124
section 122.66 of the Revised Code. 45125

Sec. 2917.40. (A) As used in this section: 45126

(1) "Live entertainment performance" means any live speech; 45127
any live musical performance, including a concert; any live 45128
dramatic performance; any live variety show; and any other live 45129

performance with respect to which the primary intent of the audience can be construed to be viewing the performers. A "live entertainment performance" does not include any form of entertainment with respect to which the person purchasing a ticket routinely participates in amusements as well as views performers.

(2) "Restricted entertainment area" means any wholly or partially enclosed area, whether indoors or outdoors, that has limited access through established entrances, or established ~~turnstyles~~ turnstiles or similar devices.

(3) "Concert" means a musical performance of which the primary component is a presentation by persons singing or playing musical instruments, that is intended by its sponsors mainly, but not necessarily exclusively, for the listening enjoyment of the audience, and that is held in a facility. A "concert" does not include any performance in which music is a part of the presentation and the primary component of which is acting, dancing, a motion picture, a demonstration of skills or talent other than singing or playing an instrument, an athletic event, an exhibition, or a speech.

(4) "Facility" means any structure that has a roof or partial roof and that has walls that wholly surround the area on all sides, including, but not limited to, a stadium, hall, arena, armory, auditorium, ballroom, exhibition hall, convention center, or music hall.

(5) "Person" includes, in addition to an individual or entity specified in division (C) of section 1.59 of the Revised Code, any governmental entity.

(B)(1) No person shall sell, offer to sell, or offer in return for a donation any ticket that is not numbered and that does not correspond to a specific seat for admission to either of the following:

(a) A live entertainment performance that is not exempted 45161
under division (D) of this section, that is held in a restricted 45162
entertainment area, and for which more than eight thousand tickets 45163
are offered to the public; 45164

(b) A concert that is not exempted under division (D) of this 45165
section and for which more than three thousand tickets are offered 45166
to the public. 45167

(2) No person shall advertise any live entertainment 45168
performance as described in division (B)(1)(a) of this section or 45169
any concert as described in division (B)(1)(b) of this section, 45170
unless the advertisement contains the words "Reserved Seats Only." 45171

(C) Unless exempted by division (D)(1) of this section, no 45172
person who owns or operates any restricted entertainment area 45173
shall fail to open, maintain, and properly staff at least the 45174
number of entrances designated under division (E) of this section 45175
for a minimum of ninety minutes prior to the scheduled start of 45176
any live entertainment performance that is held in the restricted 45177
entertainment area and for which more than three thousand tickets 45178
are sold, offered for sale, or offered in return for a donation. 45179

(D)(1) A live entertainment performance, other than a 45180
concert, is exempted from the provisions of divisions (B) and (C) 45181
of this section if both of the following apply: 45182

(a) The restricted entertainment area in which the 45183
performance is held has at least eight entrances or, if both 45184
entrances and separate admission ~~turnstiles~~ turnstiles or similar 45185
devices are used, has at least eight ~~turnstiles~~ turnstiles or 45186
similar devices; 45187

(b) The eight entrances or, if applicable, the eight 45188
~~turnstiles~~ turnstiles or similar devices are opened, maintained, 45189
and properly staffed at least one hour prior to the scheduled 45190
start of the performance. 45191

(2)(a) The chief of the police department of a township 45192
police district or joint police district in the case of a facility 45193
located within the district, the officer responsible for public 45194
safety within a municipal corporation in the case of a facility 45195
located within the municipal corporation, or the county sheriff in 45196
the case of a facility located outside the boundaries of a 45197
township or joint police district or municipal corporation may, 45198
upon application of the sponsor of a concert covered by division 45199
(B) of this section, exempt the concert from the provisions of 45200
that division if the official finds that the health, safety, and 45201
welfare of the participants and spectators would not be 45202
substantially affected by failure to comply with the provisions of 45203
that division. 45204

In determining whether to grant an exemption, the official 45205
shall consider the following factors: 45206

(i) The size and design of the facility in which the concert 45207
is scheduled; 45208

(ii) The size, age, and anticipated conduct of the crowd 45209
expected to attend the concert; 45210

(iii) The ability of the sponsor to manage and control the 45211
expected crowd. 45212

If the sponsor of any concert desires to obtain an exemption 45213
under this division, the sponsor shall apply to the appropriate 45214
official on a form prescribed by that official. The official shall 45215
issue an order that grants or denies the exemption within five 45216
days after receipt of the application. The sponsor may appeal any 45217
order that denies an exemption to the court of common pleas of the 45218
county in which the facility is located. 45219

(b) If an official grants an exemption under division 45220
(D)(2)(a) of this section, the official shall designate an on-duty 45221
law enforcement officer to be present at the concert. The 45222

designated officer has authority to issue orders to all security 45223
personnel at the concert to protect the health, safety, and 45224
welfare of the participants and spectators. 45225

(3) Notwithstanding division (D)(2) of this section, in the 45226
case of a concert held in a facility located on the campus of an 45227
educational institution covered by section 3345.04 of the Revised 45228
Code, a state university law enforcement officer appointed 45229
pursuant to sections 3345.04 and 3345.21 of the Revised Code shall 45230
do both of the following: 45231

(a) Exercise the authority to grant exemptions provided by 45232
division (D)(2)(a) of this section in lieu of an official 45233
designated in that division; 45234

(b) If the officer grants an exemption under division 45235
(D)(3)(a) of this section, designate an on-duty state university 45236
law enforcement officer to be present at the concert. The 45237
designated officer has authority to issue orders to all security 45238
personnel at the concert to protect the health, safety, and 45239
welfare of the participants and spectators. 45240

(E)(1) Unless a live entertainment performance is exempted by 45241
division (D)(1) of this section, the chief of the police 45242
department of a township police district or joint police district 45243
in the case of a restricted entertainment area located within the 45244
district, the officer responsible for public safety within a 45245
municipal corporation in the case of a restricted entertainment 45246
area located within the municipal corporation, or the county 45247
sheriff in the case of a restricted entertainment area located 45248
outside the boundaries of a township or joint police district or 45249
municipal corporation shall designate, for purposes of division 45250
(C) of this section, the minimum number of entrances required to 45251
be opened, maintained, and staffed at each live entertainment 45252
performance so as to permit crowd control and reduce congestion at 45253
the entrances. The designation shall be based on such factors as 45254

the size and nature of the crowd expected to attend the live 45255
entertainment performance, the length of time prior to the live 45256
entertainment performance that crowds are expected to congregate 45257
at the entrances, and the amount of security provided at the 45258
restricted entertainment area. 45259

(2) Notwithstanding division (E)(1) of this section, a state 45260
university law enforcement officer appointed pursuant to sections 45261
3345.04 and 3345.21 of the Revised Code shall designate the number 45262
of entrances required to be opened, maintained, and staffed in the 45263
case of a live entertainment performance that is held at a 45264
restricted entertainment area located on the campus of an 45265
educational institution covered by section 3345.04 of the Revised 45266
Code. 45267

(F) No person shall enter into any contract for a live 45268
entertainment performance, that does not permit or require 45269
compliance with this section. 45270

(G)(1) This section does not apply to a live entertainment 45271
performance held in a restricted entertainment area if one 45272
admission ticket entitles the holder to view or participate in 45273
three or more different games, rides, activities, or live 45274
entertainment performances occurring simultaneously at different 45275
sites within the restricted entertainment area and if the initial 45276
admittance entrance to the restricted entertainment area, for 45277
which the ticket is required, is separate from the entrance to any 45278
specific live entertainment performance and an additional ticket 45279
is not required for admission to the particular live entertainment 45280
performance. 45281

(2) This section does not apply to a symphony orchestra 45282
performance, a ballet performance, horse races, dances, or fairs. 45283

(H) This section does not prohibit the legislative authority 45284
of any municipal corporation from imposing additional 45285

requirements, not in conflict with this section, for the promotion 45286
or holding of live entertainment performances. 45287

(I) Whoever violates division (B), (C), or (F) of this 45288
section is guilty of a misdemeanor of the first degree. If any 45289
individual suffers physical harm to ~~his~~ the individual's person as 45290
a result of a violation of this section, the sentencing court 45291
shall consider this factor in favor of imposing a term of 45292
imprisonment upon the offender. 45293

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a 45294
violation of section 2919.27 of the Revised Code or of a municipal 45295
ordinance that is substantially similar to that section, the court 45296
may order an evaluation of the mental condition of the defendant 45297
if the court determines that either of the following criteria 45298
apply: 45299

(i) If the alleged violation is a violation of a protection 45300
order issued or consent agreement approved pursuant to section 45301
2919.26 or 3113.31 of the Revised Code, that the violation 45302
allegedly involves conduct by the defendant that caused physical 45303
harm to the person or property of a family or household member 45304
covered by the order or agreement, or conduct by the defendant 45305
that caused a family or household member to believe that the 45306
defendant would cause physical harm to that member or that 45307
member's property. 45308

(ii) If the alleged violation is a violation of a protection 45309
order issued pursuant to section 2903.213 or 2903.214 of the 45310
Revised Code or a protection order issued by a court of another 45311
state, that the violation allegedly involves conduct by the 45312
defendant that caused physical harm to the person or property of 45313
the person covered by the order, or conduct by the defendant that 45314
caused the person covered by the order to believe that the 45315
defendant would cause physical harm to that person or that 45316

person's property. 45317

(b) If a defendant is charged with a violation of section 45318
2903.211 of the Revised Code or of a municipal ordinance that is 45319
substantially similar to that section, the court may order an 45320
evaluation of the mental condition of the defendant. 45321

(2) An evaluation ordered under division (A)(1) of this 45322
section shall be completed no later than thirty days from the date 45323
the order is entered pursuant to that division. In that order, the 45324
court shall do either of the following: 45325

(a) Order that the evaluation of the mental condition of the 45326
defendant be preceded by an examination conducted either by a 45327
forensic center that is designated by the department of mental 45328
health to conduct examinations and make evaluations of defendants 45329
charged with violations of section 2903.211 or 2919.27 of the 45330
Revised Code or of substantially similar municipal ordinances in 45331
the area in which the court is located, or by any other program or 45332
facility that is designated by the department of mental health or 45333
the department of developmental disabilities to conduct 45334
examinations and make evaluations of defendants charged with 45335
violations of section 2903.211 or 2919.27 of the Revised Code or 45336
of substantially similar municipal ordinances, and that is 45337
operated by either department or is certified by either department 45338
as being in compliance with the standards established under 45339
division ~~(I)~~(H) of section 5119.01 of the Revised Code or division 45340
(C) of section 5123.04 of the Revised Code. 45341

(b) Designate a center, program, or facility other than one 45342
designated by the department of mental health or the department of 45343
developmental disabilities, as described in division (A)(2)(a) of 45344
this section, to conduct the evaluation and preceding examination 45345
of the mental condition of the defendant. 45346

Whether the court acts pursuant to division (A)(2)(a) or (b) 45347

of this section, the court may designate examiners other than the 45348
personnel of the center, program, facility, or department involved 45349
to make the evaluation and preceding examination of the mental 45350
condition of the defendant. 45351

(B) If the court considers that additional evaluations of the 45352
mental condition of a defendant are necessary following the 45353
evaluation authorized by division (A) of this section, the court 45354
may order up to two additional similar evaluations. These 45355
evaluations shall be completed no later than thirty days from the 45356
date the applicable court order is entered. If more than one 45357
evaluation of the mental condition of the defendant is ordered 45358
under this division, the prosecutor and the defendant may 45359
recommend to the court an examiner whom each prefers to perform 45360
one of the evaluations and preceding examinations. 45361

(C)(1) The court may order a defendant who has been released 45362
on bail to submit to an examination under division (A) or (B) of 45363
this section. The examination shall be conducted either at the 45364
detention facility in which the defendant would have been confined 45365
if the defendant had not been released on bail, or, if so 45366
specified by the center, program, facility, or examiners involved, 45367
at the premises of the center, program, or facility. Additionally, 45368
the examination shall be conducted at the times established by the 45369
examiners involved. If such a defendant refuses to submit to an 45370
examination or a complete examination as required by the court or 45371
the center, program, facility, or examiners involved, the court 45372
may amend the conditions of the bail of the defendant and order 45373
the sheriff to take the defendant into custody and deliver the 45374
defendant to the detention facility in which the defendant would 45375
have been confined if the defendant had not been released on bail, 45376
or, if so specified by the center, program, facility, or examiners 45377
involved, to the premises of the center, program, or facility, for 45378
purposes of the examination. 45379

(2) A defendant who has not been released on bail shall be 45380
examined at the detention facility in which the defendant is 45381
confined or, if so specified by the center, program, facility, or 45382
examiners involved, at the premises of the center, program, or 45383
facility. 45384

(D) The examiner of the mental condition of a defendant under 45385
division (A) or (B) of this section shall file a written report 45386
with the court within thirty days after the entry of an order for 45387
the evaluation of the mental condition of the defendant. The 45388
report shall contain the findings of the examiner; the facts in 45389
reasonable detail on which the findings are based; the opinion of 45390
the examiner as to the mental condition of the defendant; the 45391
opinion of the examiner as to whether the defendant represents a 45392
substantial risk of physical harm to other persons as manifested 45393
by evidence of recent homicidal or other violent behavior, 45394
evidence of recent threats that placed other persons in reasonable 45395
fear of violent behavior and serious physical harm, or evidence of 45396
present dangerousness; and the opinion of the examiner as to the 45397
types of treatment or counseling that the defendant needs. The 45398
court shall provide copies of the report to the prosecutor and 45399
defense counsel. 45400

(E) The costs of any evaluation and preceding examination of 45401
a defendant that is ordered pursuant to division (A) or (B) of 45402
this section shall be taxed as court costs in the criminal case. 45403

(F) If the examiner considers it necessary in order to make 45404
an accurate evaluation of the mental condition of a defendant, an 45405
examiner under division (A) or (B) of this section may request any 45406
family or household member of the defendant to provide the 45407
examiner with information. A family or household member may, but 45408
is not required to, provide information to the examiner upon 45409
receipt of the request. 45410

(G) As used in this section: 45411

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| (1) "Bail" includes a recognizance. | 45412 |
| (2) "Examiner" means a psychiatrist, a licensed independent social worker who is employed by a forensic center that is certified as being in compliance with the standards established under division (I) (H) of section 5119.01 or division (C) of section 5123.04 of the Revised Code, a licensed professional clinical counselor who is employed at a forensic center that is certified as being in compliance with such standards, or a licensed clinical psychologist, except that in order to be an examiner, a licensed clinical psychologist shall meet the criteria of division (I)(1) of section 5122.01 of the Revised Code or be employed to conduct examinations by the department of mental health or by a forensic center certified as being in compliance with the standards established under division (I) (H) of section 5119.01 or division (C) of section 5123.04 of the Revised Code that is designated by the department of mental health. | 45413 45414 45415 45416 45417 45418 45419 45420 45421 45422 45423 45424 45425 45426 45427 |
| (3) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. | 45428 45429 |
| (4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. | 45430 45431 |
| (5) "Psychiatrist" and "licensed clinical psychologist" have the same meanings as in section 5122.01 of the Revised Code. | 45432 45433 |
| (6) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. | 45434 45435 |
| Sec. 2921.41. (A) No public official or party official shall commit any theft offense, as defined in division (K) of section 2913.01 of the Revised Code, when either of the following applies: | 45436 45437 45438 |
| (1) The offender uses the offender's office in aid of committing the offense or permits or assents to its use in aid of committing the offense; | 45439 45440 45441 |

(2) The property or service involved is owned by this state, 45442
any other state, the United States, a county, a municipal 45443
corporation, a township, or any political subdivision, department, 45444
or agency of any of them, is owned by a political party, or is 45445
part of a political campaign fund. 45446

(B) Whoever violates this section is guilty of theft in 45447
office. Except as otherwise provided in this division, theft in 45448
office is a felony of the fifth degree. If the value of property 45449
or services stolen is five hundred dollars or more and is less 45450
than five thousand dollars, theft in office is a felony of the 45451
fourth degree. If the value of property or services stolen is five 45452
thousand dollars or more, theft in office is a felony of the third 45453
degree. 45454

(C)(1) A public official or party official who pleads guilty 45455
to theft in office and whose plea is accepted by the court or a 45456
public official or party official against whom a verdict or 45457
finding of guilt for committing theft in office is returned is 45458
forever disqualified from holding any public office, employment, 45459
or position of trust in this state. 45460

(2)(a) A court that imposes sentence for a violation of this 45461
section based on conduct described in division (A)(2) of this 45462
section shall require the public official or party official who is 45463
convicted of or pleads guilty to the offense to make restitution 45464
for all of the property or the service that is the subject of the 45465
offense, in addition to the term of imprisonment and any fine 45466
imposed. A court that imposes sentence for a violation of this 45467
section based on conduct described in division (A)(1) of this 45468
section and that determines at trial that this state or a 45469
political subdivision of this state if the offender is a public 45470
official, or a political party in the United States or this state 45471
if the offender is a party official, suffered actual loss as a 45472
result of the offense shall require the offender to make 45473

restitution to the state, political subdivision, or political 45474
party for all of the actual loss experienced, in addition to the 45475
term of imprisonment and any fine imposed. 45476

(b)(i) In any case in which a sentencing court is required to 45477
order restitution under division (C)(2)(a) of this section and in 45478
which the offender, at the time of the commission of the offense 45479
or at any other time, was a member of the public employees 45480
retirement system, the Ohio police and fire pension fund, the 45481
state teachers retirement system, the school employees retirement 45482
system, or the state highway patrol retirement system; was an 45483
electing employee, as defined in section 3305.01 of the Revised 45484
Code, participating in an alternative retirement plan provided 45485
pursuant to Chapter 3305. of the Revised Code; was a participating 45486
employee or continuing member, as defined in section 148.01 of the 45487
Revised Code, in a deferred compensation program offered by the 45488
Ohio public employees deferred compensation board; was an officer 45489
or employee of a municipal corporation who was a participant in a 45490
deferred compensation program offered by that municipal 45491
corporation; was an officer or employee of a government unit, as 45492
defined in section 148.06 of the Revised Code, who was a 45493
participant in a deferred compensation program offered by that 45494
government unit, was a participant in a deferred compensation 45495
program styled as a supplemental employee deferral plan offered by 45496
the treasurer of state, or was a participating employee, 45497
continuing member, or participant in any deferred compensation 45498
program described in this division and a member of a retirement 45499
system specified in this division or a retirement system of a 45500
municipal corporation, the entity to which restitution is to be 45501
made may file a motion with the sentencing court specifying any 45502
retirement system, any provider as defined in section 3305.01 of 45503
the Revised Code, and any deferred compensation program of which 45504
the offender was a member, electing employee, participating 45505
employee, continuing member, or participant and requesting the 45506

court to issue an order requiring the specified retirement system, 45507
the specified provider under the alternative retirement plan, or 45508
the specified deferred compensation program, or, if more than one 45509
is specified in the motion, the applicable combination of these, 45510
to withhold the amount required as restitution from any payment 45511
that is to be made under a pension, annuity, or allowance, under 45512
an option in the alternative retirement plan, under a participant 45513
account, as defined in section 148.01 of the Revised Code, or 45514
under any other type of benefit, other than a survivorship 45515
benefit, that has been or is in the future granted to the 45516
offender, from any payment of accumulated employee contributions 45517
standing to the offender's credit with that retirement system, 45518
that provider of the option under the alternative retirement plan, 45519
or that deferred compensation program, or, if more than one is 45520
specified in the motion, the applicable combination of these, and 45521
from any payment of any other amounts to be paid to the offender 45522
upon the offender's withdrawal of the offender's contributions 45523
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 45524
the Revised Code. A motion described in this division may be filed 45525
at any time subsequent to the conviction of the offender or entry 45526
of a guilty plea. Upon the filing of the motion, the clerk of the 45527
court in which the motion is filed shall notify the offender, the 45528
specified retirement system, the specified provider under the 45529
alternative retirement plan, or the specified deferred 45530
compensation program, or, if more than one is specified in the 45531
motion, the applicable combination of these, in writing, of all of 45532
the following: that the motion was filed; that the offender will 45533
be granted a hearing on the issuance of the requested order if the 45534
offender files a written request for a hearing with the clerk 45535
prior to the expiration of thirty days after the offender receives 45536
the notice; that, if a hearing is requested, the court will 45537
schedule a hearing as soon as possible and notify the offender, 45538
any specified retirement system, any specified provider under an 45539

alternative retirement plan, and any specified deferred 45540
compensation program of the date, time, and place of the hearing; 45541
that, if a hearing is conducted, it will be limited only to a 45542
consideration of whether the offender can show good cause why the 45543
requested order should not be issued; that, if a hearing is 45544
conducted, the court will not issue the requested order if the 45545
court determines, based on evidence presented at the hearing by 45546
the offender, that there is good cause for the requested order not 45547
to be issued; that the court will issue the requested order if a 45548
hearing is not requested or if a hearing is conducted but the 45549
court does not determine, based on evidence presented at the 45550
hearing by the offender, that there is good cause for the 45551
requested order not to be issued; and that, if the requested order 45552
is issued, any retirement system, any provider under an 45553
alternative retirement plan, and any deferred compensation program 45554
specified in the motion will be required to withhold the amount 45555
required as restitution from payments to the offender. 45556

(ii) In any case in which a sentencing court is required to 45557
order restitution under division (C)(2)(a) of this section and in 45558
which a motion requesting the issuance of a withholding order as 45559
described in division (C)(2)(b)(i) of this section is filed, the 45560
offender may receive a hearing on the motion by delivering a 45561
written request for a hearing to the court prior to the expiration 45562
of thirty days after the offender's receipt of the notice provided 45563
pursuant to division (C)(2)(b)(i) of this section. If a request 45564
for a hearing is made by the offender within the prescribed time, 45565
the court shall schedule a hearing as soon as possible after the 45566
request is made and shall notify the offender, the specified 45567
retirement system, the specified provider under the alternative 45568
retirement plan, or the specified deferred compensation program, 45569
or, if more than one is specified in the motion, the applicable 45570
combination of these, of the date, time, and place of the hearing. 45571
A hearing scheduled under this division shall be limited to a 45572

consideration of whether there is good cause, based on evidence 45573
presented by the offender, for the requested order not to be 45574
issued. If the court determines, based on evidence presented by 45575
the offender, that there is good cause for the order not to be 45576
issued, the court shall deny the motion and shall not issue the 45577
requested order. If the offender does not request a hearing within 45578
the prescribed time or if the court conducts a hearing but does 45579
not determine, based on evidence presented by the offender, that 45580
there is good cause for the order not to be issued, the court 45581
shall order the specified retirement system, the specified 45582
provider under the alternative retirement plan, or the specified 45583
deferred compensation program, or, if more than one is specified 45584
in the motion, the applicable combination of these, to withhold 45585
the amount required as restitution under division (C)(2)(a) of 45586
this section from any payments to be made under a pension, 45587
annuity, or allowance, under a participant account, as defined in 45588
section 148.01 of the Revised Code, under an option in the 45589
alternative retirement plan, or under any other type of benefit, 45590
other than a survivorship benefit, that has been or is in the 45591
future granted to the offender, from any payment of accumulated 45592
employee contributions standing to the offender's credit with that 45593
retirement system, that provider under the alternative retirement 45594
plan, or that deferred compensation program, or, if more than one 45595
is specified in the motion, the applicable combination of these, 45596
and from any payment of any other amounts to be paid to the 45597
offender upon the offender's withdrawal of the offender's 45598
contributions pursuant to Chapter 145., 148., 742., 3307., 3309., 45599
or 5505. of the Revised Code, and to continue the withholding for 45600
that purpose, in accordance with the order, out of each payment to 45601
be made on or after the date of issuance of the order, until 45602
further order of the court. Upon receipt of an order issued under 45603
this division, the public employees retirement system, the Ohio 45604
police and fire pension fund, the state teachers retirement 45605

system, the school employees retirement system, the state highway 45606
patrol retirement system, a municipal corporation retirement 45607
system, the provider under the alternative retirement plan, and 45608
the deferred compensation program offered by the Ohio public 45609
employees deferred compensation board, treasurer of state, a 45610
municipal corporation, or a government unit, as defined in section 45611
148.06 of the Revised Code, whichever are applicable, shall 45612
withhold the amount required as restitution, in accordance with 45613
the order, from any such payments and immediately shall forward 45614
the amount withheld to the clerk of the court in which the order 45615
was issued for payment to the entity to which restitution is to be 45616
made. 45617

(iii) Service of a notice required by division (C)(2)(b)(i) 45618
or (ii) of this section shall be effected in the same manner as 45619
provided in the Rules of Civil Procedure for the service of 45620
process. 45621

(D) Upon the filing of charges against a person under this 45622
section, the prosecutor, as defined in section 2935.01 of the 45623
Revised Code, who is assigned the case shall send written notice 45624
that charges have been filed against that person to the public 45625
employees retirement system, the Ohio police and fire pension 45626
fund, the state teachers retirement system, the school employees 45627
retirement system, the state highway patrol retirement system, the 45628
provider under an alternative retirement plan, any municipal 45629
corporation retirement system in this state, and the deferred 45630
compensation program offered by the Ohio public employees deferred 45631
compensation board, treasurer of state, a municipal corporation, 45632
or a government unit, as defined in section 148.06 of the Revised 45633
Code. The written notice shall specifically identify the person 45634
charged. 45635

Sec. 2929.71. (A) As used in this section: 45636

(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 or joint 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.

(2) "Assets" includes all forms of real or personal property.

(3) "Itemized statement" means the statement of costs described in division (B) of this section.

(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.

(5) "Costs" means the reasonable value of the time spent by an officer or employee of an agency on the aggravated arson, arson, or criminal damaging or endangering case, any moneys spent by the agency on that case, and the reasonable fair market value of resources used or expended by the agency on that case.

(B) Prior to the sentencing of an offender, the court shall enter an order that directs agencies that wish to be reimbursed by the offender for the costs they incurred in the investigation or prosecution of the offender or in the investigation of the fire or explosion involved in the case, to file with the court within a

specified time an itemized statement of those costs. The order 45668
also shall require that a copy of the itemized statement be given 45669
to the offender or offender's attorney within the specified time. 45670
Only itemized statements so filed and given shall be considered at 45671
the hearing described in division (C) of this section. 45672

(C) The court shall set a date for a hearing on all the 45673
itemized statements filed with it and given to the offender or the 45674
offender's attorney in accordance with division (B) of this 45675
section. The hearing shall be held prior to the sentencing of the 45676
offender, but may be held on the same day as the sentencing. 45677
Notice of the hearing date shall be given to the offender or the 45678
offender's attorney and to the agencies whose itemized statements 45679
are involved. At the hearing, each agency has the burden of 45680
establishing by a preponderance of the evidence that the costs set 45681
forth in its itemized statement were incurred in the investigation 45682
or prosecution of the offender or in the investigation of the fire 45683
or explosion involved in the case, and of establishing by a 45684
preponderance of the evidence that the offender has assets 45685
available for the reimbursement of all or a portion of the costs. 45686

The offender may cross-examine all witnesses and examine all 45687
documentation presented by the agencies at the hearing, and the 45688
offender may present at the hearing witnesses and documentation 45689
the offender has obtained without a subpoena or a subpoena duces 45690
tecum or, in the case of documentation, that belongs to the 45691
offender. The offender also may issue subpoenas and subpoenas 45692
duces tecum for, and present and examine at the hearing, witnesses 45693
and documentation, subject to the following applying to the 45694
witnesses or documentation subpoenaed: 45695

(1) The testimony of witnesses subpoenaed or documentation 45696
subpoenaed is material to the preparation or presentation by the 45697
offender of the offender's defense to the claims of the agencies 45698
for a reimbursement of costs; 45699

(2) If witnesses to be subpoenaed are personnel of an agency 45700
or documentation to be subpoenaed belongs to an agency, the 45701
personnel or documentation may be subpoenaed only if the agency 45702
involved has indicated, pursuant to this division, that it intends 45703
to present the personnel as witnesses or use the documentation at 45704
the hearing. The offender shall submit, in writing, a request to 45705
an agency as described in this division to ascertain whether the 45706
agency intends to present various personnel as witnesses or to use 45707
particular documentation. The request shall indicate that the 45708
offender is considering issuing subpoenas to personnel of the 45709
agency who are specifically named or identified by title or 45710
position, or for documentation of the agency that is specifically 45711
described or generally identified, and shall request the agency to 45712
indicate, in writing, whether it intends to present such personnel 45713
as witnesses or to use such documentation at the hearing. The 45714
agency shall promptly reply to the request of the offender. An 45715
agency is prohibited from presenting personnel as witnesses or 45716
from using documentation at the hearing if it indicates to the 45717
offender it does not intend to do so in response to a request of 45718
the offender under this division, or if it fails to reply or 45719
promptly reply to such a request. 45720

(D) Following the hearing, the court shall determine which of 45721
the agencies established by a preponderance of the evidence that 45722
costs set forth in their itemized statements were incurred as 45723
described in division (C) of this section and that the offender 45724
has assets available for reimbursement purposes. The court also 45725
shall determine whether the offender has assets available to 45726
reimburse all such agencies, in whole or in part, for their 45727
established costs, and if it determines that the assets are 45728
available, it shall order the offender, as part of the offender's 45729
sentence, to reimburse the agencies from the offender's assets for 45730
all or a specified portion of their established costs. 45731

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| Sec. 2935.01. As used in this chapter: | 45732 |
| (A) "Magistrate" has the same meaning as in section 2931.01 of the Revised Code. | 45733 45734 |
| (B) "Peace officer" includes, except as provided in section 2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract pursuant to section 737.04 of the Revised Code; member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code; member of a police force employed by a regional transit authority under division (Y) of section 306.05 of the Revised Code; state university law enforcement officer appointed under section 3345.04 of the Revised Code; enforcement agent of the department of public safety designated under section 5502.14 of the Revised Code; employee of the department of taxation to whom investigation powers have been delegated under section 5743.45 of the Revised Code; employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code; individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code; veterans' home police officer appointed under section 5907.02 of the Revised Code; special police officer employed by a port authority under section 4582.04 or 4582.28 of | 45735 45736 45737 45738 45739 45740 45741 45742 45743 45744 45745 45746 45747 45748 45749 45750 45751 45752 45753 45754 45755 45756 45757 45758 45759 45760 45761 45762 45763 |

the Revised Code; police constable of any township; police officer 45764
of a township or joint ~~township~~ police district; a special police 45765
officer employed by a municipal corporation at a municipal 45766
airport, or other municipal air navigation facility, that has 45767
scheduled operations, as defined in section 119.3 of Title 14 of 45768
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 45769
that is required to be under a security program and is governed by 45770
aviation security rules of the transportation security 45771
administration of the United States department of transportation 45772
as provided in Parts 1542. and 1544. of Title 49 of the Code of 45773
Federal Regulations, as amended; the house of representatives 45774
sergeant at arms if the house of representatives sergeant at arms 45775
has arrest authority pursuant to division (E)(1) of section 45776
101.311 of the Revised Code; and an assistant house of 45777
representatives sergeant at arms; officer or employee of the 45778
bureau of criminal identification and investigation established 45779
pursuant to section 109.51 of the Revised Code who has been 45780
awarded a certificate by the executive director of the Ohio peace 45781
officer training commission attesting to the officer's or 45782
employee's satisfactory completion of an approved state, county, 45783
municipal, or department of natural resources peace officer basic 45784
training program and who is providing assistance upon request to a 45785
law enforcement officer or emergency assistance to a peace officer 45786
pursuant to section 109.54 or 109.541 of the Revised Code; a state 45787
fire marshal law enforcement officer described in division (A)(23) 45788
of section 109.71 of the Revised Code; and, for the purpose of 45789
arrests within those areas, for the purposes of Chapter 5503. of 45790
the Revised Code, and the filing of and service of process 45791
relating to those offenses witnessed or investigated by them, the 45792
superintendent and troopers of the state highway patrol. 45793

(C) "Prosecutor" includes the county prosecuting attorney and 45794
any assistant prosecutor designated to assist the county 45795
prosecuting attorney, and, in the case of courts inferior to 45796

courts of common pleas, includes the village solicitor, city 45797
director of law, or similar chief legal officer of a municipal 45798
corporation, any such officer's assistants, or any attorney 45799
designated by the prosecuting attorney of the county to appear for 45800
the prosecution of a given case. 45801

(D) "Offense," except where the context specifically 45802
indicates otherwise, includes felonies, misdemeanors, and 45803
violations of ordinances of municipal corporations and other 45804
public bodies authorized by law to adopt penal regulations. 45805

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 45806
deputy marshal, municipal police officer, township constable, 45807
police officer of a township or joint ~~township~~ police district, 45808
member of a police force employed by a metropolitan housing 45809
authority under division (D) of section 3735.31 of the Revised 45810
Code, member of a police force employed by a regional transit 45811
authority under division (Y) of section 306.35 of the Revised 45812
Code, state university law enforcement officer appointed under 45813
section 3345.04 of the Revised Code, veterans' home police officer 45814
appointed under section 5907.02 of the Revised Code, special 45815
police officer employed by a port authority under section 4582.04 45816
or 4582.28 of the Revised Code, or a special police officer 45817
employed by a municipal corporation at a municipal airport, or 45818
other municipal air navigation facility, that has scheduled 45819
operations, as defined in section 119.3 of Title 14 of the Code of 45820
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 45821
required to be under a security program and is governed by 45822
aviation security rules of the transportation security 45823
administration of the United States department of transportation 45824
as provided in Parts 1542. and 1544. of Title 49 of the Code of 45825
Federal Regulations, as amended, shall arrest and detain, until a 45826
warrant can be obtained, a person found violating, within the 45827
limits of the political subdivision, metropolitan housing 45828

authority housing project, regional transit authority facilities 45829
or areas of a municipal corporation that have been agreed to by a 45830
regional transit authority and a municipal corporation located 45831
within its territorial jurisdiction, college, university, 45832
veterans' home operated under Chapter 5907. of the Revised Code, 45833
port authority, or municipal airport or other municipal air 45834
navigation facility, in which the peace officer is appointed, 45835
employed, or elected, a law of this state, an ordinance of a 45836
municipal corporation, or a resolution of a township. 45837

(2) A peace officer of the department of natural resources, a 45838
state fire marshal law enforcement officer described in division 45839
(A)(23) of section 109.71 of the Revised Code, or an individual 45840
designated to perform law enforcement duties under section 45841
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 45842
detain, until a warrant can be obtained, a person found violating, 45843
within the limits of the peace officer's, state fire marshal law 45844
enforcement officer's, or individual's territorial jurisdiction, a 45845
law of this state. 45846

(3) The house sergeant at arms, if the house sergeant at arms 45847
has arrest authority pursuant to division (E)(1) of section 45848
101.311 of the Revised Code, and an assistant house sergeant at 45849
arms shall arrest and detain, until a warrant can be obtained, a 45850
person found violating, within the limits of the sergeant at 45851
arms's or assistant sergeant at arms's territorial jurisdiction 45852
specified in division (D)(1)(a) of section 101.311 of the Revised 45853
Code or while providing security pursuant to division (D)(1)(f) of 45854
section 101.311 of the Revised Code, a law of this state, an 45855
ordinance of a municipal corporation, or a resolution of a 45856
township. 45857

(B)(1) When there is reasonable ground to believe that an 45858
offense of violence, the offense of criminal child enticement as 45859
defined in section 2905.05 of the Revised Code, the offense of 45860

public indecency as defined in section 2907.09 of the Revised Code, the offense of domestic violence as defined in section 2919.25 of the Revised Code, the offense of violating a protection order as defined in section 2919.27 of the Revised Code, the offense of menacing by stalking as defined in section 2903.211 of the Revised Code, the offense of aggravated trespass as defined in section 2911.211 of the Revised Code, a theft offense as defined in section 2913.01 of the Revised Code, or a felony drug abuse offense as defined in section 2925.01 of the Revised Code, has been committed within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a peace officer described in division (A) of this section may arrest and detain until a warrant can be obtained any person who the peace officer has reasonable cause to believe is guilty of the violation.

(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 45893
5119.51 of the Revised Code alleging that a person who had been 45894
hospitalized, institutionalized, or confined in any facility under 45895
an order made pursuant to or under authority of section 2945.37, 45896
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 45897
Revised Code has escaped from the facility, from confinement in a 45898
vehicle for transportation to or from the facility, or from 45899
supervision by an employee of the facility that is incidental to 45900
hospitalization, institutionalization, or confinement in the 45901
facility and that occurs outside of the facility, in violation of 45902
section 2921.34 of the Revised Code; 45903

(c) A written statement by the administrator of any facility 45904
in which a person has been hospitalized, institutionalized, or 45905
confined under an order made pursuant to or under authority of 45906
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 45907
2945.402 of the Revised Code alleging that the person has escaped 45908
from the facility, from confinement in a vehicle for 45909
transportation to or from the facility, or from supervision by an 45910
employee of the facility that is incidental to hospitalization, 45911
institutionalization, or confinement in the facility and that 45912
occurs outside of the facility, in violation of section 2921.34 of 45913
the Revised Code. 45914

(3)(a) For purposes of division (B)(1) of this section, a 45915
peace officer described in division (A) of this section has 45916
reasonable grounds to believe that the offense of domestic 45917
violence or the offense of violating a protection order has been 45918
committed and reasonable cause to believe that a particular person 45919
is guilty of committing the offense if any of the following 45920
occurs: 45921

(i) A person executes a written statement alleging that the 45922
person in question has committed the offense of domestic violence 45923
or the offense of violating a protection order against the person 45924

who executes the statement or against a child of the person who 45925
executes the statement. 45926

(ii) No written statement of the type described in division 45927
(B)(3)(a)(i) of this section is executed, but the peace officer, 45928
based upon the peace officer's own knowledge and observation of 45929
the facts and circumstances of the alleged incident of the offense 45930
of domestic violence or the alleged incident of the offense of 45931
violating a protection order or based upon any other information, 45932
including, but not limited to, any reasonably trustworthy 45933
information given to the peace officer by the alleged victim of 45934
the alleged incident of the offense or any witness of the alleged 45935
incident of the offense, concludes that there are reasonable 45936
grounds to believe that the offense of domestic violence or the 45937
offense of violating a protection order has been committed and 45938
reasonable cause to believe that the person in question is guilty 45939
of committing the offense. 45940

(iii) No written statement of the type described in division 45941
(B)(3)(a)(i) of this section is executed, but the peace officer 45942
witnessed the person in question commit the offense of domestic 45943
violence or the offense of violating a protection order. 45944

(b) If pursuant to division (B)(3)(a) of this section a peace 45945
officer has reasonable grounds to believe that the offense of 45946
domestic violence or the offense of violating a protection order 45947
has been committed and reasonable cause to believe that a 45948
particular person is guilty of committing the offense, it is the 45949
preferred course of action in this state that the officer arrest 45950
and detain that person pursuant to division (B)(1) of this section 45951
until a warrant can be obtained. 45952

If pursuant to division (B)(3)(a) of this section a peace 45953
officer has reasonable grounds to believe that the offense of 45954
domestic violence or the offense of violating a protection order 45955
has been committed and reasonable cause to believe that family or 45956

household members have committed the offense against each other, 45957
it is the preferred course of action in this state that the 45958
officer, pursuant to division (B)(1) of this section, arrest and 45959
detain until a warrant can be obtained the family or household 45960
member who committed the offense and whom the officer has 45961
reasonable cause to believe is the primary physical aggressor. 45962
There is no preferred course of action in this state regarding any 45963
other family or household member who committed the offense and 45964
whom the officer does not have reasonable cause to believe is the 45965
primary physical aggressor, but, pursuant to division (B)(1) of 45966
this section, the peace officer may arrest and detain until a 45967
warrant can be obtained any other family or household member who 45968
committed the offense and whom the officer does not have 45969
reasonable cause to believe is the primary physical aggressor. 45970

(c) If a peace officer described in division (A) of this 45971
section does not arrest and detain a person whom the officer has 45972
reasonable cause to believe committed the offense of domestic 45973
violence or the offense of violating a protection order when it is 45974
the preferred course of action in this state pursuant to division 45975
(B)(3)(b) of this section that the officer arrest that person, the 45976
officer shall articulate in the written report of the incident 45977
required by section 2935.032 of the Revised Code a clear statement 45978
of the officer's reasons for not arresting and detaining that 45979
person until a warrant can be obtained. 45980

(d) In determining for purposes of division (B)(3)(b) of this 45981
section which family or household member is the primary physical 45982
aggressor in a situation in which family or household members have 45983
committed the offense of domestic violence or the offense of 45984
violating a protection order against each other, a peace officer 45985
described in division (A) of this section, in addition to any 45986
other relevant circumstances, should consider all of the 45987
following: 45988

(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; 45989
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(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense; 45992
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(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; 45994
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(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense. 45998
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(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. 46000
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(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 authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's 46007
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wishes, shall consider all facts and circumstances that are 46020
relevant to the offense, including, but not limited to, the 46021
statements and observations of the peace officers who responded to 46022
the incident that resulted in the arrest or filing of the charges 46023
and of all witnesses to that incident. 46024

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 46025
this section whether to arrest a person pursuant to division 46026
(B)(1) of this section, a peace officer described in division (A) 46027
of this section shall not consider as a factor any possible 46028
shortage of cell space at the detention facility to which the 46029
person will be taken subsequent to the person's arrest or any 46030
possibility that the person's arrest might cause, contribute to, 46031
or exacerbate overcrowding at that detention facility or at any 46032
other detention facility. 46033

(g) If a peace officer described in division (A) of this 46034
section intends pursuant to divisions (B)(3)(a) to (g) of this 46035
section to arrest a person pursuant to division (B)(1) of this 46036
section and if the officer is unable to do so because the person 46037
is not present, the officer promptly shall seek a warrant for the 46038
arrest of the person. 46039

(h) If a peace officer described in division (A) of this 46040
section responds to a report of an alleged incident of the offense 46041
of domestic violence or an alleged incident of the offense of 46042
violating a protection order and if the circumstances of the 46043
incident involved the use or threatened use of a deadly weapon or 46044
any person involved in the incident brandished a deadly weapon 46045
during or in relation to the incident, the deadly weapon that was 46046
used, threatened to be used, or brandished constitutes contraband, 46047
and, to the extent possible, the officer shall seize the deadly 46048
weapon as contraband pursuant to Chapter 2981. of the Revised 46049
Code. Upon the seizure of a deadly weapon pursuant to division 46050
(B)(3)(h) of this section, section 2981.12 of the Revised Code 46051

shall apply regarding the treatment and disposition of the deadly 46052
weapon. For purposes of that section, the "underlying criminal 46053
offense" that was the basis of the seizure of a deadly weapon 46054
under division (B)(3)(h) of this section and to which the deadly 46055
weapon had a relationship is any of the following that is 46056
applicable: 46057

(i) The alleged incident of the offense of domestic violence 46058
or the alleged incident of the offense of violating a protection 46059
order to which the officer who seized the deadly weapon responded; 46060

(ii) Any offense that arose out of the same facts and 46061
circumstances as the report of the alleged incident of the offense 46062
of domestic violence or the alleged incident of the offense of 46063
violating a protection order to which the officer who seized the 46064
deadly weapon responded. 46065

(4) If, in the circumstances described in divisions (B)(3)(a) 46066
to (g) of this section, a peace officer described in division (A) 46067
of this section arrests and detains a person pursuant to division 46068
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 46069
this section, a peace officer described in division (A) of this 46070
section seizes a deadly weapon, the officer, to the extent 46071
described in and in accordance with section 9.86 or 2744.03 of the 46072
Revised Code, is immune in any civil action for damages for 46073
injury, death, or loss to person or property that arises from or 46074
is related to the arrest and detention or the seizure. 46075

(C) When there is reasonable ground to believe that a 46076
violation of division (A)(1), (2), (3), (4), or (5) of section 46077
4506.15 or a violation of section 4511.19 of the Revised Code has 46078
been committed by a person operating a motor vehicle subject to 46079
regulation by the public utilities commission of Ohio under Title 46080
XLIX of the Revised Code, a peace officer with authority to 46081
enforce that provision of law may stop or detain the person whom 46082
the officer has reasonable cause to believe was operating the 46083

motor vehicle in violation of the division or section and, after 46084
investigating the circumstances surrounding the operation of the 46085
vehicle, may arrest and detain the person. 46086

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 46087
municipal police officer, member of a police force employed by a 46088
metropolitan housing authority under division (D) of section 46089
3735.31 of the Revised Code, member of a police force employed by 46090
a regional transit authority under division (Y) of section 306.35 46091
of the Revised Code, special police officer employed by a port 46092
authority under section 4582.04 or 4582.28 of the Revised Code, 46093
special police officer employed by a municipal corporation at a 46094
municipal airport or other municipal air navigation facility 46095
described in division (A) of this section, township constable, 46096
police officer of a township or joint ~~township~~ police district, 46097
state university law enforcement officer appointed under section 46098
3345.04 of the Revised Code, peace officer of the department of 46099
natural resources, individual designated to perform law 46100
enforcement duties under section 511.232, 1545.13, or 6101.75 of 46101
the Revised Code, the house sergeant at arms if the house sergeant 46102
at arms has arrest authority pursuant to division (E)(1) of 46103
section 101.311 of the Revised Code, or an assistant house 46104
sergeant at arms is authorized by division (A) or (B) of this 46105
section to arrest and detain, within the limits of the political 46106
subdivision, metropolitan housing authority housing project, 46107
regional transit authority facilities or those areas of a 46108
municipal corporation that have been agreed to by a regional 46109
transit authority and a municipal corporation located within its 46110
territorial jurisdiction, port authority, municipal airport or 46111
other municipal air navigation facility, college, or university in 46112
which the officer is appointed, employed, or elected or within the 46113
limits of the territorial jurisdiction of the peace officer, a 46114
person until a warrant can be obtained, the peace officer, outside 46115
the limits of that territory, may pursue, arrest, and detain that 46116

person until a warrant can be obtained if all of the following 46117
apply: 46118

(1) The pursuit takes place without unreasonable delay after 46119
the offense is committed; 46120

(2) The pursuit is initiated within the limits of the 46121
political subdivision, metropolitan housing authority housing 46122
project, regional transit authority facilities or those areas of a 46123
municipal corporation that have been agreed to by a regional 46124
transit authority and a municipal corporation located within its 46125
territorial jurisdiction, port authority, municipal airport or 46126
other municipal air navigation facility, college, or university in 46127
which the peace officer is appointed, employed, or elected or 46128
within the limits of the territorial jurisdiction of the peace 46129
officer; 46130

(3) The offense involved is a felony, a misdemeanor of the 46131
first degree or a substantially equivalent municipal ordinance, a 46132
misdemeanor of the second degree or a substantially equivalent 46133
municipal ordinance, or any offense for which points are 46134
chargeable pursuant to section 4510.036 of the Revised Code. 46135

(E) In addition to the authority granted under division (A) 46136
or (B) of this section: 46137

(1) A sheriff or deputy sheriff may arrest and detain, until 46138
a warrant can be obtained, any person found violating section 46139
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 46140
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 46141
portion of any street or highway that is located immediately 46142
adjacent to the boundaries of the county in which the sheriff or 46143
deputy sheriff is elected or appointed. 46144

(2) A member of the police force of a township police 46145
district created under section 505.48 of the Revised Code, a 46146
member of the police force of a joint ~~township~~ police district 46147

created under section ~~505.481~~ 505.482 of the Revised Code, or a 46148
township constable appointed in accordance with section 509.01 of 46149
the Revised Code, who has received a certificate from the Ohio 46150
peace officer training commission under section 109.75 of the 46151
Revised Code, may arrest and detain, until a warrant can be 46152
obtained, any person found violating any section or chapter of the 46153
Revised Code listed in division (E)(1) of this section, other than 46154
sections 4513.33 and 4513.34 of the Revised Code, on the portion 46155
of any street or highway that is located immediately adjacent to 46156
the boundaries of the township police district or joint ~~township~~ 46157
police district, in the case of a member of a township police 46158
district or joint ~~township~~ police district police force, or the 46159
unincorporated territory of the township, in the case of a 46160
township constable. However, if the population of the township 46161
that created the township police district served by the member's 46162
police force, or the townships and municipal corporations that 46163
created the joint ~~township~~ police district served by the member's 46164
police force, or the township that is served by the township 46165
constable, is sixty thousand or less, the member of the township 46166
police district or joint police district police force or the 46167
township constable may not make an arrest under division (E)(2) of 46168
this section on a state highway that is included as part of the 46169
interstate system. 46170

(3) A police officer or village marshal appointed, elected, 46171
or employed by a municipal corporation may arrest and detain, 46172
until a warrant can be obtained, any person found violating any 46173
section or chapter of the Revised Code listed in division (E)(1) 46174
of this section on the portion of any street or highway that is 46175
located immediately adjacent to the boundaries of the municipal 46176
corporation in which the police officer or village marshal is 46177
appointed, elected, or employed. 46178

(4) A peace officer of the department of natural resources, a 46179

state fire marshal law enforcement officer described in division 46180
(A)(23) of section 109.71 of the Revised Code, or an individual 46181
designated to perform law enforcement duties under section 46182
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 46183
detain, until a warrant can be obtained, any person found 46184
violating any section or chapter of the Revised Code listed in 46185
division (E)(1) of this section, other than sections 4513.33 and 46186
4513.34 of the Revised Code, on the portion of any street or 46187
highway that is located immediately adjacent to the boundaries of 46188
the lands and waters that constitute the territorial jurisdiction 46189
of the peace officer or state fire marshal law enforcement 46190
officer. 46191

(F)(1) A department of mental health special police officer 46192
or a department of developmental disabilities special police 46193
officer may arrest without a warrant and detain until a warrant 46194
can be obtained any person found committing on the premises of any 46195
institution under the jurisdiction of the particular department a 46196
misdemeanor under a law of the state. 46197

A department of mental health special police officer or a 46198
department of developmental disabilities special police officer 46199
may arrest without a warrant and detain until a warrant can be 46200
obtained any person who has been hospitalized, institutionalized, 46201
or confined in an institution under the jurisdiction of the 46202
particular department pursuant to or under authority of section 46203
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 46204
2945.402 of the Revised Code and who is found committing on the 46205
premises of any institution under the jurisdiction of the 46206
particular department a violation of section 2921.34 of the 46207
Revised Code that involves an escape from the premises of the 46208
institution. 46209

(2)(a) If a department of mental health special police 46210
officer or a department of developmental disabilities special 46211

police officer finds any person who has been hospitalized, 46212
institutionalized, or confined in an institution under the 46213
jurisdiction of the particular department pursuant to or under 46214
authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 46215
2945.401, or 2945.402 of the Revised Code committing a violation 46216
of section 2921.34 of the Revised Code that involves an escape 46217
from the premises of the institution, or if there is reasonable 46218
ground to believe that a violation of section 2921.34 of the 46219
Revised Code has been committed that involves an escape from the 46220
premises of an institution under the jurisdiction of the 46221
department of mental health or the department of developmental 46222
disabilities and if a department of mental health special police 46223
officer or a department of developmental disabilities special 46224
police officer has reasonable cause to believe that a particular 46225
person who has been hospitalized, institutionalized, or confined 46226
in the institution pursuant to or under authority of section 46227
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 46228
2945.402 of the Revised Code is guilty of the violation, the 46229
special police officer, outside of the premises of the 46230
institution, may pursue, arrest, and detain that person for that 46231
violation of section 2921.34 of the Revised Code, until a warrant 46232
can be obtained, if both of the following apply: 46233

(i) The pursuit takes place without unreasonable delay after 46234
the offense is committed; 46235

(ii) The pursuit is initiated within the premises of the 46236
institution from which the violation of section 2921.34 of the 46237
Revised Code occurred. 46238

(b) For purposes of division (F)(2)(a) of this section, the 46239
execution of a written statement by the administrator of the 46240
institution in which a person had been hospitalized, 46241
institutionalized, or confined pursuant to or under authority of 46242
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 46243

2945.402 of the Revised Code alleging that the person has escaped 46244
from the premises of the institution in violation of section 46245
2921.34 of the Revised Code constitutes reasonable ground to 46246
believe that the violation was committed and reasonable cause to 46247
believe that the person alleged in the statement to have committed 46248
the offense is guilty of the violation. 46249

(G) As used in this section: 46250

(1) A "department of mental health special police officer" 46251
means a special police officer of the department of mental health 46252
designated under section 5119.14 of the Revised Code who is 46253
certified by the Ohio peace officer training commission under 46254
section 109.77 of the Revised Code as having successfully 46255
completed an approved peace officer basic training program. 46256

(2) A "department of developmental disabilities special 46257
police officer" means a special police officer of the department 46258
of developmental disabilities designated under section 5123.13 of 46259
the Revised Code who is certified by the Ohio peace officer 46260
training council under section 109.77 of the Revised Code as 46261
having successfully completed an approved peace officer basic 46262
training program. 46263

(3) "Deadly weapon" has the same meaning as in section 46264
2923.11 of the Revised Code. 46265

(4) "Family or household member" has the same meaning as in 46266
section 2919.25 of the Revised Code. 46267

(5) "Street" or "highway" has the same meaning as in section 46268
4511.01 of the Revised Code. 46269

(6) "Interstate system" has the same meaning as in section 46270
5516.01 of the Revised Code. 46271

(7) "Peace officer of the department of natural resources" 46272
means an employee of the department of natural resources who is a 46273

natural resources law enforcement staff officer designated 46274
pursuant to section 1501.013 of the Revised Code, a forest officer 46275
designated pursuant to section 1503.29 of the Revised Code, a 46276
preserve officer designated pursuant to section 1517.10 of the 46277
Revised Code, a wildlife officer designated pursuant to section 46278
1531.13 of the Revised Code, a park officer designated pursuant to 46279
section 1541.10 of the Revised Code, or a state watercraft officer 46280
designated pursuant to section 1547.521 of the Revised Code. 46281

(8) "Portion of any street or highway" means all lanes of the 46282
street or highway irrespective of direction of travel, including 46283
designated turn lanes, and any berm, median, or shoulder. 46284

Sec. 2939.11. The official ~~shorthand~~ reporter of the county, 46285
or any ~~shorthand~~ reporter designated by the court of common pleas, 46286
at the request of the prosecuting attorney, or any such reporter 46287
designated by the attorney general in investigations conducted by 46288
~~him~~ the attorney general, may take ~~shorthand~~ notes of, or 46289
electronically record, testimony before the grand jury, and 46290
furnish a transcript to the prosecuting attorney or the attorney 46291
general, and to no other person. The ~~shorthand~~ reporter shall 46292
withdraw from the jury room before the jurors begin to express 46293
their views or take their vote on the matter before them. Such 46294
reporter shall take an oath to be administered by the judge after 46295
the grand jury is sworn, imposing an obligation of secrecy to not 46296
disclose any testimony taken or heard except to the grand jury, 46297
prosecuting attorney, or attorney general, unless called upon in 46298
court to make disclosures. 46299

Sec. 2945.371. (A) If the issue of a defendant's competence 46300
to stand trial is raised or if a defendant enters a plea of not 46301
guilty by reason of insanity, the court may order one or more 46302
evaluations of the defendant's present mental condition or, in the 46303
case of a plea of not guilty by reason of insanity, of the 46304

defendant's mental condition at the time of the offense charged. 46305
An examiner shall conduct the evaluation. 46306

(B) If the court orders more than one evaluation under 46307
division (A) of this section, the prosecutor and the defendant may 46308
recommend to the court an examiner whom each prefers to perform 46309
one of the evaluations. If a defendant enters a plea of not guilty 46310
by reason of insanity and if the court does not designate an 46311
examiner recommended by the defendant, the court shall inform the 46312
defendant that the defendant may have independent expert 46313
evaluation and that, if the defendant is unable to obtain 46314
independent expert evaluation, it will be obtained for the 46315
defendant at public expense if the defendant is indigent. 46316

(C) If the court orders an evaluation under division (A) of 46317
this section, the defendant shall be available at the times and 46318
places established by the examiners who are to conduct the 46319
evaluation. The court may order a defendant who has been released 46320
on bail or recognizance to submit to an evaluation under this 46321
section. If a defendant who has been released on bail or 46322
recognizance refuses to submit to a complete evaluation, the court 46323
may amend the conditions of bail or recognizance and order the 46324
sheriff to take the defendant into custody and deliver the 46325
defendant to a center, program, or facility operated or certified 46326
by the department of mental health or the department of 46327
developmental disabilities where the defendant may be held for 46328
evaluation for a reasonable period of time not to exceed twenty 46329
days. 46330

(D) A defendant who has not been released on bail or 46331
recognizance may be evaluated at the defendant's place of 46332
detention. Upon the request of the examiner, the court may order 46333
the sheriff to transport the defendant to a program or facility 46334
operated or certified by the department of mental health or the 46335
department of developmental disabilities, where the defendant may 46336

be held for evaluation for a reasonable period of time not to 46337
exceed twenty days, and to return the defendant to the place of 46338
detention after the evaluation. A municipal court may make an 46339
order under this division only upon the request of a certified 46340
forensic center examiner. 46341

(E) If a court orders the evaluation to determine a 46342
defendant's mental condition at the time of the offense charged, 46343
the court shall inform the examiner of the offense with which the 46344
defendant is charged. 46345

(F) In conducting an evaluation of a defendant's mental 46346
condition at the time of the offense charged, the examiner shall 46347
consider all relevant evidence. If the offense charged involves 46348
the use of force against another person, the relevant evidence to 46349
be considered includes, but is not limited to, any evidence that 46350
the defendant suffered, at the time of the commission of the 46351
offense, from the "battered woman syndrome." 46352

(G) The examiner shall file a written report with the court 46353
within thirty days after entry of a court order for evaluation, 46354
and the court shall provide copies of the report to the prosecutor 46355
and defense counsel. The report shall include all of the 46356
following: 46357

(1) The examiner's findings; 46358

(2) The facts in reasonable detail on which the findings are 46359
based; 46360

(3) If the evaluation was ordered to determine the 46361
defendant's competence to stand trial, all of the following 46362
findings or recommendations that are applicable: 46363

(a) Whether the defendant is capable of understanding the 46364
nature and objective of the proceedings against the defendant or 46365
of assisting in the defendant's defense; 46366

(b) If the examiner's opinion is that the defendant is 46367
incapable of understanding the nature and objective of the 46368
proceedings against the defendant or of assisting in the 46369
defendant's defense, whether the defendant presently is mentally 46370
ill or mentally retarded and, if the examiner's opinion is that 46371
the defendant presently is mentally retarded, whether the 46372
defendant appears to be a mentally retarded person subject to 46373
institutionalization by court order; 46374

(c) If the examiner's opinion is that the defendant is 46375
incapable of understanding the nature and objective of the 46376
proceedings against the defendant or of assisting in the 46377
defendant's defense, the examiner's opinion as to the likelihood 46378
of the defendant becoming capable of understanding the nature and 46379
objective of the proceedings against the defendant and of 46380
assisting in the defendant's defense within one year if the 46381
defendant is provided with a course of treatment; 46382

(d) If the examiner's opinion is that the defendant is 46383
incapable of understanding the nature and objective of the 46384
proceedings against the defendant or of assisting in the 46385
defendant's defense and that the defendant presently is mentally 46386
ill or mentally retarded, the examiner's recommendation as to the 46387
least restrictive ~~treatment~~ placement or commitment alternative, 46388
consistent with the defendant's treatment needs for restoration to 46389
competency and with the safety of the community; 46390

(e) If the defendant is charged with a misdemeanor offense 46391
that is not an offense of violence and the examiner's opinion is 46392
that the defendant is incapable of understanding the nature and 46393
objective of the proceedings against the defendant or of assisting 46394
in the defendant's defense and that the defendant is presently 46395
mentally ill or mentally retarded, the examiner's recommendation 46396
as to whether the defendant is amenable to engagement in mental 46397
health treatment or developmental disability services. 46398

(4) If the evaluation was ordered to determine the defendant's mental condition at the time of the offense charged, the examiner's findings as to whether the defendant, at the time of the offense charged, did not know, as a result of a severe mental disease or defect, the wrongfulness of the defendant's acts charged.

(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 insanity.

(J) No statement that a defendant makes in an evaluation or hearing under divisions (A) to (H) of this section relating to the defendant's competence to stand trial or to the defendant's mental condition at the time of the offense charged shall be used against the defendant on the issue of guilt in any criminal action or proceeding, but, in a criminal action or proceeding, the prosecutor or defense counsel may call as a witness any person who evaluated the defendant or prepared a report pursuant to a referral under this section. Neither the appointment nor the testimony of an examiner appointed under this section precludes the prosecutor or defense counsel from calling other witnesses or presenting other evidence on competency or insanity issues.

(K) Persons appointed as examiners under divisions (A) and (B) of this section or under division (H) of this section shall be paid a reasonable amount for their services and expenses, as certified by the court. The certified amount shall be paid by the county in the case of county courts and courts of common pleas and by the legislative authority, as defined in section 1901.03 of the Revised Code, in the case of municipal courts.

Sec. 2945.38. (A) If the issue of a defendant's competence to stand trial is raised and if the court, upon conducting the hearing provided for in section 2945.37 of the Revised Code, finds that the defendant is competent to stand trial, the defendant

shall be proceeded against as provided by law. If the court finds 46463
the defendant competent to stand trial and the defendant is 46464
receiving psychotropic drugs or other medication, the court may 46465
authorize the continued administration of the drugs or medication 46466
or other appropriate treatment in order to maintain the 46467
defendant's competence to stand trial, unless the defendant's 46468
attending physician advises the court against continuation of the 46469
drugs, other medication, or treatment. 46470

(B)(1)(a) If, after taking into consideration all relevant 46471
reports, information, and other evidence, the court finds that the 46472
defendant is incompetent to stand trial and that there is a 46473
substantial probability that the defendant will become competent 46474
to stand trial within one year if the defendant is provided with a 46475
course of treatment, the court shall order the defendant to 46476
undergo treatment. If the defendant has been charged with a felony 46477
offense and if, after taking into consideration all relevant 46478
reports, information, and other evidence, the court finds that the 46479
defendant is incompetent to stand trial, but the court is unable 46480
at that time to determine whether there is a substantial 46481
probability that the defendant will become competent to stand 46482
trial within one year if the defendant is provided with a course 46483
of treatment, the court shall order continuing evaluation and 46484
treatment of the defendant for a period not to exceed four months 46485
to determine whether there is a substantial probability that the 46486
defendant will become competent to stand trial within one year if 46487
the defendant is provided with a course of treatment. 46488

(b) The court order for the defendant to undergo treatment or 46489
continuing evaluation and treatment under division (B)(1)(a) of 46490
this section shall specify that the defendant, if determined to 46491
require mental health treatment or continuing evaluation and 46492
treatment, shall be committed to the department of mental health 46493
for treatment or continuing evaluation and treatment shall occur 46494

at a hospital, facility, or agency, as determined to be clinically 46495
appropriate by the department of mental health and, if determined 46496
to require treatment or continuing evaluation and treatment for a 46497
developmental disability, shall receive treatment or continuing 46498
evaluation and treatment at an institution or facility operated by 46499
the department of ~~mental health or the department of~~ developmental 46500
disabilities, at a facility certified by ~~either of those~~ 46501
~~departments~~ the department of developmental disabilities as being 46502
qualified to treat ~~mental illness or~~ mental retardation, at a 46503
public or private community mental ~~health or mental~~ retardation 46504
facility, or by a ~~psychiatrist or another~~ mental health or mental 46505
retardation professional. The order may restrict the defendant's 46506
freedom of movement as the court considers necessary. The 46507
prosecutor in the defendant's case shall send to the chief 46508
clinical officer of the hospital ~~or~~, facility, or agency where the 46509
defendant is placed by the department of mental health, or to the 46510
managing officer of the institution, the director of the ~~program~~ 46511
facility, or the person to which the defendant is committed, 46512
copies of relevant police reports and other background information 46513
that pertains to the defendant and is available to the prosecutor 46514
unless the prosecutor determines that the release of any of the 46515
information in the police reports or any of the other background 46516
information to unauthorized persons would interfere with the 46517
effective prosecution of any person or would create a substantial 46518
risk of harm to any person. 46519

In committing the defendant to the department of mental 46520
health, the court shall consider the extent to which the person is 46521
a danger to the person and to others, the need for security, and 46522
the type of crime involved and, if the court finds that 46523
restrictions on the defendant's freedom of movement are necessary, 46524
shall specify the least restrictive limitations on the person's 46525
freedom of movement determined to be necessary to protect public 46526
safety. In determining ~~placement~~ commitment alternatives for 46527

defendants determined to require treatment or continuing 46528
evaluation and treatment for developmental disabilities, the court 46529
shall consider the extent to which the person is a danger to the 46530
person and to others, the need for security, and the type of crime 46531
involved and shall order the least restrictive alternative 46532
available that is consistent with public safety and treatment 46533
goals. In weighing these factors, the court shall give preference 46534
to protecting public safety. 46535

(c) If the defendant is found incompetent to stand trial, if 46536
the chief clinical officer of the hospital ~~or~~, facility, or agency 46537
where the defendant is placed, or the managing officer of the 46538
institution, the director of the ~~program~~ facility, or the person 46539
to which the defendant is committed for treatment or continuing 46540
evaluation and treatment under division (B)(1)(b) of this section 46541
determines that medication is necessary to restore the defendant's 46542
competency to stand trial, and if the defendant lacks the capacity 46543
to give informed consent or refuses medication, the chief clinical 46544
officer of the hospital, facility, or agency where the defendant 46545
is placed, or the managing officer of the institution, the 46546
director of the facility, or the person to which the defendant is 46547
committed for treatment or continuing evaluation and treatment may 46548
petition the court for authorization for the involuntary 46549
administration of medication. The court shall hold a hearing on 46550
the petition within five days of the filing of the petition if the 46551
petition was filed in a municipal court or a county court 46552
regarding an incompetent defendant charged with a misdemeanor or 46553
within ten days of the filing of the petition if the petition was 46554
filed in a court of common pleas regarding an incompetent 46555
defendant charged with a felony offense. Following the hearing, 46556
the court may authorize the involuntary administration of 46557
medication or may dismiss the petition. 46558

(d) If the defendant is charged with a misdemeanor offense 46559

that is not an offense of violence, the prosecutor may hold the 46560
charges in abeyance while the defendant engages in mental health 46561
treatment or developmental disability services. 46562

(2) If the court finds that the defendant is incompetent to 46563
stand trial and that, even if the defendant is provided with a 46564
course of treatment, there is not a substantial probability that 46565
the defendant will become competent to stand trial within one 46566
year, the court shall order the discharge of the defendant, unless 46567
upon motion of the prosecutor or on its own motion, the court 46568
either seeks to retain jurisdiction over the defendant pursuant to 46569
section 2945.39 of the Revised Code or files an affidavit in the 46570
probate court for the civil commitment of the defendant pursuant 46571
to Chapter 5122. or 5123. of the Revised Code alleging that the 46572
defendant is a mentally ill person subject to hospitalization by 46573
court order or a mentally retarded person subject to 46574
institutionalization by court order. If an affidavit is filed in 46575
the probate court, the trial court shall send to the probate court 46576
copies of all written reports of the defendant's mental condition 46577
that were prepared pursuant to section 2945.371 of the Revised 46578
Code. 46579

The trial court may issue the temporary order of detention 46580
that a probate court may issue under section 5122.11 or 5123.71 of 46581
the Revised Code, to remain in effect until the probable cause or 46582
initial hearing in the probate court. Further proceedings in the 46583
probate court are civil proceedings governed by Chapter 5122. or 46584
5123. of the Revised Code. 46585

(C) No defendant shall be required to undergo treatment, 46586
including any continuing evaluation and treatment, under division 46587
(B)(1) of this section for longer than whichever of the following 46588
periods is applicable: 46589

(1) One year, if the most serious offense with which the 46590
defendant is charged is one of the following offenses: 46591

(a) Aggravated murder, murder, or an offense of violence for which a sentence of death or life imprisonment may be imposed; 46592
46593

(b) An offense of violence that is a felony of the first or second degree; 46594
46595

(c) A conspiracy to commit, an attempt to commit, or complicity in the commission of an offense described in division (C)(1)(a) or (b) of this section if the conspiracy, attempt, or complicity is a felony of the first or second degree. 46596
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(2) Six months, if the most serious offense with which the defendant is charged is a felony other than a felony described in division (C)(1) of this section; 46600
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(3) Sixty days, if the most serious offense with which the defendant is charged is a misdemeanor of the first or second degree; 46603
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(4) Thirty days, if the most serious offense with which the defendant is charged is a misdemeanor of the third or fourth degree, a minor misdemeanor, or an unclassified misdemeanor. 46606
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(D) Any defendant who is committed pursuant to this section shall not voluntarily admit the defendant or be voluntarily admitted to a hospital or institution pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 46609
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(E) Except as otherwise provided in this division, a defendant who is charged with an offense and is committed by the court under this section to ~~a hospital~~ the department of mental health with restrictions on the defendant's freedom of movement or ~~either is committed to an institution by the court under this section or facility for the treatment of developmental disabilities~~ shall not be granted unsupervised on-grounds movement, supervised off-grounds movement, or nonsecured status except in accordance with the court order. The court may grant a defendant supervised off-grounds movement to obtain medical 46613
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treatment or specialized habilitation treatment services if the 46623
person who supervises the treatment or the continuing evaluation 46624
and treatment of the defendant ordered under division (B)(1)(a) of 46625
this section informs the court that the treatment or continuing 46626
evaluation and treatment cannot be provided at the hospital or 46627
facility where the defendant is placed by the department of mental 46628
health or the institution or facility to which the defendant is 46629
committed. The chief clinical officer of the hospital or facility 46630
where the defendant is placed by the department of mental health 46631
or the managing officer of the institution or director of the 46632
facility to which the defendant is committed, or a designee of 46633
~~either~~ any of those persons, may grant a defendant movement to a 46634
medical facility for an emergency medical situation with 46635
appropriate supervision to ensure the safety of the defendant, 46636
staff, and community during that emergency medical situation. The 46637
chief clinical officer of the hospital or facility where the 46638
defendant is placed by the department of mental health or the 46639
managing officer of the institution or director of the facility to 46640
which the defendant is committed shall notify the court within 46641
twenty-four hours of the defendant's movement to the medical 46642
facility for an emergency medical situation under this division. 46643

(F) The person who supervises the treatment or continuing 46644
evaluation and treatment of a defendant ordered to undergo 46645
treatment or continuing evaluation and treatment under division 46646
(B)(1)(a) of this section shall file a written report with the 46647
court at the following times: 46648

(1) Whenever the person believes the defendant is capable of 46649
understanding the nature and objective of the proceedings against 46650
the defendant and of assisting in the defendant's defense; 46651

(2) For a felony offense, fourteen days before expiration of 46652
the maximum time for treatment as specified in division (C) of 46653
this section and fourteen days before the expiration of the 46654

maximum time for continuing evaluation and treatment as specified 46655
in division (B)(1)(a) of this section, and, for a misdemeanor 46656
offense, ten days before the expiration of the maximum time for 46657
treatment, as specified in division (C) of this section; 46658

(3) At a minimum, after each six months of treatment; 46659

(4) Whenever the person who supervises the treatment or 46660
continuing evaluation and treatment of a defendant ordered under 46661
division (B)(1)(a) of this section believes that there is not a 46662
substantial probability that the defendant will become capable of 46663
understanding the nature and objective of the proceedings against 46664
the defendant or of assisting in the defendant's defense even if 46665
the defendant is provided with a course of treatment. 46666

(G) A report under division (F) of this section shall contain 46667
the examiner's findings, the facts in reasonable detail on which 46668
the findings are based, and the examiner's opinion as to the 46669
defendant's capability of understanding the nature and objective 46670
of the proceedings against the defendant and of assisting in the 46671
defendant's defense. If, in the examiner's opinion, the defendant 46672
remains incapable of understanding the nature and objective of the 46673
proceedings against the defendant and of assisting in the 46674
defendant's defense and there is a substantial probability that 46675
the defendant will become capable of understanding the nature and 46676
objective of the proceedings against the defendant and of 46677
assisting in the defendant's defense if the defendant is provided 46678
with a course of treatment, if in the examiner's opinion the 46679
defendant remains mentally ill or mentally retarded, and if the 46680
maximum time for treatment as specified in division (C) of this 46681
section has not expired, the report also shall contain the 46682
examiner's recommendation as to the least restrictive ~~treatment~~ 46683
placement or commitment alternative that is consistent with the 46684
defendant's treatment needs for restoration to competency and with 46685
the safety of the community. The court shall provide copies of the 46686

report to the prosecutor and defense counsel. 46687

(H) If a defendant is committed pursuant to division (B)(1) 46688
of this section, within ten days after the treating physician of 46689
the defendant or the examiner of the defendant who is employed or 46690
retained by the treating facility advises that there is not a 46691
substantial probability that the defendant will become capable of 46692
understanding the nature and objective of the proceedings against 46693
the defendant or of assisting in the defendant's defense even if 46694
the defendant is provided with a course of treatment, within ten 46695
days after the expiration of the maximum time for treatment as 46696
specified in division (C) of this section, within ten days after 46697
the expiration of the maximum time for continuing evaluation and 46698
treatment as specified in division (B)(1)(a) of this section, 46699
within thirty days after a defendant's request for a hearing that 46700
is made after six months of treatment, or within thirty days after 46701
being advised by the treating physician or examiner that the 46702
defendant is competent to stand trial, whichever is the earliest, 46703
the court shall conduct another hearing to determine if the 46704
defendant is competent to stand trial and shall do whichever of 46705
the following is applicable: 46706

(1) If the court finds that the defendant is competent to 46707
stand trial, the defendant shall be proceeded against as provided 46708
by law. 46709

(2) If the court finds that the defendant is incompetent to 46710
stand trial, but that there is a substantial probability that the 46711
defendant will become competent to stand trial if the defendant is 46712
provided with a course of treatment, and the maximum time for 46713
treatment as specified in division (C) of this section has not 46714
expired, the court, after consideration of the examiner's 46715
recommendation, shall order that treatment be continued, may 46716
change the ~~facility or program at which the treatment is to be~~ 46717
~~continued~~ least restrictive limitations on the defendant's freedom 46718

of movement, and, if applicable, shall specify whether the 46719
treatment for developmental disabilities is to be continued at the 46720
same or a different facility or ~~program~~ institution. 46721

(3) If the court finds that the defendant is incompetent to 46722
stand trial, if the defendant is charged with an offense listed in 46723
division (C)(1) of this section, and if the court finds that there 46724
is not a substantial probability that the defendant will become 46725
competent to stand trial even if the defendant is provided with a 46726
course of treatment, or if the maximum time for treatment relative 46727
to that offense as specified in division (C) of this section has 46728
expired, further proceedings shall be as provided in sections 46729
2945.39, 2945.401, and 2945.402 of the Revised Code. 46730

(4) If the court finds that the defendant is incompetent to 46731
stand trial, if the most serious offense with which the defendant 46732
is charged is a misdemeanor or a felony other than a felony listed 46733
in division (C)(1) of this section, and if the court finds that 46734
there is not a substantial probability that the defendant will 46735
become competent to stand trial even if the defendant is provided 46736
with a course of treatment, or if the maximum time for treatment 46737
relative to that offense as specified in division (C) of this 46738
section has expired, the court shall dismiss the indictment, 46739
information, or complaint against the defendant. A dismissal under 46740
this division is not a bar to further prosecution based on the 46741
same conduct. The court shall discharge the defendant unless the 46742
court or prosecutor files an affidavit in probate court for civil 46743
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 46744
If an affidavit for civil commitment is filed, the court may 46745
detain the defendant for ten days pending civil commitment. All of 46746
the following provisions apply to persons charged with a 46747
misdemeanor or a felony other than a felony listed in division 46748
(C)(1) of this section who are committed by the probate court 46749
subsequent to the court's or prosecutor's filing of an affidavit 46750

for civil commitment under authority of this division: 46751

(a) The chief clinical officer of the entity, hospital, or 46752
facility, the managing officer of the institution, ~~the director of~~ 46753
~~the program~~, or the person to which the defendant is committed or 46754
admitted shall do all of the following: 46755

(i) Notify the prosecutor, in writing, of the discharge of 46756
the defendant, send the notice at least ten days prior to the 46757
discharge unless the discharge is by the probate court, and state 46758
in the notice the date on which the defendant will be discharged; 46759

(ii) Notify the prosecutor, in writing, when the defendant is 46760
absent without leave or is granted unsupervised, off-grounds 46761
movement, and send this notice promptly after the discovery of the 46762
absence without leave or prior to the granting of the 46763
unsupervised, off-grounds movement, whichever is applicable; 46764

(iii) Notify the prosecutor, in writing, of the change of the 46765
defendant's commitment or admission to voluntary status, send the 46766
notice promptly upon learning of the change to voluntary status, 46767
and state in the notice the date on which the defendant was 46768
committed or admitted on a voluntary status. 46769

(b) Upon receiving notice that the defendant will be granted 46770
unsupervised, off-grounds movement, the prosecutor either shall 46771
re-indict the defendant or promptly notify the court that the 46772
prosecutor does not intend to prosecute the charges against the 46773
defendant. 46774

(I) If a defendant is convicted of a crime and sentenced to a 46775
jail or workhouse, the defendant's sentence shall be reduced by 46776
the total number of days the defendant is confined for evaluation 46777
to determine the defendant's competence to stand trial or 46778
treatment under this section and sections 2945.37 and 2945.371 of 46779
the Revised Code or by the total number of days the defendant is 46780
confined for evaluation to determine the defendant's mental 46781

condition at the time of the offense charged. 46782

Sec. 2945.39. (A) If a defendant who is charged with an 46783
offense described in division (C)(1) of section 2945.38 of the 46784
Revised Code is found incompetent to stand trial, after the 46785
expiration of the maximum time for treatment as specified in 46786
division (C) of that section or after the court finds that there 46787
is not a substantial probability that the defendant will become 46788
competent to stand trial even if the defendant is provided with a 46789
course of treatment, one of the following applies: 46790

(1) The court or the prosecutor may file an affidavit in 46791
probate court for civil commitment of the defendant in the manner 46792
provided in Chapter 5122. or 5123. of the Revised Code. If the 46793
court or prosecutor files an affidavit for civil commitment, the 46794
court may detain the defendant for ten days pending civil 46795
commitment. If the probate court commits the defendant subsequent 46796
to the court's or prosecutor's filing of an affidavit for civil 46797
commitment, the chief clinical officer of the entity, hospital, or 46798
facility, the managing officer of the institution, ~~the director of~~ 46799
~~the program~~, or the person to which the defendant is committed or 46800
admitted shall send to the prosecutor the notices described in 46801
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 46802
Code within the periods of time and under the circumstances 46803
specified in those divisions. 46804

(2) On the motion of the prosecutor or on its own motion, the 46805
court may retain jurisdiction over the defendant if, at a hearing, 46806
the court finds both of the following by clear and convincing 46807
evidence: 46808

(a) The defendant committed the offense with which the 46809
defendant is charged. 46810

(b) The defendant is a mentally ill person subject to 46811
hospitalization by court order or a mentally retarded person 46812

subject to institutionalization by court order. 46813

(B) In making its determination under division (A)(2) of this 46814
section as to whether to retain jurisdiction over the defendant, 46815
the court may consider all relevant evidence, including, but not 46816
limited to, any relevant psychiatric, psychological, or medical 46817
testimony or reports, the acts constituting the offense charged, 46818
and any history of the defendant that is relevant to the 46819
defendant's ability to conform to the law. 46820

(C) If the court conducts a hearing as described in division 46821
(A)(2) of this section and if the court does not make both 46822
findings described in divisions (A)(2)(a) and (b) of this section 46823
by clear and convincing evidence, the court shall dismiss the 46824
indictment, information, or complaint against the defendant. Upon 46825
the dismissal, the court shall discharge the defendant unless the 46826
court or prosecutor files an affidavit in probate court for civil 46827
commitment of the defendant pursuant to Chapter 5122. or 5123. of 46828
the Revised Code. If the court or prosecutor files an affidavit 46829
for civil commitment, the court may order that the defendant be 46830
detained for up to ten days pending the civil commitment. If the 46831
probate court commits the defendant subsequent to the court's or 46832
prosecutor's filing of an affidavit for civil commitment, the 46833
chief clinical officer of the entity, hospital, or facility, the 46834
managing officer of the institution, ~~the director of the program,~~ 46835
or the person to which the defendant is committed or admitted 46836
shall send to the prosecutor the notices described in divisions 46837
(H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 46838
within the periods of time and under the circumstances specified 46839
in those divisions. A dismissal of charges under this division is 46840
not a bar to further criminal proceedings based on the same 46841
conduct. 46842

(D)(1) If the court conducts a hearing as described in 46843
division (A)(2) of this section and if the court makes the 46844

findings described in divisions (A)(2)(a) and (b) of this section 46845
by clear and convincing evidence, the court shall commit the 46846
defendant, if determined to require mental health treatment, to a 46847
~~hospital operated by~~ the department of mental health for treatment 46848
at a hospital, facility, or agency as determined clinically 46849
appropriate by the department of mental health or, if determined 46850
to require treatment for developmental disabilities, to a facility 46851
operated by the department of developmental disabilities, or 46852
another ~~medical or psychiatric~~ facility, as appropriate. In 46853
committing the defendant to the department of mental health, the 46854
court shall specify the least restrictive limitations on the 46855
defendant's freedom of movement determined to be necessary to 46856
protect public safety. In determining the place and nature of the 46857
commitment to a facility operated by the department of 46858
developmental disabilities or another facility for treatment of 46859
developmental disabilities, the court shall order the least 46860
restrictive commitment alternative available that is consistent 46861
with public safety and the welfare of the defendant. In weighing 46862
these factors, the court shall give preference to protecting 46863
public safety. 46864

(2) If a court makes a commitment of a defendant under 46865
division (D)(1) of this section, the prosecutor shall send to the 46866
hospital, facility, or agency where the defendant is placed by the 46867
department of mental health or to the defendant's place of 46868
commitment all reports of the defendant's current mental condition 46869
and, except as otherwise provided in this division, any other 46870
relevant information, including, but not limited to, a transcript 46871
of the hearing held pursuant to division (A)(2) of this section, 46872
copies of relevant police reports, and copies of any prior arrest 46873
and conviction records that pertain to the defendant and that the 46874
prosecutor possesses. The prosecutor shall send the reports of the 46875
defendant's current mental condition in every case of commitment, 46876
and, unless the prosecutor determines that the release of any of 46877

the other relevant information to unauthorized persons would 46878
interfere with the effective prosecution of any person or would 46879
create a substantial risk of harm to any person, the prosecutor 46880
also shall send the other relevant information. ~~Upon admission of~~ 46881
~~a defendant committed under division (D)(1) of this section, the~~ 46882
~~place of commitment shall send to the board of alcohol, drug~~ 46883
~~addiction, and mental health services or the community mental~~ 46884
~~health board serving the county in which the charges against the~~ 46885
~~defendant were filed a copy of all reports of the defendant's~~ 46886
~~current mental condition and a copy of the other relevant~~ 46887
~~information provided by the prosecutor under this division,~~ 46888
~~including, if provided, a transcript of the hearing held pursuant~~ 46889
~~to division (A)(2) of this section, the relevant police reports,~~ 46890
~~and the prior arrest and conviction records that pertain to the~~ 46891
~~defendant and that the prosecutor possesses.~~ 46892

(3) If a court makes a commitment under division (D)(1) of 46893
this section, all further proceedings shall be in accordance with 46894
sections 2945.401 and 2945.402 of the Revised Code. 46895

Sec. 2945.40. (A) If a person is found not guilty by reason 46896
of insanity, the verdict shall state that finding, and the trial 46897
court shall conduct a full hearing to determine whether the person 46898
is a mentally ill person subject to hospitalization by court order 46899
or a mentally retarded person subject to institutionalization by 46900
court order. Prior to the hearing, if the trial judge believes 46901
that there is probable cause that the person found not guilty by 46902
reason of insanity is a mentally ill person subject to 46903
hospitalization by court order or mentally retarded person subject 46904
to institutionalization by court order, the trial judge may issue 46905
a temporary order of detention for that person to remain in effect 46906
for ten court days or until the hearing, whichever occurs first. 46907

Any person detained pursuant to a temporary order of 46908

detention issued under this division shall be held in a suitable facility, taking into consideration the place and type of confinement prior to and during trial.

(B) The court shall hold the hearing under division (A) of this section to determine whether the person found not guilty by reason of insanity is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order within ten court days after the finding of not guilty by reason of insanity. Failure to conduct the hearing within the ten-day period shall cause the immediate discharge of the respondent, unless the judge grants a continuance for not longer than ten court days for good cause shown or for any period of time upon motion of the respondent.

(C) If a person is found not guilty by reason of insanity, the person has the right to attend all hearings conducted pursuant to sections 2945.37 to 2945.402 of the Revised Code. At any hearing conducted pursuant to one of those sections, the court shall inform the person that the person has all of the following rights:

(1) The right to be represented by counsel and to have that counsel provided at public expense if the person is indigent, with the counsel to be appointed by the court under Chapter 120. of the Revised Code or under the authority recognized in division (C) of section 120.06, division (E) of section 120.16, division (E) of section 120.26, or section 2941.51 of the Revised Code;

(2) The right to have independent expert evaluation and to have that independent expert evaluation provided at public expense if the person is indigent;

(3) The right to subpoena witnesses and documents, to present evidence on the person's behalf, and to cross-examine witnesses

against the person; 46940

(4) The right to testify in the person's own behalf and to 46941
not be compelled to testify; 46942

(5) The right to have copies of any relevant medical or 46943
mental health document in the custody of the state or of any place 46944
of commitment other than a document for which the court finds that 46945
the release to the person of information contained in the document 46946
would create a substantial risk of harm to any person. 46947

(D) The hearing under division (A) of this section shall be 46948
open to the public, and the court shall conduct the hearing in 46949
accordance with the Rules of Civil Procedure. The court shall make 46950
and maintain a full transcript and record of the hearing 46951
proceedings. The court may consider all relevant evidence, 46952
including, but not limited to, any relevant psychiatric, 46953
psychological, or medical testimony or reports, the acts 46954
constituting the offense in relation to which the person was found 46955
not guilty by reason of insanity, and any history of the person 46956
that is relevant to the person's ability to conform to the law. 46957

(E) Upon completion of the hearing under division (A) of this 46958
section, if the court finds there is not clear and convincing 46959
evidence that the person is a mentally ill person subject to 46960
hospitalization by court order or a mentally retarded person 46961
subject to institutionalization by court order, the court shall 46962
discharge the person, unless a detainer has been placed upon the 46963
person by the department of rehabilitation and correction, in 46964
which case the person shall be returned to that department. 46965

(F) If, at the hearing under division (A) of this section, 46966
the court finds by clear and convincing evidence that the person 46967
is a mentally ill person subject to hospitalization by court order 46968
~~or~~, the court shall commit the person to the department of mental 46969
health for placement in a hospital, facility, or agency as 46970

determined clinically appropriate by the department of mental 46971
health. If, at the hearing under division (A) of this section, the 46972
court finds by clear and convincing evidence that the person is a 46973
mentally retarded person subject to institutionalization by court 46974
order, it shall commit the person to a ~~hospital operated by the~~ 46975
~~department of mental health,~~ a facility operated by the department 46976
of developmental disabilities, ~~or another medical or psychiatric~~ 46977
facility, as appropriate, ~~and further.~~ Further proceedings shall 46978
be in accordance with sections 2945.401 and 2945.402 of the 46979
Revised Code. In committing the person to the department of mental 46980
health, the court shall specify the least restrictive limitations 46981
to the defendant's freedom of movement determined to be necessary 46982
to protect public safety. In determining the place and nature of 46983
the commitment of a mentally retarded person subject to 46984
institutionalization by court order, the court shall order the 46985
least restrictive commitment alternative available that is 46986
consistent with public safety and the welfare of the person. In 46987
weighing these factors, the court shall give preference to 46988
protecting public safety. 46989

(G) If a court makes a commitment of a person under division 46990
(F) of this section, the prosecutor shall send to the hospital, 46991
facility, or agency where the person is placed by the department 46992
of mental health or to the defendant's place of commitment all 46993
reports of the person's current mental condition, and, except as 46994
otherwise provided in this division, any other relevant 46995
information, including, but not limited to, a transcript of the 46996
hearing held pursuant to division (A) of this section, copies of 46997
relevant police reports, and copies of any prior arrest and 46998
conviction records that pertain to the person and that the 46999
prosecutor possesses. The prosecutor shall send the reports of the 47000
person's current mental condition in every case of commitment, 47001
and, unless the prosecutor determines that the release of any of 47002
the other relevant information to unauthorized persons would 47003

interfere with the effective prosecution of any person or would 47004
create a substantial risk of harm to any person, the prosecutor 47005
also shall send the other relevant information. ~~Upon admission of~~ 47006
~~a person committed under division (F) of this section, the place~~ 47007
~~of commitment shall send to the board of alcohol, drug addiction,~~ 47008
~~and mental health services or the community mental health board~~ 47009
~~serving the county in which the charges against the person were~~ 47010
~~filed a copy of all reports of the person's current mental~~ 47011
~~condition and a copy of the other relevant information provided by~~ 47012
~~the prosecutor under this division, including, if provided, a~~ 47013
~~transcript of the hearing held pursuant to division (A) of this~~ 47014
~~section, the relevant police reports, and the prior arrest and~~ 47015
~~conviction records that pertain to the person and that the~~ 47016
~~prosecutor possesses.~~ 47017

(H) A person who is committed pursuant to this section shall 47018
not voluntarily admit the person or be voluntarily admitted to a 47019
hospital or institution pursuant to section 5122.02, 5122.15, 47020
5123.69, or 5123.76 of the Revised Code. 47021

Sec. 2945.401. (A) A defendant found incompetent to stand 47022
trial and committed pursuant to section 2945.39 of the Revised 47023
Code or a person found not guilty by reason of insanity and 47024
committed pursuant to section 2945.40 of the Revised Code shall 47025
remain subject to the jurisdiction of the trial court pursuant to 47026
that commitment, and to the provisions of this section, until the 47027
final termination of the commitment as described in division 47028
(J)(1) of this section. If the jurisdiction is terminated under 47029
this division because of the final termination of the commitment 47030
resulting from the expiration of the maximum prison term or term 47031
of imprisonment described in division (J)(1)(b) of this section, 47032
the court or prosecutor may file an affidavit for the civil 47033
commitment of the defendant or person pursuant to Chapter 5122. or 47034
5123. of the Revised Code. 47035

(B) A hearing conducted under any provision of sections 47036
2945.37 to 2945.402 of the Revised Code shall not be conducted in 47037
accordance with Chapters 5122. and 5123. of the Revised Code. Any 47038
person who is committed pursuant to section 2945.39 or 2945.40 of 47039
the Revised Code shall not voluntarily admit the person or be 47040
voluntarily admitted to a hospital or institution pursuant to 47041
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 47042
All other provisions of Chapters 5122. and 5123. of the Revised 47043
Code regarding hospitalization or institutionalization shall apply 47044
to the extent they are not in conflict with this chapter. A 47045
commitment under section 2945.39 or 2945.40 of the Revised Code 47046
shall not be terminated and the conditions of the commitment shall 47047
not be changed except as otherwise provided in division (D)(2) of 47048
this section with respect to a mentally retarded person subject to 47049
institutionalization by court order or except by order of the 47050
trial court. 47051

(C) The ~~hospital, department of mental health or the~~ 47052
institution or facility, or program to which a defendant or person 47053
has been committed under section 2945.39 or 2945.40 of the Revised 47054
Code shall report in writing to the trial court, at the times 47055
specified in this division, as to whether the defendant or person 47056
remains a mentally ill person subject to hospitalization by court 47057
order or a mentally retarded person subject to 47058
institutionalization by court order and, in the case of a 47059
defendant committed under section 2945.39 of the Revised Code, as 47060
to whether the defendant remains incompetent to stand trial. The 47061
~~hospital department, institution, or facility, or program~~ shall 47062
make the reports after the initial six months of treatment and 47063
every two years after the initial report is made. The trial court 47064
shall provide copies of the reports to the prosecutor and to the 47065
counsel for the defendant or person. Within thirty days after its 47066
receipt pursuant to this division of a report from ~~a hospital the~~ 47067
department, institution, or facility, or program, the trial court 47068

shall hold a hearing on the continued commitment of the defendant 47069
or person or on any changes in the conditions of the commitment of 47070
the defendant or person. The defendant or person may request a 47071
change in the conditions of confinement, and the trial court shall 47072
conduct a hearing on that request if six months or more have 47073
elapsed since the most recent hearing was conducted under this 47074
section. 47075

(D)(1) Except as otherwise provided in division (D)(2) of 47076
this section, when a defendant or person has been committed under 47077
section 2945.39 or 2945.40 of the Revised Code, at any time after 47078
evaluating the risks to public safety and the welfare of the 47079
defendant or person, the ~~chief clinical officer~~ designee of the 47080
department of mental health or the managing officer of the 47081
institution or director of the ~~hospital, facility, or program~~ to 47082
which the defendant or person is committed may recommend a 47083
termination of the defendant's or person's commitment or a change 47084
in the conditions of the defendant's or person's commitment. 47085

Except as otherwise provided in division (D)(2) of this 47086
section, if the ~~chief clinical officer~~ designee of the department 47087
of mental health recommends on-grounds unsupervised movement, 47088
off-grounds supervised movement, or nonsecured status for the 47089
defendant or person or termination of the defendant's or person's 47090
commitment, the following provisions apply: 47091

(a) If the ~~chief clinical officer~~ department's designee 47092
recommends on-grounds unsupervised movement or off-grounds 47093
supervised movement, the ~~chief clinical officer~~ department's 47094
designee shall file with the trial court an application for 47095
approval of the movement and shall send a copy of the application 47096
to the prosecutor. Within fifteen days after receiving the 47097
application, the prosecutor may request a hearing on the 47098
application and, if a hearing is requested, shall so inform the 47099
~~chief clinical officer~~ department's designee. If the prosecutor 47100

does not request a hearing within the fifteen-day period, the 47101
trial court shall approve the application by entering its order 47102
approving the requested movement or, within five days after the 47103
expiration of the fifteen-day period, shall set a date for a 47104
hearing on the application. If the prosecutor requests a hearing 47105
on the application within the fifteen-day period, the trial court 47106
shall hold a hearing on the application within thirty days after 47107
the hearing is requested. If the trial court, within five days 47108
after the expiration of the fifteen-day period, sets a date for a 47109
hearing on the application, the trial court shall hold the hearing 47110
within thirty days after setting the hearing date. At least 47111
fifteen days before any hearing is held under this division, the 47112
trial court shall give the prosecutor written notice of the date, 47113
time, and place of the hearing. At the conclusion of each hearing 47114
conducted under this division, the trial court either shall 47115
approve or disapprove the application and shall enter its order 47116
accordingly. 47117

(b) If the ~~chief clinical officer~~ department's designee 47118
recommends termination of the defendant's or person's commitment 47119
at any time or if the ~~chief clinical officer~~ department's designee 47120
recommends the first of any nonsecured status for the defendant or 47121
person, the ~~chief clinical officer~~ department's designee shall 47122
send written notice of this recommendation to the trial court and 47123
to the local forensic center. The local forensic center shall 47124
evaluate the committed defendant or person and, within thirty days 47125
after its receipt of the written notice, shall submit to the trial 47126
court and the ~~chief clinical officer~~ department's designee a 47127
written report of the evaluation. The trial court shall provide a 47128
copy of the ~~chief clinical officer's~~ department's designee's 47129
written notice and of the local forensic center's written report 47130
to the prosecutor and to the counsel for the defendant or person. 47131
Upon the local forensic center's submission of the report to the 47132
trial court and the ~~chief clinical officer~~ department's designee, 47133

all of the following apply: 47134

(i) If the forensic center disagrees with the recommendation 47135
of the ~~chief clinical officer~~ department's designee, it shall 47136
inform the ~~chief clinical officer~~ department's designee and the 47137
trial court of its decision and the reasons for the decision. The 47138
~~chief clinical officer~~ department's designee, after consideration 47139
of the forensic center's decision, shall either withdraw, proceed 47140
with, or modify and proceed with the recommendation. If the ~~chief~~ 47141
~~clinical officer~~ department's designee proceeds with, or modifies 47142
and proceeds with, the recommendation, the ~~chief clinical officer~~ 47143
department's designee shall proceed in accordance with division 47144
(D)(1)(b)(iii) of this section. 47145

(ii) If the forensic center agrees with the recommendation of 47146
the ~~chief clinical officer~~ department's designee, it shall inform 47147
the ~~chief clinical officer~~ department's designee and the trial 47148
court of its decision and the reasons for the decision, and the 47149
~~chief clinical officer~~ department's designee shall proceed in 47150
accordance with division (D)(1)(b)(iii) of this section. 47151

(iii) If the forensic center disagrees with the 47152
recommendation of the ~~chief clinical officer~~ department's designee 47153
and the ~~chief clinical officer~~ department's designee proceeds 47154
with, or modifies and proceeds with, the recommendation or if the 47155
forensic center agrees with the recommendation of the ~~chief~~ 47156
~~clinical officer~~ department's designee, the ~~chief clinical officer~~ 47157
department's designee shall work with ~~the board~~ community mental 47158
health agencies, programs, facilities, or boards of alcohol, drug 47159
addiction, and mental health services ~~or community mental health~~ 47160
~~board serving the area, as appropriate,~~ to develop a plan to 47161
implement the recommendation. If the defendant or person is on 47162
medication, the plan shall include, but shall not be limited to, a 47163
system to monitor the defendant's or person's compliance with the 47164
prescribed medication treatment plan. The system shall include a 47165

schedule that clearly states when the defendant or person shall 47166
report for a medication compliance check. The medication 47167
compliance checks shall be based upon the effective duration of 47168
the prescribed medication, taking into account the route by which 47169
it is taken, and shall be scheduled at intervals sufficiently 47170
close together to detect a potential increase in mental illness 47171
symptoms that the medication is intended to prevent. 47172

47173
~~The chief clinical officer, after consultation with the board~~ 47174
~~of alcohol, drug addiction, and mental health services or the~~ 47175
~~community mental health board serving the area, department's~~ 47176
designee shall send the recommendation and plan developed under 47177
division (D)(1)(b)(iii) of this section, in writing, to the trial 47178
court, the prosecutor and the counsel for the committed defendant 47179
or person. The trial court shall conduct a hearing on the 47180
recommendation and plan developed under division (D)(1)(b)(iii) of 47181
this section. Divisions (D)(1)(c) and (d) and (E) to (J) of this 47182
section apply regarding the hearing. 47183

(c) If the ~~chief clinical officer's~~ department's designee's 47184
recommendation is for nonsecured status or termination of 47185
commitment, the prosecutor may obtain an independent expert 47186
evaluation of the defendant's or person's mental condition, and 47187
the trial court may continue the hearing on the recommendation for 47188
a period of not more than thirty days to permit time for the 47189
evaluation. 47190

The prosecutor may introduce the evaluation report or present 47191
other evidence at the hearing in accordance with the Rules of 47192
Evidence. 47193

(d) The trial court shall schedule the hearing on a ~~chief~~ 47194
~~clinical officer's~~ department's designee's recommendation for 47195
nonsecured status or termination of commitment and shall give 47196
reasonable notice to the prosecutor and the counsel for the 47197

defendant or person. Unless continued for independent evaluation 47198
at the prosecutor's request or for other good cause, the hearing 47199
shall be held within thirty days after the trial court's receipt 47200
of the recommendation and plan. 47201

(2)(a) Division (D)(1) of this section does not apply to 47202
on-grounds unsupervised movement of a defendant or person who has 47203
been committed under section 2945.39 or 2945.40 of the Revised 47204
Code, who is a mentally retarded person subject to 47205
institutionalization by court order, and who is being provided 47206
residential habilitation, care, and treatment in a facility 47207
operated by the department of developmental disabilities. 47208

(b) If, pursuant to section 2945.39 of the Revised Code, the 47209
trial court commits a defendant who is found incompetent to stand 47210
trial and who is a mentally retarded person subject to 47211
institutionalization by court order, if the defendant is being 47212
provided residential habilitation, care, and treatment in a 47213
facility operated by the department of developmental disabilities, 47214
if an individual who is conducting a survey for the department of 47215
health to determine the facility's compliance with the 47216
certification requirements of the medicaid program under Chapter 47217
5111. of the Revised Code and Title XIX of the "Social Security 47218
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, cites the 47219
defendant's receipt of the residential habilitation, care, and 47220
treatment in the facility as being inappropriate under the 47221
certification requirements, if the defendant's receipt of the 47222
residential habilitation, care, and treatment in the facility 47223
potentially jeopardizes the facility's continued receipt of 47224
federal medicaid moneys, and if as a result of the citation the 47225
chief clinical officer of the facility determines that the 47226
conditions of the defendant's commitment should be changed, the 47227
department of developmental disabilities may cause the defendant 47228
to be removed from the particular facility and, after evaluating 47229

the risks to public safety and the welfare of the defendant and 47230
after determining whether another type of placement is consistent 47231
with the certification requirements, may place the defendant in 47232
another facility that the department selects as an appropriate 47233
facility for the defendant's continued receipt of residential 47234
habilitation, care, and treatment and that is a no less secure 47235
setting than the facility in which the defendant had been placed 47236
at the time of the citation. Within three days after the 47237
defendant's removal and alternative placement under the 47238
circumstances described in division (D)(2)(b) of this section, the 47239
department of developmental disabilities shall notify the trial 47240
court and the prosecutor in writing of the removal and alternative 47241
placement. 47242

The trial court shall set a date for a hearing on the removal 47243
and alternative placement, and the hearing shall be held within 47244
twenty-one days after the trial court's receipt of the notice from 47245
the department of developmental disabilities. At least ten days 47246
before the hearing is held, the trial court shall give the 47247
prosecutor, the department of developmental disabilities, and the 47248
counsel for the defendant written notice of the date, time, and 47249
place of the hearing. At the hearing, the trial court shall 47250
consider the citation issued by the individual who conducted the 47251
survey for the department of health to be prima-facie evidence of 47252
the fact that the defendant's commitment to the particular 47253
facility was inappropriate under the certification requirements of 47254
the medicaid program under Chapter 5111. of the Revised Code and 47255
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 47256
U.S.C.A. 301, as amended, and potentially jeopardizes the 47257
particular facility's continued receipt of federal medicaid 47258
moneys. At the conclusion of the hearing, the trial court may 47259
approve or disapprove the defendant's removal and alternative 47260
placement. If the trial court approves the defendant's removal and 47261
alternative placement, the department of developmental 47262

disabilities may continue the defendant's alternative placement. 47263
If the trial court disapproves the defendant's removal and 47264
alternative placement, it shall enter an order modifying the 47265
defendant's removal and alternative placement, but that order 47266
shall not require the department of developmental disabilities to 47267
replace the defendant for purposes of continued residential 47268
habilitation, care, and treatment in the facility associated with 47269
the citation issued by the individual who conducted the survey for 47270
the department of health. 47271

(E) In making a determination under this section regarding 47272
nonsecured status or termination of commitment, the trial court 47273
shall consider all relevant factors, including, but not limited 47274
to, all of the following: 47275

(1) Whether, in the trial court's view, the defendant or 47276
person currently represents a substantial risk of physical harm to 47277
the defendant or person or others; 47278

(2) Psychiatric and medical testimony as to the current 47279
mental and physical condition of the defendant or person; 47280

(3) Whether the defendant or person has insight into the 47281
defendant's or person's condition so that the defendant or person 47282
will continue treatment as prescribed or seek professional 47283
assistance as needed; 47284

(4) The grounds upon which the state relies for the proposed 47285
commitment; 47286

(5) Any past history that is relevant to establish the 47287
defendant's or person's degree of conformity to the laws, rules, 47288
regulations, and values of society; 47289

(6) If there is evidence that the defendant's or person's 47290
mental illness is in a state of remission, the medically suggested 47291
cause and degree of the remission and the probability that the 47292
defendant or person will continue treatment to maintain the 47293

remissive state of the defendant's or person's illness should the 47294
defendant's or person's commitment conditions be altered. 47295

(F) At any hearing held pursuant to division (C) or (D)(1) or 47296
(2) of this section, the defendant or the person shall have all 47297
the rights of a defendant or person at a commitment hearing as 47298
described in section 2945.40 of the Revised Code. 47299

(G) In a hearing held pursuant to division (C) or (D)(1) of 47300
this section, the prosecutor has the burden of proof as follows: 47301

(1) For a recommendation of termination of commitment, to 47302
show by clear and convincing evidence that the defendant or person 47303
remains a mentally ill person subject to hospitalization by court 47304
order or a mentally retarded person subject to 47305
institutionalization by court order; 47306

(2) For a recommendation for a change in the conditions of 47307
the commitment to a less restrictive status, to show by clear and 47308
convincing evidence that the proposed change represents a threat 47309
to public safety or a threat to the safety of any person. 47310

(H) In a hearing held pursuant to division (C) or (D)(1) or 47311
(2) of this section, the prosecutor shall represent the state or 47312
the public interest. 47313

(I) At the conclusion of a hearing conducted under division 47314
(D)(1) of this section regarding a recommendation from the ~~chief~~ 47315
~~clinical officer~~ designee of the department of mental health, 47316
managing officer of the institution, or director of a ~~hospital,~~ 47317
~~program, or~~ facility, the trial court may approve, disapprove, or 47318
modify the recommendation and shall enter an order accordingly. 47319

(J)(1) A defendant or person who has been committed pursuant 47320
to section 2945.39 or 2945.40 of the Revised Code continues to be 47321
under the jurisdiction of the trial court until the final 47322
termination of the commitment. For purposes of division (J) of 47323
this section, the final termination of a commitment occurs upon 47324

the earlier of one of the following: 47325

(a) The defendant or person no longer is a mentally ill 47326
person subject to hospitalization by court order or a mentally 47327
retarded person subject to institutionalization by court order, as 47328
determined by the trial court; 47329

(b) The expiration of the maximum prison term or term of 47330
imprisonment that the defendant or person could have received if 47331
the defendant or person had been convicted of the most serious 47332
offense with which the defendant or person is charged or in 47333
relation to which the defendant or person was found not guilty by 47334
reason of insanity; 47335

(c) The trial court enters an order terminating the 47336
commitment under the circumstances described in division 47337
(J)(2)(a)(ii) of this section. 47338

(2)(a) If a defendant is found incompetent to stand trial and 47339
committed pursuant to section 2945.39 of the Revised Code, if 47340
neither of the circumstances described in divisions (J)(1)(a) and 47341
(b) of this section applies to that defendant, and if a report 47342
filed with the trial court pursuant to division (C) of this 47343
section indicates that the defendant presently is competent to 47344
stand trial or if, at any other time during the period of the 47345
defendant's commitment, the prosecutor, the counsel for the 47346
defendant, or the ~~chief clinical officer~~ designee of the 47347
department of mental health or the managing officer of the 47348
institution or director of the ~~hospital, facility, or program~~ to 47349
which the defendant is committed files an application with the 47350
trial court alleging that the defendant presently is competent to 47351
stand trial and requesting a hearing on the competency issue or 47352
the trial court otherwise has reasonable cause to believe that the 47353
defendant presently is competent to stand trial and determines on 47354
its own motion to hold a hearing on the competency issue, the 47355
trial court shall schedule a hearing on the competency of the 47356

defendant to stand trial, shall give the prosecutor, the counsel 47357
for the defendant, and the ~~chief clinical officer~~ department's 47358
designee or the managing officer of the institution or the 47359
director of the facility to which the defendant is committed 47360
notice of the date, time, and place of the hearing at least 47361
fifteen days before the hearing, and shall conduct the hearing 47362
within thirty days of the filing of the application or of its own 47363
motion. If, at the conclusion of the hearing, the trial court 47364
determines that the defendant presently is capable of 47365
understanding the nature and objective of the proceedings against 47366
the defendant and of assisting in the defendant's defense, the 47367
trial court shall order that the defendant is competent to stand 47368
trial and shall be proceeded against as provided by law with 47369
respect to the applicable offenses described in division (C)(1) of 47370
section 2945.38 of the Revised Code and shall enter whichever of 47371
the following additional orders is appropriate: 47372

(i) If the trial court determines that the defendant remains 47373
a mentally ill person subject to hospitalization by court order or 47374
a mentally retarded person subject to institutionalization by 47375
court order, the trial court shall order that the defendant's 47376
commitment to the ~~hospital,~~ department of mental health or to an 47377
institution or facility, ~~or program for the treatment of~~ 47378
developmental disabilities be continued during the pendency of the 47379
trial on the applicable offenses described in division (C)(1) of 47380
section 2945.38 of the Revised Code. 47381

(ii) If the trial court determines that the defendant no 47382
longer is a mentally ill person subject to hospitalization by 47383
court order or a mentally retarded person subject to 47384
institutionalization by court order, the trial court shall order 47385
that the defendant's commitment to the ~~hospital,~~ department of 47386
mental health or to an institution or facility, ~~or program for the~~ 47387
treatment of developmental disabilities shall not be continued 47388

during the pendency of the trial on the applicable offenses 47389
described in division (C)(1) of section 2945.38 of the Revised 47390
Code. This order shall be a final termination of the commitment 47391
for purposes of division (J)(1)(c) of this section. 47392

(b) If, at the conclusion of the hearing described in 47393
division (J)(2)(a) of this section, the trial court determines 47394
that the defendant remains incapable of understanding the nature 47395
and objective of the proceedings against the defendant or of 47396
assisting in the defendant's defense, the trial court shall order 47397
that the defendant continues to be incompetent to stand trial, 47398
that the defendant's commitment to the ~~hospital, department of~~ 47399
mental health or to an institution or facility, or program for the 47400
treatment of developmental disabilities shall be continued, and 47401
that the defendant remains subject to the jurisdiction of the 47402
trial court pursuant to that commitment, and to the provisions of 47403
this section, until the final termination of the commitment as 47404
described in division (J)(1) of this section. 47405

Sec. 2945.402. (A) In approving a conditional release, the 47406
trial court may set any conditions on the release with respect to 47407
the treatment, evaluation, counseling, or control of the defendant 47408
or person that the court considers necessary to protect the public 47409
safety and the welfare of the defendant or person. The trial court 47410
may revoke a defendant's or person's conditional release and order 47411
~~rehospitalization~~ reinstatement of the previous placement or 47412
reinstitutionalization at any time the conditions of the release 47413
have not been satisfied, provided that the revocation shall be in 47414
accordance with this section. 47415

(B) A conditional release is a commitment. The hearings on 47416
continued commitment as described in section 2945.401 of the 47417
Revised Code apply to a defendant or person on conditional 47418
release. 47419

(C) A person, agency, or facility that is assigned to monitor a defendant or person on conditional release immediately shall notify the trial court on learning that the defendant or person being monitored has violated the terms of the conditional release. Upon learning of any violation of the terms of the conditional release, the trial court may issue a temporary order of detention or, if necessary, an arrest warrant for the defendant or person. Within ten court days after the defendant's or person's detention or arrest, the trial court shall conduct a hearing to determine whether the conditional release should be modified or terminated. At the hearing, the defendant or person shall have the same rights as are described in division (C) of section 2945.40 of the Revised Code. The trial court may order a continuance of the ten-court-day period for no longer than ten days for good cause shown or for any period on motion of the defendant or person. If the trial court fails to conduct the hearing within the ten-court-day period and does not order a continuance in accordance with this division, the defendant or person shall be restored to the prior conditional release status.

(D) The trial court shall give all parties reasonable notice of a hearing conducted under this section. At the hearing, the prosecutor shall present the case demonstrating that the defendant or person violated the terms of the conditional release. If the court finds by a preponderance of the evidence that the defendant or person violated the terms of the conditional release, the court may continue, modify, or terminate the conditional release and shall enter its order accordingly.

Sec. 2949.14. Upon conviction of a nonindigent person for a felony, the clerk of the court of common pleas shall make and certify under ~~his~~ the clerk's hand and seal of the court, a complete itemized bill of the costs made in such prosecution, including the sum paid by the board of county commissioners,

certified by the county auditor, for the arrest and return of the 47452
person on the requisition of the governor, or on the request of 47453
the governor to the president of the United States, or on the 47454
return of the fugitive by a designated agent pursuant to a waiver 47455
of extradition except in cases of parole violation. ~~Such bill of~~ 47456
~~costs shall be presented by such clerk to the prosecuting~~ 47457
~~attorney, who shall examine each item therein charged and certify~~ 47458
~~to it if correct and legal. Upon certification by the prosecuting~~ 47459
~~attorney, the~~ The clerk shall attempt to collect the costs from 47460
the person convicted. 47461

Sec. 2953.08. (A) In addition to any other right to appeal 47462
and except as provided in division (D) of this section, a 47463
defendant who is convicted of or pleads guilty to a felony may 47464
appeal as a matter of right the sentence imposed upon the 47465
defendant on one of the following grounds: 47466

(1) The sentence consisted of or included the maximum prison 47467
term allowed for the offense by division (A) of section 2929.14 or 47468
section 2929.142 of the Revised Code, the sentence was not imposed 47469
pursuant to division (D)(3)(b) of section 2929.14 of the Revised 47470
Code, the maximum prison term was not required for the offense 47471
pursuant to Chapter 2925. or any other provision of the Revised 47472
Code, and the court imposed the sentence under one of the 47473
following circumstances: 47474

(a) The sentence was imposed for only one offense. 47475

(b) The sentence was imposed for two or more offenses arising 47476
out of a single incident, and the court imposed the maximum prison 47477
term for the offense of the highest degree. 47478

(2) The sentence consisted of or included a prison term, the 47479
offense for which it was imposed is a felony of the fourth or 47480
fifth degree or is a felony drug offense that is a violation of a 47481
provision of Chapter 2925. of the Revised Code and that is 47482

specified as being subject to division (B) of section 2929.13 of 47483
the Revised Code for purposes of sentencing, and the court did not 47484
specify at sentencing that it found one or more factors specified 47485
in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised 47486
Code to apply relative to the defendant. If the court specifies 47487
that it found one or more of those factors to apply relative to 47488
the defendant, the defendant is not entitled under this division 47489
to appeal as a matter of right the sentence imposed upon the 47490
offender. 47491

(3) The person was convicted of or pleaded guilty to a 47492
violent sex offense or a designated homicide, assault, or 47493
kidnapping offense, was adjudicated a sexually violent predator in 47494
relation to that offense, and was sentenced pursuant to division 47495
(A)(3) of section 2971.03 of the Revised Code, if the minimum term 47496
of the indefinite term imposed pursuant to division (A)(3) of 47497
section 2971.03 of the Revised Code is the longest term available 47498
for the offense from among the range of terms listed in section 47499
2929.14 of the Revised Code. As used in this division, "designated 47500
homicide, assault, or kidnapping offense" and "violent sex 47501
offense" have the same meanings as in section 2971.01 of the 47502
Revised Code. As used in this division, "adjudicated a sexually 47503
violent predator" has the same meaning as in section 2929.01 of 47504
the Revised Code, and a person is "adjudicated a sexually violent 47505
predator" in the same manner and the same circumstances as are 47506
described in that section. 47507

(4) The sentence is contrary to law. 47508

(5) The sentence consisted of an additional prison term of 47509
ten years imposed pursuant to division (D)(2)(a) of section 47510
2929.14 of the Revised Code. 47511

(6) The sentence consisted of an additional prison term of 47512
ten years imposed pursuant to division (D)(3)(b) of section 47513
2929.14 of the Revised Code. 47514

(B) In addition to any other right to appeal and except as provided in division (D) of this section, a prosecuting attorney, a city director of law, village solicitor, or similar chief legal officer of a municipal corporation, or the attorney general, if one of those persons prosecuted the case, may appeal as a matter of right a sentence imposed upon a defendant who is convicted of or pleads guilty to a felony or, in the circumstances described in division (B)(3) of this section the modification of a sentence imposed upon such a defendant, on any of the following grounds:

(1) The sentence did not include a prison term despite a presumption favoring a prison term for the offense for which it was imposed, as set forth in section 2929.13 or Chapter 2925. of the Revised Code.

(2) The sentence is contrary to law.

(3) The sentence is a modification under section 2929.20 of the Revised Code of a sentence that was imposed for a felony of the first or second degree.

(C)(1) In addition to the right to appeal a sentence granted under division (A) or (B) of this section, a defendant who is convicted of or pleads guilty to a felony may seek leave to appeal a sentence imposed upon the defendant on the basis that the sentencing judge has imposed consecutive sentences under division (E)(3) or (4) of section 2929.14 of the Revised Code and that the consecutive sentences exceed the maximum prison term allowed by division (A) of that section for the most serious offense of which the defendant was convicted. Upon the filing of a motion under this division, the court of appeals may grant leave to appeal the sentence if the court determines that the allegation included as the basis of the motion is true.

(2) A defendant may seek leave to appeal an additional sentence imposed upon the defendant pursuant to division (D)(2)(a)

or (b) of section 2929.14 of the Revised Code if the additional 47546
sentence is for a definite prison term that is longer than five 47547
years. 47548

(D)(1) A sentence imposed upon a defendant is not subject to 47549
review under this section if the sentence is authorized by law, 47550
has been recommended jointly by the defendant and the prosecution 47551
in the case, and is imposed by a sentencing judge. 47552

(2) Except as provided in division (C)(2) of this section, a 47553
sentence imposed upon a defendant is not subject to review under 47554
this section if the sentence is imposed pursuant to division 47555
(D)(2)(b) of section 2929.14 of the Revised Code. Except as 47556
otherwise provided in this division, a defendant retains all 47557
rights to appeal as provided under this chapter or any other 47558
provision of the Revised Code. A defendant has the right to appeal 47559
under this chapter or any other provision of the Revised Code the 47560
court's application of division (D)(2)(c) of section 2929.14 of 47561
the Revised Code. 47562

(3) A sentence imposed for aggravated murder or murder 47563
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 47564
subject to review under this section. 47565

(E) A defendant, prosecuting attorney, city director of law, 47566
village solicitor, or chief municipal legal officer shall file an 47567
appeal of a sentence under this section to a court of appeals 47568
within the time limits specified in Rule 4(B) of the Rules of 47569
Appellate Procedure, provided that if the appeal is pursuant to 47570
division (B)(3) of this section, the time limits specified in that 47571
rule shall not commence running until the court grants the motion 47572
that makes the sentence modification in question. A sentence 47573
appeal under this section shall be consolidated with any other 47574
appeal in the case. If no other appeal is filed, the court of 47575
appeals may review only the portions of the trial record that 47576
pertain to sentencing. 47577

(F) On the appeal of a sentence under this section, the 47578
record to be reviewed shall include all of the following, as 47579
applicable: 47580

(1) Any presentence, psychiatric, or other investigative 47581
report that was submitted to the court in writing before the 47582
sentence was imposed. An appellate court that reviews a 47583
presentence investigation report prepared pursuant to section 47584
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 47585
connection with the appeal of a sentence under this section shall 47586
comply with division (D)(3) of section 2951.03 of the Revised Code 47587
when the appellate court is not using the presentence 47588
investigation report, and the appellate court's use of a 47589
presentence investigation report of that nature in connection with 47590
the appeal of a sentence under this section does not affect the 47591
otherwise confidential character of the contents of that report as 47592
described in division (D)(1) of section 2951.03 of the Revised 47593
Code and does not cause that report to become a public record, as 47594
defined in section 149.43 of the Revised Code, following the 47595
appellate court's use of the report. 47596

(2) The trial record in the case in which the sentence was 47597
imposed; 47598

(3) Any oral or written statements made to or by the court at 47599
the sentencing hearing at which the sentence was imposed; 47600

(4) Any written findings that the court was required to make 47601
in connection with the modification of the sentence pursuant to a 47602
judicial release under division (I) of section 2929.20 of the 47603
Revised Code. 47604

(G)(1) If the sentencing court was required to make the 47605
findings required by division (B) or (D) of section 2929.13, 47606
division (D)(2)(e) or (E)(4) of section 2929.14, or division (I) 47607
of section 2929.20 of the Revised Code relative to the imposition 47608

or modification of the sentence, and if the sentencing court 47609
failed to state the required findings on the record, the court 47610
hearing an appeal under division (A), (B), or (C) of this section 47611
shall remand the case to the sentencing court and instruct the 47612
sentencing court to state, on the record, the required findings. 47613

(2) The court hearing an appeal under division (A), (B), or 47614
(C) of this section shall review the record, including the 47615
findings underlying the sentence or modification given by the 47616
sentencing court. 47617

The appellate court may increase, reduce, or otherwise modify 47618
a sentence that is appealed under this section or may vacate the 47619
sentence and remand the matter to the sentencing court for 47620
resentencing. The appellate court's standard for review is not 47621
whether the sentencing court abused its discretion. The appellate 47622
court may take any action authorized by this division if it 47623
clearly and convincingly finds either of the following: 47624

(a) That the record does not support the sentencing court's 47625
findings under division (B) or (D) of section 2929.13, division 47626
(D)(2)(e) or (E)(4) of section 2929.14, or division (I) of section 47627
2929.20 of the Revised Code, whichever, if any, is relevant; 47628

(b) That the sentence is otherwise contrary to law. 47629

(H) A judgment or final order of a court of appeals under 47630
this section may be appealed, by leave of court, to the supreme 47631
court. 47632

(I)(1) There is hereby established the felony sentence appeal 47633
cost oversight committee, consisting of eight members. One member 47634
shall be the chief justice of the supreme court or a 47635
representative of the court designated by the chief justice, one 47636
member shall be a member of the senate appointed by the president 47637
of the senate, one member shall be a member of the house of 47638
representatives appointed by the speaker of the house of 47639

representatives, one member shall be the director of budget and 47640
management or a representative of the office of budget and 47641
management designated by the director, one member shall be a judge 47642
of a court of appeals, court of common pleas, municipal court, or 47643
county court appointed by the chief justice of the supreme court, 47644
one member shall be the state public defender or a representative 47645
of the office of the state public defender designated by the state 47646
public defender, one member shall be a prosecuting attorney 47647
appointed by the Ohio prosecuting attorneys association, and one 47648
member shall be a county commissioner appointed by the county 47649
commissioners association of Ohio. No more than three of the 47650
appointed members of the committee may be members of the same 47651
political party. 47652

The president of the senate, the speaker of the house of 47653
representatives, the chief justice of the supreme court, the Ohio 47654
prosecuting attorneys association, and the county commissioners 47655
association of Ohio shall make the initial appointments to the 47656
committee of the appointed members no later than ninety days after 47657
July 1, 1996. Of those initial appointments to the committee, the 47658
members appointed by the speaker of the house of representatives 47659
and the Ohio prosecuting attorneys association shall serve a term 47660
ending two years after July 1, 1996, the member appointed by the 47661
chief justice of the supreme court shall serve a term ending three 47662
years after July 1, 1996, and the members appointed by the 47663
president of the senate and the county commissioners association 47664
of Ohio shall serve terms ending four years after July 1, 1996. 47665
Thereafter, terms of office of the appointed members shall be for 47666
four years, with each term ending on the same day of the same 47667
month as did the term that it succeeds. Members may be 47668
reappointed. Vacancies shall be filled in the same manner provided 47669
for original appointments. A member appointed to fill a vacancy 47670
occurring prior to the expiration of the term for which that 47671
member's predecessor was appointed shall hold office as a member 47672

for the remainder of the predecessor's term. An appointed member 47673
shall continue in office subsequent to the expiration date of that 47674
member's term until that member's successor takes office or until 47675
a period of sixty days has elapsed, whichever occurs first. 47676

If the chief justice of the supreme court, the director of 47677
the office of budget and management, or the state public defender 47678
serves as a member of the committee, that person's term of office 47679
as a member shall continue for as long as that person holds office 47680
as chief justice, director of the office of budget and management, 47681
or state public defender. If the chief justice of the supreme 47682
court designates a representative of the court to serve as a 47683
member, the director of budget and management designates a 47684
representative of the office of budget and management to serve as 47685
a member, or the state public defender designates a representative 47686
of the office of the state public defender to serve as a member, 47687
the person so designated shall serve as a member of the commission 47688
for as long as the official who made the designation holds office 47689
as chief justice, director of the office of budget and management, 47690
or state public defender or until that official revokes the 47691
designation. 47692

The chief justice of the supreme court or the representative 47693
of the supreme court appointed by the chief justice shall serve as 47694
chairperson of the committee. The committee shall meet within two 47695
weeks after all appointed members have been appointed and shall 47696
organize as necessary. Thereafter, the committee shall meet at 47697
least once every six months or more often upon the call of the 47698
chairperson or the written request of three or more members, 47699
provided that the committee shall not meet unless moneys have been 47700
appropriated to the judiciary budget administered by the supreme 47701
court specifically for the purpose of providing financial 47702
assistance to counties under division (I)(2) of this section and 47703
the moneys so appropriated then are available for that purpose. 47704

The members of the committee shall serve without 47705
compensation, but, if moneys have been appropriated to the 47706
judiciary budget administered by the supreme court specifically 47707
for the purpose of providing financial assistance to counties 47708
under division (I)(2) of this section, each member shall be 47709
reimbursed out of the moneys so appropriated that then are 47710
available for actual and necessary expenses incurred in the 47711
performance of official duties as a committee member. 47712

(2) ~~The state criminal sentencing commission periodically~~ 47713
~~shall provide to the felony sentence appeal cost oversight~~ 47714
~~committee all data the commission collects pursuant to division~~ 47715
~~(A)(5) of section 181.25 of the Revised Code. Upon receipt of the~~ 47716
~~data from the state criminal sentencing commission, the felony~~ 47717
sentence appeal cost oversight committee periodically shall review 47718
~~the data;~~ determine whether any money has been appropriated to the 47719
judiciary budget administered by the supreme court specifically 47720
for the purpose of providing state financial assistance to 47721
counties in accordance with this division for the increase in 47722
expenses the counties experience as a result of the felony 47723
sentence appeal provisions set forth in this section or as a 47724
result of a postconviction relief proceeding brought under 47725
division (A)(2) of section 2953.21 of the Revised Code or an 47726
appeal of a judgment in that proceeding; if it determines that any 47727
money has been so appropriated, determine the total amount of 47728
moneys that have been so appropriated specifically for that 47729
purpose and that then are available for that purpose; and develop 47730
a recommended method of distributing those moneys to the counties. 47731
The committee shall send a copy of its recommendation to the 47732
supreme court. Upon receipt of the committee's recommendation, the 47733
supreme court shall distribute to the counties, based upon that 47734
recommendation, the moneys that have been so appropriated 47735
specifically for the purpose of providing state financial 47736
assistance to counties under this division and that then are 47737

available for that purpose. 47738

Sec. 2981.11. (A)(1) Any property that has been lost, 47739
abandoned, stolen, seized pursuant to a search warrant, or 47740
otherwise lawfully seized or forfeited and that is in the custody 47741
of a law enforcement agency shall be kept safely by the agency, 47742
pending the time it no longer is needed as evidence or for another 47743
lawful purpose, and shall be disposed of pursuant to sections 47744
2981.12 and 2981.13 of the Revised Code. 47745

(2) This chapter does not apply to the custody and disposal 47746
of any of the following: 47747

(a) Vehicles subject to forfeiture under Title XLV of the 47748
Revised Code, except as provided in division (A)(6) of section 47749
2981.12 of the Revised Code; 47750

(b) Abandoned junk motor vehicles or other property of 47751
negligible value; 47752

(c) Property held by a department of rehabilitation and 47753
correction institution that is unclaimed, that does not have an 47754
identified owner, that the owner agrees to dispose of, or that is 47755
identified by the department as having little value; 47756

(d) Animals taken, and devices used in unlawfully taking 47757
animals, under section 1531.20 of the Revised Code; 47758

(e) Controlled substances sold by a peace officer in the 47759
performance of the officer's official duties under section 47760
3719.141 of the Revised Code; 47761

(f) Property recovered by a township law enforcement agency 47762
under sections 505.105 to 505.109 of the Revised Code; 47763

(g) Property held and disposed of under an ordinance of the 47764
municipal corporation or under sections 737.29 to 737.33 of the 47765
Revised Code, except that a municipal corporation that has 47766
received notice of a citizens' reward program as provided in 47767

division (F) of section 2981.12 of the Revised Code and disposes 47768
of property under an ordinance shall pay twenty-five per cent of 47769
any moneys acquired from any sale or auction to the citizens' 47770
reward program. 47771

(B)(1) Each law enforcement agency that has custody of any 47772
property that is subject to this section shall adopt and comply 47773
with a written internal control policy that does all of the 47774
following: 47775

(a) Provides for keeping detailed records as to the amount of 47776
property acquired by the agency and the date property was 47777
acquired; 47778

(b) Provides for keeping detailed records of the disposition 47779
of the property, which shall include, but not be limited to, both 47780
of the following: 47781

(i) The manner in which it was disposed, the date of 47782
disposition, detailed financial records concerning any property 47783
sold, and the name of any person who received the property. The 47784
record shall not identify or enable identification of the 47785
individual officer who seized any item of property. 47786

(ii) The general types of expenditures made with amounts that 47787
are gained from the sale of the property and that are retained by 47788
the agency, including the specific amount expended on each general 47789
type of expenditure, except that the policy shall not provide for 47790
or permit the identification of any specific expenditure that is 47791
made in an ongoing investigation. 47792

(c) Complies with section 2981.13 of the Revised Code if the 47793
agency has a law enforcement trust fund or similar fund created 47794
under that section. 47795

(2) Each law enforcement agency that during any calendar year 47796
has any seized or forfeited property covered by this section in 47797
its custody, including amounts distributed under section 2981.13 47798

of the Revised Code to its law enforcement trust fund or a similar 47799
fund created for the state highway patrol, department of public 47800
safety, department of taxation, or state board of pharmacy, shall 47801
prepare a report covering the calendar year that cumulates all of 47802
the information contained in all of the public records kept by the 47803
agency pursuant to this section for that calendar year. The agency 47804
shall send a copy of the cumulative report to the attorney general 47805
not later than the first day of March in the calendar year 47806
following the calendar year covered by the report. 47807

(3) The records kept under the internal control policy shall 47808
be open to public inspection during the agency's regular business 47809
hours. The policy adopted under this section and each report 47810
received by the attorney general is a public record open for 47811
inspection under section 149.43 of the Revised Code. 47812

(4) Not later than the fifteenth day of April in each 47813
calendar year in which reports are sent to the attorney general 47814
under division (B)(2) of this section, the attorney general shall 47815
send to the president of the senate and the speaker of the house 47816
of representatives a written notice that indicates that the 47817
attorney general received reports that cover the previous calendar 47818
year, that the reports are open for inspection under section 47819
149.43 of the Revised Code, and that the attorney general will 47820
provide a copy of any or all of the reports to the president of 47821
the senate or the speaker of the house of representatives upon 47822
request. 47823

(C) A law enforcement agency with custody of property to be 47824
disposed of under section 2981.12 or 2981.13 of the Revised Code 47825
shall make a reasonable effort to locate persons entitled to 47826
possession of the property, to notify them of when and where it 47827
may be claimed, and to return the property to them at the earliest 47828
possible time. In the absence of evidence identifying persons 47829
entitled to possession, it is sufficient notice to advertise in a 47830

newspaper of general circulation in the county and to briefly 47831
describe the nature of the property in custody and inviting 47832
persons to view and establish their right to it. 47833

(D) As used in sections 2981.11 to 2981.13 of the Revised 47834
Code: 47835

(1) "Citizens' reward program" has the same meaning as in 47836
section 9.92 of the Revised Code. 47837

(2) "Law enforcement agency" includes correctional 47838
institutions. 47839

(3) "Township law enforcement agency" means an organized 47840
police department of a township, a township police district, a 47841
joint ~~township~~ police district, or the office of a township 47842
constable. 47843

Sec. 2981.13. (A) Except as otherwise provided in this 47844
section, property ordered forfeited as contraband, proceeds, or an 47845
instrumentality pursuant to this chapter shall be disposed of, 47846
used, or sold pursuant to section 2981.12 of the Revised Code. If 47847
the property is to be sold under that section, the prosecutor 47848
shall cause notice of the proposed sale to be given in accordance 47849
with law. 47850

(B) If the contraband or instrumentality forfeited under this 47851
chapter is sold, any moneys acquired from a sale and any proceeds 47852
forfeited under this chapter shall be applied in the following 47853
order: 47854

(1) First, to pay costs incurred in the seizure, storage, 47855
maintenance, security, and sale of the property and in the 47856
forfeiture proceeding; 47857

(2) Second, in a criminal forfeiture case, to satisfy any 47858
restitution ordered to the victim of the offense or, in a civil 47859
forfeiture case, to satisfy any recovery ordered for the person 47860

harmed, unless paid from other assets; 47861

(3) Third, to pay the balance due on any security interest 47862
preserved under this chapter; 47863

(4) Fourth, apply the remaining amounts as follows: 47864

(a) If the forfeiture was ordered by a juvenile court, ten 47865
per cent to one or more certified alcohol and drug addiction 47866
treatment programs as provided in division (D) of section 2981.12 47867
of the Revised Code; 47868

(b) If the forfeiture was ordered in a juvenile court, ninety 47869
per cent, and if the forfeiture was ordered in a court other than 47870
a juvenile court, one hundred per cent to the law enforcement 47871
trust fund of the prosecutor and to the following fund supporting 47872
the law enforcement agency that substantially conducted the 47873
investigation: the law enforcement trust fund of the county 47874
sheriff, municipal corporation, township, or park district created 47875
under section 511.18 or 1545.01 of the Revised Code; the state 47876
highway patrol contraband, forfeiture, and other fund; the 47877
department of public safety investigative unit contraband, 47878
forfeiture, and other fund; the department of taxation enforcement 47879
fund; the board of pharmacy drug law enforcement fund created by 47880
division (B)(1) of section 4729.65 of the Revised Code; the 47881
medicaid fraud investigation and prosecution fund; or the 47882
treasurer of state for deposit into the peace officer training 47883
commission fund if any other state law enforcement agency 47884
substantially conducted the investigation. In the case of property 47885
forfeited for medicaid fraud, any remaining amount shall be used 47886
by the attorney general to investigate and prosecute medicaid 47887
fraud offenses. 47888

If the prosecutor declines to accept any of the remaining 47889
amounts, the amounts shall be applied to the fund of the agency 47890
that substantially conducted the investigation. 47891

(c) If more than one law enforcement agency is substantially
involved in the seizure of property forfeited under this chapter,
the court ordering the forfeiture shall equitably divide the
amounts, after calculating any distribution to the law enforcement
trust fund of the prosecutor pursuant to division (B)(4) of this
section, among the entities that the court determines were
substantially involved in the seizure.

(C)(1) A law enforcement trust fund shall be established by
the prosecutor of each county who intends to receive any remaining
amounts pursuant to this section, by the sheriff of each county,
by the legislative authority of each municipal corporation, by the
board of township trustees of each township that has a township
police department, township or joint police district police force,
or office of the constable, and by the board of park commissioners
of each park district created pursuant to section 511.18 or
1545.01 of the Revised Code that has a park district police force
or law enforcement department, for the purposes of this section.

There is hereby created in the state treasury the state
highway patrol contraband, forfeiture, and other fund, the
department of public safety investigative unit contraband,
forfeiture, and other fund, the medicaid fraud investigation and
prosecution fund, the department of taxation enforcement fund, and
the peace officer training commission fund, for the purposes of
this section.

Amounts distributed to any municipal corporation, township,
or park district law enforcement trust fund shall be allocated
from the fund by the legislative authority only to the police
department of the municipal corporation, by the board of township
trustees only to the township police department, township police
district police force, or office of the constable, by the joint
police district board only to the joint police district, and by
the board of park commissioners only to the park district police

force or law enforcement department. 47924

(2)(a) No amounts shall be allocated to a fund created under 47925
this section or used by an agency unless the agency has adopted a 47926
written internal control policy that addresses the use of moneys 47927
received from the appropriate fund. The appropriate fund shall be 47928
expended only in accordance with that policy and, subject to the 47929
requirements specified in this section, only for the following 47930
purposes: 47931

(i) To pay the costs of protracted or complex investigations 47932
or prosecutions; 47933

(ii) To provide reasonable technical training or expertise; 47934

(iii) To provide matching funds to obtain federal grants to 47935
aid law enforcement, in the support of DARE programs or other 47936
programs designed to educate adults or children with respect to 47937
the dangers associated with the use of drugs of abuse; 47938

(iv) To pay the costs of emergency action taken under section 47939
3745.13 of the Revised Code relative to the operation of an 47940
illegal methamphetamine laboratory if the forfeited property or 47941
money involved was that of a person responsible for the operation 47942
of the laboratory; 47943

(v) For other law enforcement purposes that the 47944
superintendent of the state highway patrol, department of public 47945
safety, prosecutor, county sheriff, legislative authority, 47946
department of taxation, board of township trustees, or board of 47947
park commissioners determines to be appropriate. 47948

(b) The board of pharmacy drug law enforcement fund shall be 47949
expended only in accordance with the written internal control 47950
policy so adopted by the board and only in accordance with section 47951
4729.65 of the Revised Code, except that it also may be expended 47952
to pay the costs of emergency action taken under section 3745.13 47953
of the Revised Code relative to the operation of an illegal 47954

methamphetamine laboratory if the forfeited property or money 47955
involved was that of a person responsible for the operation of the 47956
laboratory. 47957

(c) The state highway patrol contraband, forfeiture, and 47958
other fund, the department of public safety investigative unit 47959
contraband, forfeiture, and other fund, the department of taxation 47960
enforcement fund, the board of pharmacy drug law enforcement fund, 47961
and a law enforcement trust fund shall not be used to meet the 47962
operating costs of the state highway patrol, of the investigative 47963
unit of the department of public safety, of the state board of 47964
pharmacy, of any political subdivision, or of any office of a 47965
prosecutor or county sheriff that are unrelated to law 47966
enforcement. 47967

(d) Forfeited moneys that are paid into the state treasury to 47968
be deposited into the peace officer training commission fund shall 47969
be used by the commission only to pay the costs of peace officer 47970
training. 47971

(3) Any of the following offices or agencies that receive 47972
amounts under this section during any calendar year shall file a 47973
report with the specified entity, not later than the thirty-first 47974
day of January of the next calendar year, verifying that the 47975
moneys were expended only for the purposes authorized by this 47976
section or other relevant statute and specifying the amounts 47977
expended for each authorized purpose: 47978

(a) Any sheriff or prosecutor shall file the report with the 47979
county auditor. 47980

(b) Any municipal corporation police department shall file 47981
the report with the legislative authority of the municipal 47982
corporation. 47983

(c) Any township police department, township or joint police 47984
district police force, or office of the constable shall file the 47985

report with the board of township trustees of the township. 47986

(d) Any park district police force or law enforcement 47987
department shall file the report with the board of park 47988
commissioners of the park district. 47989

(e) The superintendent of the state highway patrol and the 47990
tax commissioner shall file the report with the attorney general. 47991

(f) The executive director of the state board of pharmacy 47992
shall file the report with the attorney general, verifying that 47993
cash and forfeited proceeds paid into the board of pharmacy drug 47994
law enforcement fund were used only in accordance with section 47995
4729.65 of the Revised Code. 47996

(g) The peace officer training commission shall file a report 47997
with the attorney general, verifying that cash and forfeited 47998
proceeds paid into the peace officer training commission fund 47999
pursuant to this section during the prior calendar year were used 48000
by the commission during the prior calendar year only to pay the 48001
costs of peace officer training. 48002

(D) The written internal control policy of a county sheriff, 48003
prosecutor, municipal corporation police department, township 48004
police department, township or joint police district police force, 48005
office of the constable, or park district police force or law 48006
enforcement department shall provide that at least ten per cent of 48007
the first one hundred thousand dollars of amounts deposited during 48008
each calendar year in the agency's law enforcement trust fund 48009
under this section, and at least twenty per cent of the amounts 48010
exceeding one hundred thousand dollars that are so deposited, 48011
shall be used in connection with community preventive education 48012
programs. The manner of use shall be determined by the sheriff, 48013
prosecutor, department, police force, or office of the constable 48014
after receiving and considering advice on appropriate community 48015
preventive education programs from the county's board of alcohol, 48016

drug addiction, and mental health services, from the county's 48017
alcohol and drug addiction services board, or through appropriate 48018
community dialogue. 48019

The financial records kept under the internal control policy 48020
shall specify the amount deposited during each calendar year in 48021
the portion of that amount that was used pursuant to this 48022
division, and the programs in connection with which the portion of 48023
that amount was so used. 48024

As used in this division, "community preventive education 48025
programs" include, but are not limited to, DARE programs and other 48026
programs designed to educate adults or children with respect to 48027
the dangers associated with using drugs of abuse. 48028

(E) Upon the sale, under this section or section 2981.12 of 48029
the Revised Code, of any property that is required by law to be 48030
titled or registered, the state shall issue an appropriate 48031
certificate of title or registration to the purchaser. If the 48032
state is vested with title and elects to retain property that is 48033
required to be titled or registered under law, the state shall 48034
issue an appropriate certificate of title or registration. 48035

(F) Any failure of a law enforcement officer or agency, 48036
prosecutor, court, or the attorney general to comply with this 48037
section in relation to any property seized does not affect the 48038
validity of the seizure and shall not be considered to be the 48039
basis for suppressing any evidence resulting from the seizure, 48040
provided the seizure itself was lawful. 48041

Sec. 3109.16. (A) The children's trust fund board, upon the 48042
recommendation of the director of job and family services, shall 48043
approve the employment of an executive director who will 48044
administer the programs of the board. ~~The~~ 48045

(B) The department of job and family services shall provide 48046

budgetary, procurement, accounting, and other related management 48047
functions for the board and may adopt rules in accordance with 48048
Chapter 119. of the Revised Code for these purposes. An amount not 48049
to exceed three per cent of the total amount of fees deposited in 48050
the children's trust fund in each fiscal year may be used for 48051
costs directly related to these administrative functions of the 48052
department. Each fiscal year, the board shall approve a budget for 48053
administrative expenditures for the next fiscal year. 48054

(C) The board may request that the department adopt rules the 48055
board considers necessary for the purpose of carrying out the 48056
board's responsibilities under this section, and the department 48057
may adopt those rules. The department may, after consultation with 48058
the board and the executive director, adopt any other rules to 48059
assist the board in carrying out its responsibilities under this 48060
section. In either case, the rules shall be adopted under Chapter 48061
119. of the Revised Code. 48062

(D) The board shall meet at least quarterly at the call of 48063
the chairperson to conduct its official business. All business 48064
transactions of the board shall be conducted in public meetings. 48065
Eight members of the board constitute a quorum. A majority of the 48066
board members is required to adopt the state plan for the 48067
allocation of funds from the children's trust fund. A majority of 48068
the quorum is required to make all other decisions of the board. 48069

The (E) With respect to funding, all of the following apply: 48070

(1) The board may apply for and accept federal and other 48071
funds for the purpose of funding child abuse and child neglect 48072
prevention programs. In addition, the 48073

(2) The board may solicit and accept gifts, money, and other 48074
donations from any public or private source, including 48075
individuals, philanthropic foundations or organizations, 48076
corporations, or corporation endowments. The 48077

(3) The board may develop private-public partnerships to 48078
support the mission of the children's trust fund. 48079

(4) The acceptance and use of federal and other funds shall 48080
not entail any commitment or pledge of state funds, nor obligate 48081
the general assembly to continue the programs or activities for 48082
which the federal and other funds are made available. ~~All~~ 48083

(5) All funds received in the manner described in this 48084
section shall be transmitted to the treasurer of state, who shall 48085
credit them to the children's trust fund created in section 48086
3109.14 of the Revised Code. 48087

Sec. 3111.04. (A) An action to determine the existence or 48088
nonexistence of the father and child relationship may be brought 48089
by the child or the child's personal representative, the child's 48090
mother or her personal representative, a man alleged or alleging 48091
himself to be the child's father, the child support enforcement 48092
agency of the county in which the child resides if the child's 48093
mother, father, or alleged father is a recipient of public 48094
assistance or of services under Title IV-D of the "Social Security 48095
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 48096
alleged father's personal representative. 48097

(B) An agreement does not bar an action under this section. 48098

(C) If an action under this section is brought before the 48099
birth of the child and if the action is contested, all 48100
proceedings, except service of process and the taking of 48101
depositions to perpetuate testimony, may be stayed until after the 48102
birth. 48103

(D) A recipient of public assistance or of services under 48104
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 48105
U.S.C.A. 651, as amended, shall cooperate with the child support 48106
enforcement agency of the county in which a child resides to 48107

obtain an administrative determination pursuant to sections 48108
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 48109
determination pursuant to sections 3111.01 to 3111.18 of the 48110
Revised Code, of the existence or nonexistence of a parent and 48111
child relationship between the father and the child. If the 48112
recipient fails to cooperate, the agency may commence an action to 48113
determine the existence or nonexistence of a parent and child 48114
relationship between the father and the child pursuant to sections 48115
3111.01 to 3111.18 of the Revised Code. 48116

(E) As used in this section, "public assistance" means all of 48117
the following: 48118

(1) Medicaid under Chapter 5111. of the Revised Code; 48119

(2) Ohio works first under Chapter 5107. of the Revised Code; 48120

(3) Disability financial assistance under Chapter 5115. of 48121
the Revised Code; 48122

~~(4) Children's buy in program under sections 5101.5211 to 48123
5101.5216 of the Revised Code. 48124~~

Sec. 3113.06. No father, or mother when she is charged with 48125
the maintenance, of a child under eighteen years of age, or a 48126
mentally or physically handicapped child under age twenty-one, who 48127
is legally a ward of a public children services agency or is the 48128
recipient of aid pursuant to ~~sections 5101.5211 to 5101.5216 or~~ 48129
Chapter 5107. or 5115. of the Revised Code, shall neglect or 48130
refuse to pay such agency the reasonable cost of maintaining such 48131
child when such father or mother is able to do so by reason of 48132
property, labor, or earnings. 48133

An offense under this section shall be held committed in the 48134
county in which the agency is located. The agency shall file 48135
charges against any parent who violates this section, unless the 48136
agency files charges under section 2919.21 of the Revised Code, or 48137

unless charges of nonsupport are filed by a relative or guardian 48138
of the child, or unless an action to enforce support is brought 48139
under Chapter 3115. of the Revised Code. 48140

Sec. 3119.54. A party to a child support order issued in 48141
accordance with section 3119.30 of the Revised Code shall notify 48142
any physician, hospital, or other provider of medical services 48143
that provides medical services to the child who is the subject of 48144
the child support order of the number of any health insurance or 48145
health care policy, contract, or plan that covers the child if the 48146
child is eligible for medical assistance under ~~sections 5101.5211~~ 48147
~~to 5101.5216~~ or Chapter 5111. of the Revised Code. The party shall 48148
include in the notice the name and address of the insurer. Any 48149
physician, hospital, or other provider of medical services for 48150
which medical assistance is available under ~~sections 5101.5211~~ to 48151
~~5101.5216~~ or Chapter 5111. of the Revised Code who is notified 48152
under this section of the existence of a health insurance or 48153
health care policy, contract, or plan with coverage for children 48154
who are eligible for medical assistance shall first bill the 48155
insurer for any services provided for those children. If the 48156
insurer fails to pay all or any part of a claim filed under this 48157
section and the services for which the claim is filed are covered 48158
by ~~sections 5101.5211~~ to ~~5101.5216~~ or Chapter 5111. of the Revised 48159
Code, the physician, hospital, or other medical services provider 48160
shall bill the remaining unpaid costs of the services in 48161
accordance with ~~sections 5101.5211~~ to ~~5101.5216~~ or Chapter 5111. 48162
of the Revised Code. 48163

Sec. 3121.48. The office of child support shall ~~maintain~~ 48164
administer a ~~separate account~~ fund for the deposit of support 48165
payments it receives as trustee for remittance to the persons 48166
entitled to receive the support payments. The fund shall be in the 48167
custody of the treasurer of state, but shall not be part of the 48168

state treasury. 48169

Sec. 3123.44. (A) Notice shall be sent to an individual 48170
described in section 3123.42 of the Revised Code in compliance 48171
with section 3121.23 of the Revised Code. The notice shall specify 48172
that a court or child support enforcement agency has determined 48173
the individual to be in default under a child support order or 48174
that the individual is an obligor who has failed to comply with a 48175
subpoena or warrant issued by a court or agency with respect to a 48176
proceeding to enforce a child support order, that a notice 48177
containing the individual's name and social security number or 48178
other identification number may be sent to every board that has 48179
authority to issue or has issued the individual a license, and 48180
that, if the board receives that notice and determines that the 48181
individual is the individual named in that notice and the board 48182
has not received notice under section 3123.45 or 3123.46 of the 48183
Revised Code, all of the following will occur: 48184

~~(A)~~(1) The board will not issue any license to the individual 48185
or renew any license of the individual. 48186

~~(B)~~(2) The board will suspend any license of the individual 48187
if it determines that the individual is the individual named in 48188
the notice sent to the board under section 3123.43 of the Revised 48189
Code. 48190

~~(C)~~(3) If the individual is the individual named in the 48191
notice, the board will not issue any license to the individual, 48192
and will not reinstate a suspended license, until the board 48193
receives a notice under section 3123.45 or 3123.46 of the Revised 48194
Code. 48195

(B) If an agency makes the determination described in 48196
division (A) of section 3123.42 of the Revised Code, it shall not 48197
send the notice described in division (A) of this section unless 48198

both of the following are the case: 48199

(1) At least ninety days have elapsed since the final and enforceable determination of default; 48200
48201

(2) In the preceding ninety days, the obligor has failed to pay at least fifty per cent of the arrearage through means other than those described in sections 3123.81 to 3123.85 of the Revised Code. 48202
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(C) The department of job and family services shall adopt rules pursuant to section 3123.63 of the Revised Code establishing a uniform pre-suspension notice form that shall be used by agencies that send notice as required by this section. 48206
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Sec. 3123.45. A child support enforcement agency that sent a notice to a board of an individual's default under a child support order shall send to each board to which the agency sent the notice a further notice that the individual is not in default if it determines that the individual is not in default or any of the following occurs: 48210
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(A) The individual makes full payment to the office of child support in the department of job and family services or, pursuant to sections 3125.27 to 3125.30 of the Revised Code, the child support enforcement agency of the arrearage that was the basis for the court or agency determination that the individual was in default. 48216
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(B) ~~An~~ 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 48222
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under the child support order that was in default, ~~and the~~ 48229
~~individual is complying with the notice or order.~~ 48230

~~(C) A new child support order has been issued or the child~~ 48231
~~support order that was in default, has been modified to collect~~ 48232
~~current support and any arrearage due under the child support~~ 48233
~~order that was in default, and the individual is complying with~~ 48234
~~the new or modified child support order~~ The individual presents 48235
evidence to the agency sufficient to establish that the individual 48236
is unable to work due to circumstances beyond the individual's 48237
control. 48238

The agency shall send the notice under this section not later 48239
than seven days after the agency determines the individual is not 48240
in default or that any of the circumstances specified in this 48241
section has occurred. 48242

Sec. 3123.55. (A) Notice shall be sent to the individual 48243
described in section ~~3123.54~~ 3123.53 of the Revised Code in 48244
compliance with section 3121.23 of the Revised Code. The notice 48245
shall specify that a court or child support enforcement agency has 48246
determined the individual to be in default under a child support 48247
order or that the individual is an obligor under a child support 48248
order who has failed to comply with a subpoena or warrant issued 48249
by a court or agency with respect to a proceeding to enforce a 48250
child support order, that a notice containing the individual's 48251
name and social security number or other identification number may 48252
be sent to the registrar of motor vehicles, and that, if the 48253
registrar receives that notice and determines that the individual 48254
is the individual named in that notice and the registrar has not 48255
received notice under section 3123.56 or 3123.57 of the Revised 48256
Code, all of the following will occur: 48257

~~(A)~~(1) The registrar and all deputy registrars will be 48258
prohibited from issuing to the individual a driver's or commercial 48259

driver's license, motorcycle operator's license or endorsement, or 48260
temporary instruction permit or commercial driver's temporary 48261
instruction permit. 48262

~~(B)~~(2) The registrar and all deputy registrars will be 48263
prohibited from renewing for the individual a driver's or 48264
commercial driver's license, motorcycle operator's license or 48265
endorsement, or commercial driver's temporary instruction permit. 48266

~~(C)~~(3) If the individual holds a driver's or commercial 48267
driver's license, motorcycle operator's license or endorsement, or 48268
temporary instruction permit or commercial driver's temporary 48269
instruction permit, the registrar will impose a class F suspension 48270
under division (B)(6) of section 4510.02 of the Revised Code if 48271
the registrar determines that the individual is the individual 48272
named in the notice sent pursuant to section 3123.54 of the 48273
Revised Code. 48274

~~(D)~~(4) If the individual is the individual named in the 48275
notice, the individual will not be issued or have renewed any 48276
license, endorsement, or permit, and no suspension will be lifted 48277
with respect to any license, endorsement, or permit listed in this 48278
section until the registrar receives a notice under section 48279
3123.56 or 3123.57 of the Revised Code. 48280

(B) If an agency makes the determination described in 48281
division (A) of section 3123.53 of the Revised Code, it shall not 48282
send the notice described in division (A) of this section unless 48283
both of the following are the case: 48284

(1) At least ninety days have elapsed since the final and 48285
enforceable determination of default; 48286

(2) In the preceding ninety days, the obligor has failed to 48287
pay at least fifty per cent of the arrearage through means other 48288
than those described in sections 3123.81 to 3123.85 of the Revised 48289
Code. 48290

(C) The department of job and family services shall adopt 48291
rules pursuant to section 3123.63 of the Revised Code establishing 48292
a uniform pre-suspension notice form that shall be used by 48293
agencies that send notice as required by this section. 48294

Sec. 3123.56. A child support enforcement agency that sent a 48295
notice under section 3123.54 of the Revised Code of an 48296
individual's default under a child support order shall send to the 48297
registrar of motor vehicles a notice that the individual is not in 48298
default if it determines that the individual is not in default or 48299
any of the following occurs: 48300

(A) The individual makes full payment to the office of child 48301
support or, pursuant to sections 3125.27 to 3125.30 of the Revised 48302
Code, to the child support enforcement agency of the arrearage 48303
that was the basis for the court or agency determination that the 48304
individual was in default. 48305

(B) ~~An~~ The individual has presented to the agency sufficient 48306
evidence of current employment or of an account in a financial 48307
institution, the agency has confirmed the individual's employment 48308
or the existence of the account, and an appropriate withholding or 48309
deduction notice or other appropriate order described in section 48310
3121.03, ~~3121.04, 3121.05, 3121.06, or 3121.12~~ of the Revised Code 48311
has been issued to collect current support and any arrearage due 48312
under the child support order that was in default, ~~and the~~ 48313
~~individual is complying with the notice or order.~~ 48314

(C) ~~A new child support order has been issued or the child~~ 48315
~~support order that was in default has been modified to collect~~ 48316
~~current support and any arrearage due under the child support~~ 48317
~~order that was in default, and the individual is complying with~~ 48318
~~the new or modified child support order~~ The individual presents 48319
evidence to the agency sufficient to establish that the individual 48320
is unable to work due to circumstances beyond the individual's 48321

control. 48322

The agency shall send the notice under this section not later 48323
than seven days after it determines the individual is not in 48324
default or that any of the circumstances specified in this section 48325
has occurred. 48326

Sec. 3123.58. (A) On receipt of a notice pursuant to section 48327
3123.54 of the Revised Code, the registrar of motor vehicles shall 48328
determine whether the individual named in the notice holds or has 48329
applied for a driver's license or commercial driver's license, 48330
motorcycle operator's license or endorsement, or temporary 48331
instruction permit or commercial driver's temporary instruction 48332
permit. If the registrar determines that the individual holds or 48333
has applied for a license, permit, or endorsement and the 48334
individual is the individual named in the notice and does not 48335
receive a notice pursuant to section 3123.56 or 3123.57 of the 48336
Revised Code, the registrar immediately shall provide notice of 48337
the determination to each deputy registrar. The registrar or a 48338
deputy registrar may not issue to the individual a driver's or 48339
commercial driver's license, motorcycle operator's license or 48340
endorsement, or temporary instruction permit or commercial 48341
driver's temporary instruction permit and may not renew for the 48342
individual a driver's or commercial driver's license, motorcycle 48343
operator's license or endorsement, or commercial driver's 48344
temporary instruction permit. The registrar or a deputy registrar 48345
also shall impose a class F suspension of the license, permit, or 48346
endorsement held by the individual under division (B)(6) of 48347
section 4510.02 of the Revised Code. 48348

~~(B) Prior to the date specified in section 3123.52 of the 48349
Revised Code, the registrar of motor vehicles or a deputy 48350
registrar shall do only the following with respect to an 48351
individual if the registrar makes the determination required under 48352~~

~~division (A) of this section and no notice is received concerning 48353
the individual under section 3123.56 or 3123.57 of the Revised 48354
Code. 48355~~

~~(1) Refuse to issue or renew the individual's commercial 48356
driver's license or commercial driver's temporary instruction 48357
permit. 48358~~

~~(2) Impose a class F suspension under division (B)(6) of 48359
section 4510.02 of the Revised Code on the individual with respect 48360
to the license or permit held by the individual. 48361~~

Sec. 3123.59. Not later than seven days after receipt of a 48362
notice pursuant to section 3123.56 or 3123.57 of the Revised Code, 48363
the registrar of motor vehicles shall notify each deputy registrar 48364
of the notice. The registrar and each deputy registrar shall then, 48365
if the individual otherwise is eligible for the license, permit, 48366
or endorsement and wants the license, permit, or endorsement, 48367
issue a license, permit, or endorsement to, or renew a license, 48368
permit, or endorsement of, the individual, or, if the registrar 48369
imposed a class F suspension of the individual's license, permit, 48370
or endorsement pursuant to division (A) of section 3123.58 of the 48371
Revised Code, remove the suspension. ~~On and after the date 48372
specified in section 3123.52 of the Revised Code, the registrar or 48373
a deputy registrar shall remove, after receipt of a notice under 48374
section 3123.56 or 3123.57 of the Revised Code, a class F 48375
suspension imposed on an individual with respect to a license or 48376
permit pursuant to division (B) of section 3123.58 of the Revised 48377
Code.~~ The registrar or a deputy registrar may charge a fee of not 48378
more than twenty-five dollars for issuing or renewing or removing 48379
the suspension of a license, permit, or endorsement pursuant to 48380
this section. The fees collected by the registrar pursuant to this 48381
section shall be paid into the state bureau of motor vehicles fund 48382
established in section 4501.25 of the Revised Code. 48383

Sec. 3123.591. A child support enforcement agency may, 48384
pursuant to rules adopted under section 3123.63 of the Revised 48385
Code, direct the registrar of motor vehicles to eliminate from the 48386
abstract maintained by the bureau of motor vehicles any reference 48387
to the suspension of an individual's license, permit, or 48388
endorsement imposed under section 3123.58 of the Revised Code. 48389

Sec. 3123.63. The director of job and family services ~~may~~ 48390
shall adopt rules in accordance with Chapter 119. of the Revised 48391
Code to implement sections 3123.41 to 3123.50, ~~3123.52~~ 3123.53 to 48392
~~3123.614~~ 3123.60, and 3123.62 of the Revised Code. The rules shall 48393
include both of the following: 48394

(A) Requirements concerning the contents of, and the 48395
conditions for issuance of, a notice required by section 3123.44 48396
or 3123.55 of the Revised Code. The rules shall require the 48397
contents of the notice to include information about the effect of 48398
a license suspension and appropriate steps that an individual can 48399
take to avoid license suspension. 48400

(B) Requirements concerning the authority of a child support 48401
enforcement agency to direct the registrar of motor vehicles to 48402
eliminate from the abstract maintained by the bureau of motor 48403
vehicles any reference to the suspension of an individual's 48404
license, permit, or endorsement imposed under section 3123.58 of 48405
the Revised Code. 48406

Sec. 3301.07. The state board of education shall exercise 48407
under the acts of the general assembly general supervision of the 48408
system of public education in the state. In addition to the powers 48409
otherwise imposed on the state board under the provisions of law, 48410
the board shall have the powers described in this section. 48411

(A) The state board shall exercise policy forming, planning, 48412
and evaluative functions for the public schools of the state 48413

except as otherwise provided by law. 48414

(B)(1) The state board shall exercise leadership in the 48415
improvement of public education in this state, and administer the 48416
educational policies of this state relating to public schools, and 48417
relating to instruction and instructional material, building and 48418
equipment, transportation of pupils, administrative 48419
responsibilities of school officials and personnel, and finance 48420
and organization of school districts, educational service centers, 48421
and territory. Consultative and advisory services in such matters 48422
shall be provided by the board to school districts and educational 48423
service centers of this state. 48424

(2) The state board also shall develop a standard of 48425
financial reporting which shall be used by each school district 48426
board of education and educational service center governing board 48427
to make its financial information and annual budgets for each 48428
school building under its control available to the public in a 48429
format understandable by the average citizen. The format shall 48430
show, among other things, at the district and educational service 48431
center level or at the school building level, as determined 48432
appropriate by the department of education, revenue by source; 48433
expenditures for salaries, wages, and benefits of employees, 48434
showing such amounts separately for classroom teachers, other 48435
employees required to hold licenses issued pursuant to sections 48436
3319.22 to 3319.31 of the Revised Code, and all other employees; 48437
expenditures other than for personnel, by category, including 48438
utilities, textbooks and other educational materials, equipment, 48439
permanent improvements, pupil transportation, extracurricular 48440
athletics, and other extracurricular activities; and per pupil 48441
expenditures. 48442

(C) The state board shall administer and supervise the 48443
allocation and distribution of all state and federal funds for 48444
public school education under the provisions of law, and may 48445

prescribe such systems of accounting as are necessary and proper 48446
to this function. It may require county auditors and treasurers, 48447
boards of education, educational service center governing boards, 48448
treasurers of such boards, teachers, and other school officers and 48449
employees, or other public officers or employees, to file with it 48450
such reports as it may prescribe relating to such funds, or to the 48451
management and condition of such funds. 48452

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 48453
XLVII, and LI of the Revised Code a reference is made to standards 48454
prescribed under this section or division (D) of this section, 48455
that reference shall be construed to refer to the standards 48456
prescribed under division (D)(2) of this section, unless the 48457
context specifically indicates a different meaning or intent. 48458

(2) The state board shall formulate and prescribe minimum 48459
standards to be applied to all elementary and secondary schools in 48460
this state for the purpose of requiring a general education of 48461
high quality. Such standards shall provide adequately for: the 48462
licensing of teachers, administrators, and other professional 48463
personnel and their assignment according to training and 48464
qualifications; efficient and effective instructional materials 48465
and equipment, including library facilities; the proper 48466
organization, administration, and supervision of each school, 48467
including regulations for preparing all necessary records and 48468
reports and the preparation of a statement of policies and 48469
objectives for each school; buildings, grounds, health and 48470
sanitary facilities and services; admission of pupils, and such 48471
requirements for their promotion from grade to grade as will 48472
assure that they are capable and prepared for the level of study 48473
to which they are certified; requirements for graduation; and such 48474
other factors as the board finds necessary. 48475

In the formulation and administration of such standards for 48476
nonpublic schools the board shall also consider the particular 48477

needs, methods and objectives of those schools, provided they do 48478
not conflict with the provision of a general education of a high 48479
quality and provided that regular procedures shall be followed for 48480
promotion from grade to grade of pupils who have met the 48481
educational requirements prescribed. 48482

In the formulation and administration of such standards as 48483
they relate to instructional materials and equipment in public 48484
schools, including library materials, the board shall require that 48485
the material and equipment be aligned with and promote skills 48486
expected under the statewide academic standards adopted under 48487
section 3301.079 of the Revised Code. 48488

(3) In addition to the minimum standards required by division 48489
(D)(2) of this section, the state board ~~shall~~ may formulate and 48490
prescribe the following additional minimum operating standards for 48491
school districts: 48492

(a) Standards for the effective and efficient organization, 48493
administration, and supervision of each school district so that it 48494
becomes a thinking and learning organization according to 48495
principles of systems design and collaborative professional 48496
learning communities research as defined by the superintendent of 48497
public instruction, including a focus on the personalized and 48498
individualized needs of each student; a shared responsibility 48499
among school boards, administrators, faculty, and staff to develop 48500
a common vision, mission, and set of guiding principles; a shared 48501
responsibility among school boards, administrators, faculty, and 48502
staff to engage in a process of collective inquiry, action 48503
orientation, and experimentation to ensure the academic success of 48504
all students; commitment to teaching and learning strategies that 48505
utilize technological tools and emphasize inter-disciplinary, 48506
real-world, project-based, and technology-oriented learning 48507
experiences to meet the individual needs of every student; 48508
commitment to high expectations for every student and commitment 48509

to closing the achievement gap so that all students achieve core 48510
knowledge and skills in accordance with the statewide academic 48511
standards adopted under section 3301.079 of the Revised Code; 48512
commitment to the use of assessments to diagnose the needs of each 48513
student; effective connections and relationships with families and 48514
others that support student success; and commitment to the use of 48515
positive behavior intervention supports throughout a district to 48516
ensure a safe and secure learning environment for all students; 48517

(b) Standards for the establishment of business advisory 48518
councils under section 3313.82 of the Revised Code; 48519

(c) Standards for school district ~~organizational units, as~~ 48520
~~defined in sections 3306.02 and 3306.04 of the Revised Code,~~ 48521
buildings that may require: 48522

(i) The effective and efficient organization, administration, 48523
and supervision of each school district ~~organizational unit~~ 48524
building so that it becomes a thinking and learning organization 48525
according to principles of systems design and collaborative 48526
professional learning communities research as defined by the state 48527
superintendent, including a focus on the personalized and 48528
individualized needs of each student; a shared responsibility 48529
among ~~organizational unit~~ building administrators, faculty, and 48530
staff to develop a common vision, mission, and set of guiding 48531
principles; a shared responsibility among ~~organizational unit~~ 48532
building administrators, faculty, and staff to engage in a process 48533
of collective inquiry, action orientation, and experimentation to 48534
ensure the academic success of all students; commitment to job 48535
embedded professional development and professional mentoring and 48536
coaching; established periods of time for teachers to pursue 48537
planning time for the development of lesson plans, professional 48538
development, and shared learning; commitment to effective 48539
management strategies that allow administrators reasonable access 48540
to classrooms for observation and professional development 48541

experiences; commitment to teaching and learning strategies that 48542
utilize technological tools and emphasize inter-disciplinary, 48543
real-world, project-based, and technology-oriented learning 48544
experiences to meet the individual needs of every student; 48545
commitment to high expectations for every student and commitment 48546
to closing the achievement gap so that all students achieve core 48547
knowledge and skills in accordance with the statewide academic 48548
standards adopted under section 3301.079 of the Revised Code; 48549
commitment to the use of assessments to diagnose the needs of each 48550
student; effective connections and relationships with families and 48551
others that support student success; commitment to the use of 48552
positive behavior intervention supports throughout the 48553
~~organizational-unit~~ building to ensure a safe and secure learning 48554
environment for all students; 48555

(ii) A school ~~organizational-unit~~ building leadership team to 48556
coordinate positive behavior intervention supports, learning 48557
environments, thinking and learning systems, collaborative 48558
planning, planning time, student academic interventions, student 48559
extended learning opportunities, and other activities identified 48560
by the team and approved by the district board of education. The 48561
team shall include the building principal, representatives from 48562
each collective bargaining unit, ~~the building lead~~ a classroom 48563
teacher, parents, business representatives, and others that 48564
support student success. 48565

(E) The state board may require as part of the health 48566
curriculum information developed under section 2108.34 of the 48567
Revised Code promoting the donation of anatomical gifts pursuant 48568
to Chapter 2108. of the Revised Code and may provide the 48569
information to high schools, educational service centers, and 48570
joint vocational school district boards of education; 48571

(F) The state board shall prepare and submit annually to the 48572
governor and the general assembly a report on the status, needs, 48573

and major problems of the public schools of the state, with 48574
recommendations for necessary legislative action and a ten-year 48575
projection of the state's public and nonpublic school enrollment, 48576
by year and by grade level. 48577

(G) The state board shall prepare and submit to the director 48578
of budget and management the biennial budgetary requests of the 48579
state board of education, for its agencies and for the public 48580
schools of the state. 48581

(H) The state board shall cooperate with federal, state, and 48582
local agencies concerned with the health and welfare of children 48583
and youth of the state. 48584

(I) The state board shall require such reports from school 48585
districts and educational service centers, school officers, and 48586
employees as are necessary and desirable. The superintendents and 48587
treasurers of school districts and educational service centers 48588
shall certify as to the accuracy of all reports required by law or 48589
state board or state department of education rules to be submitted 48590
by the district or educational service center and which contain 48591
information necessary for calculation of state funding. Any 48592
superintendent who knowingly falsifies such report shall be 48593
subject to license revocation pursuant to section 3319.31 of the 48594
Revised Code. 48595

(J) In accordance with Chapter 119. of the Revised Code, the 48596
state board shall adopt procedures, standards, and guidelines for 48597
the education of children with disabilities pursuant to Chapter 48598
3323. of the Revised Code, including procedures, standards, and 48599
guidelines governing programs and services operated by county 48600
boards of developmental disabilities pursuant to section 3323.09 48601
of the Revised Code. 48602

(K) For the purpose of encouraging the development of special 48603
programs of education for academically gifted children, the state 48604

board shall employ competent persons to analyze and publish data, 48605
promote research, advise and counsel with boards of education, and 48606
encourage the training of teachers in the special instruction of 48607
gifted children. The board may provide financial assistance out of 48608
any funds appropriated for this purpose to boards of education and 48609
educational service center governing boards for developing and 48610
conducting programs of education for academically gifted children. 48611

(L) The state board shall require that all public schools 48612
emphasize and encourage, within existing units of study, the 48613
teaching of energy and resource conservation as recommended to 48614
each district board of education by leading business persons 48615
involved in energy production and conservation, beginning in the 48616
primary grades. 48617

(M) The state board shall formulate and prescribe minimum 48618
standards requiring the use of phonics as a technique in the 48619
teaching of reading in grades kindergarten through three. In 48620
addition, the state board shall provide in-service training 48621
programs for teachers on the use of phonics as a technique in the 48622
teaching of reading in grades kindergarten through three. 48623

(N) The state board may adopt rules necessary for carrying 48624
out any function imposed on it by law, and may provide rules as 48625
are necessary for its government and the government of its 48626
employees, and may delegate to the superintendent of public 48627
instruction the management and administration of any function 48628
imposed on it by law. It may provide for the appointment of board 48629
members to serve on temporary committees established by the board 48630
for such purposes as are necessary. Permanent or standing 48631
committees shall not be created. 48632

(O) Upon application from the board of education of a school 48633
district, the superintendent of public instruction may issue a 48634
waiver exempting the district from compliance with the standards 48635
adopted under divisions (B)(2) and (D) of this section, as they 48636

relate to the operation of a school operated by the district. The 48637
state board shall adopt standards for the approval or disapproval 48638
of waivers under this division. The state superintendent shall 48639
consider every application for a waiver, and shall determine 48640
whether to grant or deny a waiver in accordance with the state 48641
board's standards. For each waiver granted, the state 48642
superintendent shall specify the period of time during which the 48643
waiver is in effect, which shall not exceed five years. A district 48644
board may apply to renew a waiver. 48645

Sec. 3301.071. (A)(1) In the case of nontax-supported 48646
schools, standards for teacher certification prescribed under 48647
section 3301.07 of the Revised Code shall provide for 48648
certification, without further educational requirements, of any 48649
administrator, supervisor, or teacher who has attended and 48650
received a bachelor's degree from a college or university 48651
accredited by a national or regional association in the United 48652
States except that, at the discretion of the state board of 48653
education, this requirement may be met by having an equivalent 48654
degree from a foreign college or university of comparable 48655
standing. 48656

(2) In the case of nonchartered, nontax-supported schools, 48657
the standards for teacher certification prescribed under section 48658
3301.07 of the Revised Code shall provide for certification, 48659
without further educational requirements, of any administrator, 48660
supervisor, or teacher who has attended and received a diploma 48661
from a "bible college" or "bible institute" described in division 48662
(E) of section 1713.02 of the Revised Code. 48663

(3) A certificate issued under division (A)(3) of this 48664
section shall be valid only for teaching foreign language, music, 48665
religion, computer technology, or fine arts. 48666

Notwithstanding division (A)(1) of this section, the 48667

standards for teacher certification prescribed under section 48668
3301.07 of the Revised Code shall provide for certification of a 48669
person as a teacher upon receipt by the state board of an 48670
affidavit signed by the chief administrative officer of a 48671
chartered nonpublic school seeking to employ the person, stating 48672
that the person meets one of the following conditions: 48673

(a) The person has specialized knowledge, skills, or 48674
expertise that qualifies the person to provide instruction. 48675

(b) The person has provided to the chief administrative 48676
officer evidence of at least three years of teaching experience in 48677
a public or nonpublic school. 48678

(c) The person has provided to the chief administrative 48679
officer evidence of completion of a teacher training program named 48680
in the affidavit. 48681

(B) Each person applying for a certificate under this section 48682
for purposes of serving in a nonpublic school chartered by the 48683
state board under section 3301.16 of the Revised Code shall pay a 48684
fee in the amount established under division (A) of section 48685
3319.51 of the Revised Code. Any fees received under this division 48686
shall be paid into the state treasury to the credit of the state 48687
board of education certification fund established under division 48688
(B) of section 3319.51 of the Revised Code. 48689

(C) A person applying for or holding any certificate pursuant 48690
to this section for purposes of serving in a nonpublic school 48691
chartered by the state board is subject to sections 3123.41 to 48692
3123.50 of the Revised Code and any applicable rules adopted under 48693
section 3123.63 of the Revised Code and sections 3319.31 and 48694
3319.311 of the Revised Code. 48695

(D) Divisions (B) and (C) of this section and sections 48696
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 48697
to any administrators, supervisors, or teachers in nonchartered, 48698

nontax-supported schools. 48699

Sec. 3301.079. (A)(1) Not later than June 30, 2010, and ~~at~~ 48700
~~least once every five years~~ periodically thereafter, the state 48701
board of education shall adopt statewide academic standards with 48702
emphasis on coherence, focus, and rigor for each of grades 48703
kindergarten through twelve in English language arts, mathematics, 48704
science, and social studies. 48705

The standards shall specify the following: 48706

(a) The core academic content and skills that students are 48707
expected to know and be able to do at each grade level that will 48708
allow each student to be prepared for postsecondary instruction 48709
and the workplace for success in the twenty-first century; 48710

~~(b) The development of skill sets as they relate to 48711
creativity and innovation, critical thinking and problem solving,
and communication and collaboration;~~ 48712
48713

~~(c) The development of skill sets that promote information, 48714
media, and technological literacy;~~ 48715

~~(d) The development of skill sets that promote personal 48716
management, productivity and accountability, and leadership and
responsibility;~~ 48717
48718

~~(e)~~(c) Interdisciplinary, project-based, real-world learning 48719
opportunities. 48720

(2) After completing the standards required by division 48721
(A)(1) of this section, the state board shall adopt standards and 48722
model curricula for instruction in ~~computer literacy~~ technology, 48723
financial literacy and entrepreneurship, fine arts, and foreign 48724
language for grades kindergarten through twelve. The standards 48725
shall meet the same requirements prescribed in divisions (A)(1)(a) 48726
to ~~(e)~~(c) of this section. 48727

(3) The state board shall adopt the most recent standards 48728

developed by the national association for sport and physical 48729
education for physical education in grades kindergarten through 48730
twelve or shall adopt its own standards for physical education in 48731
those grades and revise and update them periodically. 48732

The department shall employ a full-time physical education 48733
coordinator to provide guidance and technical assistance to 48734
districts, community schools, and STEM schools in implementing the 48735
physical education standards adopted under this division. The 48736
superintendent of public instruction shall determine that the 48737
person employed as coordinator is qualified for the position, as 48738
demonstrated by possessing an adequate combination of education, 48739
license, and experience. 48740

(4) When academic standards have been completed for any 48741
subject area required by this section, the state board shall 48742
inform all school districts, all community schools established 48743
under Chapter 3314. of the Revised Code, all STEM schools 48744
established under Chapter 3326. of the Revised Code, and all 48745
nonpublic schools required to administer the assessments 48746
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 48747
of the content of those standards. 48748

(B) Not later than March 31, 2011, the state board shall 48749
adopt a model curriculum for instruction in each subject area for 48750
which updated academic standards are required by division (A)(1) 48751
of this section and for each of grades kindergarten through twelve 48752
that is sufficient to meet the needs of students in every 48753
community. The model curriculum shall be aligned with the 48754
standards, to ensure that the academic content and skills 48755
specified for each grade level are taught to students, and shall 48756
demonstrate vertical articulation and emphasize coherence, focus, 48757
and rigor. When any model curriculum has been completed, the state 48758
board shall inform all school districts, community schools, and 48759
STEM schools of the content of that model curriculum. 48760

All school districts, community schools, and STEM schools may 48761
utilize the state standards and the model curriculum established 48762
by the state board, together with other relevant resources, 48763
examples, or models to ensure that students have the opportunity 48764
to attain the academic standards. Upon request, the department of 48765
education shall provide technical assistance to any district, 48766
community school, or STEM school in implementing the model 48767
curriculum. 48768

Nothing in this section requires any school district to 48769
utilize all or any part of a model curriculum developed under this 48770
division. 48771

(C) The state board shall develop achievement assessments 48772
aligned with the academic standards and model curriculum for each 48773
of the subject areas and grade levels required by divisions (A)(1) 48774
and (B)(1) of section 3301.0710 of the Revised Code. 48775

When any achievement assessment has been completed, the state 48776
board shall inform all school districts, community schools, STEM 48777
schools, and nonpublic schools required to administer the 48778
assessment of its completion, and the department of education 48779
shall make the achievement assessment available to the districts 48780
and schools. 48781

(D)(1) The state board shall adopt a diagnostic assessment 48782
aligned with the academic standards and model curriculum for each 48783
of grades kindergarten through two in English language arts and 48784
mathematics and for grade three in English language arts. The 48785
diagnostic assessment shall be designed to measure student 48786
comprehension of academic content and mastery of related skills 48787
for the relevant subject area and grade level. Any diagnostic 48788
assessment shall not include components to identify gifted 48789
students. Blank copies of diagnostic assessments shall be public 48790
records. 48791

(2) When each diagnostic assessment has been completed, the 48792
state board shall inform all school districts of its completion 48793
and the department of education shall make the diagnostic 48794
assessment available to the districts at no cost to the district. 48795
School districts shall administer the diagnostic assessment 48796
pursuant to section 3301.0715 of the Revised Code beginning the 48797
first school year following the development of the assessment. 48798

(E) The state board shall not adopt a diagnostic or 48799
achievement assessment for any grade level or subject area other 48800
than those specified in this section. 48801

(F) Whenever the state board or the department of education 48802
consults with persons for the purpose of drafting or reviewing any 48803
standards, diagnostic assessments, achievement assessments, or 48804
model curriculum required under this section, the state board or 48805
the department shall first consult with parents of students in 48806
kindergarten through twelfth grade and with active Ohio classroom 48807
teachers, other school personnel, and administrators with 48808
expertise in the appropriate subject area. Whenever practicable, 48809
the state board and department shall consult with teachers 48810
recognized as outstanding in their fields. 48811

If the department contracts with more than one outside entity 48812
for the development of the achievement assessments required by 48813
this section, the department shall ensure the interchangeability 48814
of those assessments. 48815

(G) The fairness sensitivity review committee, established by 48816
rule of the state board of education, shall not allow any question 48817
on any achievement or diagnostic assessment developed under this 48818
section or any proficiency test prescribed by former section 48819
3301.0710 of the Revised Code, as it existed prior to September 48820
11, 2001, to include, be written to promote, or inquire as to 48821
individual moral or social values or beliefs. The decision of the 48822
committee shall be final. This section does not create a private 48823

cause of action. 48824

(H) Not later than forty-five days prior to the initial 48825
deadline established under division (A)(1) of this section and the 48826
deadline established under division (B) of this section, the 48827
superintendent of public instruction shall present the academic 48828
standards or model curricula, as applicable, to the respective 48829
committees of the house of representatives and senate that 48830
consider education legislation. 48831

(I) As used in this section: 48832

(1) "Coherence" means a reflection of the structure of the 48833
discipline being taught. 48834

(2) "Focus" means limiting the number of items included in a 48835
curriculum to allow for deeper exploration of the subject matter. 48836

(3) "Rigor" means more challenging and demanding when 48837
compared to international standards. 48838

(4) "Vertical articulation" means key academic concepts and 48839
skills associated with mastery in particular content areas should 48840
be articulated and reinforced in a developmentally appropriate 48841
manner at each grade level so that over time students acquire a 48842
depth of knowledge and understanding in the core academic 48843
disciplines. 48844

Sec. 3301.0710. The state board of education shall adopt 48845
rules establishing a statewide program to assess student 48846
achievement. The state board shall ensure that all assessments 48847
administered under the program are aligned with the academic 48848
standards and model curricula adopted by the state board and are 48849
created with input from Ohio parents, Ohio classroom teachers, 48850
Ohio school administrators, and other Ohio school personnel 48851
pursuant to section 3301.079 of the Revised Code. 48852

The assessment program shall be designed to ensure that 48853

students who receive a high school diploma demonstrate at least 48854
high school levels of achievement in English language arts, 48855
mathematics, science, and social studies, ~~and other skills~~ 48856
~~necessary in the twenty-first century.~~ 48857

(A)(1) The state board shall prescribe all of the following: 48858

(a) Two statewide achievement assessments, one each designed 48859
to measure the level of English language arts and mathematics 48860
skill expected at the end of third grade; 48861

(b) Two statewide achievement assessments, one each designed 48862
to measure the level of English language arts and mathematics 48863
skill expected at the end of fourth grade; 48864

(c) Four statewide achievement assessments, one each designed 48865
to measure the level of English language arts, mathematics, 48866
science, and social studies skill expected at the end of fifth 48867
grade; 48868

(d) Two statewide achievement assessments, one each designed 48869
to measure the level of English language arts and mathematics 48870
skill expected at the end of sixth grade; 48871

(e) Two statewide achievement assessments, one each designed 48872
to measure the level of English language arts and mathematics 48873
skill expected at the end of seventh grade; 48874

(f) Four statewide achievement assessments, one each designed 48875
to measure the level of English language arts, mathematics, 48876
science, and social studies skill expected at the end of eighth 48877
grade. 48878

(2) The state board shall determine and designate at least 48879
three ranges of scores on each of the achievement assessments 48880
described in divisions (A)(1) and (B)(1) of this section. Each 48881
range of scores shall be deemed to demonstrate a level of 48882
achievement so that any student attaining a score within such 48883

range has achieved one of the following: 48884

(a) An advanced level of skill; 48885

(b) A proficient level of skill; 48886

(c) A limited level of skill. 48887

(B)(1) The assessments prescribed under division (B)(1) of 48888
this section shall collectively be known as the Ohio graduation 48889
tests. The state board shall prescribe five statewide high school 48890
achievement assessments, one each designed to measure the level of 48891
reading, writing, mathematics, science, and social studies skill 48892
expected at the end of tenth grade. The state board shall 48893
designate a score in at least the range designated under division 48894
(A)(2)(b) of this section on each such assessment that shall be 48895
deemed to be a passing score on the assessment as a condition 48896
toward granting high school diplomas under sections 3313.61, 48897
3313.611, 3313.612, and 3325.08 of the Revised Code until the 48898
assessment system prescribed by section 3301.0712 of the Revised 48899
Code is implemented in accordance with rules adopted by the state 48900
board under division ~~(E)~~(D) of that section. 48901

(2) The state board shall prescribe an assessment system in 48902
accordance with section 3301.0712 of the Revised Code that shall 48903
replace the Ohio graduation tests in the manner prescribed by 48904
rules adopted by the state board under division ~~(E)~~(D) of that 48905
section. 48906

(3) The state board may enter into a reciprocal agreement 48907
with the appropriate body or agency of any other state that has 48908
similar statewide achievement assessment requirements for 48909
receiving high school diplomas, under which any student who has 48910
met an achievement assessment requirement of one state is 48911
recognized as having met the similar requirement of the other 48912
state for purposes of receiving a high school diploma. For 48913
purposes of this section and sections 3301.0711 and 3313.61 of the 48914

Revised Code, any student enrolled in any public high school in 48915
this state who has met an achievement assessment requirement 48916
specified in a reciprocal agreement entered into under this 48917
division shall be deemed to have attained at least the applicable 48918
score designated under this division on each assessment required 48919
by division (B)(1) or (2) of this section that is specified in the 48920
agreement. 48921

(C) The superintendent of public instruction shall designate 48922
dates and times for the administration of the assessments 48923
prescribed by divisions (A) and (B) of this section. 48924

In prescribing administration dates pursuant to this 48925
division, the superintendent shall designate the dates in such a 48926
way as to allow a reasonable length of time between the 48927
administration of assessments prescribed under this section and 48928
any administration of the national assessment of educational 48929
progress given to students in the same grade level pursuant to 48930
section 3301.27 of the Revised Code or federal law. 48931

(D) The state board shall prescribe a practice version of 48932
each Ohio graduation test described in division (B)(1) of this 48933
section that is of comparable length to the actual test. 48934

(E) Any committee established by the department of education 48935
for the purpose of making recommendations to the state board 48936
regarding the state board's designation of scores on the 48937
assessments described by this section shall inform the state board 48938
of the probable percentage of students who would score in each of 48939
the ranges established under division (A)(2) of this section on 48940
the assessments if the committee's recommendations are adopted by 48941
the state board. To the extent possible, these percentages shall 48942
be disaggregated by gender, major racial and ethnic groups, 48943
limited English proficient students, economically disadvantaged 48944
students, students with disabilities, and migrant students. 48945

If the state board intends to make any change to the committee's recommendations, the state board shall explain the intended change to the Ohio accountability task force established by section 3302.021 of the Revised Code. The task force shall recommend whether the state board should proceed to adopt the intended change. Nothing in this division shall require the state board to designate assessment scores based upon the recommendations of the task force.

Sec. 3301.0711. (A) The department of education shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each district shall score any assessment administered pursuant to division (B)(10) of this section. Each assessment so furnished shall include the data verification code of the student to whom the assessment will be administered, as assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code. In furnishing the practice versions of Ohio graduation tests prescribed by division (D) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted

under division (A) of this section: 48977

(1) Administer the English language arts assessments 48978
prescribed under division (A)(1)(a) of section 3301.0710 of the 48979
Revised Code twice annually to all students in the third grade who 48980
have not attained the score designated for that assessment under 48981
division (A)(2)(b) of section 3301.0710 of the Revised Code. 48982

(2) Administer the mathematics assessment prescribed under 48983
division (A)(1)(a) of section 3301.0710 of the Revised Code at 48984
least once annually to all students in the third grade. 48985

(3) Administer the assessments prescribed under division 48986
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 48987
annually to all students in the fourth grade. 48988

(4) Administer the assessments prescribed under division 48989
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 48990
annually to all students in the fifth grade. 48991

(5) Administer the assessments prescribed under division 48992
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 48993
annually to all students in the sixth grade. 48994

(6) Administer the assessments prescribed under division 48995
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 48996
annually to all students in the seventh grade. 48997

(7) Administer the assessments prescribed under division 48998
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 48999
annually to all students in the eighth grade. 49000

(8) Except as provided in division (B)(9) of this section, 49001
administer any assessment prescribed under division (B)(1) of 49002
section 3301.0710 of the Revised Code as follows: 49003

(a) At least once annually to all tenth grade students and at 49004
least twice annually to all students in eleventh or twelfth grade 49005
who have not yet attained the score on that assessment designated 49006

under that division; 49007

(b) To any person who has successfully completed the 49008
curriculum in any high school or the individualized education 49009
program developed for the person by any high school pursuant to 49010
section 3323.08 of the Revised Code but has not received a high 49011
school diploma and who requests to take such assessment, at any 49012
time such assessment is administered in the district. 49013

(9) In lieu of the board of education of any city, local, or 49014
exempted village school district in which the student is also 49015
enrolled, the board of a joint vocational school district shall 49016
administer any assessment prescribed under division (B)(1) of 49017
section 3301.0710 of the Revised Code at least twice annually to 49018
any student enrolled in the joint vocational school district who 49019
has not yet attained the score on that assessment designated under 49020
that division. A board of a joint vocational school district may 49021
also administer such an assessment to any student described in 49022
division (B)(8)(b) of this section. 49023

(10) If the district has been declared to be under an 49024
academic watch or in a state of academic emergency pursuant to 49025
section 3302.03 of the Revised Code or has a three-year average 49026
graduation rate of not more than seventy-five per cent, administer 49027
each assessment prescribed by division (D) of section 3301.0710 of 49028
the Revised Code in September to all ninth grade students, 49029
beginning in the school year that starts July 1, 2005. 49030

Except as provided in section 3313.614 of the Revised Code 49031
for administration of an assessment to a person who has fulfilled 49032
the curriculum requirement for a high school diploma but has not 49033
passed one or more of the required assessments, the assessments 49034
prescribed under division (B)(1) of section 3301.0710 of the 49035
Revised Code and the practice assessments prescribed under 49036
division (D) of that section and required to be administered under 49037
divisions (B)(8), (9), and (10) of this section shall not be 49038

administered after the assessment system prescribed by division 49039
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 49040
Code is implemented under rule of the state board adopted under 49041
division ~~(E)~~(D)(1) of section 3301.0712 of the Revised Code. 49042

(11) Administer the assessments prescribed by division (B)(2) 49043
of section 3301.0710 and section 3301.0712 of the Revised Code in 49044
accordance with the timeline and plan for implementation of those 49045
assessments prescribed by rule of the state board adopted under 49046
division ~~(E)~~(D)(1) of section 3301.0712 of the Revised Code. 49047

(C)(1)(a) ~~Any~~ In the case of a student receiving special 49048
education services under Chapter 3323. of the Revised Code, the 49049
individualized education program developed for the student under 49050
that chapter shall specify the manner in which the student will 49051
participate in the assessments administered under this section. 49052
The individualized education program may be excused excuse the 49053
student from taking any particular assessment required to be 49054
administered under this section if ~~the individualized education~~ 49055
~~program developed for the student pursuant to section 3323.08 of~~ 49056
~~the Revised Code excuses the student from taking that assessment~~ 49057
~~and it~~ instead specifies an alternate assessment method approved 49058
by the department of education as conforming to requirements of 49059
federal law for receipt of federal funds for disadvantaged pupils. 49060
To the extent possible, the individualized education program shall 49061
not excuse the student from taking an assessment unless no 49062
reasonable accommodation can be made to enable the student to take 49063
the assessment. 49064

(b) Any alternate assessment approved by the department for a 49065
student under this division shall produce measurable results 49066
comparable to those produced by the assessment it replaces in 49067
order to allow for the student's results to be included in the 49068
data compiled for a school district or building under section 49069
3302.03 of the Revised Code. 49070

(c) Any student enrolled in a chartered nonpublic school who 49071
has been identified, based on an evaluation conducted in 49072
accordance with section 3323.03 of the Revised Code or section 504 49073
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 49074
794, as amended, as a child with a disability shall be excused 49075
from taking any particular assessment required to be administered 49076
under this section if a plan developed for the student pursuant to 49077
rules adopted by the state board excuses the student from taking 49078
that assessment. In the case of any student so excused from taking 49079
an assessment, the chartered nonpublic school shall not prohibit 49080
the student from taking the assessment. 49081

(2) A district board may, for medical reasons or other good 49082
cause, excuse a student from taking an assessment administered 49083
under this section on the date scheduled, but that assessment 49084
shall be administered to the excused student not later than nine 49085
days following the scheduled date. The district board shall 49086
annually report the number of students who have not taken one or 49087
more of the assessments required by this section to the state 49088
board of education not later than the thirtieth day of June. 49089

(3) As used in this division, "limited English proficient 49090
student" has the same meaning as in 20 U.S.C. 7801. 49091

No school district board shall excuse any limited English 49092
proficient student from taking any particular assessment required 49093
to be administered under this section, except that any limited 49094
English proficient student who has been enrolled in United States 49095
schools for less than one full school year shall not be required 49096
to take any reading, writing, or English language arts assessment. 49097
However, no board shall prohibit a limited English proficient 49098
student who is not required to take an assessment under this 49099
division from taking the assessment. A board may permit any 49100
limited English proficient student to take an assessment required 49101
to be administered under this section with appropriate 49102

accommodations, as determined by the department. For each limited 49103
English proficient student, each school district shall annually 49104
assess that student's progress in learning English, in accordance 49105
with procedures approved by the department. 49106

The governing authority of a chartered nonpublic school may 49107
excuse a limited English proficient student from taking any 49108
assessment administered under this section. However, no governing 49109
authority shall prohibit a limited English proficient student from 49110
taking the assessment. 49111

(D)(1) In the school year next succeeding the school year in 49112
which the assessments prescribed by division (A)(1) or (B)(1) of 49113
section 3301.0710 of the Revised Code or former division (A)(1), 49114
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 49115
existed prior to September 11, 2001, are administered to any 49116
student, the board of education of any school district in which 49117
the student is enrolled in that year shall provide to the student 49118
intervention services commensurate with the student's performance, 49119
including any intensive intervention required under section 49120
3313.608 of the Revised Code, in any skill in which the student 49121
failed to demonstrate at least a score at the proficient level on 49122
the assessment. 49123

(2) Following any administration of the assessments 49124
prescribed by division (D) of section 3301.0710 of the Revised 49125
Code to ninth grade students, each school district that has a 49126
three-year average graduation rate of not more than seventy-five 49127
per cent shall determine for each high school in the district 49128
whether the school shall be required to provide intervention 49129
services to any students who took the assessments. In determining 49130
which high schools shall provide intervention services based on 49131
the resources available, the district shall consider each school's 49132
graduation rate and scores on the practice assessments. The 49133
district also shall consider the scores received by ninth grade 49134

students on the English language arts and mathematics assessments 49135
prescribed under division (A)(1)(f) of section 3301.0710 of the 49136
Revised Code in the eighth grade in determining which high schools 49137
shall provide intervention services. 49138

Each high school selected to provide intervention services 49139
under this division shall provide intervention services to any 49140
student whose results indicate that the student is failing to make 49141
satisfactory progress toward being able to attain scores at the 49142
proficient level on the Ohio graduation tests. Intervention 49143
services shall be provided in any skill in which a student 49144
demonstrates unsatisfactory progress and shall be commensurate 49145
with the student's performance. Schools shall provide the 49146
intervention services prior to the end of the school year, during 49147
the summer following the ninth grade, in the next succeeding 49148
school year, or at any combination of those times. 49149

(E) Except as provided in section 3313.608 of the Revised 49150
Code and division (M) of this section, no school district board of 49151
education shall utilize any student's failure to attain a 49152
specified score on an assessment administered under this section 49153
as a factor in any decision to deny the student promotion to a 49154
higher grade level. However, a district board may choose not to 49155
promote to the next grade level any student who does not take an 49156
assessment administered under this section or make up an 49157
assessment as provided by division (C)(2) of this section and who 49158
is not exempt from the requirement to take the assessment under 49159
division (C)(3) of this section. 49160

(F) No person shall be charged a fee for taking any 49161
assessment administered under this section. 49162

(G)(1) Each school district board shall designate one 49163
location for the collection of assessments administered in the 49164
spring under division (B)(1) of this section and those 49165
administered under divisions (B)(2) to (7) of this section. Each 49166

district board shall submit the assessments to the entity with 49167
which the department contracts for the scoring of the assessments 49168
as follows: 49169

(a) If the district's total enrollment in grades kindergarten 49170
through twelve during the first full school week of October was 49171
less than two thousand five hundred, not later than the Friday 49172
after all of the assessments have been administered; 49173

(b) If the district's total enrollment in grades kindergarten 49174
through twelve during the first full school week of October was 49175
two thousand five hundred or more, but less than seven thousand, 49176
not later than the Monday after all of the assessments have been 49177
administered; 49178

(c) If the district's total enrollment in grades kindergarten 49179
through twelve during the first full school week of October was 49180
seven thousand or more, not later than the Tuesday after all of 49181
the assessments have been administered. 49182

However, any assessment that a student takes during the 49183
make-up period described in division (C)(2) of this section shall 49184
be submitted not later than the Friday following the day the 49185
student takes the assessment. 49186

(2) The department or an entity with which the department 49187
contracts for the scoring of the assessment shall send to each 49188
school district board a list of the individual scores of all 49189
persons taking an assessment prescribed by division (A)(1) or 49190
(B)(1) of section 3301.0710 of the Revised Code within sixty days 49191
after its administration, but in no case shall the scores be 49192
returned later than the fifteenth day of June following the 49193
administration. For assessments administered under this section by 49194
a joint vocational school district, the department or entity shall 49195
also send to each city, local, or exempted village school district 49196
a list of the individual scores of any students of such city, 49197

local, or exempted village school district who are attending 49198
school in the joint vocational school district. 49199

(H) Individual scores on any assessments administered under 49200
this section shall be released by a district board only in 49201
accordance with section 3319.321 of the Revised Code and the rules 49202
adopted under division (A) of this section. No district board or 49203
its employees shall utilize individual or aggregate results in any 49204
manner that conflicts with rules for the ethical use of 49205
assessments adopted pursuant to division (A) of this section. 49206

(I) Except as provided in division (G) of this section, the 49207
department or an entity with which the department contracts for 49208
the scoring of the assessment shall not release any individual 49209
scores on any assessment administered under this section. The 49210
state board of education shall adopt rules to ensure the 49211
protection of student confidentiality at all times. The rules may 49212
require the use of the data verification codes assigned to 49213
students pursuant to division (D)(2) of section 3301.0714 of the 49214
Revised Code to protect the confidentiality of student scores. 49215

(J) Notwithstanding division (D) of section 3311.52 of the 49216
Revised Code, this section does not apply to the board of 49217
education of any cooperative education school district except as 49218
provided under rules adopted pursuant to this division. 49219

(1) In accordance with rules that the state board of 49220
education shall adopt, the board of education of any city, 49221
exempted village, or local school district with territory in a 49222
cooperative education school district established pursuant to 49223
divisions (A) to (C) of section 3311.52 of the Revised Code may 49224
enter into an agreement with the board of education of the 49225
cooperative education school district for administering any 49226
assessment prescribed under this section to students of the city, 49227
exempted village, or local school district who are attending 49228
school in the cooperative education school district. 49229

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

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

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1) As a condition of compliance with section 3313.612 of the Revised Code, each chartered nonpublic school that educates students in grades nine through twelve shall administer the assessments prescribed by divisions (B)(1) and (2) of section 3301.0710 of the Revised Code. Any chartered nonpublic school may participate in the assessment program by administering any of the 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 49262
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 49263
to each chartered nonpublic school that participates under this 49264
division. 49265

(L)(1) The superintendent of the state school for the blind 49266
and the superintendent of the state school for the deaf shall 49267
administer the assessments described by sections 3301.0710 and 49268
3301.0712 of the Revised Code. Each superintendent shall 49269
administer the assessments in the same manner as district boards 49270
are required to do under this section and rules adopted by the 49271
department of education and in conformity with division (C)(1)(a) 49272
of this section. 49273

(2) The department of education shall furnish the assessments 49274
described by sections 3301.0710 and 3301.0712 of the Revised Code 49275
to each superintendent. 49276

(M) Notwithstanding division (E) of this section, a school 49277
district may use a student's failure to attain a score in at least 49278
the proficient range on the mathematics assessment described by 49279
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 49280
an assessment described by division (A)(1)(b), (c), (d), (e), or 49281
(f) of section 3301.0710 of the Revised Code as a factor in 49282
retaining that student in the current grade level. 49283

(N)(1) In the manner specified in divisions (N)(3) and (4) of 49284
this section, the assessments required by division (A)(1) of 49285
section 3301.0710 of the Revised Code shall become public records 49286
pursuant to section 149.43 of the Revised Code on the first day of 49287
July following the school year that the assessments were 49288
administered. 49289

(2) The department may field test proposed questions with 49290
samples of students to determine the validity, reliability, or 49291
appropriateness of questions for possible inclusion in a future 49292

year's assessment. The department also may use anchor questions on 49293
assessments to ensure that different versions of the same 49294
assessment are of comparable difficulty. 49295

Field test questions and anchor questions shall not be 49296
considered in computing scores for individual students. Field test 49297
questions and anchor questions may be included as part of the 49298
administration of any assessment required by division (A)(1) or 49299
(B)(1) of section 3301.0710 of the Revised Code. 49300

(3) Any field test question or anchor question administered 49301
under division (N)(2) of this section shall not be a public 49302
record. Such field test questions and anchor questions shall be 49303
redacted from any assessments which are released as a public 49304
record pursuant to division (N)(1) of this section. 49305

(4) This division applies to the assessments prescribed by 49306
division (A) of section 3301.0710 of the Revised Code. 49307

(a) The first administration of each assessment, as specified 49308
in former section 3301.0712 of the Revised Code, shall be a public 49309
record. 49310

(b) For subsequent administrations of each assessment prior 49311
to the 2011-2012 school year, not less than forty per cent of the 49312
questions on the assessment that are used to compute a student's 49313
score shall be a public record. The department shall determine 49314
which questions will be needed for reuse on a future assessment 49315
and those questions shall not be public records and shall be 49316
redacted from the assessment prior to its release as a public 49317
record. However, for each redacted question, the department shall 49318
inform each city, local, and exempted village school district of 49319
the statewide academic standard adopted by the state board of 49320
education under section 3301.079 of the Revised Code and the 49321
corresponding benchmark to which the question relates. The 49322
preceding sentence does not apply to field test questions that are 49323

redacted under division (N)(3) of this section. 49324

(c) The administrations of each assessment in the 2011-2012 49325
school year and later shall not be a public record. 49326

(5) Each assessment prescribed by division (B)(1) of section 49327
3301.0710 of the Revised Code shall not be a public record. 49328

(O) As used in this section: 49329

(1) "Three-year average" means the average of the most recent 49330
consecutive three school years of data. 49331

(2) "Dropout" means a student who withdraws from school 49332
before completing course requirements for graduation and who is 49333
not enrolled in an education program approved by the state board 49334
of education or an education program outside the state. "Dropout" 49335
does not include a student who has departed the country. 49336

(3) "Graduation rate" means the ratio of students receiving a 49337
diploma to the number of students who entered ninth grade four 49338
years earlier. Students who transfer into the district are added 49339
to the calculation. Students who transfer out of the district for 49340
reasons other than dropout are subtracted from the calculation. If 49341
a student who was a dropout in any previous year returns to the 49342
same school district, that student shall be entered into the 49343
calculation as if the student had entered ninth grade four years 49344
before the graduation year of the graduating class that the 49345
student joins. 49346

Sec. 3301.0712. (A) The state board of education, the 49347
superintendent of public instruction, and the chancellor of the 49348
Ohio board of regents shall develop a system of college and work 49349
ready assessments as described in divisions (B)(1) ~~to (3)~~ and (2) 49350
of this section to assess whether each student upon graduating 49351
from high school is ready to enter college or the workforce. The 49352
system shall replace the Ohio graduation tests prescribed in 49353

division (B)(1) of section 3301.0710 of the Revised Code as a 49354
measure of student academic performance and a prerequisite for 49355
eligibility for a high school diploma in the manner prescribed by 49356
rule of the state board adopted under division ~~(E)~~(D) of this 49357
section. 49358

(B) The college and work ready assessment system shall 49359
consist of the following: 49360

(1) A nationally standardized assessment that measures 49361
~~competencies in science, mathematics, and English language arts~~ 49362
college and career readiness selected jointly by the state 49363
superintendent and the chancellor. 49364

(2) A series of end-of-course examinations in the areas of 49365
science, mathematics, English language arts, and social studies 49366
selected jointly by the state superintendent and the chancellor in 49367
consultation with faculty in the appropriate subject areas at 49368
institutions of higher education of the university system of Ohio. 49369
For each subject area, the state superintendent and chancellor 49370
shall select multiple assessments that school districts, public 49371
schools, and chartered nonpublic schools may use as end-of-course 49372
examinations. Those assessments shall include nationally 49373
recognized subject area assessments, such as advanced placement 49374
examinations, SAT subject tests, international baccalaureate 49375
examinations, and other assessments of college and work readiness. 49376
Any district or school that offers an interdisciplinary course may 49377
develop and use its own assessment as an end-of-course examination 49378
for that course, upon approval of the assessment by the state 49379
superintendent. 49380

~~(3) A senior project completed by a student or a group of~~ 49381
~~students. The purpose of the senior project is to assess the~~ 49382
~~student's:~~ 49383

~~(a) Mastery of core knowledge in a subject area chosen by the~~ 49384

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| student; | 49385 |
| (b) Written and verbal communication skills; | 49386 |
| (c) Critical thinking and problem solving skills; | 49387 |
| (d) Real world and interdisciplinary learning; | 49388 |
| (e) Creative and innovative thinking; | 49389 |
| (f) Acquired technology, information, and media skills; | 49390 |
| (g) Personal management skills such as self-direction, time management, work ethic, enthusiasm, and the desire to produce a high quality product. | 49391 49392 49393 |
| The state superintendent and the chancellor jointly shall develop standards for the senior project for students participating in dual enrollment programs. | 49394 49395 49396 |
| (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. | 49397 49398 49399 49400 |
| (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. | 49401 49402 49403 |
| (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 by this section. | 49404 49405 49406 49407 49408 49409 49410 49411 |
| (E)(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following: | 49412 49413 49414 |

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;

(2) The date after which a person entering ninth grade shall ~~attain at least the composite score for~~ meet the requirements of the entire assessment system as a prerequisite for a high school diploma under ~~sections~~ section 3313.61, 3313.612, or 3325.08 of the Revised Code;

(3) The date after which a person shall ~~attain at least the composite score for~~ meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(4) Whether and the extent to which a person may be excused from a social studies end-of-course examination under division (H) of section 3313.61 and division (B)(2) of section 3313.612 of the Revised Code;

(5) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall ~~attain at least the composite score for~~ meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;

(6) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code.

No rule adopted under this division shall be effective earlier than one year after the date the rule is filed in final form pursuant to Chapter 119. of the Revised Code.

~~(F)~~(E) Not later than forty-five days prior to the state

board's adoption of a resolution directing the department of 49446
education to file the rules prescribed by division ~~(E)~~(D) of this 49447
section in final form under section 119.04 of the Revised Code, 49448
the superintendent of public instruction shall present the 49449
assessment system developed under this section to the respective 49450
committees of the house of representatives and senate that 49451
consider education legislation. 49452

Sec. 3301.0714. (A) The state board of education shall adopt 49453
rules for a statewide education management information system. The 49454
rules shall require the state board to establish guidelines for 49455
the establishment and maintenance of the system in accordance with 49456
this section and the rules adopted under this section. The 49457
guidelines shall include: 49458

(1) Standards identifying and defining the types of data in 49459
the system in accordance with divisions (B) and (C) of this 49460
section; 49461

(2) Procedures for annually collecting and reporting the data 49462
to the state board in accordance with division (D) of this 49463
section; 49464

(3) Procedures for annually compiling the data in accordance 49465
with division (G) of this section; 49466

(4) Procedures for annually reporting the data to the public 49467
in accordance with division (H) of this section. 49468

(B) The guidelines adopted under this section shall require 49469
the data maintained in the education management information system 49470
to include at least the following: 49471

(1) Student participation and performance data, for each 49472
grade in each school district as a whole and for each grade in 49473
each school building in each school district, that includes: 49474

(a) The numbers of students receiving each category of 49475

instructional service offered by the school district, such as 49476
regular education instruction, vocational education instruction, 49477
specialized instruction programs or enrichment instruction that is 49478
part of the educational curriculum, instruction for gifted 49479
students, instruction for students with disabilities, and remedial 49480
instruction. The guidelines shall require instructional services 49481
under this division to be divided into discrete categories if an 49482
instructional service is limited to a specific subject, a specific 49483
type of student, or both, such as regular instructional services 49484
in mathematics, remedial reading instructional services, 49485
instructional services specifically for students gifted in 49486
mathematics or some other subject area, or instructional services 49487
for students with a specific type of disability. The categories of 49488
instructional services required by the guidelines under this 49489
division shall be the same as the categories of instructional 49490
services used in determining cost units pursuant to division 49491
(C)(3) of this section. 49492

(b) The numbers of students receiving support or 49493
extracurricular services for each of the support services or 49494
extracurricular programs offered by the school district, such as 49495
counseling services, health services, and extracurricular sports 49496
and fine arts programs. The categories of services required by the 49497
guidelines under this division shall be the same as the categories 49498
of services used in determining cost units pursuant to division 49499
(C)(4)(a) of this section. 49500

(c) Average student grades in each subject in grades nine 49501
through twelve; 49502

(d) Academic achievement levels as assessed under sections 49503
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 49504

(e) The number of students designated as having a disabling 49505
condition pursuant to division (C)(1) of section 3301.0711 of the 49506
Revised Code; 49507

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| (f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code; | 49508 49509 49510 |
| (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. | 49511 49512 49513 49514 |
| (h) Expulsion rates; | 49515 |
| (i) Suspension rates; | 49516 |
| (j) Dropout rates; | 49517 |
| (k) Rates of retention in grade; | 49518 |
| (l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules; | 49519 49520 49521 |
| (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; | 49522 49523 49524 49525 49526 |
| (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. | 49527 49528 49529 49530 49531 49532 49533 |
| (2) Personnel and classroom enrollment data for each school district, including: | 49534 49535 |
| (a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed | 49536 49537 |

employees and nonlicensed employees providing each category of 49538
instructional service, instructional support service, and 49539
administrative support service used pursuant to division (C)(3) of 49540
this section. The guidelines adopted under this section shall 49541
require these categories of data to be maintained for the school 49542
district as a whole and, wherever applicable, for each grade in 49543
the school district as a whole, for each school building as a 49544
whole, and for each grade in each school building. 49545

(b) The total number of employees and the number of full-time 49546
equivalent employees providing each category of service used 49547
pursuant to divisions (C)(4)(a) and (b) of this section, and the 49548
total numbers of licensed employees and nonlicensed employees and 49549
the numbers of full-time equivalent licensed employees and 49550
nonlicensed employees providing each category used pursuant to 49551
division (C)(4)(c) of this section. The guidelines adopted under 49552
this section shall require these categories of data to be 49553
maintained for the school district as a whole and, wherever 49554
applicable, for each grade in the school district as a whole, for 49555
each school building as a whole, and for each grade in each school 49556
building. 49557

(c) The total number of regular classroom teachers teaching 49558
classes of regular education and the average number of pupils 49559
enrolled in each such class, in each of grades kindergarten 49560
through five in the district as a whole and in each school 49561
building in the school district. 49562

(d) The number of lead teachers employed by each school 49563
district and each school building. 49564

(3)(a) Student demographic data for each school district, 49565
including information regarding the gender ratio of the school 49566
district's pupils, the racial make-up of the school district's 49567
pupils, the number of limited English proficient students in the 49568
district, and an appropriate measure of the number of the school 49569

district's pupils who reside in economically disadvantaged 49570
households. The demographic data shall be collected in a manner to 49571
allow correlation with data collected under division (B)(1) of 49572
this section. Categories for data collected pursuant to division 49573
(B)(3) of this section shall conform, where appropriate, to 49574
standard practices of agencies of the federal government. 49575

(b) With respect to each student entering kindergarten, 49576
whether the student previously participated in a public preschool 49577
program, a private preschool program, or a head start program, and 49578
the number of years the student participated in each of these 49579
programs. 49580

(4) Any data required to be collected pursuant to federal 49581
law. 49582

(C) The education management information system shall include 49583
cost accounting data for each district as a whole and for each 49584
school building in each school district. The guidelines adopted 49585
under this section shall require the cost data for each school 49586
district to be maintained in a system of mutually exclusive cost 49587
units and shall require all of the costs of each school district 49588
to be divided among the cost units. The guidelines shall require 49589
the system of mutually exclusive cost units to include at least 49590
the following: 49591

(1) Administrative costs for the school district as a whole. 49592
The guidelines shall require the cost units under this division 49593
(C)(1) to be designed so that each of them may be compiled and 49594
reported in terms of average expenditure per pupil in formula ADM 49595
in the school district, as determined pursuant to section 3317.03 49596
of the Revised Code. 49597

(2) Administrative costs for each school building in the 49598
school district. The guidelines shall require the cost units under 49599
this division (C)(2) to be designed so that each of them may be 49600

compiled and reported in terms of average expenditure per 49601
full-time equivalent pupil receiving instructional or support 49602
services in each building. 49603

(3) Instructional services costs for each category of 49604
instructional service provided directly to students and required 49605
by guidelines adopted pursuant to division (B)(1)(a) of this 49606
section. The guidelines shall require the cost units under 49607
division (C)(3) of this section to be designed so that each of 49608
them may be compiled and reported in terms of average expenditure 49609
per pupil receiving the service in the school district as a whole 49610
and average expenditure per pupil receiving the service in each 49611
building in the school district and in terms of a total cost for 49612
each category of service and, as a breakdown of the total cost, a 49613
cost for each of the following components: 49614

(a) The cost of each instructional services category required 49615
by guidelines adopted under division (B)(1)(a) of this section 49616
that is provided directly to students by a classroom teacher; 49617

(b) The cost of the instructional support services, such as 49618
services provided by a speech-language pathologist, classroom 49619
aide, multimedia aide, or librarian, provided directly to students 49620
in conjunction with each instructional services category; 49621

(c) The cost of the administrative support services related 49622
to each instructional services category, such as the cost of 49623
personnel that develop the curriculum for the instructional 49624
services category and the cost of personnel supervising or 49625
coordinating the delivery of the instructional services category. 49626

(4) Support or extracurricular services costs for each 49627
category of service directly provided to students and required by 49628
guidelines adopted pursuant to division (B)(1)(b) of this section. 49629
The guidelines shall require the cost units under division (C)(4) 49630
of this section to be designed so that each of them may be 49631

compiled and reported in terms of average expenditure per pupil 49632
receiving the service in the school district as a whole and 49633
average expenditure per pupil receiving the service in each 49634
building in the school district and in terms of a total cost for 49635
each category of service and, as a breakdown of the total cost, a 49636
cost for each of the following components: 49637

(a) The cost of each support or extracurricular services 49638
category required by guidelines adopted under division (B)(1)(b) 49639
of this section that is provided directly to students by a 49640
licensed employee, such as services provided by a guidance 49641
counselor or any services provided by a licensed employee under a 49642
supplemental contract; 49643

(b) The cost of each such services category provided directly 49644
to students by a nonlicensed employee, such as janitorial 49645
services, cafeteria services, or services of a sports trainer; 49646

(c) The cost of the administrative services related to each 49647
services category in division (C)(4)(a) or (b) of this section, 49648
such as the cost of any licensed or nonlicensed employees that 49649
develop, supervise, coordinate, or otherwise are involved in 49650
administering or aiding the delivery of each services category. 49651

(D)(1) The guidelines adopted under this section shall 49652
require school districts to collect information about individual 49653
students, staff members, or both in connection with any data 49654
required by division (B) or (C) of this section or other reporting 49655
requirements established in the Revised Code. The guidelines may 49656
also require school districts to report information about 49657
individual staff members in connection with any data required by 49658
division (B) or (C) of this section or other reporting 49659
requirements established in the Revised Code. The guidelines shall 49660
not authorize school districts to request social security numbers 49661
of individual students. The guidelines shall prohibit the 49662
reporting under this section of a student's name, address, and 49663

social security number to the state board of education or the 49664
department of education. The guidelines shall also prohibit the 49665
reporting under this section of any personally identifiable 49666
information about any student, except for the purpose of assigning 49667
the data verification code required by division (D)(2) of this 49668
section, to any other person unless such person is employed by the 49669
school district or the information technology center operated 49670
under section 3301.075 of the Revised Code and is authorized by 49671
the district or technology center to have access to such 49672
information or is employed by an entity with which the department 49673
contracts for the scoring of assessments administered under 49674
section 3301.0711 of the Revised Code. The guidelines may require 49675
school districts to provide the social security numbers of 49676
individual staff members. 49677

(2) The guidelines shall provide for each school district or 49678
community school to assign a data verification code that is unique 49679
on a statewide basis over time to each student whose initial Ohio 49680
enrollment is in that district or school and to report all 49681
required individual student data for that student utilizing such 49682
code. The guidelines shall also provide for assigning data 49683
verification codes to all students enrolled in districts or 49684
community schools on the effective date of the guidelines 49685
established under this section. 49686

Individual student data shall be reported to the department 49687
through the information technology centers utilizing the code but, 49688
except as provided in sections 3310.11, 3310.42, 3313.978, 49689
3310.63, and 3317.20 of the Revised Code, at no time shall the 49690
state board or the department have access to information that 49691
would enable any data verification code to be matched to 49692
personally identifiable student data. 49693

Each school district shall ensure that the data verification 49694
code is included in the student's records reported to any 49695

subsequent school district, community school, or state institution 49696
of higher education, as defined in section 3345.011 of the Revised 49697
Code, in which the student enrolls. Any such subsequent district 49698
or school shall utilize the same identifier in its reporting of 49699
data under this section. 49700

The director of health shall request and receive, pursuant to 49701
sections 3301.0723 and 3701.62 of the Revised Code, a data 49702
verification code for a child who is receiving services under 49703
division (A)(2) of section 3701.61 of the Revised Code. 49704

(E) The guidelines adopted under this section may require 49705
school districts to collect and report data, information, or 49706
reports other than that described in divisions (A), (B), and (C) 49707
of this section for the purpose of complying with other reporting 49708
requirements established in the Revised Code. The other data, 49709
information, or reports may be maintained in the education 49710
management information system but are not required to be compiled 49711
as part of the profile formats required under division (G) of this 49712
section or the annual statewide report required under division (H) 49713
of this section. 49714

(F) Beginning with the school year that begins July 1, 1991, 49715
the board of education of each school district shall annually 49716
collect and report to the state board, in accordance with the 49717
guidelines established by the board, the data required pursuant to 49718
this section. A school district may collect and report these data 49719
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 49720

(G) The state board shall, in accordance with the procedures 49721
it adopts, annually compile the data reported by each school 49722
district pursuant to division (D) of this section. The state board 49723
shall design formats for profiling each school district as a whole 49724
and each school building within each district and shall compile 49725
the data in accordance with these formats. These profile formats 49726
shall: 49727

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

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

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

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

(I) Any data that is collected or maintained pursuant to this

section and that identifies an individual pupil is not a public 49759
record for the purposes of section 149.43 of the Revised Code. 49760

(J) As used in this section: 49761

(1) "School district" means any city, local, exempted 49762
village, or joint vocational school district and, in accordance 49763
with section 3314.17 of the Revised Code, any community school. As 49764
used in division (L) of this section, "school district" also 49765
includes any educational service center or other educational 49766
entity required to submit data using the system established under 49767
this section. 49768

(2) "Cost" means any expenditure for operating expenses made 49769
by a school district excluding any expenditures for debt 49770
retirement except for payments made to any commercial lending 49771
institution for any loan approved pursuant to section 3313.483 of 49772
the Revised Code. 49773

(K) Any person who removes data from the information system 49774
established under this section for the purpose of releasing it to 49775
any person not entitled under law to have access to such 49776
information is subject to section 2913.42 of the Revised Code 49777
prohibiting tampering with data. 49778

(L)(1) In accordance with division (L)(2) of this section and 49779
the rules adopted under division (L)(10) of this section, the 49780
department of education may sanction any school district that 49781
reports incomplete or inaccurate data, reports data that does not 49782
conform to data requirements and descriptions published by the 49783
department, fails to report data in a timely manner, or otherwise 49784
does not make a good faith effort to report data as required by 49785
this section. 49786

(2) If the department decides to sanction a school district 49787
under this division, the department shall take the following 49788
sequential actions: 49789

(a) Notify the district in writing that the department has 49790
determined that data has not been reported as required under this 49791
section and require the district to review its data submission and 49792
submit corrected data by a deadline established by the department. 49793
The department also may require the district to develop a 49794
corrective action plan, which shall include provisions for the 49795
district to provide mandatory staff training on data reporting 49796
procedures. 49797

(b) Withhold up to ten per cent of the total amount of state 49798
funds due to the district for the current fiscal year and, if not 49799
previously required under division (L)(2)(a) of this section, 49800
require the district to develop a corrective action plan in 49801
accordance with that division; 49802

(c) Withhold an additional amount of up to twenty per cent of 49803
the total amount of state funds due to the district for the 49804
current fiscal year; 49805

(d) Direct department staff or an outside entity to 49806
investigate the district's data reporting practices and make 49807
recommendations for subsequent actions. The recommendations may 49808
include one or more of the following actions: 49809

(i) Arrange for an audit of the district's data reporting 49810
practices by department staff or an outside entity; 49811

(ii) Conduct a site visit and evaluation of the district; 49812

(iii) Withhold an additional amount of up to thirty per cent 49813
of the total amount of state funds due to the district for the 49814
current fiscal year; 49815

(iv) Continue monitoring the district's data reporting; 49816

(v) Assign department staff to supervise the district's data 49817
management system; 49818

(vi) Conduct an investigation to determine whether to suspend 49819

or revoke the license of any district employee in accordance with 49820
division (N) of this section; 49821

(vii) If the district is issued a report card under section 49822
3302.03 of the Revised Code, indicate on the report card that the 49823
district has been sanctioned for failing to report data as 49824
required by this section; 49825

(viii) If the district is issued a report card under section 49826
3302.03 of the Revised Code and incomplete or inaccurate data 49827
submitted by the district likely caused the district to receive a 49828
higher performance rating than it deserved under that section, 49829
issue a revised report card for the district; 49830

(ix) Any other action designed to correct the district's data 49831
reporting problems. 49832

(3) Any time the department takes an action against a school 49833
district under division (L)(2) of this section, the department 49834
shall make a report of the circumstances that prompted the action. 49835
The department shall send a copy of the report to the district 49836
superintendent or chief administrator and maintain a copy of the 49837
report in its files. 49838

(4) If any action taken under division (L)(2) of this section 49839
resolves a school district's data reporting problems to the 49840
department's satisfaction, the department shall not take any 49841
further actions described by that division. If the department 49842
withheld funds from the district under that division, the 49843
department may release those funds to the district, except that if 49844
the department withheld funding under division (L)(2)(c) of this 49845
section, the department shall not release the funds withheld under 49846
division (L)(2)(b) of this section and, if the department withheld 49847
funding under division (L)(2)(d) of this section, the department 49848
shall not release the funds withheld under division (L)(2)(b) or 49849
(c) of this section. 49850

(5) Notwithstanding anything in this section to the contrary, 49851
the department may use its own staff or an outside entity to 49852
conduct an audit of a school district's data reporting practices 49853
any time the department has reason to believe the district has not 49854
made a good faith effort to report data as required by this 49855
section. If any audit conducted by an outside entity under 49856
division (L)(2)(d)(i) or (5) of this section confirms that a 49857
district has not made a good faith effort to report data as 49858
required by this section, the district shall reimburse the 49859
department for the full cost of the audit. The department may 49860
withhold state funds due to the district for this purpose. 49861

(6) Prior to issuing a revised report card for a school 49862
district under division (L)(2)(d)(viii) of this section, the 49863
department may hold a hearing to provide the district with an 49864
opportunity to demonstrate that it made a good faith effort to 49865
report data as required by this section. The hearing shall be 49866
conducted by a referee appointed by the department. Based on the 49867
information provided in the hearing, the referee shall recommend 49868
whether the department should issue a revised report card for the 49869
district. If the referee affirms the department's contention that 49870
the district did not make a good faith effort to report data as 49871
required by this section, the district shall bear the full cost of 49872
conducting the hearing and of issuing any revised report card. 49873

(7) If the department determines that any inaccurate data 49874
reported under this section caused a school district to receive 49875
excess state funds in any fiscal year, the district shall 49876
reimburse the department an amount equal to the excess funds, in 49877
accordance with a payment schedule determined by the department. 49878
The department may withhold state funds due to the district for 49879
this purpose. 49880

(8) Any school district that has funds withheld under 49881
division (L)(2) of this section may appeal the withholding in 49882

accordance with Chapter 119. of the Revised Code. 49883

(9) In all cases of a disagreement between the department and 49884
a school district regarding the appropriateness of an action taken 49885
under division (L)(2) of this section, the burden of proof shall 49886
be on the district to demonstrate that it made a good faith effort 49887
to report data as required by this section. 49888

(10) The state board of education shall adopt rules under 49889
Chapter 119. of the Revised Code to implement division (L) of this 49890
section. 49891

(M) No information technology center or school district shall 49892
acquire, change, or update its student administration software 49893
package to manage and report data required to be reported to the 49894
department unless it converts to a student software package that 49895
is certified by the department. 49896

(N) The state board of education, in accordance with sections 49897
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 49898
license as defined under division (A) of section 3319.31 of the 49899
Revised Code that has been issued to any school district employee 49900
found to have willfully reported erroneous, inaccurate, or 49901
incomplete data to the education management information system. 49902

(O) No person shall release or maintain any information about 49903
any student in violation of this section. Whoever violates this 49904
division is guilty of a misdemeanor of the fourth degree. 49905

(P) The department shall disaggregate the data collected 49906
under division (B)(1)(n) of this section according to the race and 49907
socioeconomic status of the students assessed. No data collected 49908
under that division shall be included on the report cards required 49909
by section 3302.03 of the Revised Code. 49910

(Q) If the department cannot compile any of the information 49911
required by division (C)(5) of section 3302.03 of the Revised Code 49912
based upon the data collected under this section, the department 49913

shall develop a plan and a reasonable timeline for the collection 49914
of any data necessary to comply with that division. 49915

Sec. 3301.16. Pursuant to standards prescribed by the state 49916
board of education as provided in division (D) of section 3301.07 49917
of the Revised Code, the state board shall classify and charter 49918
school districts and individual schools within each district 49919
except that no charter shall be granted to a nonpublic school 49920
unless the school complies with section 3313.612 of the Revised 49921
Code. 49922

In the course of considering the charter of a new school 49923
district created under section 3311.26 or 3311.38 of the Revised 49924
Code, the state board shall require the party proposing creation 49925
of the district to submit to the board a map, certified by the 49926
county auditor of the county in which the proposed new district is 49927
located, showing the boundaries of the proposed new district. In 49928
the case of a proposed new district located in more than one 49929
county, the map shall be certified by the county auditor of each 49930
county in which the proposed district is located. 49931

The state board shall revoke the charter of any school 49932
district or school which fails to meet the standards for 49933
elementary and high schools as prescribed by the board. The state 49934
board shall also revoke the charter of any nonpublic school that 49935
does not comply with section 3313.612 of the Revised Code. ~~The~~ 49936
~~state board may revoke the charter of any school district that~~ 49937
~~fails to meet the operating standards established under division~~ 49938
~~(D)(3) of section 3301.07 of the Revised Code.~~ 49939

In the issuance and revocation of school district or school 49940
charters, the state board shall be governed by the provisions of 49941
Chapter 119. of the Revised Code. 49942

No school district, or individual school operated by a school 49943
district, shall operate without a charter issued by the state 49944

board under this section. 49945

In case a school district charter is revoked pursuant to this 49946
section, the state board may dissolve the school district and 49947
transfer its territory to one or more adjacent districts. An 49948
equitable division of the funds, property, and indebtedness of the 49949
school district shall be made by the state board among the 49950
receiving districts. The board of education of a receiving 49951
district shall accept such territory pursuant to the order of the 49952
state board. Prior to dissolving the school district, the state 49953
board shall notify the appropriate educational service center 49954
governing board and all adjacent school district boards of 49955
education of its intention to do so. Boards so notified may make 49956
recommendations to the state board regarding the proposed 49957
dissolution and subsequent transfer of territory. Except as 49958
provided in section 3301.161 of the Revised Code, the transfer 49959
ordered by the state board shall become effective on the date 49960
specified by the state board, but the date shall be at least 49961
thirty days following the date of issuance of the order. 49962

A high school is one of higher grade than an elementary 49963
school, in which instruction and training are given in accordance 49964
with sections 3301.07 and 3313.60 of the Revised Code and which 49965
also offers other subjects of study more advanced than those 49966
taught in the elementary schools and such other subjects as may be 49967
approved by the state board of education. 49968

An elementary school is one in which instruction and training 49969
are given in accordance with sections 3301.07 and 3313.60 of the 49970
Revised Code and which offers such other subjects as may be 49971
approved by the state board of education. In districts wherein a 49972
junior high school is maintained, the elementary schools in that 49973
district may be considered to include only the work of the first 49974
six school years inclusive, plus the kindergarten year. 49975

~~A high school or an elementary school may consist of less 49976~~

~~than one or more than one organizational unit, as defined in~~ 49977
~~sections 3306.02 and 3306.04 of the Revised Code.~~ 49978

Sec. 3301.162. (A) If the governing authority of a chartered 49979
nonpublic school intends to close the school, the governing 49980
authority shall notify all of the following of that intent prior 49981
to closing the school: 49982

(1) The department of education; 49983

(2) The school district that receives auxiliary services 49984
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 49985
Code on behalf of the students enrolled in the school; 49986

(3) The accrediting association that most recently accredited 49987
the school for purposes of chartering the school in accordance 49988
with the rules of the state board of education, if applicable. 49989

The notice shall include the school year and, if possible, 49990
the actual date the school will close. 49991

(B) The chief administrator of each chartered nonpublic 49992
school that closes shall deposit the school's records with either: 49993

(1) The accrediting association that most recently accredited 49994
the school for purposes of chartering the school in accordance 49995
with the rules of the state board, if applicable; 49996

(2) The school district that received auxiliary services 49997
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 49998
Code on behalf of the students enrolled in the school. 49999

The school district that receives the records may charge for 50000
and receive a one-time reimbursement from auxiliary services 50001
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 50002
Code for costs the district incurred to store the records. 50003

Sec. 3301.70. (A) The state board of education is the 50004
designated state agency responsible for the coordination and 50005

administration of sections 110 to 118 of the "National and 50006
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 50007
12401 to 12431, as amended. With the assistance of the Ohio 50008
~~community~~ commission on service council and volunteerism created 50009
in section 121.40 of the Revised Code, the state board shall 50010
coordinate with other state agencies to apply for funding under 50011
the act when appropriate. 50012

(B) With the assistance of the Ohio ~~community~~ commission on 50013
service council and volunteerism, the state board of education 50014
shall develop a plan to assist school districts in the 50015
implementation of section 3313.605 of the Revised Code and other 50016
community service activities of school districts. The state board 50017
shall encourage the development of school district programs 50018
meeting the requirements for funding under the National and 50019
Community Service Act of 1990. The plan shall include the 50020
investigation of funding from all available sources for school 50021
community service education programs, including funds available 50022
under the National and Community Service Act of 1990, and the 50023
provision of technical assistance to school districts for the 50024
implementation of community service education programs. The plan 50025
shall also provide for technical assistance to be given to school 50026
boards to assist in obtaining funds for community service 50027
education programs from any source. 50028

(C) With the assistance of the Ohio ~~community~~ commission on 50029
service council and volunteerism, the state board of education 50030
shall do all of the following: 50031

(1) Disseminate information about school district community 50032
service education programs to other school districts and to 50033
statewide organizations involved with or promoting volunteerism; 50034

(2) Recruit additional school districts to develop community 50035
service education programs; 50036

(3) Identify or develop model community service programs, 50037
teacher training courses, and community service curricula and 50038
teaching materials for possible use by school districts in their 50039
programs. 50040

Sec. 3301.81. (A) As used in this division: 50041

(1) "Qualifying school" means either of the following: 50042

(a) A school operated by a challenged school district; 50043

(b) A community school that provides or proposes to provide 50044
classroom-based instruction at a site located within a challenged 50045
school district or a school district adjacent to a challenged 50046
school district. 50047

(2) "Challenged school district" has the same meaning as in 50048
section 3314.02 of the Revised Code. 50049

(B)(1) Not later than sixty days after the effective date of 50050
this section, the department of education shall issue a request 50051
for proposals from qualifying schools that wish to operate as a 50052
hybrid school in accordance with this section to provide students 50053
with a combination of technology-based instruction, including 50054
internet- or computer-based instruction, and classroom-based 50055
instruction. Each proposal submitted to the department shall 50056
contain the following information: 50057

(a) A description of the proposed hybrid nature of the 50058
school's instructional program; 50059

(b) An academic accountability plan, which shall include a 50060
commitment that the school will evaluate student performance at 50061
least three times a year and publish the results of each 50062
evaluation; 50063

(c) Any other information requested by the department. 50064

(2) The department shall develop a rigorous process for the 50065

evaluation of submitted proposals. As part of this process, if the 50066
department receives more than five proposals, the department shall 50067
select finalists from among the qualified responders. The 50068
finalists shall be required to make a public presentation to a 50069
panel of experts selected by the department on the merits of the 50070
school's plan and the likelihood of student success under the 50071
plan. 50072

(3) Within one hundred eighty days following the issuance of 50073
the request for proposals, the department shall select up to five 50074
schools from among the qualified responders. The selected schools 50075
may begin operating as a hybrid school in the next school year 50076
commencing after the approval of the school's proposal. If any of 50077
the selected schools is a community school established on or after 50078
the effective date of this section, the contract adopted under 50079
section 3314.03 of the Revised Code shall conform with the 50080
provisions of the school's proposal as approved by the department. 50081
If any of the selected schools is a community school established 50082
prior to the effective date of this section, the governing 50083
authority and sponsor of the school shall amend the contract 50084
adopted under section 3314.03 of the Revised Code prior to the 50085
first date of July of the school year in which the school will 50086
begin operating as a hybrid school to conform with the provisions 50087
of the school's proposal as approved by the department. 50088

(4) In the third school year after the schools selected under 50089
division (B)(3) of this section commence operations as hybrid 50090
schools, the department shall conduct a study of the academic 50091
performance of students attending the hybrid schools and determine 50092
any best practices utilized by the schools. The department shall 50093
issue a report on the results of this study to the governor, the 50094
president of the senate, and the speaker of the house of 50095
representatives. 50096

At the conclusion of the study, the department may issue a 50097

second request for proposals and select up to five additional schools that may operate as hybrid schools in accordance with this section. The department may modify the request for proposals or evaluation process from those previously used based on the results of the study conducted pursuant to this division. 50098
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(C)(1) The board of education of each school district operating a hybrid school, or the governing authority of each community school operating as a hybrid school, shall require each student enrolled in the school to do both of the following: 50103
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(a) Attend a designated site maintained by the board of education or governing authority to receive traditional classroom-based instruction that does not rely primarily on the use of computers or other electronic, digital, or wireless technology for the percentage of required instructional time determined under division (B)(2) of this section; 50107
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(b) For the period of time the student does not attend the site maintained by the board of education or governing authority, work primarily from the student's residence on assignments in nonclassroom-based learning opportunities provided via a technology-based instructional method. 50113
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(2) Before the beginning of each school year, the education team of each student enrolled in a hybrid school shall determine the percentage of the required instructional time that should be devoted to traditional classroom-based instruction and technology-based instruction to best meet the student's educational needs. As used in this division, "education team" includes, but is not limited to, the chief administrative officer or principal of the school, the student, the student's parent or guardian, and any teacher requested by the chief administrative officer or principal, student, or parent or guardian. 50118
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(D) In the case of a community school operating as a hybrid 50128

school, the designated site maintained by the school's governing authority for the provision of classroom-based instruction shall be located in a challenged school district or an adjacent school district. However, the challenged school district shall be considered the school district in which the school is located for all purposes of Chapter 3314. of the Revised Code, including adopting an admission policy under division (A)(19) of section 3314.03 of the Revised Code. 50129
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(E) Except as provided in section 3314.091 of the Revised Code, the board of education of each city, local, and exempted village school district shall provide for its district's native students, in accordance with section 3327.01 of the Revised Code, transportation to and from a community school operating as a hybrid school pursuant to this section on each weekday the students are required to attend school at that site. 50137
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As used in this division, "native student" has the same meaning as in section 3314.09 of the Revised Code. 50144
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(F) A community school operating as a hybrid school pursuant to this section is not an internet- or computer-based community school for purposes of Chapter 3314. of the Revised Code. Nevertheless, except as otherwise provided in this section, a hybrid community school shall comply with all requirements of that chapter, including any provisions that apply solely to an internet- or computer-based community school. 50146
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Sec. 3302.02. Not later than one year after the adoption of rules under division ~~(E)~~(D) of section 3301.0712 of the Revised Code and at least every sixth year thereafter, upon recommendations of the superintendent of public instruction, the state board of education shall establish performance indicators for the report cards required by division (C) of section 3302.03 of the Revised Code. In establishing these indicators, the 50153
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superintendent shall consider inclusion of student performance on 50160
assessments prescribed under section 3301.0710 or 3301.0712 of the 50161
Revised Code, rates of student improvement on such assessments, 50162
student attendance, the breadth of coursework available within the 50163
district, and other indicators of student success. Not later than 50164
December 31, 2011, the state board, upon recommendation of the 50165
superintendent, shall establish a performance indicator reflecting 50166
the level of services provided to, and the performance of, 50167
students identified as gifted under Chapter 3324. of the Revised 50168
Code. 50169

The superintendent shall inform the Ohio accountability task 50170
force established under section 3302.021 of the Revised Code of 50171
the performance indicators the superintendent establishes under 50172
this section and the rationale for choosing each indicator and for 50173
determining how a school district or building meets that 50174
indicator. 50175

The superintendent shall not establish any performance 50176
indicator for passage of the third or fourth grade English 50177
language arts assessment that is solely based on the assessment 50178
given in the fall for the purpose of determining whether students 50179
have met the reading guarantee provisions of section 3313.608 of 50180
the Revised Code. 50181

Sec. 3302.031. In addition to the report cards required under 50182
section 3302.03 of the Revised Code, the department of education 50183
shall annually prepare the following reports for each school 50184
district and make a copy of each report available to the 50185
superintendent of each district: 50186

(A) A funding and expenditure accountability report which 50187
shall consist of the amount of state aid payments the school 50188
district will receive during the fiscal year under ~~Chapters 3306-~~ 50189
~~and Chapter~~ Chapter 3317. of the Revised Code and any other fiscal data 50190

the department determines is necessary to inform the public about 50191
the financial status of the district; 50192

(B) A school safety and discipline report which shall consist 50193
of statistical information regarding student safety and discipline 50194
in each school building, including the number of suspensions and 50195
expulsions disaggregated according to race and gender; 50196

(C) A student equity report which shall consist of at least a 50197
description of the status of teacher qualifications, library and 50198
media resources, textbooks, classroom materials and supplies, and 50199
technology resources for each district. To the extent possible, 50200
the information included in the report required under this 50201
division shall be disaggregated according to grade level, race, 50202
gender, disability, and scores attained on assessments required 50203
under section 3301.0710 of the Revised Code. 50204

(D) A school enrollment report which shall consist of 50205
information about the composition of classes within each district 50206
by grade and subject disaggregated according to race, gender, and 50207
scores attained on assessments required under section 3301.0710 of 50208
the Revised Code; 50209

(E) A student retention report which shall consist of the 50210
number of students retained in their respective grade levels in 50211
the district disaggregated by grade level, subject area, race, 50212
gender, and disability; 50213

(F) A school district performance report which shall describe 50214
for the district and each building within the district the extent 50215
to which the district or building meets each of the applicable 50216
performance indicators established under section 3302.02 of the 50217
Revised Code, the number of performance indicators that have been 50218
achieved, and the performance index score. In calculating the 50219
rates of achievement on the performance indicators and the 50220
performance index scores for each report, the department shall 50221

exclude all students with disabilities. 50222

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 performance index scores of all schools of all city, exempted village, and local school districts statewide for three or more consecutive school years and is operated by the Columbus city school district. 50223
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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: 50230
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(1) Reopen the school as a community school under Chapter 3314. of the Revised Code; 50242
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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; 50244
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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; 50248
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(4) Turn operation of the school over to the department; 50251

(5) Any other major restructuring of the school that makes 50252
fundamental reforms in the school's staffing or governance. 50253

(C) Not later than thirty days after receipt of a petition 50254
under division (B) of this section, the district treasurer shall 50255
verify the validity and sufficiency of the signatures on the 50256
petition and certify to the district board whether the petition 50257
contains the necessary number of valid signatures to require the 50258
board to implement the reform requested by the petitioners. If the 50259
treasurer certifies to the district board that the petition does 50260
not contain the necessary number of valid signatures, any person 50261
who signed the petition may file an appeal with the county auditor 50262
within ten days after the certification. Not later than thirty 50263
days after the filing of an appeal, the county auditor shall 50264
conduct an independent verification of the validity and 50265
sufficiency of the signatures on the petition and certify to the 50266
district board whether the petition contains the necessary number 50267
of valid signatures to require the board to implement the 50268
requested reform. If the treasurer or county auditor certifies 50269
that the petition contains the necessary number of valid 50270
signatures, the district board shall notify the superintendent of 50271
public instruction and the state board of education of the 50272
certification. 50273

(D) The district board shall not implement the reform 50274
requested by the petitioners in any of the following 50275
circumstances: 50276

(1) The district board has determined that the request is for 50277
reasons other than improving student academic achievement or 50278
student safety. 50279

(2) The state superintendent has determined that 50280
implementation of the requested reform would not comply with the 50281
model of differentiated accountability described in section 50282
3302.041 of the Revised Code. 50283

(3) The petitioners have requested the district board to 50284
implement the reform described in division (B)(4) of this section 50285
and the department has not agreed to take over the school's 50286
operation. 50287

(4) When all of the following have occurred: 50288

(a) After a public hearing on the matter, the district board 50289
issued a written statement explaining the reasons that it is 50290
unable to implement the requested reform and agreeing to implement 50291
one of the other reforms described in division (B) of this 50292
section. 50293

(b) The district board submitted its written statement to the 50294
state superintendent and the state board along with evidence 50295
showing how the alternative reform the district board has agreed 50296
to implement will enable the school to improve its academic 50297
performance. 50298

(c) Both the state superintendent and the state board have 50299
approved implementation of the alternative reform. 50300

(E) Beginning not later than six months after the first 50301
petition under this section has been resolved, the department of 50302
education shall annually evaluate the pilot program and submit a 50303
report to the general assembly under section 101.68 of the Revised 50304
Code. Such reports shall contain its recommendations to the 50305
general assembly with respect to the continuation of the pilot 50306
program, its expansion to other school districts, or the enactment 50307
of further legislation establishing the program statewide under 50308
permanent law. 50309

Sec. 3302.05. The state board of education shall adopt rules 50310
freeing school districts declared to be excellent under division 50311
(B)(1) or effective under division (B)(2) of section 3302.03 of 50312
the Revised Code from specified state mandates. Any mandates 50313

included in the rules shall be only those statutes or rules 50314
pertaining to state education requirements. The rules shall not 50315
exempt districts ~~from any standard or requirement of section~~ 50316
~~3306.09 of the Revised Code or~~ from any operating standard adopted 50317
under division (D)(3) of section 3301.07 of the Revised Code. 50318

Sec. 3302.06. (A) Any school of a city, exempted village, or 50319
local school district may apply to the district board of education 50320
to be designated as an innovation school. Each application shall 50321
include an innovation plan that contains the following: 50322

(1) A statement of the school's mission and an explanation of 50323
how the designation would enhance the school's ability to fulfill 50324
its mission; 50325

(2) A description of the innovations the school would 50326
implement; 50327

(3) An explanation of how implementation of the innovations 50328
described in division (A)(2) of this section would affect the 50329
school's programs and policies, including any of the following 50330
that apply: 50331

(a) The school's educational program; 50332

(b) The length of the school day and the school year; 50333

(c) The school's student promotion policy; 50334

(d) The school's plan for the assessment of students; 50335

(e) The school's budget; 50336

(f) The school's staffing levels. 50337

(4) A description of the improvements in student academic 50338
performance that the school expects to achieve by implementing the 50339
innovations described in division (A)(2) of this section; 50340

(5) An estimate of the cost savings and increased 50341
efficiencies, if any, that the school expects to achieve by 50342

implementing the innovations described in division (A)(2) of this section; 50343
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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; 50345
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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; 50350
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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. 50354
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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: 50361
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(1) A description of how innovations in the participating schools would be integrated to achieve results that would be less likely to be achieved by each participating school alone; 50370
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(2) An estimate of any economies of scale that would be 50373

realized by implementing innovations jointly. 50374

Sec. 3302.061. (A) A school district board of education shall 50375
review each application received under section 3302.06 of the 50376
Revised Code and, within sixty days after receipt of the 50377
application, shall approve or disapprove the application. In 50378
reviewing applications, the board shall give preference to 50379
applications that propose innovations in one or more of the 50380
following areas: 50381

(1) Curriculum; 50382

(2) Student assessments, other than the assessments 50383
prescribed by sections 3301.0710 and 3301.0712 of the Revised 50384
Code; 50385

(3) Class scheduling; 50386

(4) Accountability measures, including innovations that 50387
expand the number and variety of measures used in order to collect 50388
more complete data about student academic performance. For this 50389
purpose, schools may consider use of measures such as 50390
end-of-course examinations, portfolios of student work, nationally 50391
or internationally normed assessments, the percentage of students 50392
enrolling in post-secondary education, or the percentage of 50393
students simultaneously obtaining a high school diploma and an 50394
associate's degree or certification to work in an industry or 50395
career field. 50396

(5) Provision of student services, including services for 50397
students who are disabled, identified as gifted under Chapter 50398
3324. of the Revised Code, limited English proficient, at risk of 50399
academic failure or dropping out, or at risk of suspension or 50400
expulsion; 50401

(6) Provision of health, counseling, or other social services 50402
to students; 50403

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| <u>(7) Preparation of students for transition to higher education or the workforce;</u> | 50404 |
| | 50405 |
| <u>(8) Teacher recruitment, employment, and evaluation;</u> | 50406 |
| <u>(9) Compensation for school personnel;</u> | 50407 |
| <u>(10) Professional development;</u> | 50408 |
| <u>(11) School governance and the roles and responsibilities of principals;</u> | 50409 |
| | 50410 |
| <u>(12) Use of financial or other resources.</u> | 50411 |
| <u>(B)(1) If the board approves an application seeking designation as an innovation school, it shall so designate the school that submitted the application. If the board approves an application seeking designation as an innovation school zone, it shall so designate the participating schools that submitted the application.</u> | 50412 |
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| <u>(2) If the board disapproves an application, it shall provide a written explanation of the basis for its decision to the school or schools that submitted the application. The school or schools may reapply for designation as an innovation school or innovation school zone at any time.</u> | 50418 |
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| <u>(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section 3317.14 of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section</u> | 50423 |
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3319.081 or 3319.16 of the Revised Code. 50434

(D) The board may do either of the following at any time: 50435

(1) Designate a school as an innovation school by creating an innovation plan for that school and offering the school an opportunity to participate in the plan's creation; 50436
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(2) Designate as an innovation school zone two or more schools that share common interests based on factors such as geographical proximity or similar educational programs or that serve the same classes of students as they advance to higher grade levels, by creating an innovation plan for those schools and offering the schools an opportunity to participate in the plan's creation. 50439
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Sec. 3302.062. (A) If a school district board of education approves an application under division (B)(1) of section 3302.061 of the Revised Code or designates an innovation school or innovation school zone under division (D) of that section, the district board shall apply to the state board of education for designation as a school district of innovation by submitting to the state board the innovation plan included in the approved application or created by the district board. 50446
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Within sixty days after receipt of the application, the state board shall designate the district as a school district of innovation, unless the state board determines that the submitted innovation plan is not financially feasible or will likely result in decreased academic achievement. If the state board so determines, it shall provide a written explanation of the basis for its determination to the district board. If the district is not designated as a school district of innovation, the district board shall not implement the innovation plan. However, the district board may reapply for designation as a school district of innovation at any time. 50454
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(B) A district board may request the state board to make a preliminary review of an innovation plan prior to the district board's formal application for designation as a school district of innovation. In that case, the state board shall review the innovation plan and, within sixty days after the request, recommend to the district board any changes or additions that the state board believes will improve the plan, which may include further innovations or measures to increase the likelihood that the innovations will result in higher academic achievement. The district board may revise the innovation plan prior to making formal application for designation as a school district of innovation.

Sec. 3302.063. (A) Except as provided in division (B) of this section, upon designation of a school district of innovation under section 3302.062 of the Revised Code, the state board of education shall waive any laws in Title XXXIII of the Revised Code or rules adopted by the state board that are specified in the innovation plan submitted by the district board of education as needing to be waived to implement the plan. The waiver shall apply only to the school or schools participating in the innovation plan and shall not apply to the district as a whole, unless each of the district's schools is a participating school. The waiver 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 or section 3302.064 of the Revised Code.

(B) The state board shall not waive any law or rule regarding the following:

(1) Funding for school districts under Chapter 3317. of the

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| <u>Revised Code;</u> | 50496 |
| <u>(2) The requirements of Chapters 3323. and 3324. of the Revised Code for the provision of services to students with disabilities and gifted students;</u> | 50497 50498 50499 |
| <u>(3) Requirements related to the provision of career-technical education that are necessary to comply with federal law or maintenance of effort provisions;</u> | 50500 50501 50502 |
| <u>(4) Administration of the assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;</u> | 50503 50504 |
| <u>(5) Requirements related to the issuance of report cards and the assignment of performance ratings under section 3302.03 of the Revised Code;</u> | 50505 50506 50507 |
| <u>(6) Implementation of the model of differentiated accountability under section 3302.041 of the Revised Code;</u> | 50508 50509 |
| <u>(7) Requirements for the reporting of data to the department of education;</u> | 50510 50511 |
| <u>(8) Criminal records checks of school employees;</u> | 50512 |
| <u>(9) The requirements of Chapters 3307. and 3309. regarding the retirement systems for teachers and school employees.</u> | 50513 50514 |
| <u>(C) If a district board's revisions to an innovation plan under section 3302.066 of the Revised Code require a waiver of additional laws or state board rules, the state board shall grant a waiver from those laws or rules upon evidence that administrators and teachers have consented to the revisions as required by that section.</u> | 50515 50516 50517 50518 50519 50520 |
| <u>Sec. 3302.064. (A) Each collective bargaining agreement entered into by a school district board of education under Chapter 4117. of the Revised Code on or after the effective date of this section shall allow for the waiver of any provision of the</u> | 50521 50522 50523 50524 |

agreement specified in the innovation plan approved or created 50525
under section 3302.061 of the Revised Code as needing to be waived 50526
to implement the plan, in the event the district is designated as 50527
a school district of innovation. 50528

(B)(1) In the case of an innovation school, waiver of the 50529
provisions specified in the innovation plan shall be contingent 50530
upon at least sixty per cent of the members of the bargaining unit 50531
covered by the collective bargaining agreement who work in the 50532
school voting, by secret ballot, to approve the waiver. 50533

(2) In the case of an innovation school zone, waiver of the 50534
provisions specified in the innovation plan shall be contingent 50535
upon, in each participating school, at least sixty per cent of the 50536
members of the bargaining unit covered by the collective 50537
bargaining agreement who work in that school voting, by secret 50538
ballot, to approve the waiver. If at least sixty per cent of the 50539
members of the bargaining unit in a participating school do not 50540
vote to approve the waiver, the board may revise the innovation 50541
plan to remove that school from the innovation school zone. 50542

(3) If a board's revisions to an innovation plan under 50543
section 3302.066 of the Revised Code require a waiver of 50544
additional provisions of the collective bargaining agreement, that 50545
waiver shall be contingent upon approval under division (B)(1) or 50546
(2) of this section in the same manner as the initial waiver. 50547

(C) A waiver approved under division (B) of this section 50548
shall continue to apply relative to any substantially similar 50549
provision of a collective bargaining agreement entered into after 50550
the approval of the waiver. 50551

(D) A waiver approved under division (B) of this section 50552
shall cease to apply to a school if the school's designation as an 50553
innovation school is revoked or the innovation school zone in 50554
which the school participates has its designation revoked under 50555

section 3302.065 of the Revised Code, or if the school is removed 50556
from an innovation school zone under that section. 50557

(E) An employee working in an innovation school or a school 50558
participating in an innovation school zone who is a member of a 50559
bargaining unit that approves a waiver under division (B) of this 50560
section may request the board to transfer the employee to another 50561
school of the district. The board shall make every reasonable 50562
effort to accommodate the employee's request. 50563

Sec. 3302.065. Not later than three years after obtaining 50564
designation as a school district of innovation under section 50565
3302.062 of the Revised Code, and every three years thereafter, 50566
the district board of education shall review the performance of 50567
the innovation school or innovation school zone and determine if 50568
it is achieving, or making sufficient progress toward achieving, 50569
the improvements in student academic performance that were 50570
described in its innovation plan. If the board finds that an 50571
innovation school is not achieving, or not making sufficient 50572
progress toward achieving, those improvements in student academic 50573
performance, the board may revoke the designation as an innovation 50574
school. If the board finds that a school participating in an 50575
innovation school zone is not achieving, or not making sufficient 50576
progress toward achieving, those improvements in student academic 50577
performance, the board may remove that school from the innovation 50578
school zone or may revoke the designation of all participating 50579
schools as an innovation school zone. 50580

Sec. 3302.066. A school district board of education may 50581
revise an innovation plan approved or created under section 50582
3302.061 of the Revised Code, in collaboration with the school or 50583
schools participating in the plan, to further improve student 50584
academic performance. The revisions may include identifying 50585
additional laws in Title XXXIII of the Revised Code, rules adopted 50586

by the state board of education, requirements enacted by the 50587
district board, or provisions of a collective bargaining agreement 50588
that need to be waived. Any revisions to an innovation plan shall 50589
require the consent, in each school participating in the plan, of 50590
a majority of the administrators assigned to that school and a 50591
majority of the teachers assigned to that school. 50592

Sec. 3302.067. The board of education of any district 50593
designated as a school district of innovation or any school 50594
participating in an innovation plan may accept, receive, and 50595
expend gifts, grants, or donations from any public or private 50596
entity to support the implementation of the plan. 50597

Sec. 3302.068. Not later than the first day of July each 50598
year, the department of education shall issue, and post on its web 50599
site, a report on school districts of innovation. The report shall 50600
include the following information: 50601

(A) The number of districts designated as school districts of 50602
innovation in the preceding school year and the total number of 50603
school districts of innovation statewide; 50604

(B) The number of innovation schools in each school district 50605
of innovation and the number of district students served by the 50606
schools, expressed as a total number and as a percentage of the 50607
district's total student population; 50608

(C) The number of innovation school zones in each school 50609
district of innovation, the number of schools participating in 50610
each zone, and the number of district students served by the 50611
participating schools, expressed as a total number and as a 50612
percentage of the district's total student population; 50613

(D) An overview of the innovations implemented in innovation 50614
schools and innovation school zones; 50615

(E) Data on the academic performance of the students enrolled 50616
in an innovation school or an innovation school zone in each 50617
school district of innovation, including a comparison of the 50618
students' academic performance before and after the district's 50619
designation as a school district of innovation; 50620

(F) Recommendations for legislative changes based on the 50621
innovations implemented or to enhance the ability of schools and 50622
districts to implement innovations. 50623

Sec. 3302.07. (A) The board of education of any school 50624
district, the governing board of any educational service center, 50625
or the administrative authority of any chartered nonpublic school 50626
may submit to the state board of education an application 50627
proposing an innovative education pilot program the implementation 50628
of which requires exemptions from specific statutory provisions or 50629
rules. If a district or service center board employs teachers 50630
under a collective bargaining agreement adopted pursuant to 50631
Chapter 4117. of the Revised Code, any application submitted under 50632
this division shall include the written consent of the teachers' 50633
employee representative designated under division (B) of section 50634
4117.04 of the Revised Code. The exemptions requested in the 50635
application shall be limited to any requirement of Title XXXVIII of 50636
the Revised Code or of any rule of the state board adopted 50637
pursuant to that title except that the application may not propose 50638
an exemption from any requirement of or rule adopted pursuant to 50639
~~section 3306.09~~, Chapter 3307. or 3309., sections 3319.07 to 50640
3319.21, or Chapter 3323. of the Revised Code. Furthermore, an 50641
exemption from any operating standard adopted under division 50642
(B)(2) or (D)(3) of section 3301.07 of the Revised Code shall be 50643
granted only pursuant to a waiver granted by the superintendent of 50644
public instruction under division (O) of that section. 50645

(B) The state board of education shall accept any application 50646

submitted in accordance with division (A) of this section. The 50647
superintendent of public instruction shall approve or disapprove 50648
the application in accordance with standards for approval, which 50649
shall be adopted by the state board. 50650

(C) The superintendent of public instruction shall exempt 50651
each district or service center board or chartered nonpublic 50652
school administrative authority with an application approved under 50653
division (B) of this section for a specified period from the 50654
statutory provisions or rules specified in the approved 50655
application. The period of exemption shall not exceed the period 50656
during which the pilot program proposed in the application is 50657
being implemented and a reasonable period to allow for evaluation 50658
of the effectiveness of the program. 50659

Sec. 3302.12. (A) For any school building that is ranked 50660
according to performance index score under section 3302.21 of the 50661
Revised Code in the lowest five per cent of all school district 50662
buildings statewide for three consecutive years and is declared to 50663
be under an academic watch or in a state of academic emergency 50664
under section 3302.03 of the Revised Code, the district board of 50665
education shall do one of the following at the conclusion of the 50666
school year in which the building first becomes subject to this 50667
division: 50668

(1) Close the school and direct the district superintendent 50669
to reassign the students enrolled in the school to other school 50670
buildings that demonstrate higher academic achievement; 50671

(2) Contract with another school district or a nonprofit or 50672
for-profit entity with a demonstrated record of effectiveness to 50673
operate the school; 50674

(3) Replace the principal and all teaching staff of the 50675
school and, upon request from the new principal, exempt the school 50676
from all requested policies and regulations of the board regarding 50677

curriculum and instruction. The board also shall distribute 50678
funding to the school in an amount that is at least equal to the 50679
product of the per pupil amount of state and local revenues 50680
received by the district multiplied by the student population of 50681
the school. 50682

(4) Reopen the school as a conversion community school under 50683
Chapter 3314. of the Revised Code. 50684

(B) If an action taken by the board under division (A) of 50685
this section causes the district to no longer maintain all grades 50686
kindergarten through twelve, as required by section 3311.29 of the 50687
Revised Code, the board shall enter into a contract with another 50688
school district pursuant to section 3327.04 of the Revised Code 50689
for enrollment of students in the schools of that other district 50690
to the extent necessary to comply with the requirement of section 50691
3311.29 of the Revised Code. Notwithstanding any provision of the 50692
Revised Code to the contrary, if the board enters into and 50693
maintains a contract under section 3327.04 of the Revised Code, 50694
the district shall not be considered to have failed to comply with 50695
the requirement of section 3311.29 of the Revised Code. If, 50696
however, the district board fails to or is unable to enter into or 50697
maintain such a contract, the state board of education shall take 50698
all necessary actions to dissolve the district as provided in 50699
division (A) of section 3311.29 of the Revised Code. 50700

Sec. 3302.20. (A) The department of education shall develop 50701
standards for determining, from the existing data reported in 50702
accordance with sections 3301.0714 and 3314.17 of the Revised 50703
Code, the amount of annual operating expenditures for classroom 50704
instructional purposes and for nonclassroom purposes for each 50705
city, exempted village, local, and joint vocational school 50706
district, each community school established under Chapter 3314. 50707
that is not an internet- or computer-based community school, each 50708

internet- or computer-based community school, and each STEM school 50709
established under Chapter 3326. of the Revised Code. Not later 50710
than January 1, 2012, the department shall present those standards 50711
to the state board of education for consideration. In developing 50712
the standards, the department shall adapt existing standards used 50713
by professional organizations, research organizations, and other 50714
state governments. 50715

The state board shall consider the proposed standards and 50716
adopt a final set of standards not later than July 1, 2012. 50717

(B)(1) The department shall categorize all city, exempted 50718
village, and local school districts into not less than three nor 50719
more than five groups based primarily on average daily student 50720
enrollment as reported on the most recent report card issued for 50721
each district under section 3302.03 of the Revised Code. 50722

(2) The department shall categorize all joint vocational 50723
school districts into not less than three nor more than five 50724
groups based primarily on average daily membership as reported 50725
under division (D) of section 3317.03 of the Revised Code rounded 50726
to the nearest whole number. 50727

(3) The department shall categorize all community schools 50728
that are not internet- or computer-based community schools into 50729
not less than three nor more than five groups based primarily on 50730
average daily student enrollment as reported on the most recent 50731
report card issued for each community school under sections 50732
3302.03 and 3314.012 of the Revised Code. 50733

(4) The department shall categorize all internet- or 50734
computer-based community schools into a single category. 50735

(5) The department shall categorize all STEM schools into a 50736
single category. 50737

(C) Using the standards adopted under division (A) of this 50738

section and the data reported under sections 3301.0714 and 3314.17 50739
of the Revised Code, the department shall compute, for fiscal 50740
years 2008 through 2012, and annually for each fiscal year 50741
thereafter, the following: 50742

(1) The percentage of each district's, community school's, or 50743
STEM school's total operating budget spent for classroom 50744
instructional purposes; 50745

(2) The statewide average percentage for all districts, 50746
community schools, and STEM schools combined spent for classroom 50747
instructional purposes; 50748

(3) The average percentage for each of the categories of 50749
districts and schools established under division (B) of this 50750
section spent for classroom instructional purposes; 50751

(4) The ranking of each district, community school, or STEM 50752
school within its respective category established under division 50753
(B) of this section according to the following: 50754

(a) From highest to lowest percentage spent for classroom 50755
instructional purposes; 50756

(b) From lowest to highest percentage spent for 50757
noninstructional purposes. 50758

(D) In its display of rankings within each category under 50759
division (C)(4) of this section, the department shall make the 50760
following notations: 50761

(1) Within each category of city, exempted village, and local 50762
school districts, the department shall denote each district that 50763
is: 50764

(a) Among the twenty per cent of all city, exempted village, 50765
and local school districts statewide with the lowest total 50766
operating expenditures per pupil; 50767

(b) Among the twenty per cent of all city, exempted village, 50768

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| <u>and local school districts statewide with the highest performance</u> | 50769 |
| <u>index scores.</u> | 50770 |
| <u>(2) Within each category of joint vocational school</u> | 50771 |
| <u>districts, the department shall denote each district that is:</u> | 50772 |
| <u>(a) Among the twenty per cent of all joint vocational school</u> | 50773 |
| <u>districts statewide with the lowest total operating expenditures</u> | 50774 |
| <u>per pupil;</u> | 50775 |
| <u>(b) Among the twenty per cent of all joint vocational school</u> | 50776 |
| <u>districts statewide with the highest performance measures required</u> | 50777 |
| <u>for career-technical education under 20 U.S.C. 2323, as ranked</u> | 50778 |
| <u>under division (A)(3) of section 3302.21 of the Revised Code.</u> | 50779 |
| <u>(3) Within each category of community schools that are not</u> | 50780 |
| <u>internet- or computer-based community schools, the department</u> | 50781 |
| <u>shall denote each school that is:</u> | 50782 |
| <u>(a) Among the twenty per cent of all such community schools</u> | 50783 |
| <u>statewide with the lowest total operating expenditures per pupil;</u> | 50784 |
| <u>(b) Among the twenty per cent of all such community schools</u> | 50785 |
| <u>statewide with the highest performance index scores.</u> | 50786 |
| <u>(4) Within the category of internet- or computer-based</u> | 50787 |
| <u>community schools, the department shall denote each school that</u> | 50788 |
| <u>is:</u> | 50789 |
| <u>(a) Among the twenty per cent of all such community schools</u> | 50790 |
| <u>statewide with the lowest total operating expenditures per pupil;</u> | 50791 |
| <u>(b) Among the twenty per cent of all such community schools</u> | 50792 |
| <u>statewide with the highest performance index scores.</u> | 50793 |
| <u>(5) Within the category of STEM schools, the department shall</u> | 50794 |
| <u>denote each school that is:</u> | 50795 |
| <u>(a) Among the twenty per cent of all STEM schools statewide</u> | 50796 |
| <u>with the lowest total operating expenditures per pupil;</u> | 50797 |

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 50798
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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. 50800
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(F) As used in this section: 50810

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 50811
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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. 50813
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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: 50816
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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 another measure of student academic performance and use that measure to include those buildings in the ranking so that all 50821
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districts, schools, and buildings may be reliably compared to each other. 50828
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(2) Student performance growth from year to year, using the value-added progress dimension, if applicable, and other measures of student performance growth designated by the superintendent of public instruction for subjects and grades not covered by the value-added progress dimension; 50830
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(3) Performance measures required for career-technical education under 20 U.S.C. 2323, if applicable. If a school district is a "VEPD" or "lead district" as those terms are defined in section 3317.023 of the Revised Code, the district's ranking shall be based on the performance of career-technical students from that district and all other districts served by that district, and such fact, including the identity of the other districts served by that district, shall be noted on the report required by division (B) of this section. 50835
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(4) Current operating expenditures per pupil; 50844

(5) Of total current operating expenditures, percentage spent for classroom instruction as determined under standards adopted by the state board of education; 50845
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(6) Performance of, and opportunities provided to, students identified as gifted using value-added progress dimensions, if applicable, and other relevant measures as designated by the superintendent of public instruction. 50848
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The department shall rank each district, community school, and STEM school annually in accordance with the system developed under this section. 50852
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(B) In addition to the reports required by sections 3302.03 and 3302.031 of the Revised Code, not later than the first day of September each year, the department shall issue a report for each city, exempted village, local, and joint vocational school 50855
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district, each community school, and each STEM school indicating 50859
the district's or school's rank on each measure described in 50860
divisions (A)(1) to (5) of this section, including each separate 50861
building's rank according to performance index score under 50862
division (A)(1) of this section. 50863

Sec. 3302.22. (A) The governor's effective and efficient 50864
schools recognition program is hereby created. Each year, the 50865
governor shall recognize, in a manner deemed appropriate by the 50866
governor, the top ten per cent of all public schools in this 50867
state, including schools of city, exempted village, local, or 50868
joint vocational school districts, community schools established 50869
under Chapter 3314. of the Revised Code, and STEM schools 50870
established under Chapter 3326. of the Revised Code. 50871

(B) The top ten per cent of schools shall be determined by 50872
the department of education according to standards established by 50873
the department. The standards shall include, but need not be 50874
limited to, both of the following: 50875

(1) Student performance, as determined by factors including, 50876
but not limited to, performance indicators under section 3302.02 50877
of the Revised Code, report cards issued under section 3302.03 of 50878
the Revised Code, performance index score rankings under section 50879
3302.21 of the Revised Code, and any other statewide or national 50880
assessment or student performance recognition program the 50881
department selects; 50882

(2) Fiscal performance, including cost-effective measures 50883
taken by the school. 50884

Sec. 3302.25. (A) In accordance with standards prescribed by 50885
the state board of education for categorization of school district 50886
expenditures adopted under division (A) of section 3302.20 of the 50887
Revised Code, the department of education annually shall determine 50888

all of the following for the previous fiscal year: 50889

(1) For each school district, the ratio of the district's operating expenditures for instructional purposes compared to its operating expenditures for administrative purposes; 50890
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(2) For each school district, the per pupil amount of the district's expenditures for instructional purposes; 50893
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(3) For each school district, the per pupil amount of the district's operating expenditures for administrative purposes; 50895
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(4) For each school district, the percentage of the district's operating expenditures attributable to school district funds; 50897
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(5) The statewide average among all school districts for each of the items described in divisions (A)(1) to (4) of this section. 50900
50901

(B) The department annually shall submit a report to each school district indicating the district's information for each of the items described in divisions (A)(1) to (4) of this section and the statewide averages described in division (A)(5) of this section. 50902
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(C) Each school district, upon receipt of the report prescribed by division (B) of this section, shall publish the information contained in that report in a prominent location on the district's web site and publish the report in another fashion so that it is available to all parents of students enrolled in the district and to taxpayers of the district. 50907
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Sec. 3302.30. (A) The superintendent of public instruction shall establish a pilot project in Columbiana county under which one or more school districts in that county shall offer a multiple-track high school curriculum for students with differing career plans. The superintendent shall solicit and select 50913
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districts to participate in the pilot project. Selected districts 50918
shall begin offering their career track curricula not later than 50919
the school year that begins at least six months after the 50920
effective date of this section. No district shall be required to 50921
participate in the pilot project. 50922

The curricula provided under the pilot project at each 50923
participating district shall offer at least three distinct career 50924
tracks, including at least a college preparatory track and a 50925
career-technical track. Each track shall comply with the 50926
curriculum requirements of section 3313.603 of the Revised Code. 50927
The different tracks may be offered at different campuses. Two or 50928
more participating districts may offer some or all of their 50929
respective curriculum tracks through a cooperative agreement 50930
entered into under section 3313.842 of the Revised Code. 50931

The department of education shall provide technical 50932
assistance to participating districts in developing the curriculum 50933
tracks to offer to students under the pilot project. 50934

Part or all of selected curriculum materials or services may 50935
be purchased from other public or private sources. 50936

The state superintendent shall apply for private and other 50937
nonstate funds, and may use other available state funds, to 50938
support the pilot project. If nonstate funds cannot be obtained or 50939
the superintendent of public instruction determines that 50940
sufficient funds are not available to support the pilot project, 50941
implementation of this section may be postponed until such time as 50942
the superintendent determines that sufficient funds are available. 50943

(B) Each participating school district shall report to the 50944
state superintendent data about the operation and results of the 50945
pilot project, as required by the superintendent. 50946

(C) Not later than the thirty-first day of December of the 50947

third school year in which the pilot project is operating, the 50948
state superintendent shall submit a report to the general 50949
assembly, in accordance with section 101.68 of the Revised Code, 50950
containing the superintendent's evaluation of the results of the 50951
pilot project and legislative recommendations whether to continue, 50952
expand, or make changes to the pilot project. 50953

Sec. 3304.181. If the total of all funds available from 50954
nonfederal sources to support the activities of the rehabilitation 50955
services commission does not comply with the expenditure 50956
requirements of 34 C.F.R. 361.60 and 361.62 for those activities 50957
or would cause the state to lose an allotment or fail to receive a 50958
reallotment under 34 C.F.R. 361.65, the commission shall solicit 50959
additional funds from, and enter into agreements for the use of 50960
those funds with, private or public entities, including local 50961
government entities of this state. The commission shall continue 50962
to solicit additional funds and enter into agreements until the 50963
total funding available is sufficient for the commission to 50964
receive federal funds at the maximum amount and in the most 50965
advantageous proportion possible. 50966

Any agreement entered into between the commission and a 50967
private or public entity to provide funds under this section shall 50968
be in accordance with 34 C.F.R. 361.28 and section 3304.182 of the 50969
Revised Code. 50970

Sec. 3304.182. Any agreement between the rehabilitation 50971
services commission and a private or public entity providing funds 50972
under section 3304.181 of the Revised Code may permit the 50973
commission to receive a specified percentage of the funds ~~for~~ 50974
~~administration~~, but the percentage shall be not more than thirteen 50975
per cent of the total funds available under the agreement. The 50976
agreement shall not be for less than six months or be discontinued 50977
by the commission without the commission first providing three 50978

months notice of intent to discontinue the agreement. The 50979
commission may terminate an agreement only for good cause. 50980

Any services provided under an agreement entered into under 50981
section 3304.181 of the Revised Code shall be provided by a person 50982
or government entity that meets the accreditation standards 50983
established in rules adopted by the commission under section 50984
3304.16 of the Revised Code. 50985

Sec. 3305.08. Any payment, benefit, or other right accruing 50986
to any electing employee under a contract entered into for 50987
purposes of an alternative retirement plan and all moneys, 50988
investments, and income of those contracts are exempt from any 50989
state tax, except the tax imposed by section 5747.02 of the 50990
Revised Code, are exempt from any county, municipal, or other 50991
local tax, except income taxes imposed pursuant to section 5748.02 50992
~~or~~ 5748.08, or 5748.09 of the Revised Code, and, except as 50993
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 50994
3121.02, 3121.03, 3123.06, 3305.09, and 3305.12 of the Revised 50995
Code, shall not be subject to execution, garnishment, attachment, 50996
the operation of bankruptcy or the insolvency law, or other 50997
process of law, and shall be unassignable except as specifically 50998
provided in this section and sections 3105.171, 3105.65, 3119.80, 50999
3119.81, 3121.02, 3121.03, 3115.32, and 3123.06 of the Revised 51000
Code or in any contract the electing employee has entered into for 51001
purposes of an alternative retirement plan. 51002

Sec. 3307.20. (A) As used in this section: 51003

(1) "Personal history record" means information maintained by 51004
the state teachers retirement board on an individual who is a 51005
member, former member, contributor, former contributor, retirant, 51006
or beneficiary that includes the address, telephone number, social 51007
security number, record of contributions, correspondence with the 51008

state teachers retirement system, or other information the board determines to be confidential. 51009
51010

(2) "Retirant" has the same meaning as in section 3307.50 of the Revised Code. 51011
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(B) The records of the board shall be open to public inspection, except for the following, which shall be excluded, except with the written authorization of the individual concerned: 51013
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(1) The individual's personal records provided for in section 3307.23 of the Revised Code; 51016
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(2) The individual's personal history record; 51018

(3) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual. 51019
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(C) All medical reports and recommendations under sections 3307.62, 3307.64, and 3307.66 of the Revised Code are privileged, except as follows: 51021
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(1) Copies of medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent, or, when necessary for the proper administration of the fund, to the board assigned physician. 51024
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(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section. 51030
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(D) Any person who is a member or contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one request of a person in any one year. 51033
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(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the board may furnish the following 51037
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information: 51039

(1) If a member, former member, retirant, contributor, or 51040
former contributor is subject to an order issued under section 51041
2907.15 of the Revised Code or an order issued under division (A) 51042
or (B) of section 2929.192 of the Revised Code or is convicted of 51043
or pleads guilty to a violation of section 2921.41 of the Revised 51044
Code, on written request of a prosecutor as defined in section 51045
2935.01 of the Revised Code, the board shall furnish to the 51046
prosecutor the information requested from the individual's 51047
personal history record. 51048

(2) Pursuant to a court or administrative order issued under 51049
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 51050
Revised Code, the board shall furnish to a court or child support 51051
enforcement agency the information required under that section. 51052

(3) At the written request of any person, the board shall 51053
provide to the person a list of the names and addresses of 51054
members, former members, retirants, contributors, former 51055
contributors, or beneficiaries. The costs of compiling, copying, 51056
and mailing the list shall be paid by such person. 51057

(4) Within fourteen days after receiving from the director of 51058
job and family services a list of the names and social security 51059
numbers of recipients of public assistance pursuant to section 51060
5101.181 of the Revised Code, the board shall inform the auditor 51061
of state of the name, current or most recent employer address, and 51062
social security number of each member whose name and social 51063
security number are the same as that of a person whose name or 51064
social security number was submitted by the director. The board 51065
and its employees shall, except for purposes of furnishing the 51066
auditor of state with information required by this section, 51067
preserve the confidentiality of recipients of public assistance in 51068
compliance with ~~division (A) of~~ section 5101.181 of the Revised 51069
Code. 51070

(5) The system shall comply with orders issued under section 51071
3105.87 of the Revised Code. 51072

On the written request of an alternate payee, as defined in 51073
section 3105.80 of the Revised Code, the system shall furnish to 51074
the alternate payee information on the amount and status of any 51075
amounts payable to the alternate payee under an order issued under 51076
section 3105.171 or 3105.65 of the Revised Code. 51077

(6) At the request of any person, the board shall make 51078
available to the person copies of all documents, including 51079
resumes, in the board's possession regarding filling a vacancy of 51080
a contributing member or retired teacher member of the board. The 51081
person who made the request shall pay the cost of compiling, 51082
copying, and mailing the documents. The information described in 51083
this division is a public record. 51084

(7) The system shall provide the notice required by section 51085
3307.373 of the Revised Code to the prosecutor assigned to the 51086
case. 51087

(F) A statement that contains information obtained from the 51088
system's records that is signed by an officer of the retirement 51089
system and to which the system's official seal is affixed, or 51090
copies of the system's records to which the signature and seal are 51091
attached, shall be received as true copies of the system's records 51092
in any court or before any officer of this state. 51093

Sec. 3307.31. (A) Payments by boards of education and 51094
governing authorities of community schools to the state teachers 51095
retirement system, as provided in sections 3307.29 and 3307.291 of 51096
the Revised Code, shall be made from the amount allocated under 51097
section 3314.08, ~~Chapter 3306.~~, or Chapter 3317. of the Revised 51098
Code prior to its distribution to the individual school districts 51099
or community schools. The amount due from each school district or 51100
community school shall be certified by the secretary of the system 51101

to the superintendent of public instruction monthly, or at such 51102
times as may be determined by the state teachers retirement board. 51103

The superintendent shall deduct, from the amount allocated to 51104
each district or community school under section 3314.08, ~~Chapter~~ 51105
~~3306.~~, or Chapter 3317. of the Revised Code, the entire amounts 51106
due to the system from such district or school upon the 51107
certification to the superintendent by the secretary thereof. 51108

The superintendent shall certify to the director of budget 51109
and management the amounts thus due the system for payment. 51110

(B) Payments to the state teachers retirement system by a 51111
science, technology, engineering, and mathematics school shall be 51112
deducted from the amount allocated under section 3326.33 of the 51113
Revised Code and shall be made in the same manner as payments by 51114
boards of education under this section. 51115

Sec. 3307.41. The right of an individual to a pension, an 51116
annuity, or a retirement allowance itself, the right of an 51117
individual to any optional benefit, or any other right or benefit 51118
accrued or accruing to any individual under this chapter, the 51119
various funds created by section 3307.14 of the Revised Code, and 51120
all moneys, investments, and income from moneys or investments are 51121
exempt from any state tax, except the tax imposed by section 51122
5747.02 of the Revised Code, and are exempt from any county, 51123
municipal, or other local tax, except income taxes imposed 51124
pursuant to section 5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised 51125
Code, and, except as provided in sections 3105.171, 3105.65, 51126
3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3307.37, 51127
3307.372, and 3307.373 of the Revised Code, shall not be subject 51128
to execution, garnishment, attachment, the operation of bankruptcy 51129
or insolvency laws, or any other process of law whatsoever, and 51130
shall be unassignable except as specifically provided in this 51131
chapter or sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 51132

3121.02, 3121.03, and 3123.06 of the Revised Code. 51133

Sec. 3307.64. A disability benefit recipient, notwithstanding 51134
section 3319.13 of the Revised Code, shall retain membership in 51135
the state teachers retirement system and shall be considered on 51136
leave of absence during the first five years following the 51137
effective date of a disability benefit. 51138

The state teachers retirement board shall require any 51139
disability benefit recipient to submit to an annual medical 51140
examination by a physician selected by the board, except that the 51141
board may waive the medical examination if the board's physician 51142
certifies that the recipient's disability is ongoing. If a 51143
disability benefit recipient refuses to submit to a medical 51144
examination, the recipient's disability benefit shall be suspended 51145
until the recipient withdraws the refusal. If the refusal 51146
continues for one year, all the recipient's rights under and to 51147
the disability benefit shall be terminated as of the effective 51148
date of the original suspension. 51149

After the examination, the examiner shall report and certify 51150
to the board whether the disability benefit recipient is no longer 51151
physically and mentally incapable of resuming the service from 51152
which the recipient was found disabled. If the board concurs in a 51153
report by the examining physician that the disability benefit 51154
recipient is no longer incapable, the payment of a disability 51155
benefit shall be terminated not later than the following 51156
thirty-first day of August or upon employment as a teacher prior 51157
thereto. If the leave of absence has not expired, the board shall 51158
so certify to the disability benefit recipient's last employer 51159
before being found disabled that the recipient is no longer 51160
physically and mentally incapable of resuming service that is the 51161
same or similar to that from which the recipient was found 51162
disabled. If the recipient was under contract at the time the 51163

recipient was found disabled, the employer by the first day of the 51164
next succeeding year shall restore the recipient to the 51165
recipient's previous position and salary or to a position and 51166
salary similar thereto, unless the recipient was dismissed or 51167
resigned in lieu of dismissal for dishonesty, misfeasance, 51168
malfeasance, or conviction of a felony. 51169

A disability benefit shall terminate if the disability 51170
benefit recipient becomes employed as a teacher in any public or 51171
private school or institution in this state or elsewhere. An 51172
individual receiving a disability benefit from the system shall be 51173
ineligible for any employment as a teacher and it shall be 51174
unlawful for any employer to employ the individual as a teacher. 51175
If any employer should employ or reemploy the individual prior to 51176
the termination of a disability benefit, the employer shall file 51177
notice of employment with the board designating the date of the 51178
employment. If the individual should be paid both a disability 51179
benefit and also compensation for teaching service for all or any 51180
part of the same month, the secretary of the board shall certify 51181
to the employer or to the superintendent of public instruction the 51182
amount of the disability benefit received by the individual during 51183
the employment, which amount shall be deducted from any amount due 51184
the employing district under ~~Chapters 3306.~~ and Chapter 3317. of 51185
the Revised Code or shall be paid by the employer to the annuity 51186
and pension reserve fund. 51187

Each disability benefit recipient shall file with the board 51188
an annual statement of earnings, current medical information on 51189
the recipient's condition, and any other information required in 51190
rules adopted by the board. The board may waive the requirement 51191
that a disability benefit recipient file an annual statement of 51192
earnings or current medical information if the board's physician 51193
certifies that the recipient's disability is ongoing. 51194

The board shall annually examine the information submitted by 51195

the recipient. If a disability benefit recipient refuses to file 51196
the statement or information, the disability benefit shall be 51197
suspended until the statement and information are filed. If the 51198
refusal continues for one year, the recipient's right to the 51199
disability benefit shall be terminated as of the effective date of 51200
the original suspension. 51201

A disability benefit also may be terminated by the board at 51202
the request of the disability benefit recipient. 51203

If disability retirement under section 3307.63 of the Revised 51204
Code is terminated for any reason, the annuity and pension 51205
reserves at that time in the annuity and pension reserve fund 51206
shall be transferred to the teachers' savings fund and the 51207
employers' trust fund, respectively. If the total disability 51208
benefit paid was less than the amount of the accumulated 51209
contributions of the member transferred to the annuity and pension 51210
reserve fund at the time of the member's disability retirement, 51211
then the difference shall be transferred from the annuity and 51212
pension reserve fund to another fund as required. In determining 51213
the amount of a member's account following the termination of 51214
disability retirement for any reason, the total amount paid shall 51215
be charged against the member's refundable account. 51216

If a disability allowance paid under section 3307.631 of the 51217
Revised Code is terminated for any reason, the reserve on the 51218
allowance at that time in the annuity and pension reserve fund 51219
shall be transferred from that fund to the employers' trust fund. 51220

If a former disability benefit recipient again becomes a 51221
contributor, other than as an other system retirant under section 51222
3307.35 of the Revised Code, to this retirement system, the school 51223
employees retirement system, or the public employees retirement 51224
system, and completes at least two additional years of service 51225
credit, the former disability benefit recipient shall receive 51226
credit for the period as a disability benefit recipient. 51227

Sec. 3309.22. (A)(1) As used in this division, "personal history record" means information maintained by the board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, telephone number, social security number, record of contributions, correspondence with the system, and other information the board determines to be confidential.

(2) The records of the board shall be open to public inspection, except for the following, which shall be excluded, except with the written authorization of the individual concerned:

(a) The individual's statement of previous service and other information as provided for in section 3309.28 of the Revised Code;

(b) Any information identifying by name and address the amount of a monthly allowance or benefit paid to the individual;

(c) The individual's personal history record.

(B) All medical reports and recommendations required by the system are privileged except as follows:

(1) Copies of medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent, or when necessary for the proper administration of the fund, to the board assigned physician.

(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.

(C) Any person who is a contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more

than one such request of a person in any one year. 51258

(D) Notwithstanding the exceptions to public inspection in 51259
division (A)(2) of this section, the board may furnish the 51260
following information: 51261

(1) If a member, former member, contributor, former 51262
contributor, or retirant is subject to an order issued under 51263
section 2907.15 of the Revised Code or an order issued under 51264
division (A) or (B) of section 2929.192 of the Revised Code or is 51265
convicted of or pleads guilty to a violation of section 2921.41 of 51266
the Revised Code, on written request of a prosecutor as defined in 51267
section 2935.01 of the Revised Code, the board shall furnish to 51268
the prosecutor the information requested from the individual's 51269
personal history record. 51270

(2) Pursuant to a court or administrative order issued under 51271
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 51272
Revised Code, the board shall furnish to a court or child support 51273
enforcement agency the information required under that section. 51274

(3) At the written request of any person, the board shall 51275
provide to the person a list of the names and addresses of 51276
members, former members, retirants, contributors, former 51277
contributors, or beneficiaries. The costs of compiling, copying, 51278
and mailing the list shall be paid by such person. 51279

(4) Within fourteen days after receiving from the director of 51280
job and family services a list of the names and social security 51281
numbers of recipients of public assistance pursuant to section 51282
5101.181 of the Revised Code, the board shall inform the auditor 51283
of state of the name, current or most recent employer address, and 51284
social security number of each contributor whose name and social 51285
security number are the same as that of a person whose name or 51286
social security number was submitted by the director. The board 51287
and its employees shall, except for purposes of furnishing the 51288

auditor of state with information required by this section, 51289
preserve the confidentiality of recipients of public assistance in 51290
compliance with ~~division (A)~~ of section 5101.181 of the Revised 51291
Code. 51292

(5) The system shall comply with orders issued under section 51293
3105.87 of the Revised Code. 51294

On the written request of an alternate payee, as defined in 51295
section 3105.80 of the Revised Code, the system shall furnish to 51296
the alternate payee information on the amount and status of any 51297
amounts payable to the alternate payee under an order issued under 51298
section 3105.171 or 3105.65 of the Revised Code. 51299

(6) At the request of any person, the board shall make 51300
available to the person copies of all documents, including 51301
resumes, in the board's possession regarding filling a vacancy of 51302
an employee member or retirant member of the board. The person who 51303
made the request shall pay the cost of compiling, copying, and 51304
mailing the documents. The information described in this division 51305
is a public record. 51306

(7) The system shall provide the notice required by section 51307
3309.673 of the Revised Code to the prosecutor assigned to the 51308
case. 51309

(E) A statement that contains information obtained from the 51310
system's records that is signed by an officer of the retirement 51311
system and to which the system's official seal is affixed, or 51312
copies of the system's records to which the signature and seal are 51313
attached, shall be received as true copies of the system's records 51314
in any court or before any officer of this state. 51315

Sec. 3309.41. (A) A disability benefit recipient shall retain 51316
membership status and shall be considered on leave of absence from 51317
employment during the first five years following the effective 51318

date of a disability benefit, notwithstanding any contrary 51319
provisions in Chapter 124. or 3319. of the Revised Code. 51320

(B) The school employees retirement board shall require a 51321
disability benefit recipient to undergo an annual medical 51322
examination, except that the board may waive the medical 51323
examination if the board's physician or physicians certify that 51324
the recipient's disability is ongoing. Should any disability 51325
benefit recipient refuse to submit to a medical examination, the 51326
recipient's disability benefit shall be suspended until withdrawal 51327
of the refusal. Should the refusal continue for one year, all the 51328
recipient's rights in and to the disability benefit shall be 51329
terminated as of the effective date of the original suspension. 51330

(C) On completion of the examination by an examining 51331
physician or physicians selected by the board, the physician or 51332
physicians shall report and certify to the board whether the 51333
disability benefit recipient is no longer physically and mentally 51334
incapable of resuming the service from which the recipient was 51335
found disabled. If the board concurs in the report that the 51336
disability benefit recipient is no longer incapable, the payment 51337
of the disability benefit shall be terminated not later than three 51338
months after the date of the board's concurrence or upon 51339
employment as an employee. If the leave of absence has not 51340
expired, the retirement board shall certify to the disability 51341
benefit recipient's last employer before being found disabled that 51342
the recipient is no longer physically and mentally incapable of 51343
resuming service that is the same or similar to that from which 51344
the recipient was found disabled. The employer shall restore the 51345
recipient to the recipient's previous position and salary or to a 51346
position and salary similar thereto not later than the first day 51347
of the first month following termination of the disability 51348
benefit, unless the recipient was dismissed or resigned in lieu of 51349
dismissal for dishonesty, misfeasance, malfeasance, or conviction 51350

of a felony. 51351

(D) Each disability benefit recipient shall file with the 51352
board an annual statement of earnings, current medical information 51353
on the recipient's condition, and any other information required 51354
in rules adopted by the board. The board may waive the requirement 51355
that a disability benefit recipient file an annual statement of 51356
earnings or current medical information on the recipient's 51357
condition if the board's physician or physicians certify that the 51358
recipient's disability is ongoing. 51359

The board shall annually examine the information submitted by 51360
the recipient. If a disability benefit recipient refuses to file 51361
the statement or information, the disability benefit shall be 51362
suspended until the statement and information are filed. If the 51363
refusal continues for one year, the recipient's right to the 51364
disability benefit shall be terminated as of the effective date of 51365
the original suspension. 51366

(E) If a disability benefit recipient is employed by an 51367
employer covered by this chapter, the recipient's disability 51368
benefit shall cease. 51369

(F) If disability retirement under section 3309.40 of the 51370
Revised Code is terminated for any reason, the annuity and pension 51371
reserves at that time in the annuity and pension reserve fund 51372
shall be transferred to the employees' savings fund and the 51373
employers' trust fund, respectively. If the total disability 51374
benefit paid is less than the amount of the accumulated 51375
contributions of the member transferred into the annuity and 51376
pension reserve fund at the time of the member's disability 51377
retirement, the difference shall be transferred from the annuity 51378
and pension reserve fund to another fund as may be required. In 51379
determining the amount of a member's account following the 51380
termination of disability retirement for any reason, the amount 51381
paid shall be charged against the member's refundable account. 51382

If a disability allowance paid under section 3309.401 of the Revised Code is terminated for any reason, the reserve on the allowance at that time in the annuity and pension reserve fund shall be transferred from that fund to the employers' trust fund.

The board may terminate a disability benefit at the request of the recipient.

(G) If a disability benefit is terminated and a former disability benefit recipient again becomes a contributor, other than as an other system retirant as defined in section 3309.341 of the Revised Code, to this system, the public employees retirement system, or the state teachers retirement system, and completes an additional two years of service credit after the termination of the disability benefit, the former disability benefit recipient shall be entitled to full service credit for the period as a disability benefit recipient.

(H) If any employer employs any member who is receiving a disability benefit, the employer shall file notice of employment with the retirement board, designating the date of employment. In case the notice is not filed, the total amount of the benefit paid during the period of employment prior to notice shall be paid from amounts allocated under ~~Chapters 3306. and Chapter~~ Chapter 3317. of the Revised Code prior to its distribution to the school district in which the disability benefit recipient was so employed.

Sec. 3309.48. Any employee who left the service of an employer after attaining age sixty-five or over and such employer had failed or refused to deduct and transmit to the school employees retirement system the employee contributions as required by section 3309.47 of the Revised Code during any year for which membership was compulsory as determined by the school employees retirement board, shall be granted service credit without cost, which shall be considered as total service credit for the purposes

of meeting the qualifications for service retirement provided by 51414
the law in effect on and retroactive to the first eligible 51415
retirement date following the date such employment terminated, but 51416
shall not be paid until formal application for such allowance on a 51417
form provided by the retirement board is received in the office of 51418
the retirement system. The total service credit granted under this 51419
section shall not exceed ten years for any such employee. 51420

The liability incurred by the retirement board because of the 51421
service credit granted under this section shall be determined by 51422
the retirement board, the cost of which shall be equal to an 51423
amount that is determined by applying the combined employee and 51424
employer rates of contribution against the compensation of such 51425
employee at the rates of contribution and maximum salary 51426
provisions in effect during such employment for each year for 51427
which credit is granted, together with interest at the rate to be 51428
credited accumulated contributions at retirement, compounded 51429
annually from the first day of the month payment was due the 51430
retirement system to and including the month of deposit, the total 51431
amount of which shall be collected from the employer. Such amounts 51432
shall be certified by the retirement board to the superintendent 51433
of public instruction, who shall deduct the amount due the system 51434
from any funds due the affected school district under ~~Chapters~~ 51435
~~3306.~~ and Chapter 3317. of the Revised Code. The superintendent 51436
shall certify to the director of budget and management the amount 51437
due the system for payment. The total amount paid shall be 51438
deposited into the employers' trust fund, and shall not be 51439
considered as accumulated contributions of the employee in the 51440
event of the employee's death or withdrawal of funds. 51441

Sec. 3309.51. (A) Each employer shall pay annually into the 51442
employers' trust fund, in such monthly or less frequent 51443
installments as the school employees retirement board requires, an 51444
amount certified by the school employees retirement board, which 51445

shall be as required by Chapter 3309. of the Revised Code. 51446

Payments by school district boards of education to the 51447
employers' trust fund of the school employees retirement system 51448
may be made from the amounts allocated under ~~Chapters 3306. and~~ 51449
Chapter 3317. of the Revised Code prior to their distribution to 51450
the individual school districts. The amount due from each school 51451
district may be certified by the secretary of the system to the 51452
superintendent of public instruction monthly, or at such times as 51453
is determined by the school employees retirement board. 51454

Payments by governing authorities of community schools to the 51455
employers' trust fund of the school employees retirement system 51456
shall be made from the amounts allocated under section 3314.08 of 51457
the Revised Code prior to their distribution to the individual 51458
community schools. The amount due from each community school shall 51459
be certified by the secretary of the system to the superintendent 51460
of public instruction monthly, or at such times as determined by 51461
the school employees retirement board. 51462

Payments by a science, technology, engineering, and 51463
mathematics school to the employers' trust fund of the school 51464
employees retirement system shall be made from the amounts 51465
allocated under section 3326.33 of the Revised Code prior to their 51466
distribution to the school. The amount due from a science, 51467
technology, engineering, and mathematics school shall be certified 51468
by the secretary of the school employees retirement system to the 51469
superintendent of public instruction monthly, or at such times as 51470
determined by the school employees retirement board. 51471

(B) The superintendent shall deduct from the amount allocated 51472
to each community school under section 3314.08 of the Revised 51473
Code, to each school district under ~~Chapters 3306. and~~ Chapter 51474
3317. of the Revised Code, or to each science, technology, 51475
engineering, and mathematics school under section 3326.33 of the 51476
Revised Code the entire amounts due to the school employees 51477

retirement system from such school or school district upon the 51478
certification to the superintendent by the secretary thereof. 51479

(C) Where an employer fails or has failed or refuses to make 51480
payments to the employers' trust fund, as provided for under 51481
Chapter 3309. of the Revised Code, the secretary of the school 51482
employees retirement system may certify to the state 51483
superintendent of public instruction, monthly or at such times as 51484
is determined by the school employees retirement board, the amount 51485
due from such employer, and the superintendent shall deduct from 51486
the amount allocated to the employer under section 3314.08 or 51487
3326.33 or Chapter ~~3306.~~ or 3317. of the Revised Code, as 51488
applicable, the entire amounts due to the system from the employer 51489
upon the certification to the superintendent by the secretary of 51490
the school employees retirement system. 51491

(D) The superintendent shall certify to the director of 51492
budget and management the amounts thus due the system for payment. 51493

Sec. 3309.66. The right of an individual to a pension, an 51494
annuity, or a retirement allowance itself, the right of an 51495
individual to any optional benefit, any other right accrued or 51496
accruing to any individual under this chapter, the various funds 51497
created by section 3309.60 of the Revised Code, and all moneys, 51498
investments, and income from moneys and investments are exempt 51499
from any state tax, except the tax imposed by section 5747.02 of 51500
the Revised Code, and are exempt from any county, municipal, or 51501
other local tax, except income taxes imposed pursuant to section 51502
5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised Code, and, except 51503
as provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 51504
3119.81, 3121.02, 3121.03, 3123.06, 3309.67, 3309.672, and 51505
3309.673 of the Revised Code, shall not be subject to execution, 51506
garnishment, attachment, the operation of bankruptcy or insolvency 51507
laws, or any other process of law whatsoever, and shall be 51508

unassignable except as specifically provided in this chapter and 51509
in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 51510
3121.03, and 3123.06 of the Revised Code. 51511

Sec. 3310.02. (A) The educational choice scholarship pilot 51512
program is hereby established. Under the program, the department 51513
of education annually shall pay scholarships to attend chartered 51514
nonpublic schools in accordance with section 3310.08 of the 51515
Revised Code for up to ~~fourteen thousand~~ the following number of 51516
eligible students: 51517

(1) Thirty thousand in the 2011-2012 school year; 51518

(2) Sixty thousand in the 2012-2013 school year and 51519
thereafter. ~~If~~ 51520

(B) If the number of students who apply for a scholarship 51521
exceeds ~~fourteen thousand~~ the number of scholarships available 51522
under division (A) of this section for the applicable school year, 51523
the department shall award scholarships in the following order of 51524
priority: 51525

~~(A)~~(1) First, to eligible students who received scholarships 51526
in the prior school year; 51527

~~(B)~~(2) Second, to eligible students with family incomes at or 51528
below two hundred per cent of the federal poverty guidelines, as 51529
defined in section 5101.46 of the Revised Code, who qualify under 51530
division (A) of section 3310.03 of the Revised Code. If the number 51531
of students described in ~~this~~ division (B)(2) of this section who 51532
apply for a scholarship exceeds the number of available 51533
scholarships after awards are made under division ~~(A)~~(B)(1) of 51534
this section, the department shall select students described in 51535
~~this~~ division (B)(2) of this section by lot to receive any 51536
remaining scholarships. 51537

~~(C)~~(3) Third, to other eligible students who qualify under 51538

division (A) of section 3310.03 of the Revised Code. If the number 51539
of students described in ~~this~~ division (B)(3) of this section who 51540
apply for a scholarship exceeds the number of available 51541
scholarships after awards are made under divisions ~~(A)~~(B)(1) and 51542
~~(B)~~(2) of this section, the department shall select students 51543
described in ~~this~~ division (B)(3) of this section by lot to 51544
receive any remaining scholarships. 51545

(4) Fourth, to eligible students with family incomes at or 51546
below two hundred per cent of the federal poverty guidelines who 51547
qualify under division (B) of section 3310.03 of the Revised Code. 51548
If the number of students described in division (B)(4) of this 51549
section who apply for a scholarship exceeds the number of 51550
available scholarships after awards are made under divisions 51551
(B)(1) to (3) of this section, the department shall select 51552
students described in division (B)(4) of this section by lot to 51553
receive any remaining scholarships. 51554

(5) Fifth, to other eligible students who qualify under 51555
division (B) of section 3310.03 of the Revised Code. If the number 51556
of students described in division (B)(5) of this section who apply 51557
for a scholarship exceeds the number of available scholarships 51558
after awards are made under divisions (B)(1) to (4) of this 51559
section, the department shall select students described in 51560
division (B)(5) of this section by lot to receive any remaining 51561
scholarships. 51562

Sec. 3310.03. ~~(A)~~ A student is an "eligible student" for 51563
purposes of the educational choice scholarship pilot program if 51564
the student's resident district is not a school district in which 51565
the pilot project scholarship program is operating under sections 51566
3313.974 to 3313.979 of the Revised Code and the student satisfies 51567
one of the ~~following~~ conditions in division (A) or (B) of this 51568
section: 51569

(A)(1) The student is enrolled in a school building that is 51570
operated by the student's resident district and to which both of 51571
the following apply: 51572

(a) The building was declared, in at least two of the three 51573
most recent ratings of school buildings published prior to the 51574
first day of July of the school year for which a scholarship is 51575
sought, to be in a state of academic emergency or academic watch 51576
under section 3302.03 of the Revised Code; 51577

(b) The building was not declared to be excellent or 51578
effective under that section in the most recent rating published 51579
prior to the first day of July of the school year for which a 51580
scholarship is sought. 51581

(2) The student is eligible to enroll in kindergarten in the 51582
school year for which a scholarship is sought and otherwise would 51583
be assigned under section 3319.01 of the Revised Code to a school 51584
building described in division (A)(1) of this section. 51585

(3) The student is enrolled in a community school established 51586
under Chapter 3314. of the Revised Code but otherwise would be 51587
assigned under section 3319.01 of the Revised Code to a building 51588
described in division (A)(1) of this section. 51589

(4) The student is enrolled in a school building that is 51590
operated by the student's resident district or in a community 51591
school established under Chapter 3314. of the Revised Code and 51592
otherwise would be assigned under section 3319.01 of the Revised 51593
Code to a school building described in division (A)(1) of this 51594
section in the school year for which the scholarship is sought. 51595

(5) The student is eligible to enroll in kindergarten in the 51596
school year for which a scholarship is sought, or is enrolled in a 51597
community school established under Chapter 3314. of the Revised 51598
Code, and all of the following apply to the student's resident 51599
district: 51600

(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(b) In at least two of the three most recent ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code;

(c) The district was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(B)(1) The student is enrolled in a school building that is operated by the student's resident district and to which both of the following apply:

(a) The building was ranked, for at least two of the three most recent rankings published under section 3302.21 of the Revised Code prior to the first day of July of the school year for which a scholarship is sought, in the lowest ten per cent of school district buildings according to performance index score.

(b) The building was not declared to be excellent or effective under section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(2) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be

assigned under section 3319.01 of the Revised Code to a building 51632
described in division (B)(1) of this section. 51633

(4) The student is enrolled in a school building that is 51634
operated by the student's resident district or in a community 51635
school established under Chapter 3314. of the Revised Code and 51636
otherwise would be assigned under section 3319.01 of the Revised 51637
Code to a school building described in division (B)(1) of this 51638
section in the school year for which the scholarship is sought. 51639

(C) A student who receives a scholarship under the 51640
educational choice scholarship pilot program remains an eligible 51641
student and may continue to receive scholarships in subsequent 51642
school years until the student completes grade twelve, so long as 51643
all of the following apply: 51644

(1) The student's resident district remains the same, or the 51645
student transfers to a new resident district and otherwise would 51646
be assigned in the new resident district to a school building 51647
described in division (A)(1) or ~~(6)~~(B)(1) of this section; 51648

(2) The student takes each assessment prescribed for the 51649
student's grade level under section 3301.0710 or 3301.0712 of the 51650
Revised Code while enrolled in a chartered nonpublic school; 51651

(3) In each school year that the student is enrolled in a 51652
chartered nonpublic school, the student is absent from school for 51653
not more than twenty days that the school is open for instruction, 51654
not including excused absences. 51655

~~(C)~~(D)(1) The department shall cease awarding first-time 51656
scholarships pursuant to divisions (A)(1) to (4) of this section 51657
with respect to a school building that, in the most recent ratings 51658
of school buildings published under section 3302.03 of the Revised 51659
Code prior to the first day of July of the school year, ceases to 51660
meet the criteria in division (A)(1) of this section. The 51661
department shall cease awarding first-time scholarships pursuant 51662

to division (A)(5) of this section with respect to a school 51663
district that, in the most recent ratings of school districts 51664
published under section 3302.03 of the Revised Code prior to the 51665
first day of July of the school year, ceases to meet the criteria 51666
in division (A)(5) of this section. ~~However~~ 51667

(2) The department shall cease awarding first-time 51668
scholarships pursuant to divisions (B)(1) to (4) of this section 51669
with respect to a school building that, in the most recent ratings 51670
of school buildings under section 3302.03 of the Revised Code 51671
prior to the first day of July of the school year, ceases to meet 51672
the criteria in division (B)(1) of this section. 51673

(3) However, students who have received scholarships in the 51674
prior school year remain eligible students pursuant to division 51675
~~(B)~~(C) of this section. 51676

~~(D)~~(E) The state board of education shall adopt rules 51677
defining excused absences for purposes of division ~~(B)~~(C)(3) of 51678
this section. 51679

Sec. 3310.05. A scholarship under the educational choice 51680
scholarship pilot program is not available for any student whose 51681
resident district is a school district in which the pilot project 51682
scholarship program is operating under sections 3313.974 to 51683
3313.979 of the Revised Code. The two pilot programs are separate 51684
and distinct. ~~The general assembly has prescribed separate 51685~~
~~scholarship amounts for the two pilot programs in recognition of 51686~~
~~their, with~~ differing eligibility criteria. The pilot project 51687
scholarship program operating under sections 3313.974 to 3313.979 51688
of the Revised Code is a district-wide program that may award 51689
scholarships to students who do not attend district schools that 51690
face academic challenges, whereas the educational choice 51691
scholarship pilot program established under sections 3310.01 to 51692
3310.17 of the Revised Code is limited to students of individual 51693

district school buildings that face academic challenges. 51694

Sec. 3310.08. (A) The amount paid for an eligible student 51695
under the educational choice scholarship pilot program shall be 51696
the lesser of the tuition of the chartered nonpublic school in 51697
which the student is enrolled or the maximum amount prescribed in 51698
section 3310.09 of the Revised Code. 51699

(B)(1) The department shall pay to the parent of each 51700
eligible student for whom a scholarship is awarded under the 51701
program, or to the student if at least eighteen years of age, 51702
periodic partial payments of the scholarship. 51703

(2) The department shall proportionately reduce or terminate 51704
the payments for any student who withdraws from a chartered 51705
nonpublic school prior to the end of the school year. 51706

(C)(1) The department shall deduct ~~five thousand two hundred~~ 51707
~~dollars~~ from the payments made to each school district under 51708
~~Chapters 3306. and Chapter 3317.~~ and, if necessary, sections 51709
321.24 and 323.156 of the Revised Code, the amount paid under 51710
division (B) of this section for each eligible student awarded a 51711
scholarship under the ~~educational choice scholarship pilot~~ program 51712
who is entitled under section 3313.64 or 3313.65 of the Revised 51713
Code to attend school in the district. 51714

~~The amount deducted under division (C)(1) of this section~~ 51715
~~funds scholarships for students under both the educational choice~~ 51716
~~scholarship pilot program and the pilot project scholarship~~ 51717
~~program under sections 3313.974 to 3313.979 of the Revised Code.~~ 51718

(2) If the department reduces or terminates payments to a 51719
parent or a student, as prescribed in division (B)(2) of this 51720
section, and the student enrolls in the schools of the student's 51721
resident district or in a community school, established under 51722
Chapter 3314. of the Revised Code, before the end of the school 51723

year, the department shall proportionally restore to the resident 51724
district the amount deducted for that student under division 51725
(C)(1) of this section. 51726

~~(D) In the case of any school district from which a deduction 51727
is made under division (C) of this section, the department shall 51728
disclose on the district's SF 3 form, or any successor to that 51729
form used to calculate a district's state funding for operating 51730
expenses, a comparison of the following: 51731~~

~~(1) The district's state share of the adequacy amount 51732
payment, as calculated under section 3306.13 of the Revised Code 51733
with the scholarship students included in the district's formula 51734
ADM; 51735~~

~~(2) What the district's state share of the adequacy amount 51736
payment would have been, as calculated under that section if the 51737
scholarship students were not included in the district's formula 51738
ADM. 51739~~

~~This comparison shall display both the aggregate difference 51740
between the amounts described in divisions (D)(1) and (2) of this 51741
section, and the quotient of that aggregate difference divided by 51742
the number of eligible students for whom deductions are made under 51743
division (C) of this section. 51744~~

Sec. 3310.41. (A) As used in this section: 51745

(1) "Alternative public provider" means either of the 51746
following providers that agrees to enroll a child in the 51747
provider's special education program to implement the child's 51748
individualized education program and to which the child's parent 51749
owes fees for the services provided to the child: 51750

(a) A school district that is not the school district in 51751
which the child is entitled to attend school; 51752

(b) A public entity other than a school district. 51753

- (2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.
- (3) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.
- (4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.
- (5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated.
- (6) "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.
- (7) "Qualified special education child" is a child for whom all of the following conditions apply:
- (a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.
- (b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.
- (c) The child either:
- (i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or
- (ii) Is eligible to enter school in any grade preschool

through twelve in the school district in which the child is 51784
entitled to attend school in the school year in which a 51785
scholarship under this section is first sought for the child. 51786

(8) "Registered private provider" means a nonpublic school or 51787
other nonpublic entity that has been approved by the department of 51788
education to participate in the program established under this 51789
section. 51790

(9) "Special education program" means a school or facility 51791
that provides special education and related services to children 51792
with disabilities. 51793

(B) There is hereby established the autism scholarship 51794
program. Under the program, the department of education shall pay 51795
a scholarship to the parent of each qualified special education 51796
child upon application of that parent pursuant to procedures and 51797
deadlines established by rule of the state board of education. 51798
Each scholarship shall be used only to pay tuition for the child 51799
on whose behalf the scholarship is awarded to attend a special 51800
education program that implements the child's individualized 51801
education program and that is operated by an alternative public 51802
provider or by a registered private provider. Each scholarship 51803
shall be in an amount not to exceed the lesser of the tuition 51804
charged for the child by the special education program or twenty 51805
thousand dollars. The purpose of the scholarship is to permit the 51806
parent of a qualified special education child the choice to send 51807
the child to a special education program, instead of the one 51808
operated by or for the school district in which the child is 51809
entitled to attend school, to receive the services prescribed in 51810
the child's individualized education program once the 51811
individualized education program is finalized. A The services 51812
provided under the scholarship shall include an educational 51813
component. 51814

A scholarship under this section shall not be awarded to the 51815

parent of a child while the child's individualized education 51816
program is being developed by the school district in which the 51817
child is entitled to attend school, or while any administrative or 51818
judicial mediation or proceedings with respect to the content of 51819
the child's individualized education program are pending. A 51820
scholarship under this section shall not be used for a child to 51821
attend a public special education program that operates under a 51822
contract, compact, or other bilateral agreement between the school 51823
district in which the child is entitled to attend school and 51824
another school district or other public provider, or for a child 51825
to attend a community school established under Chapter 3314. of 51826
the Revised Code. However, nothing in this section or in any rule 51827
adopted by the state board shall prohibit a parent whose child 51828
attends a public special education program under a contract, 51829
compact, or other bilateral agreement, or a parent whose child 51830
attends a community school, from applying for and accepting a 51831
scholarship under this section so that the parent may withdraw the 51832
child from that program or community school and use the 51833
scholarship for the child to attend a special education program 51834
for which the parent is required to pay for services for the 51835
child. A 51836

A child attending a special education program with a 51837
scholarship under this section shall continue to be entitled to 51838
transportation to and from that program in the manner prescribed 51839
by law. 51840

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 51841
(B)(10) of section 3317.03 of the Revised Code, a child who is not 51842
a preschool child with a disability for whom a scholarship is 51843
awarded under this section shall be counted in the formula ADM and 51844
the category six special education ADM of the district in which 51845
the child is entitled to attend school and not in the formula ADM 51846
and the category six special education ADM of any other school 51847

district. As prescribed in divisions (B)(3)(h) and (B)(10) of 51848
section 3317.03 of the Revised Code, a child who is a preschool 51849
child with a disability for whom a scholarship is awarded under 51850
this section shall be counted in the preschool scholarship ADM and 51851
category six special education ADM of the school district in which 51852
the child is entitled to attend school and not in the preschool 51853
scholarship ADM or category six special education ADM of any other 51854
school district. 51855

(2) In each fiscal year, the department shall deduct from the 51856
amounts paid to each school district under ~~Chapters 3306. and~~ 51857
Chapter 3317. of the Revised Code, and, if necessary, sections 51858
321.24 and 323.156 of the Revised Code, the aggregate amount of 51859
scholarships awarded under this section for qualified special 51860
education children included in the formula ADM, or preschool 51861
scholarship ADM, and in the category six special education ADM of 51862
that school district as provided in division (C)(1) of this 51863
section. ~~When computing the school district's instructional~~ 51864
~~services support under section 3306.05 of the Revised Code, the~~ 51865
~~department shall add the district's preschool scholarship ADM to~~ 51866
~~the district's formula ADM.~~ 51867

The scholarships deducted shall be considered as an approved 51868
special education and related services expense of the school 51869
district. 51870

(3) From time to time, the department shall make a payment to 51871
the parent of each qualified special education child for whom a 51872
scholarship has been awarded under this section. The scholarship 51873
amount shall be proportionately reduced in the case of any such 51874
child who is not enrolled in the special education program for 51875
which a scholarship was awarded under this section for the entire 51876
school year. The department shall make no payments to the parent 51877
of a child while any administrative or judicial mediation or 51878
proceedings with respect to the content of the child's 51879

individualized education program are pending. 51880

(D) A scholarship shall not be paid to a parent for payment 51881
of tuition owed to a nonpublic entity unless that entity is a 51882
registered private provider. The department shall approve entities 51883
that meet the standards established by rule of the state board for 51884
the program established under this section. 51885

(E) The state board shall adopt rules under Chapter 119. of 51886
the Revised Code prescribing procedures necessary to implement 51887
this section, including, but not limited to, procedures and 51888
deadlines for parents to apply for scholarships, standards for 51889
registered private providers, and procedures for approval of 51890
entities as registered private providers. 51891

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 51892
Revised Code: 51893

(A) "Alternative public provider" means either of the 51894
following providers that agrees to enroll a child in the 51895
provider's special education program to implement the child's 51896
individualized education program and to which the eligible 51897
applicant owes fees for the services provided to the child: 51898

(1) A school district that is not the school district in 51899
which the child is entitled to attend school or the child's school 51900
district of residence, if different; 51901

(2) A public entity other than a school district. 51902

(B) "Child with a disability" and "individualized education 51903
program" have the same meanings as in section 3323.01 of the 51904
Revised Code. 51905

(C) "Eligible applicant" means any of the following: 51906

(1) Either of the natural or adoptive parents of a qualified 51907
special education child, except as otherwise specified in this 51908
division. When the marriage of the natural or adoptive parents of 51909

the student has been terminated by a divorce, dissolution of 51910
marriage, or annulment, or when the natural or adoptive parents of 51911
the student are living separate and apart under a legal separation 51912
decree, and a court has issued an order allocating the parental 51913
rights and responsibilities with respect to the child, "eligible 51914
applicant" means the residential parent as designated by the 51915
court. If the court issues a shared parenting decree, "eligible 51916
applicant" means either parent. "Eligible applicant" does not mean 51917
a parent whose custodial rights have been terminated. 51918

(2) The custodian of a qualified special education child, 51919
when a court has granted temporary, legal, or permanent custody of 51920
the child to an individual other than either of the natural or 51921
adoptive parents of the child or to a government agency; 51922

(3) The guardian of a qualified special education child, when 51923
a court has appointed a guardian for the child; 51924

(4) The grandparent of a qualified special education child, 51925
when the grandparent is the child's attorney in fact under a power 51926
of attorney executed under sections 3109.51 to 3109.62 of the 51927
Revised Code or when the grandparent has executed a caregiver 51928
authorization affidavit under sections 3109.65 to 3109.73 of the 51929
Revised Code; 51930

(5) The surrogate parent appointed for a qualified special 51931
education child pursuant to division (B) of section 3323.05 and 51932
section 3323.051 of the Revised Code; 51933

(6) A qualified special education child, if the child does 51934
not have a custodian or guardian and the child is at least 51935
eighteen years of age. 51936

(D) "Entitled to attend school" means entitled to attend 51937
school in a school district under sections 3313.64 and 3313.65 of 51938
the Revised Code. 51939

(E) "Formula ADM" and "formula amount" have the same meanings 51940

as in section 3317.02 of the Revised Code. 51941

(F) "Qualified special education child" is a child for whom 51942
all of the following conditions apply: 51943

(1) The child is at least five years of age and less than 51944
twenty-two years of age. 51945

(2) The school district in which the child is entitled to 51946
attend school, or the child's school district of residence if 51947
different, has identified the child as a child with a disability. 51948

(3) The school district in which the child is entitled to 51949
attend school, or the child's school district of residence if 51950
different, has developed an individualized education program under 51951
Chapter 3323. of the Revised Code for the child. 51952

(4) The child either: 51953

(a) Was enrolled in the schools of the school district in 51954
which the child is entitled to attend school in any grade from 51955
kindergarten through twelve in the school year prior to the school 51956
year in which a scholarship is first sought for the child; 51957

(b) Is eligible to enter school in any grade kindergarten 51958
through twelve in the school district in which the child is 51959
entitled to attend school in the school year in which a 51960
scholarship is first sought for the child. 51961

(5) The department of education has not approved a 51962
scholarship for the child under the educational choice scholarship 51963
pilot program, under sections 3310.01 to 3310.17 of the Revised 51964
Code, or the autism scholarship program, under section 3310.41 of 51965
the Revised Code, for the same school year in which a scholarship 51966
under the special education scholarship program is sought. 51967

(6) The child and the child's parents are in compliance with 51968
the state compulsory attendance law under Chapter 3321. of the 51969
Revised Code. 51970

(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code. 51971
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(H) "Scholarship" means a scholarship awarded under the special education scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code. 51975
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(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code. 51978
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(J) "School year" has the same meaning as in section 3313.62 of the Revised Code. 51983
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(K) "Special education program" means a school or facility that provides special education and related services to children with disabilities. 51985
51986
51987

Sec. 3310.52. (A) The special education scholarship program is hereby established. Under the program, subject to division (B) of this section, the department of education annually shall pay a scholarship to an eligible applicant for services provided by an alternative public provider or a registered private provider for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program, in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school, and other services agreed to by the provider and eligible applicant that are not included in the individualized education program but are 51988
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associated with educating the child. Upon agreement with the 52002
eligible applicant, the alternative public provider or registered 52003
private provider may modify the services provided to the child. 52004

(B) The number of scholarships awarded under the program in 52005
any fiscal year shall not exceed five per cent of the total number 52006
of students residing in the state identified as children with 52007
disabilities during the previous fiscal year. 52008

(C) No scholarship or renewal of a scholarship shall be 52009
awarded to an eligible applicant on behalf of a qualified special 52010
education child for the next school year, unless on or before the 52011
application deadline the eligible applicant completes the 52012
application for the scholarship or renewal, in the manner 52013
prescribed by the department, and notifies the school district in 52014
which the child is entitled to attend school that the eligible 52015
applicant has applied for the scholarship or renewal. 52016

The application deadline for academic terms that begin 52017
between the first day of July and the thirty-first day of December 52018
shall be the fifteenth day of April that precedes the first day of 52019
instruction. The application deadline for academic terms that 52020
begin between the first day of January and the thirtieth day of 52021
June shall be the fifteenth day of November that precedes the 52022
first day of instruction. 52023

Sec. 3310.521. (A) As a condition of receiving payments for a 52024
scholarship, each eligible applicant shall attest to receipt of 52025
the profile prescribed by division (B) of this section. Such 52026
attestation shall be made and submitted to the department of 52027
education in the form and manner as required by the department. 52028

(B) The alternative public provider or registered private 52029
provider that enrolls a qualified special education child shall 52030
submit in writing to the eligible applicant to whom a scholarship 52031
is awarded on behalf of that child a profile of the provider's 52032

special education program, in a form as prescribed by the 52033
department, that shall contain the following: 52034

(1) Methods of instruction that will be utilized by the 52035
provider to provide services to the qualified special education 52036
child; 52037

(2) Qualifications of teachers, instructors, and other 52038
persons who will be engaged by the provider to provide services to 52039
the qualified special education child. 52040

Sec. 3310.53. (A) Except for development of the child's 52041
individualized education program, as specified in division (B) of 52042
this section, the school district in which a qualified special 52043
education child is entitled to attend school and the child's 52044
school district of residence, if different, are not obligated to 52045
provide the child with a free appropriate public education under 52046
Chapter 3323. of the Revised Code for as long as the child 52047
continues to attend the special education program operated by 52048
either an alternative public provider or a registered private 52049
provider for which a scholarship is awarded under the special 52050
education scholarship program. If at any time, the eligible 52051
applicant for the child decides no longer to accept scholarship 52052
payments and enrolls the child in the special education program of 52053
the school district in which the child is entitled to attend 52054
school, that district shall provide the child with a free 52055
appropriate public education under Chapter 3323. of the Revised 52056
Code. 52057

(B) Each eligible applicant and each qualified special 52058
education child have a continuing right to the development of an 52059
individualized education program for the child that complies with 52060
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 52061
administrative rules or guidelines adopted by the Ohio department 52062
of education or the United States department of education. The 52063

school district in which a qualified special education child is 52064
entitled to attend school, or the child's school district of 52065
residence if different, shall develop each individualized 52066
education program for the child in accordance with those 52067
provisions. 52068

(C) Each school district shall notify an eligible applicant 52069
of the applicant's and qualified special education child's rights 52070
under sections 3310.51 to 3310.64 of the Revised Code by providing 52071
to each eligible applicant the comparison document prescribed in 52072
section 3323.052 of the Revised Code. An eligible applicant's 52073
receipt of that document, as acknowledged in a format prescribed 52074
by the department of education, shall constitute notice that the 52075
eligible applicant has been informed of those rights. Upon receipt 52076
of that document, subsequent acceptance of a scholarship 52077
constitutes the eligible applicant's informed consent to the 52078
provisions of sections 3310.51 to 3310.64 of the Revised Code. 52079

Sec. 3310.54. A qualified special education child in any of 52080
grades kindergarten through twelve for whom a scholarship is 52081
awarded under the special education scholarship program shall be 52082
counted in the formula ADM and category one through six special 52083
education ADM, as appropriate, of the school district in which the 52084
child is entitled to attend school. A qualified special education 52085
child shall not be counted in the formula ADM or category one 52086
through six special education ADM of any other school district. 52087

Sec. 3310.55. The department of education shall deduct from a 52088
school district's state education aid, as defined in section 52089
3317.02 of the Revised Code, and if necessary, from its payment 52090
under sections 321.24 and 323.156 of the Revised Code, the 52091
aggregate amount of scholarships paid under section 3310.57 of the 52092
Revised Code for qualified special education children included in 52093
the formula ADM and the category one through six special education 52094

ADM of that school district. 52095

Sec. 3310.56. (A) The amount of the scholarship awarded and 52096
paid to an eligible applicant for services for a qualified special 52097
education child under the special education scholarship program in 52098
each school year shall be the least of the amounts prescribed in 52099
divisions (A)(1), (2), or (3) of this section, as follows: 52100

(1) The amount of fees charged for that school year by the 52101
alternative public provider or registered private provider; 52102

(2) The sum of the amounts calculated under divisions 52103
(A)(2)(a) and (b) of this section: 52104

(a) The sum of the formula amount plus the per pupil amount 52105
of the base funding supplements specified in divisions (C)(1) to 52106
(4) of section 3317.012 of the Revised Code for fiscal year 2009; 52107

(b) The formula amount times the following multiple 52108
prescribed for the child's disability: 52109

(i) For a student in category one, 0.2892; 52110

(ii) For a student in category two, 0.3691; 52111

(iii) For a student in category three, 1.7695; 52112

(iv) For a student in category four, 2.3646; 52113

(v) For a student in category five, 3.1129; 52114

(vi) For a student in category six, 4.7342. 52115

Before applying the multiples specified in divisions 52116
(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted 52117
by multiplying them by 0.80. 52118

(3) Twenty thousand dollars. 52119

(B) As used in division (A)(2)(b) of this section, a child 52120
with a disability is in: 52121

(1) "Category one" if the child's primary or only identified 52122

disability is a speech and language disability, as this term is 52123
defined pursuant to Chapter 3323. of the Revised Code; 52124

(2) "Category two" if the child is identified as specific 52125
learning disabled or developmentally disabled, as these terms are 52126
defined pursuant to Chapter 3323. of the Revised Code, or as 52127
having an other health impairment-minor, as defined in section 52128
3317.02 of the Revised Code; 52129

(3) "Category three" if the child is identified as vision 52130
impaired, hearing disabled, or severe behavior disabled, as these 52131
terms are defined pursuant to Chapter 3323. of the Revised Code; 52132

(4) "Category four" if the child is identified as 52133
orthopedically disabled, as this term is defined pursuant to 52134
Chapter 3323. of the Revised Code, or as having an other health 52135
impairment-major, as defined in section 3317.02 of the Revised 52136
Code; 52137

(5) "Category five" if the child is identified as having 52138
multiple disabilities, as this term is defined pursuant to Chapter 52139
3323. of the Revised Code; 52140

(6) "Category six" if the child is identified as autistic, 52141
having traumatic brain injuries, or both visually and hearing 52142
impaired, as these terms are defined pursuant to Chapter 3323. of 52143
the Revised Code. 52144

Sec. 3310.57. The department of education shall make periodic 52145
payments to an eligible applicant for services for each qualified 52146
special education child for whom a scholarship has been awarded. 52147
The total of all payments made to an applicant in each school year 52148
shall not exceed the amount calculated for the child under section 52149
3310.56 of the Revised Code. 52150

The department shall proportionately reduce the scholarship 52151
amount in the case of a child who is not enrolled in the special 52152

education program of an alternative public provider or a 52153
registered private provider for the entire school year. 52154

In accordance with division (A) of section 3310.62 of the 52155
Revised Code, the department shall make no payments to an 52156
applicant for a first-time scholarship for a qualified special 52157
education child while any administrative or judicial mediation or 52158
proceedings with respect to the content of the child's 52159
individualized education program are pending. 52160

Sec. 3310.58. No nonpublic school or entity shall receive 52161
payments from an eligible applicant for services for a qualified 52162
special education child under the special education scholarship 52163
program until the school or entity registers with the 52164
superintendent of public instruction. The superintendent shall 52165
register and designate as a registered private provider any 52166
nonpublic school or entity that meets the following requirements: 52167

(A) The school or entity complies with the antidiscrimination 52168
provisions of 42 U.S.C. 2000d, regardless of whether the school or 52169
entity receives federal financial assistance. 52170

(B) If the school or entity is not chartered by the state 52171
board under section 3301.16 of the Revised Code, the school or 52172
entity agrees to comply with sections 3319.39, 3319.391, and 52173
3319.392 of the Revised Code as if it were a school district. 52174

(C) The teaching and nonteaching professionals employed by 52175
the school or entity, or employed by any subcontractors of the 52176
school or entity, hold credentials determined by the state board 52177
to be appropriate for the qualified special education children 52178
enrolled in the special education program it operates. 52179

(D) The school's or entity's educational program shall be 52180
approved by the department of education. 52181

(E) The school or entity meets applicable health and safety 52182

standards established by law. 52183

(F) The school or entity agrees to retain on file 52184
documentation as required by the department of education. 52185

(G) The school or entity agrees to provide a record of the 52186
implementation of the individualized education program for each 52187
qualified special education child enrolled in the school's or 52188
entity's special education program, including evaluation of the 52189
child's progress, to the school district in which the child is 52190
entitled to attend school, in the form and manner prescribed by 52191
the department. 52192

(H) The school or entity agrees that, if it declines to 52193
enroll a particular qualified special education child, it will 52194
notify in writing the eligible applicant of its reasons for 52195
declining to enroll the child. 52196

Sec. 3310.59. The superintendent of public instruction shall 52197
revoke the registration of any school or entity if, after a 52198
hearing, the superintendent determines that the school or entity 52199
is in violation of any provision of section 3310.58 of the Revised 52200
Code. 52201

Sec. 3310.60. A qualified special education child attending a 52202
special education program at an alternative public provider or a 52203
registered private provider with a scholarship shall be entitled 52204
to transportation to and from that program in the manner 52205
prescribed by law for any child with a disability attending a 52206
nonpublic special education program. 52207

Sec. 3310.61. An eligible applicant on behalf of a child who 52208
currently attends a public special education program under a 52209
contract, compact, or other bilateral agreement, or on behalf of a 52210
child who currently attends a community school, shall not be 52211

prohibited from applying for and accepting a scholarship so that 52212
the applicant may withdraw the child from that program or 52213
community school and use the scholarship for the child to attend a 52214
special education program operated by an alternative public 52215
provider or a registered private provider. 52216

Sec. 3310.62. (A) A scholarship under the special education 52217
scholarship program shall not be awarded for the first time to an 52218
eligible applicant on behalf of a qualified special education 52219
child while the child's individualized education program is being 52220
developed by the school district in which the child is entitled to 52221
attend school, or by the child's school district of residence if 52222
different, or while any administrative or judicial mediation or 52223
proceedings with respect to the content of that individualized 52224
education program are pending. 52225

(B) Development of individualized education programs 52226
subsequent to the one developed for the child the first time a 52227
scholarship was awarded on behalf of the child and the 52228
prosecuting, by the eligible applicant on behalf of the child, of 52229
administrative or judicial mediation or proceedings with respect 52230
to any of those subsequent individualized education programs do 52231
not affect the applicant's and the child's continued eligibility 52232
for scholarship payments. 52233

(C) In the case of any child for whom a scholarship has been 52234
awarded, if the school district in which the child is entitled to 52235
attend school has agreed to provide some services for the child 52236
under an agreement entered into with the eligible applicant or 52237
with the alternative public provider or registered private 52238
provider implementing the child's individualized education 52239
program, or if the district is required by law to provide some 52240
services for the child, including transportation services under 52241
sections 3310.60 and 3327.01 of the Revised Code, the district 52242

shall not discontinue the services it is providing pending 52243
completion of any administrative proceedings regarding those 52244
services. The prosecuting, by the eligible applicant on behalf of 52245
the child, of administrative proceedings regarding the services 52246
provided by the district does not affect the applicant's and the 52247
child's continued eligibility for scholarship payments. 52248

(D) The department of education shall continue to make 52249
payments to the eligible applicant under section 3310.57 of the 52250
Revised Code while either of the following are pending: 52251

(1) Administrative or judicial mediation or proceedings with 52252
respect to a subsequent individualized education program for the 52253
child referred to in division (B) of this section; 52254

(2) Administrative proceedings regarding services provided by 52255
the district under division (C) of this section. 52256

Sec. 3310.63. (A) Only for the purpose of administering the 52257
special education scholarship program, the department of education 52258
may request from any of the following entities the data 52259
verification code assigned under division (D)(2) of section 52260
3301.0714 of the Revised Code to any qualified special education 52261
child for whom a scholarship is sought under the program: 52262

(1) The school district in which the child is entitled to 52263
attend school; 52264

(2) If applicable, the community school in which the child is 52265
enrolled; 52266

(3) The independent contractor engaged to create and maintain 52267
data verification codes. 52268

(B) Upon a request by the department under division (A) of 52269
this section for the data verification code of a qualified special 52270
education child or a request by the eligible applicant for the 52271
child for that code, the school district or community school shall 52272

submit that code to the department or applicant in the manner 52273
specified by the department. If the child has not been assigned a 52274
code, because the child will be entering kindergarten during the 52275
school year for which the scholarship is sought, the district 52276
shall assign a code to that child and submit the code to the 52277
department or applicant by a date specified by the department. If 52278
the district does not assign a code to the child by the specified 52279
date, the department shall assign a code to the child. 52280

The department annually shall submit to each school district 52281
the name and data verification code of each child residing in the 52282
district who is entering kindergarten, who has been awarded a 52283
scholarship under the program, and for whom the department has 52284
assigned a code under this division. 52285

(C) The department shall not release any data verification 52286
code that it receives under this section to any person except as 52287
provided by law. 52288

(D) Any document relative to the special education 52289
scholarship program that the department holds in its files that 52290
contains both a qualified special education child's name or other 52291
personally identifiable information and the child's data 52292
verification code shall not be a public record under section 52293
149.43 of the Revised Code. 52294

Sec. 3310.64. The state board of education shall adopt rules 52295
in accordance with Chapter 119. of the Revised Code prescribing 52296
procedures necessary to implement sections 3310.51 to 3310.63 of 52297
the Revised Code including, but not limited to, procedures for 52298
parents to apply for scholarships, standards for registered 52299
private providers, and procedures for registration of private 52300
providers. 52301

Sec. 3311.05. (A) The territory within the territorial limits 52302

of a county, or the territory included in a district formed under 52303
~~either~~ section 3311.053 ~~or 3311.059~~ of the Revised Code, exclusive 52304
of the territory embraced in any city school district or exempted 52305
village school district, and excluding the territory detached 52306
therefrom for school purposes and including the territory attached 52307
thereto for school purposes constitutes an educational service 52308
center. 52309

(B) A county school financing district created under section 52310
3311.50 of the Revised Code is not the school district described 52311
in division (A) of this section or any other school district but 52312
is a taxing district. 52313

Sec. 3311.054. (A) The initial members of any new governing 52314
board of an educational service center established in accordance 52315
with this section shall be all of the members of the governing 52316
boards of the former educational service centers whose territory 52317
comprises the new educational service center. The initial members 52318
of any such governing board shall serve until the first Monday of 52319
January immediately following the first election of governing 52320
board members conducted under division (C) of this section. 52321

Notwithstanding section 3313.11 of the Revised Code, that 52322
section shall not apply to the filling of any vacancy among the 52323
initial members of any governing board established in accordance 52324
with this section. Any such vacancy shall be filled for the 52325
remainder of the term by a majority vote of all the remaining 52326
members of the governing board. 52327

(B) Prior to the next first day of April in an odd-numbered 52328
year that occurs at least ninety days after the date on which any 52329
new governing board of an educational service center is initially 52330
established in accordance with this section, the governing board 52331
or, at the governing board's option, an executive committee of the 52332
governing board appointed by the governing board shall do both of 52333

the following: 52334

(1) Designate the number of elected members comprising all 52335
subsequent governing boards of the educational service center, 52336
which number shall be an odd number not to exceed nine. 52337

(2) Divide the educational service center into a number of 52338
subdistricts equal to the number of governing board members 52339
designated under division (B)(1) of this section and number the 52340
subdistricts. Each subdistrict shall be as nearly equal in 52341
population as possible and shall be composed of adjacent and 52342
compact territory. To the extent possible, each subdistrict shall 52343
be composed only of territory located in one county. In addition, 52344
the subdistricts shall be bounded as far as possible by 52345
corporation lines, streets, alleys, avenues, public grounds, 52346
canals, watercourses, ward boundaries, voting precinct boundaries, 52347
or school district boundaries. 52348

If the new governing board fails to divide the territory of 52349
the educational service center in accordance with this division, 52350
the superintendent of public instruction shall establish the 52351
subdistricts within thirty days. 52352

(C) At the next regular municipal election following the 52353
deadline for creation of the subdistricts of an educational 52354
service center under division (B) of this section, an entire new 52355
governing board shall be elected. All members of such governing 52356
board shall be elected from those subdistricts. 52357

(D) Within ninety days after the official announcement of the 52358
results of each successive federal decennial census, each 52359
governing board of an educational service center established in 52360
accordance with this section shall redistrict the educational 52361
service center's territory into a number of subdistricts equal to 52362
the number of board members designated under division (B)(1) of 52363
this section and number the subdistricts. Each such redistricting 52364

shall be done in accordance with the standards for subdistricts in 52365
division (B)(2) of this section. At the next regular municipal 52366
election following the announcement of the results of each such 52367
successive census, all elected governing board members shall again 52368
be elected from the subdistricts most recently created under this 52369
division. 52370

If a governing board fails to redistrict the territory of its 52371
educational service center in accordance with this division, the 52372
superintendent of public instruction shall redistrict the service 52373
center within thirty days. 52374

(E) All members elected pursuant to this section shall take 52375
office on the first Monday of January immediately following the 52376
election. Whenever all elected governing board members are elected 52377
at one election under division (C) or (D) of this section, the 52378
terms of each of the members elected from even-numbered 52379
subdistricts shall be for two years and the terms of each of the 52380
members elected from odd-numbered subdistricts shall be for four 52381
years. Thereafter, successors shall be elected for four-year terms 52382
in the same manner as is provided by law for the election of 52383
members of school boards except that any successor elected at a 52384
regular municipal election immediately preceding any election at 52385
which an entire new governing board is elected shall be elected 52386
for a two-year term. 52387

Sec. 3311.056. After at least one election of board members 52388
has occurred under division (B) of section 3313.053, division (C) 52389
of section 3311.054, or section 3311.057 of the Revised Code, the 52390
elected governing board members of an educational service center 52391
created under division (A) of section 3311.053 of the Revised Code 52392
may by resolution adopt a plan for adding appointed members to 52393
that governing board. A plan may provide for adding to the board a 52394
number of appointed members that is up to one less than the number 52395

of elected members on the board except that the total number of 52396
elected and appointed board members shall be an odd number. A plan 52397
shall provide for the terms of the appointed board members. The 52398
appointed board members in each plan shall be appointed by a 52399
majority vote of the full number of elected members on the board 52400
and vacancies shall be filled as provided in the plan. Each plan 52401
shall specify the qualifications for the appointed board members 52402
of an educational service center ~~and shall at least require~~ 52403
~~appointed board members to be electors residing in the service~~ 52404
~~center. Appointed members may be representative of the client~~ 52405
school districts of the service center. As used in this section, 52406
"client school district" has the same meaning as in section 52407
3317.11 of the Revised Code. 52408

A governing board adopting a plan under this section shall 52409
submit the plan to the state board of education for approval. The 52410
state board may approve or disapprove a plan or make 52411
recommendations for modifications in a plan. A plan shall take 52412
effect thirty days after approval by the state board and, when 52413
effective, appointments to the board shall be made in accordance 52414
with the plan. 52415

The elected members of the governing board of an educational 52416
service center with a plan in effect under this section may adopt, 52417
by unanimous vote of all the elected members, a resolution to 52418
revise or rescind the plan in effect under this section. All 52419
revisions shall comply with the requirements in this section for 52420
appointed board members. A resolution revising or rescinding a 52421
plan shall specify the dates and manner in which the revision or 52422
rescission is to take place. The revision or rescission of a plan 52423
shall be submitted to the state board of education for approval. 52424
The state board may approve or disapprove a revision or rescission 52425
of a plan or make recommendations for modifications. Upon approval 52426
of a revision or rescission by the state board, the revised plan 52427

or rescission of the plan shall go into effect as provided in the 52428
revision or rescission. 52429

Sec. 3311.0510. (A) If all of the local school districts that 52430
make up the territory of an educational service center have 52431
severed from the territory of that service center, upon the 52432
effective date of the severance of the last remaining local school 52433
district to make up the territory of the service center, the 52434
governing board of that service center shall be abolished and such 52435
service center shall be dissolved by order of the superintendent 52436
of public instruction. The superintendent's order shall provide 52437
for the equitable division and disposition of the assets, 52438
property, debts, and obligations of the service center among the 52439
local school districts, of which the territory of the service 52440
center is or previously was made up, and the city and exempted 52441
village school districts with which the service center had 52442
agreements under section 3313.843 of the Revised Code for the 52443
service center's last fiscal year of operation. The 52444
superintendent's order shall provide that the tax duplicate of 52445
each of those school districts shall be bound for and assume the 52446
district's equitable share of the outstanding indebtedness of the 52447
service center. The superintendent's order is final and is not 52448
appealable. 52449

Immediately upon the abolishment of the service center 52450
governing board pursuant to this section, the superintendent of 52451
public instruction shall appoint a qualified individual to 52452
administer the dissolution of the service center and to implement 52453
the terms of the superintendent's dissolution order. 52454

Prior to distributing assets to any school district under 52455
this section, but after paying in full other debts and obligations 52456
of the service center under this section, the superintendent of 52457
public instruction may assess against the remaining assets of the 52458

service center the amount of the costs incurred by the department 52459
of education in performing the superintendent's duties under this 52460
division, including the fees, if any, owed to the individual 52461
appointed to administer the superintendent's dissolution order. 52462
Any excess cost incurred by the department under this division 52463
shall be divided equitably among the local school districts, of 52464
which the territory of the service center is or previously was 52465
made up, and the city and exempted village school districts with 52466
which the service center had agreements under section 3313.843 of 52467
the Revised Code for the service center's last fiscal year of 52468
operation. Each district's share of that excess cost shall be 52469
bound against the tax duplicate of that district. 52470

(B) A final audit of the former service center shall be 52471
performed in accordance with procedures established by the auditor 52472
of state. 52473

(C) The public records of an educational service center that 52474
is dissolved under this section shall be transferred in accordance 52475
with this division. Public records maintained by the service 52476
center in connection with services provided by the service center 52477
to local school districts shall be transferred to each of the 52478
respective local school districts. Public records maintained by 52479
the service center in connection with services provided under an 52480
agreement with a city or exempted village school district pursuant 52481
to section 3313.843 of the Revised Code shall be transferred to 52482
each of the respective city or exempted village school districts. 52483
All other public records maintained by the service center at the 52484
time the service center ceases operations shall be transferred to 52485
the Ohio historical society for analysis and disposition by the 52486
society in its capacity as archives administrator for the state 52487
and its political subdivisions pursuant to division (C) of section 52488
149.30 and section 149.31 of the Revised Code. 52489

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| Sec. 3311.06. (A) As used in this section: | 52490 |
| (1) "Annexation" and "annexed" mean annexation for municipal purposes under sections 709.02 to 709.37 of the Revised Code. | 52491 52492 |
| (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. | 52493 52494 52495 52496 |
| (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. | 52497 52498 52499 52500 |
| (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. | 52501 52502 52503 52504 52505 |
| (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. | 52506 52507 52508 52509 52510 52511 52512 52513 52514 |
| (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 | 52515 52516 52517 52518 52519 |

education of the city school district or the school district of 52520
which the village is a part. 52521

(2) When the territory so annexed to a city or village 52522
comprises part but not all of the territory of a school district, 52523
the said territory becomes part of the city school district or the 52524
school district of which the village is a part only upon approval 52525
by the state board of education, unless the district in which the 52526
territory is located is a party to an annexation agreement with 52527
the city school district. 52528

Any urban school district that has not entered into an 52529
annexation agreement with any other school district whose 52530
territory would be affected by any transfer under this division 52531
and that desires to negotiate the terms of transfer with any such 52532
district shall conduct any negotiations under division (F) of this 52533
section as part of entering into an annexation agreement with such 52534
a district. 52535

Any school district, except an urban school district, 52536
desiring state board approval of a transfer under this division 52537
shall make a good faith effort to negotiate the terms of transfer 52538
with any other school district whose territory would be affected 52539
by the transfer. Before the state board may approve any transfer 52540
of territory to a school district, except an urban school 52541
district, under this section, it must receive the following: 52542

(a) A resolution requesting approval of the transfer, passed 52543
by at least one of the school districts whose territory would be 52544
affected by the transfer; 52545

(b) Evidence determined to be sufficient by the state board 52546
to show that good faith negotiations have taken place or that the 52547
district requesting the transfer has made a good faith effort to 52548
hold such negotiations; 52549

(c) If any negotiations took place, a statement signed by all 52550

boards that participated in the negotiations, listing the terms 52551
agreed on and the points on which no agreement could be reached. 52552

(D) The state board of education shall adopt rules governing 52553
negotiations held by any school district except an urban school 52554
district pursuant to division (C)(2) of this section. The rules 52555
shall encourage the realization of the following goals: 52556

(1) A discussion by the negotiating districts of the present 52557
and future educational needs of the pupils in each district; 52558

(2) The educational, financial, and territorial stability of 52559
each district affected by the transfer; 52560

(3) The assurance of appropriate educational programs, 52561
services, and opportunities for all the pupils in each 52562
participating district, and adequate planning for the facilities 52563
needed to provide these programs, services, and opportunities. 52564

Districts involved in negotiations under such rules may agree 52565
to share revenues from the property included in the territory to 52566
be transferred, establish cooperative programs between the 52567
participating districts, and establish mechanisms for the 52568
settlement of any future boundary disputes. 52569

(E)(1) If territory annexed after September 24, 1986, is part 52570
of a school district that is a party to an annexation agreement 52571
with the urban school district serving the annexing city, the 52572
transfer of such territory shall be governed by the agreement. If 52573
the agreement does not specify how the territory is to be dealt 52574
with, the boards of education of the district in which the 52575
territory is located and the urban school district shall negotiate 52576
with regard to the transfer of the territory which shall be 52577
transferred to the urban school district unless, not later than 52578
ninety days after the effective date of municipal annexation, the 52579
boards of education of both districts, by resolution adopted by a 52580
majority of the members of each board, agree that the territory 52581

will not be transferred and so inform the state board of 52582
education. 52583

If territory is transferred under this division the transfer 52584
shall take effect on the first day of July occurring not sooner 52585
than ninety-one days after the effective date of the municipal 52586
annexation. Territory transferred under this division need not be 52587
contiguous to the district to which it is transferred. 52588

(2) Territory annexed prior to September 24, 1986, by a city 52589
served by an urban school district shall not be subject to 52590
transfer under this section if the district in which the territory 52591
is located is a party to an annexation agreement or becomes a 52592
party to such an agreement not later than ninety days after 52593
September 24, 1986. If the district does not become a party to an 52594
annexation agreement within the ninety-day period, transfer of 52595
territory shall be governed by division (C)(2) of this section. If 52596
the district subsequently becomes a party to an agreement, 52597
territory annexed prior to September 24, 1986, other than 52598
territory annexed under division (C)(2) of this section prior to 52599
the effective date of the agreement, shall not be subject to 52600
transfer under this section. 52601

(F) An urban school district may enter into a comprehensive 52602
agreement with one or more school districts under which transfers 52603
of territory annexed by the city served by the urban school 52604
district after September 24, 1986, shall be governed by the 52605
agreement. Such agreement must provide for the establishment of a 52606
cooperative education program under section 3313.842 of the 52607
Revised Code in which all the parties to the agreement are 52608
participants and must be approved by resolution of the majority of 52609
the members of each of the boards of education of the school 52610
districts that are parties to it. An agreement may provide for 52611
interdistrict payments based on local revenue growth resulting 52612
from development in any territory annexed by the city served by 52613

the urban school district. 52614

An agreement entered into under this division may be altered, 52615
modified, or terminated only by agreement, by resolution approved 52616
by the majority of the members of each board of education, of all 52617
school districts that are parties to the agreement, except that 52618
with regard to any provision that affects only the urban school 52619
district and one of the other districts that is a party, that 52620
district and the urban district may modify or alter the agreement 52621
by resolution approved by the majority of the members of the board 52622
of that district and the urban district. Alterations, 52623
modifications, terminations, and extensions of an agreement 52624
entered into under this division do not require approval of the 52625
state board of education, but shall be filed with the board after 52626
approval and execution by the parties. 52627

If an agreement provides for interdistrict payments, each 52628
party to the agreement, except any school district specifically 52629
exempted by the agreement, shall agree to make an annual payment 52630
to the urban school district with respect to any of its territory 52631
that is annexed territory in an amount not to exceed the amount 52632
certified for that year under former section 3317.029 of the 52633
Revised Code as that section existed prior to July 1, 1998; except 52634
that such limitation of annual payments to amounts certified under 52635
former section 3317.029 of the Revised Code does not apply to 52636
agreements or extensions of agreements entered into on or after 52637
June 1, 1992, unless such limitation is expressly agreed to by the 52638
parties. The agreement may provide that all or any part of the 52639
payment shall be waived if the urban school district receives its 52640
payment with respect to such annexed territory under former 52641
section 3317.029 of the Revised Code and that all or any part of 52642
such payment may be waived if the urban school district does not 52643
receive its payment with respect to such annexed territory under 52644
such section. 52645

With respect to territory that is transferred to the urban school district after September 24, 1986, the agreement may provide for annual payments by the urban school district to the school district whose territory is transferred to the urban school district subsequent to annexation by the city served by the urban school district.

(G) In the event territory is transferred from one school district to another under this section, an equitable division of the funds and indebtedness between the districts involved shall be made under the supervision of the state board of education and that board's decision shall be final. Such division shall not include funds payable to or received by a school district under Chapter ~~3306~~ ~~or~~ 3317. of the Revised Code or payable to or received by a school district from the United States or any department or agency thereof. In the event such transferred territory includes real property owned by a school district, the state board of education, as part of such division of funds and indebtedness, shall determine the true value in money of such real property and all buildings or other improvements thereon. The board of education of the school district receiving such territory shall forthwith pay to the board of education of the school district losing such territory such true value in money of such real property, buildings, and improvements less such percentage of the true value in money of each school building located on such real property as is represented by the ratio of the total enrollment in day classes of the pupils residing in the territory transferred enrolled at such school building in the school year in which such annexation proceedings were commenced to the total enrollment in day classes of all pupils residing in the school district losing such territory enrolled at such school building in such school year. The school district receiving such payment shall place the proceeds thereof in its sinking fund or bond retirement fund.

(H) The state board of education, before approving such 52679
transfer of territory, shall determine that such payment has been 52680
made and shall apportion to the acquiring school district such 52681
percentage of the indebtedness of the school district losing the 52682
territory as is represented by the ratio that the assessed 52683
valuation of the territory transferred bears to the total assessed 52684
valuation of the entire school district losing the territory as of 52685
the effective date of the transfer, provided that in ascertaining 52686
the indebtedness of the school district losing the territory the 52687
state board of education shall disregard such percentage of the 52688
par value of the outstanding and unpaid bonds and notes of said 52689
school district issued for construction or improvement of the 52690
school building or buildings for which payment was made by the 52691
acquiring district as is equal to the percentage by which the true 52692
value in money of such building or buildings was reduced in fixing 52693
the amount of said payment. 52694

(I) No transfer of school district territory or division of 52695
funds and indebtedness incident thereto, pursuant to the 52696
annexation of territory to a city or village shall be completed in 52697
any other manner than that prescribed by this section regardless 52698
of the date of the commencement of such annexation proceedings, 52699
and this section applies to all proceedings for such transfers and 52700
divisions of funds and indebtedness pending or commenced on or 52701
after October 2, 1959. 52702

Sec. 3311.19. (A) The management and control of a joint 52703
vocational school district shall be vested in the joint vocational 52704
school district board of education. Where a joint vocational 52705
school district is composed only of two or more local school 52706
districts located in one county, or when all the participating 52707
districts are in one county and the boards of such participating 52708
districts so choose, the educational service center governing 52709
board of the county in which the joint vocational school district 52710

is located shall serve as the joint vocational school district 52711
board of education. Where a joint vocational school district is 52712
composed of local school districts of more than one county, or of 52713
any combination of city, local, or exempted village school 52714
districts or educational service centers, unless administration by 52715
the educational service center governing board has been chosen by 52716
all the participating districts in one county pursuant to this 52717
section, the board of education of the joint vocational school 52718
district shall be composed of one or more persons who are members 52719
of the boards of education from each of the city or exempted 52720
village school districts or members of the educational service 52721
centers' governing boards affected to be appointed by the boards 52722
of education or governing boards of such school districts and 52723
educational service centers. In such joint vocational school 52724
districts the number and terms of members of the joint vocational 52725
school district board of education and the allocation of a given 52726
number of members to each of the city and exempted village 52727
districts and educational service centers shall be determined in 52728
the plan for such district, provided that each such joint 52729
vocational school district board of education shall be composed of 52730
an odd number of members. 52731

(B) Notwithstanding division (A) of this section, a governing 52732
board of an educational service center that has members of its 52733
governing board serving on a joint vocational school district 52734
board of education may make a request to the joint vocational 52735
district board that the joint vocational school district plan be 52736
revised to provide for one or more members of boards of education 52737
of local school districts that are within the territory of the 52738
educational service district and within the joint vocational 52739
school district to serve in the place of or in addition to its 52740
educational service center governing board members. If agreement 52741
is obtained among a majority of the boards of education and 52742
governing boards that have a member serving on the joint 52743

vocational school district board of education and among a majority 52744
of the local school district boards of education included in the 52745
district and located within the territory of the educational 52746
service center whose board requests the substitution or addition, 52747
the state board of education may revise the joint vocational 52748
school district plan to conform with such agreement. 52749

(C) If the board of education of any school district or 52750
educational service center governing board included within a joint 52751
vocational district that has had its board or governing board 52752
membership revised under division (B) of this section requests the 52753
joint vocational school district board to submit to the state 52754
board of education a revised plan under which one or more joint 52755
vocational board members chosen in accordance with a plan revised 52756
under such division would again be chosen in the manner prescribed 52757
by division (A) of this section, the joint vocational board shall 52758
submit the revised plan to the state board of education, provided 52759
the plan is agreed to by a majority of the boards of education 52760
represented on the joint vocational board, a majority of the local 52761
school district boards included within the joint vocational 52762
district, and each educational service center governing board 52763
affected by such plan. The state board of education may revise the 52764
joint vocational school district plan to conform with the revised 52765
plan. 52766

(D) The vocational schools in such joint vocational school 52767
district shall be available to all youth of school age within the 52768
joint vocational school district subject to the rules adopted by 52769
the joint vocational school district board of education in regard 52770
to the standards requisite to admission. A joint vocational school 52771
district board of education shall have the same powers, duties, 52772
and authority for the management and operation of such joint 52773
vocational school district as is granted by law, except by this 52774
chapter and Chapters 124., ~~3306.~~ 3317., 3323., and 3331. of the 52775

Revised Code, to a board of education of a city school district, 52776
and shall be subject to all the provisions of law that apply to a 52777
city school district, except such provisions in this chapter and 52778
Chapters 124., ~~3306.7~~ 3317., 3323., and 3331. of the Revised Code. 52779

(E) Where a governing board of an educational service center 52780
has been designated to serve as the joint vocational school 52781
district board of education, the educational service center 52782
superintendent shall be the executive officer for the joint 52783
vocational school district, and the governing board may provide 52784
for additional compensation to be paid to the educational service 52785
center superintendent by the joint vocational school district, but 52786
the educational service center superintendent shall have no 52787
continuing tenure other than that of educational service center 52788
superintendent. The superintendent of schools of a joint 52789
vocational school district shall exercise the duties and authority 52790
vested by law in a superintendent of schools pertaining to the 52791
operation of a school district and the employment and supervision 52792
of its personnel. The joint vocational school district board of 52793
education shall appoint a treasurer of the joint vocational school 52794
district who shall be the fiscal officer for such district and who 52795
shall have all the powers, duties, and authority vested by law in 52796
a treasurer of a board of education. Where a governing board of an 52797
educational service center has been designated to serve as the 52798
joint vocational school district board of education, such board 52799
may appoint the educational service center superintendent as the 52800
treasurer of the joint vocational school district. 52801

(F) Each member of a joint vocational school district board 52802
of education may be paid such compensation as the board provides 52803
by resolution, but it shall not exceed one hundred twenty-five 52804
dollars per member for each meeting attended plus mileage, at the 52805
rate per mile provided by resolution of the board, to and from 52806
meetings of the board. 52807

The board may provide by resolution for the deduction of 52808
amounts payable for benefits under section 3313.202 of the Revised 52809
Code. 52810

Each member of a joint vocational school district board may 52811
be paid such compensation as the board provides by resolution for 52812
attendance at an approved training program, provided that such 52813
compensation shall not exceed sixty dollars per day for attendance 52814
at a training program three hours or fewer in length and one 52815
hundred twenty-five dollars a day for attendance at a training 52816
program longer than three hours in length. However, no board 52817
member shall be compensated for the same training program under 52818
this section and section 3313.12 of the Revised Code. 52819

Sec. 3311.21. (A) In addition to the resolutions authorized 52820
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 52821
the Revised Code, the board of education of a joint vocational or 52822
cooperative education school district by a vote of two-thirds of 52823
its full membership may at any time adopt a resolution declaring 52824
the necessity to levy a tax in excess of the ten-mill limitation 52825
for a period not to exceed ten years to provide funds for any one 52826
or more of the following purposes, which may be stated in the 52827
following manner in such resolution, the ballot, and the notice of 52828
election: purchasing a site or enlargement thereof and for the 52829
erection and equipment of buildings; for the purpose of enlarging, 52830
improving, or rebuilding thereof; for the purpose of providing for 52831
the current expenses of the joint vocational or cooperative school 52832
district; or for a continuing period for the purpose of providing 52833
for the current expenses of the joint vocational or cooperative 52834
education school district. The resolution shall specify the amount 52835
of the proposed rate and, if a renewal, whether the levy is to 52836
renew all, or a portion of, the existing levy, and shall specify 52837
the first year in which the levy will be imposed. If the levy 52838
provides for but is not limited to current expenses, the 52839

resolution shall apportion the annual rate of the levy between 52840
current expenses and the other purpose or purposes. Such 52841
apportionment may but need not be the same for each year of the 52842
levy, but the respective portions of the rate actually levied each 52843
year for current expenses and the other purpose or purposes shall 52844
be limited by such apportionment. The portion of any such rate 52845
actually levied for current expenses of a joint vocational or 52846
cooperative education school district shall be used in applying 52847
~~division (A)(1) of section 3306.01 and~~ division (A) of section 52848
3317.01 of the Revised Code. The portion of any such rate not 52849
apportioned to the current expenses of a joint vocational or 52850
cooperative education school district shall be used in applying 52851
division (B) of this section. On the adoption of such resolution, 52852
the joint vocational or cooperative education school district 52853
board of education shall certify the resolution to the board of 52854
elections of the county containing the most populous portion of 52855
the district, which board shall receive resolutions for filing and 52856
send them to the boards of elections of each county in which 52857
territory of the district is located, furnish all ballots for the 52858
election as provided in section 3505.071 of the Revised Code, and 52859
prepare the election notice; and the board of elections of each 52860
county in which the territory of such district is located shall 52861
make the other necessary arrangements for the submission of the 52862
question to the electors of the joint vocational or cooperative 52863
education school district at the next primary or general election 52864
occurring not less than ninety days after the resolution was 52865
received from the joint vocational or cooperative education school 52866
district board of education, or at a special election to be held 52867
at a time designated by the district board of education consistent 52868
with the requirements of section 3501.01 of the Revised Code, 52869
which date shall not be earlier than ninety days after the 52870
adoption and certification of the resolution. 52871

The board of elections of the county or counties in which 52872

territory of the joint vocational or cooperative education school 52873
district is located shall cause to be published in ~~one or more~~ 52874
~~newspapers~~ a newspaper of general circulation in that district an 52875
advertisement of the proposed tax levy question, together with a 52876
statement of the amount of the proposed levy once a week for two 52877
consecutive weeks or as provided in section 7.16 of the Revised 52878
Code, prior to the election at which the question is to appear on 52879
the ballot, ~~and, if.~~ If the board of elections operates and 52880
maintains a web site, the board also shall post ~~a similar~~ the 52881
advertisement on its web site for thirty days prior to that 52882
election. 52883

If a majority of the electors voting on the question of 52884
levying such tax vote in favor of the levy, the joint vocational 52885
or cooperative education school district board of education shall 52886
annually make the levy within the district at the rate specified 52887
in the resolution and ballot or at any lesser rate, and the county 52888
auditor of each affected county shall annually place the levy on 52889
the tax list and duplicate of each school district in the county 52890
having territory in the joint vocational or cooperative education 52891
school district. The taxes realized from the levy shall be 52892
collected at the same time and in the same manner as other taxes 52893
on the duplicate, and the taxes, when collected, shall be paid to 52894
the treasurer of the joint vocational or cooperative education 52895
school district and deposited to a special fund, which shall be 52896
established by the joint vocational or cooperative education 52897
school district board of education for all revenue derived from 52898
any tax levied pursuant to this section and for the proceeds of 52899
anticipation notes which shall be deposited in such fund. After 52900
the approval of the levy, the joint vocational or cooperative 52901
education school district board of education may anticipate a 52902
fraction of the proceeds of the levy and from time to time, during 52903
the life of the levy, but in any year prior to the time when the 52904
tax collection from the levy so anticipated can be made for that 52905

year, issue anticipation notes in an amount not exceeding fifty 52906
per cent of the estimated proceeds of the levy to be collected in 52907
each year up to a period of five years after the date of the 52908
issuance of the notes, less an amount equal to the proceeds of the 52909
levy obligated for each year by the issuance of anticipation 52910
notes, provided that the total amount maturing in any one year 52911
shall not exceed fifty per cent of the anticipated proceeds of the 52912
levy for that year. Each issue of notes shall be sold as provided 52913
in Chapter 133. of the Revised Code, and shall, except for such 52914
limitation that the total amount of such notes maturing in any one 52915
year shall not exceed fifty per cent of the anticipated proceeds 52916
of the levy for that year, mature serially in substantially equal 52917
installments, during each year over a period not to exceed five 52918
years after their issuance. 52919

(B) Prior to the application of section 319.301 of the 52920
Revised Code, the rate of a levy that is limited to, or to the 52921
extent that it is apportioned to, purposes other than current 52922
expenses shall be reduced in the same proportion in which the 52923
district's total valuation increases during the life of the levy 52924
because of additions to such valuation that have resulted from 52925
improvements added to the tax list and duplicate. 52926

(C) The form of ballot cast at an election under division (A) 52927
of this section shall be as prescribed by section 5705.25 of the 52928
Revised Code. 52929

Sec. 3311.213. (A) With the approval of the board of 52930
education of a joint vocational school district ~~which~~ that is in 52931
existence, any school district in the county or counties 52932
comprising the joint vocational school district or any school 52933
district in a county adjacent to a county comprising part of a 52934
joint vocational school district may become a part of the joint 52935
vocational school district. On the adoption of a resolution of 52936

approval by the board of education of the joint vocational school 52937
district, it shall advertise a copy of such resolution in a 52938
newspaper of general circulation in the school district proposing 52939
to become a part of such joint vocational school district once 52940
each week for ~~at least~~ two weeks, or as provided in section 7.16 52941
of the Revised Code, immediately following the date of the 52942
adoption of such resolution. Such resolution shall not become 52943
effective until the later of the sixty-first day after its 52944
adoption or until the board of elections certifies the results of 52945
an election in favor of joining of the school district to the 52946
joint vocational school district if such an election is held under 52947
division (B) of this section. 52948

(B) During the sixty-day period following the date of the 52949
adoption of a resolution to join a school district to a joint 52950
vocational school district under division (A) of this section, the 52951
electors of the school district that proposes joining the joint 52952
vocational school district may petition for a referendum vote on 52953
the resolution. The question whether to approve or disapprove the 52954
resolution shall be submitted to the electors of such school 52955
district if a number of qualified electors equal to twenty per 52956
cent of the number of electors in the school district who voted 52957
for the office of governor at the most recent general election for 52958
that office sign a petition asking that the question of whether 52959
the resolution shall be disapproved be submitted to the electors. 52960
The petition shall be filed with the board of elections of the 52961
county in which the school district is located. If the school 52962
district is located in more than one county, the petition shall be 52963
filed with the board of elections of the county in which the 52964
majority of the territory of the school district is located. The 52965
board shall certify the validity and sufficiency of the signatures 52966
on the petition. 52967

The board of elections shall immediately notify the board of 52968

education of the joint vocational school district and the board of 52969
education of the school district that proposes joining the joint 52970
vocational school district that the petition has been filed. 52971

The effect of the resolution shall be stayed until the board 52972
of elections certifies the validity and sufficiency of the 52973
signatures on the petition. If the board of elections determines 52974
that the petition does not contain a sufficient number of valid 52975
signatures and sixty days have passed since the adoption of the 52976
resolution, the resolution shall become effective. 52977

If the board of elections certifies that the petition 52978
contains a sufficient number of valid signatures, the board shall 52979
submit the question to the qualified electors of the school 52980
district on the day of the next general or primary election held 52981
at least ninety days after but no later than six months after the 52982
board of elections certifies the validity and sufficiency of 52983
signatures on the petition. If there is no general or primary 52984
election held at least ninety days after but no later than six 52985
months after the board of elections certifies the validity and 52986
sufficiency of signatures on the petition, the board shall submit 52987
the question to the electors at a special election to be held on 52988
the next day specified for special elections in division (D) of 52989
section 3501.01 of the Revised Code that occurs at least ninety 52990
days after the board certifies the validity and sufficiency of 52991
signatures on the petition. The election shall be conducted and 52992
canvassed and the results shall be certified in the same manner as 52993
in regular elections for the election of members of a board of 52994
education. 52995

If a majority of the electors voting on the question 52996
disapprove the resolution, the resolution shall not become 52997
effective. 52998

(C) If the resolution becomes effective, the board of 52999
education of the joint vocational school district shall notify the 53000

county auditor of the county in which the school district becoming 53001
a part of the joint vocational school district is located, who 53002
shall thereupon have any outstanding levy for building purposes, 53003
bond retirement, or current expenses in force in the joint 53004
vocational school district spread over the territory of the school 53005
district becoming a part of the joint vocational school district. 53006
On the addition of a city or exempted village school district or 53007
an educational service center to the joint vocational school 53008
district, pursuant to this section, the board of education of such 53009
joint vocational school district shall submit to the state board 53010
of education a proposal to enlarge the membership of such board by 53011
the addition of one or more persons at least one of whom shall be 53012
a member of the board of education or governing board of such 53013
additional school district or educational service center, and the 53014
term of each such additional member. On the addition of a local 53015
school district to the joint vocational school district, pursuant 53016
to this section, the board of education of such joint vocational 53017
school district may submit to the state board of education a 53018
proposal to enlarge the membership of such board by the addition 53019
of one or more persons who are members of the educational service 53020
center governing board of such additional local school district. 53021
On approval by the state board of education additional members 53022
shall be added to such joint vocational school district board of 53023
education. 53024

Sec. 3311.214. (A) With the approval of the state board of 53025
education, the boards of education of any two or more joint 53026
vocational school districts may, by the adoption of identical 53027
resolutions by a majority of the members of each such board, 53028
propose that one new joint vocational school district be created 53029
by adding together all of the territory of each of the districts 53030
and dissolving such districts. A copy of each resolution shall be 53031
filed with the state board of education for its approval or 53032

disapproval. The resolutions shall include a provision that the 53033
board of education of the new district shall be composed of the 53034
members from the same boards of education that composed the 53035
membership of the board of each of the districts to be dissolved, 53036
except that, if an even number of districts are to be dissolved, 53037
one additional member shall be added, who may be from any school 53038
district included in the territory of any of the districts to be 53039
dissolved as designated in the resolutions. The members of the new 53040
board shall have the same terms of office as they had under the 53041
respective plans of the districts adopting the resolutions, except 53042
that, if the new board has an additional member, ~~he~~ the additional 53043
member shall have a term as specified in the resolutions. 53044

If the state board approves the resolutions, the board of 53045
education of each district to be dissolved shall advertise a copy 53046
of the resolution in a newspaper of general circulation in its 53047
district once each week for ~~at least~~ two weeks, or as provided in 53048
section 7.16 of the Revised Code, immediately following the date 53049
the resolutions are approved by the state board. The resolutions 53050
shall become effective on the first day of July next succeeding 53051
the sixtieth day following approval by the state board unless 53052
prior to the expiration of such sixty-day period, qualified 53053
electors residing in one of the districts to be dissolved equal in 53054
number to a majority of the qualified electors of that district 53055
voting at the last general election file with the state board a 53056
petition of remonstrance against creation of the proposed new 53057
district. 53058

(B) When a resolution becomes effective under division (A) of 53059
this section, each district in which a resolution was adopted and 53060
the board of each such district are dissolved. The territory of 53061
each dissolved district becomes a part of the new joint vocational 53062
school district. The net indebtedness of each dissolved district 53063
shall be assumed in full by the new district and the funds and 53064

property of each dissolved district shall become in full the funds 53065
and property of the new district. All existing contracts of each 53066
dissolved board shall be honored by the board of the new district 53067
until their expiration dates. The board of the new district shall 53068
notify the county auditor of each county in which each dissolved 53069
district was located that a resolution has become effective and a 53070
new district has been created and shall certify to each auditor 53071
any changes that might be required in the tax rate as a result of 53072
the creation of the new district. 53073

(C) As used in this section, "net indebtedness" means the 53074
difference between the par value of the outstanding and unpaid 53075
bonds and notes of the school district and the amount held in the 53076
sinking fund and other indebtedness retirement funds for their 53077
redemption. 53078

Sec. 3311.29. (A) Except as provided under division (B) or 53079
(C) of this section, no school district shall be created and no 53080
school district shall exist which does not maintain within such 53081
district public schools consisting of grades kindergarten through 53082
twelve and any such existing school district not maintaining such 53083
schools shall be dissolved and its territory joined with another 53084
school district or districts by order of the state board of 53085
education if no agreement is made among the surrounding districts 53086
voluntarily, which order shall provide an equitable division of 53087
the funds, property, and indebtedness of the dissolved school 53088
district among the districts receiving its territory. The state 53089
board of education may authorize exceptions to school districts 53090
where topography, sparsity of population, and other factors make 53091
compliance impracticable. 53092

The superintendent of public instruction is without authority 53093
to distribute funds under Chapter ~~3306.~~ 3317. of the Revised 53094
Code to any school district that does not maintain schools with 53095

grades kindergarten through twelve and to which no exception has 53096
been granted by the state board of education. 53097

(B) Division (A) of this section does not apply to any joint 53098
vocational school district or any cooperative education school 53099
district established pursuant to divisions (A) to (C) of section 53100
3311.52 of the Revised Code. 53101

(C)(1)(a) Except as provided in division (C)(3) of this 53102
section, division (A) of this section does not apply to any 53103
cooperative education school district established pursuant to 53104
section 3311.521 of the Revised Code nor to the city, exempted 53105
village, or local school districts that have territory within such 53106
a cooperative education district. 53107

(b) The cooperative district and each city, exempted village, 53108
or local district with territory within the cooperative district 53109
shall maintain the grades that the resolution adopted or amended 53110
pursuant to section 3311.521 of the Revised Code specifies. 53111

(2) Any cooperative education school district described under 53112
division (C)(1) of this section that fails to maintain the grades 53113
it is specified to operate shall be dissolved by order of the 53114
state board of education unless prior to such an order the 53115
cooperative district is dissolved pursuant to section 3311.54 of 53116
the Revised Code. Any such order shall provide for the equitable 53117
adjustment, division, and disposition of the assets, property, 53118
debts, and obligations of the district among each city, local, and 53119
exempted village school district whose territory is in the 53120
cooperative district and shall provide that the tax duplicate of 53121
each city, local, and exempted village school district whose 53122
territory is in the cooperative district shall be bound for and 53123
assume its share of the outstanding indebtedness of the 53124
cooperative district. 53125

(3) If any city, exempted village, or local school district 53126

described under division (C)(1) of this section fails to maintain 53127
the grades it is specified to operate the cooperative district 53128
within which it has territory shall be dissolved in accordance 53129
with division (C)(2) of this section and upon that dissolution any 53130
city, exempted village, or local district failing to maintain 53131
grades kindergarten through twelve shall be subject to the 53132
provisions for dissolution in division (A) of this section. 53133

Sec. 3311.50. (A) As used in this section, "county school 53134
financing district" means a taxing district consisting of the 53135
following territory: 53136

(1) The territory that constitutes the educational service 53137
center on the date that the governing board of that educational 53138
service center adopts a resolution under division (B) of this 53139
section declaring that the territory of the educational service 53140
center is a county school financing district, exclusive of any 53141
territory subsequently withdrawn from the district under division 53142
(D) of this section; 53143

(2) Any territory that has been added to the county school 53144
financing district under this section. 53145

A county school financing district may include the territory 53146
of a city, local, or exempted village school district whose 53147
territory also is included in the territory of one or more other 53148
county school financing districts. 53149

(B) The governing board of any educational service center 53150
may, by resolution, declare that the territory of the educational 53151
service center is a county school financing district. The 53152
resolution shall state the purpose for which the county school 53153
financing district is created which may be for any one or more of 53154
the following purposes: 53155

(1) To levy taxes for the provision of special education by 53156

the school districts that are a part of the district, including 53157
taxes for permanent improvements for special education; 53158

(2) To levy taxes for the provision of specified educational 53159
programs and services by the school districts that are a part of 53160
the district, as identified in the resolution creating the 53161
district, including the levying of taxes for permanent 53162
improvements for those programs and services; 53163

(3) To levy taxes for permanent improvements of school 53164
districts that are a part of the district. 53165

The governing board of the educational service center that 53166
creates a county school financing district shall serve as the 53167
taxing authority of the district and may use educational service 53168
center governing board employees to perform any of the functions 53169
necessary in the performance of its duties as a taxing authority. 53170
A county school financing district shall not employ any personnel. 53171

With the approval of a majority of the members of the board 53172
of education of each school district within the territory of the 53173
county school financing district, the taxing authority of the 53174
financing district may amend the resolution creating the district 53175
to broaden or narrow the purposes for which it was created. 53176

A governing board of an educational service center may create 53177
more than one county school financing district. If a governing 53178
board of an educational service center creates more than one such 53179
district, it shall clearly distinguish among the districts it 53180
creates by including a designation of each district's purpose in 53181
the district's name. 53182

(C) A majority of the members of a board of education of a 53183
city, local, or exempted village school district may adopt a 53184
resolution requesting that its territory be joined with the 53185
territory of any county school financing district. Copies of the 53186
resolution shall be filed with the state board of education and 53187

the taxing authority of the county school financing district. 53188

Within sixty days of its receipt of such a resolution, the county 53189

school financing district's taxing authority shall vote on the 53190

question of whether to accept the school district's territory as 53191

part of the county school financing district. If a majority of the 53192

members of the taxing authority vote to accept the territory, the 53193

school district's territory shall thereupon become a part of the 53194

county school financing district unless the county school 53195

financing district has in effect a tax imposed under section 53196

5705.211 of the Revised Code. If the county school financing 53197

district has such a tax in effect, the taxing authority shall 53198

certify a copy of its resolution accepting the school district's 53199

territory to the school district's board of education, which may 53200

then adopt a resolution, with the affirmative vote of a majority 53201

of its members, proposing the submission to the electors of the 53202

question of whether the district's territory shall become a part 53203

of the county school financing district and subject to the taxes 53204

imposed by the financing district. The resolution shall set forth 53205

the date on which the question shall be submitted to the electors, 53206

which shall be at a special election held on a date specified in 53207

the resolution, which shall not be earlier than ninety days after 53208

the adoption and certification of the resolution. A copy of the 53209

resolution shall immediately be certified to the board of 53210

elections of the proper county, which shall make arrangements for 53211

the submission of the proposal to the electors of the school 53212

district. The board of the joining district shall publish notice 53213

of the election in ~~one or more newspapers~~ a newspaper of general 53214

circulation in the county once a week for two consecutive weeks, 53215

or as provided in section 7.16 of the Revised Code, prior to the 53216

election. Additionally, if the board of elections operates and 53217

maintains a web site, the board of elections shall post notice of 53218

the election on its web site for thirty days prior to the 53219

election. The question appearing on the ballot shall read: 53220

"Shall the territory within (name of the school district proposing to join the county school financing district) be added to (name) county school financing district, and a property tax for the purposes of (here insert purposes) at a rate of taxation not exceeding (here insert the outstanding tax rate) be in effect for (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable)?"

If the proposal is approved by a majority of the electors voting on it, the joinder shall take effect on the first day of July following the date of the election, and the county board of elections shall notify the county auditor of each county in which the school district joining its territory to the county school financing district is located.

(D) The board of any city, local, or exempted village school district whose territory is part of a county school financing district may withdraw its territory from the county school financing district thirty days after submitting to the governing board that is the taxing authority of the district and the state board a resolution proclaiming such withdrawal, adopted by a majority vote of its members, but any county school financing district tax levied in such territory on the effective date of the withdrawal shall remain in effect in such territory until such tax expires or is renewed. No board may adopt a resolution withdrawing from a county school financing district that would take effect during the forty-five days preceding the date of an election at which a levy proposed under section 5705.215 of the Revised Code is to be voted upon.

(E) A city, local, or exempted village school district does not lose its separate identity or legal existence by reason of joining its territory to a county school financing district under

this section and an educational service center does not lose its 53253
separate identity or legal existence by reason of creating a 53254
county school financing district that accepts or loses territory 53255
under this section. 53256

Sec. 3311.52. A cooperative education school district may be 53257
established pursuant to divisions (A) to (C) of this section or 53258
pursuant to section 3311.521 of the Revised Code. 53259

(A) A cooperative education school district may be 53260
established upon the adoption of identical resolutions within a 53261
sixty-day period by a majority of the members of the board of 53262
education of each city, local, and exempted village school 53263
district that is within the territory of a county school financing 53264
district. 53265

A copy of each resolution shall be filed with the governing 53266
board of the educational service center which created the county 53267
school financing district. Upon the filing of the last such 53268
resolution, the educational service center governing board shall 53269
immediately notify each board of education filing such a 53270
resolution of the date on which the last resolution was filed. 53271

Ten days after the date on which the last resolution is filed 53272
with the educational service center governing board or ten days 53273
after the last of any notices required under division (C) of this 53274
section is received by the educational service center governing 53275
board, whichever is later, the county school financing district 53276
shall be dissolved and the new cooperative education school 53277
district and the board of education of the cooperative education 53278
school district shall be established. 53279

On the date that any county school financing district is 53280
dissolved and a cooperative education school district is 53281
established under this section, each of the following shall apply: 53282

(1) The territory of the dissolved district becomes the 53283
territory of the new district. 53284

(2) Any outstanding tax levy in force in the dissolved 53285
district shall be spread over the territory of the new district 53286
and shall remain in force in the new district until the levy 53287
expires or is renewed. 53288

(3) Any funds of the dissolved district shall be paid over in 53289
full to the new district. 53290

(4) Any net indebtedness of the dissolved district shall be 53291
assumed in full by the new district. As used in division (A)(4) of 53292
this section, "net indebtedness" means the difference between the 53293
par value of the outstanding and unpaid bonds and notes of the 53294
dissolved district and the amount held in the sinking fund and 53295
other indebtedness retirement funds for their redemption. 53296

When a county school financing district is dissolved and a 53297
cooperative education school district is established under this 53298
section, the governing board of the educational service center 53299
that created the dissolved district shall give written notice of 53300
this fact to the county auditor and the board of elections of each 53301
county having any territory in the new district. 53302

(B) The resolutions adopted under division (A) of this 53303
section shall include all of the following provisions: 53304

(1) Provision that the governing board of the educational 53305
service center which created the county school financing district 53306
shall be the board of education of the cooperative education 53307
school district, except that provision may be made for the 53308
composition, selection, and terms of office of an alternative 53309
board of education of the cooperative district, which board shall 53310
include at least one member selected from or by the members of the 53311
board of education of each city, local, and exempted village 53312
school district and at least one member selected from or by the 53313

members of the educational service center governing board within 53314
the territory of the cooperative district; 53315

(2) Provision that the treasurer and superintendent of the 53316
educational service center which created the county school 53317
financing district shall be the treasurer and superintendent of 53318
the cooperative education school district, except that provision 53319
may be made for the selection of a treasurer or superintendent of 53320
the cooperative district other than the treasurer or 53321
superintendent of the educational service center, which provision 53322
shall require one of the following: 53323

(a) The selection of one person as both the treasurer and 53324
superintendent of the cooperative district, which provision may 53325
require such person to be the treasurer or superintendent of any 53326
city, local, or exempted village school district or educational 53327
service center within the territory of the cooperative district; 53328

(b) The selection of one person as the treasurer and another 53329
person as the superintendent of the cooperative district, which 53330
provision may require either one or both such persons to be 53331
treasurers or superintendents of any city, local, or exempted 53332
village school districts or educational service center within the 53333
territory of the cooperative district. 53334

(3) A statement of the educational program the board of 53335
education of the cooperative education school district will 53336
conduct, including but not necessarily limited to the type of 53337
educational program, the grade levels proposed for inclusion in 53338
the program, the timetable for commencing operation of the 53339
program, and the facilities proposed to be used or constructed to 53340
be used by the program; 53341

(4) A statement of the annual amount, or the method for 53342
determining that amount, of funds or services or facilities that 53343
each city, local, and exempted village school district within the 53344

territory of the cooperative district is required to pay to or 53345
provide for the use of the board of education of the cooperative 53346
education school district; 53347

(5) Provision for adopting amendments to the provisions of 53348
divisions (B)(2) to (4) of this section. 53349

(C) If the resolutions adopted under division (A) of this 53350
section provide for a board of education of the cooperative 53351
education school district that is not the governing board of the 53352
educational service center that created the county school 53353
financing district, each board of education of each city, local, 53354
or exempted village school district and the governing board of the 53355
educational service center within the territory of the cooperative 53356
district shall, within thirty days after the date on which the 53357
last resolution is filed with the educational service center 53358
governing board under division (A) of this section, select one or 53359
more members of the board of education of the cooperative district 53360
as provided in the resolutions filed with the educational service 53361
center governing board. Each such board shall immediately notify 53362
the educational service center governing board of each such 53363
selection. 53364

(D) Except for the powers and duties in this chapter and 53365
Chapters 124., ~~3306.7~~ 3317., 3318., 3323., and 3331. of the 53366
Revised Code, a cooperative education school district established 53367
pursuant to divisions (A) to (C) of this section or pursuant to 53368
section 3311.521 of the Revised Code has all the powers of a city 53369
school district and its board of education has all the powers and 53370
duties of a board of education of a city school district with 53371
respect to the educational program specified in the resolutions 53372
adopted under division (A) of this section. All laws applicable to 53373
a city school district or the board of education or the members of 53374
the board of education of a city school district, except such laws 53375
in this chapter and Chapters 124., ~~3306.7~~ 3317., 3318., 3323., and 53376

3331. of the Revised Code, are applicable to a cooperative 53377
education school district and its board. 53378

The treasurer and superintendent of a cooperative education 53379
school district shall have the same respective duties and powers 53380
as a treasurer and superintendent of a city school district, 53381
except for any powers and duties in this chapter and Chapters 53382
124., ~~3306.~~, 3317., 3318., 3323., and 3331. of the Revised Code. 53383

(E) For purposes of this title, any student included in the 53384
formula ADM certified for any city, exempted village, or local 53385
school district under section 3317.03 of the Revised Code by 53386
virtue of being counted, in whole or in part, in the average daily 53387
membership of a cooperative education school district under 53388
division (A)(2)(f) of that section shall be construed to be 53389
enrolled both in that city, exempted village, or local school 53390
district and in that cooperative education school district. This 53391
division shall not be construed to mean that any such individual 53392
student may be counted more than once for purposes of determining 53393
the average daily membership of any one school district. 53394

Sec. 3311.53. (A)(1) The board of education of any city, 53395
local, or exempted village school district that wishes to become 53396
part of a cooperative education school district established 53397
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 53398
Code may adopt a resolution proposing to become a part of the 53399
cooperative education school district. 53400

(2) The board of education of any city, local, or exempted 53401
village school district that is contiguous to a cooperative 53402
education school district established pursuant to section 3311.521 53403
of the Revised Code and that wishes to become part of that 53404
cooperative district may adopt a resolution proposing to become 53405
part of that cooperative district. 53406

(B) If, after the adoption of a resolution in accordance with 53407

division (A) of this section, the board of education of the 53408
cooperative education school district named in that resolution 53409
also adopts a resolution accepting the new district, the board of 53410
the district wishing to become part of the cooperative district 53411
shall advertise a copy of the cooperative district board's 53412
resolution in a newspaper of general circulation in the school 53413
district proposing to become a part of the cooperative education 53414
school district once each week for ~~at least~~ two weeks, or as 53415
provided in section 7.16 of the Revised Code, immediately 53416
following the date of the adoption of the resolution. The 53417
resolution shall become legally effective on the sixtieth day 53418
after its adoption, unless prior to the expiration of that 53419
sixty-day period qualified electors residing in the school 53420
district proposed to become a part of the cooperative education 53421
school district equal in number to a majority of the qualified 53422
electors voting at the last general election file with the board 53423
of education a petition of remonstrance against the transfer. If 53424
the resolution becomes legally effective, both of the following 53425
shall apply: 53426

(1) The resolution that established the cooperative education 53427
school district pursuant to divisions (A) to (C) of section 53428
3311.52 or section 3311.521 of the Revised Code shall be amended 53429
to reflect the addition of the new district to the cooperative 53430
district. 53431

(2) The board of education of the cooperative education 53432
school district shall give written notice of this fact to the 53433
county auditor and the board of elections of each county in which 53434
the school district becoming a part of the cooperative education 53435
school district has territory. Any such county auditor shall 53436
thereupon have any outstanding levy for building purposes, bond 53437
retirement, or current expenses in force in the cooperative 53438
education school district spread over the territory of the school 53439

district becoming a part of the cooperative education school 53440
district. 53441

(C) If the board of education of the cooperative education 53442
school district is not the governing board of an educational 53443
service center, the board of education of the cooperative 53444
education school district shall, on the addition of a city, local, 53445
or exempted village school district to the district pursuant to 53446
this section, submit to the state board of education a proposal to 53447
enlarge the membership of the board. In the case of a cooperative 53448
district established pursuant to divisions (A) to (C) of section 53449
3311.52 of the Revised Code, the proposal shall add one or more 53450
persons to the district's board, at least one of whom shall be a 53451
member of or selected by the board of education of the additional 53452
school district, and shall specify the term of each such 53453
additional member. In the case of a cooperative district 53454
established pursuant to section 3311.521 of the Revised Code, the 53455
proposal shall add two or more persons to the district's board, at 53456
least two of whom shall be a member of or selected by the board of 53457
education of the additional school district, and shall specify the 53458
term of each such additional member. On approval by the state 53459
board of education, the additional members shall be added to the 53460
cooperative education school district board of education. 53461

Sec. 3311.73. (A) No later than ninety days before the 53462
general election held in the first even-numbered year occurring at 53463
least four years after the date it assumed control of the 53464
municipal school district pursuant to division (B) of section 53465
3311.71 of the Revised Code, the board of education appointed 53466
under that division shall notify the board of elections of each 53467
county containing territory of the municipal school district of 53468
the referendum election required by division (B) of this section. 53469

(B) At the general election held in the first even-numbered 53470

year occurring at least four years after the date the new board 53471
assumed control of a municipal school district pursuant to 53472
division (B) of section 3311.71 of the Revised Code, the following 53473
question shall be submitted to the electors residing in the school 53474
district: 53475

"Shall the mayor of (here insert the name of the 53476
applicable municipal corporation) continue to appoint the members 53477
of the board of education of the (here insert the name of 53478
the municipal school district)?" 53479

The board of elections of the county in which the majority of 53480
the school district's territory is located shall make all 53481
necessary arrangements for the submission of the question to the 53482
electors, and the election shall be conducted, canvassed, and 53483
certified in the same manner as regular elections in the district 53484
for the election of county officers, provided that in any such 53485
election in which only part of the electors of a precinct are 53486
qualified to vote, the board of elections may assign voters in 53487
such part to an adjoining precinct. Such an assignment may be made 53488
to an adjoining precinct in another county with the consent and 53489
approval of the board of elections of such other county. Notice of 53490
the election shall be published in a newspaper of general 53491
circulation in the school district once a week for two consecutive 53492
weeks, or as provided in section 7.16 of the Revised Code, prior 53493
to the election, ~~and, if~~. If the board of elections operates and 53494
maintains a web site, the board of elections shall post notice of 53495
the election on its web site for thirty days prior to the 53496
election. The notice shall state the question on which the 53497
election is being held. The ballot shall be in the form prescribed 53498
by the secretary of state. Costs of submitting the question to the 53499
electors shall be charged to the municipal school district in 53500
accordance with section 3501.17 of the Revised Code. 53501

(C) If a majority of electors voting on the issue proposed in 53502

division (B) of this section approve the question, the mayor shall 53503
appoint a new board on the immediately following first day of July 53504
pursuant to division (F) of section 3311.71 of the Revised Code. 53505

(D) If a majority of electors voting on the issue proposed in 53506
division (B) of this section disapprove the question, a new 53507
seven-member board of education shall be elected at the next 53508
regular election occurring in November of an odd-numbered year. At 53509
such election, four members shall be elected for terms of four 53510
years and three members shall be elected for terms of two years. 53511
Thereafter, their successors shall be elected in the same manner 53512
and for the same terms as members of boards of education of a city 53513
school district. All members of the board of education of a 53514
municipal school district appointed pursuant to division (B) of 53515
section 3311.71 of the Revised Code shall continue to serve after 53516
the end of the terms to which they were appointed until their 53517
successors are qualified and assume office in accordance with 53518
section 3313.09 of the Revised Code. 53519

Sec. 3311.76. (A) Notwithstanding Chapters 3302., ~~3306.~~ and 53520
3317. of the Revised Code, upon written request of the district 53521
chief executive officer the state superintendent of public 53522
instruction may exempt a municipal school district from any rules 53523
adopted under Title XXXIII of the Revised Code except for any rule 53524
adopted under Chapter 3307. or 3309., sections 3319.07 to 3319.21, 53525
or Chapter 3323. of the Revised Code, and may authorize a 53526
municipal school district to apply funds allocated to the district 53527
under ~~Chapters 3306. and Chapter~~ 3317. of the Revised Code, except 53528
those specifically allocated to purposes other than current 53529
expenses, to the payment of debt charges on the district's public 53530
obligations. The request must specify the provisions from which 53531
the district is seeking exemption or the application requested and 53532
the reasons for the request. The state superintendent shall 53533
approve the request if the superintendent finds the requested 53534

exemption or application is in the best interest of the district's 53535
students. The superintendent shall approve or disapprove the 53536
request within thirty days and shall notify the district board and 53537
the district chief executive officer of approval or reasons for 53538
disapproving the request. 53539

(B) In addition to the rights, authority, and duties 53540
conferred upon a municipal school district and its board of 53541
education in sections 3311.71 to 3311.76 of the Revised Code, a 53542
municipal school district and its board shall have all of the 53543
rights, authority, and duties conferred upon a city school 53544
district and its board by law that are not inconsistent with 53545
sections 3311.71 to 3311.76 of the Revised Code. 53546

Sec. 3313.29. The treasurer of each board of education shall 53547
keep an account of all school funds of the district. The treasurer 53548
shall receive all vouchers for payments and disbursements made to 53549
and by the board and preserve such vouchers for a period of ten 53550
years unless copied or reproduced according to the procedure 53551
prescribed in section 9.01 of the Revised Code. Thereafter, such 53552
vouchers may be destroyed by the treasurer upon applying to and 53553
obtaining an order from the school district records commission in 53554
the manner prescribed by section 149.41 of the Revised Code, 53555
except that it shall not be necessary to copy or reproduce such 53556
vouchers before their destruction. The treasurer shall render a 53557
statement to the board and to the superintendent of the school 53558
district, monthly, or more often if required, showing the revenues 53559
and receipts from whatever sources derived, the various 53560
appropriations made by the board, the expenditures and 53561
disbursements therefrom, the purposes thereof, the balances 53562
remaining in each appropriation, and the assets and liabilities of 53563
the school district. At the end of the fiscal year such statement 53564
shall be a complete exhibit of the financial affairs of the school 53565
district which may be published and distributed with the approval 53566

of the board. All monthly and yearly statements as required in 53567
this section shall be available for examination by the public. 53568

On request of the principal or other chief administrator of 53569
any nonpublic school located within the school district's 53570
territory, the treasurer shall provide such principal or 53571
administrator with an account of the moneys received by the 53572
district under division ~~(I)~~(E) of section 3317.024 of the Revised 53573
Code as reported to the district's board in the treasurer's most 53574
recent monthly statement. 53575

Sec. 3313.372. (A) As used in this section, "energy 53576
conservation measure" means an installation or modification of an 53577
installation in, or remodeling of, a building, to reduce energy 53578
consumption. It includes: 53579

(1) Insulation of the building structure and systems within 53580
the building; 53581

(2) Storm windows and doors, multiglazed windows and doors, 53582
heat absorbing or heat reflective glazed and coated window and 53583
door systems, additional glazing, reductions in glass area, and 53584
other window and door system modifications that reduce energy 53585
consumption; 53586

(3) Automatic energy control systems; 53587

(4) Heating, ventilating, or air conditioning system 53588
modifications or replacements; 53589

(5) Caulking and weatherstripping; 53590

(6) Replacement or modification of lighting fixtures to 53591
increase the energy efficiency of the system without increasing 53592
the overall illumination of a facility, unless such increase in 53593
illumination is necessary to conform to the applicable state or 53594
local building code for the proposed lighting system; 53595

(7) Energy recovery systems; 53596

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings; 53597
53598
53599

(9) Any other modification, installation, or remodeling approved by the Ohio school facilities commission as an energy conservation measure. 53600
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53602

(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms: 53603
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(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase. 53610
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(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase. 53612
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An installment payment contract entered into by a board of education under this section shall require the board to contract in accordance with division (A) of section 3313.46 of the Revised Code for the installation, modification, or remodeling of energy conservation measures unless division (A) of section 3313.46 of the Revised Code does not apply pursuant to division (B)(3) of that section. 53614
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(C) The board may issue the notes of the school district signed by the president and the treasurer of the board and specifying the terms of the purchase and securing the deferred payments provided in this section, payable at the times provided and bearing interest at a rate not exceeding the rate determined as provided in section 9.95 of the Revised Code. The notes may contain an option for prepayment and shall not be subject to 53621
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Chapter 133. of the Revised Code. In the resolution authorizing 53628
the notes, the board may provide, without the vote of the electors 53629
of the district, for annually levying and collecting taxes in 53630
amounts sufficient to pay the interest on and retire the notes, 53631
except that the total net indebtedness of the district without a 53632
vote of the electors incurred under this and all other sections of 53633
the Revised Code, except section 3318.052 of the Revised Code, 53634
shall not exceed one per cent of the district's tax valuation. 53635
Revenues derived from local taxes or otherwise, for the purpose of 53636
conserving energy or for defraying the current operating expenses 53637
of the district, may be applied to the payment of interest and the 53638
retirement of such notes. The notes may be sold at private sale or 53639
given to the contractor under the installment payment contract 53640
authorized by division (B) of this section. 53641

(D) Debt incurred under this section shall not be included in 53642
the calculation of the net indebtedness of a school district under 53643
section 133.06 of the Revised Code. 53644

(E) No school district board shall enter into an installment 53645
payment contract under division (B) of this section unless it 53646
first obtains a report of the costs of the energy conservation 53647
measures and the savings thereof as described under division (G) 53648
of section 133.06 of the Revised Code as a requirement for issuing 53649
energy securities, makes a finding that the amount spent on such 53650
measures is not likely to exceed the amount of money it would save 53651
in energy costs and resultant operational and maintenance costs as 53652
described in that division, except that that finding shall cover 53653
the ensuing fifteen years, and the Ohio school facilities 53654
commission determines that the district board's findings are 53655
reasonable and approves the contract as described in that 53656
division. 53657

The district board shall monitor the savings and maintain a 53658
report of those savings, which shall be ~~available~~ submitted to the 53659

commission in the same manner as required by division (G) of 53660
section 133.06 of the Revised Code in the case of energy 53661
securities. 53662

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 53663
(F), and (G) of this section, when a board of education decides to 53664
dispose of real or personal property that it owns in its corporate 53665
capacity and that exceeds in value ten thousand dollars, it shall 53666
sell the property at public auction, after giving at least thirty 53667
days' notice of the auction by publication in a newspaper of 53668
general circulation in the school district, by publication as 53669
provided in section 7.16 of the Revised Code, or by posting 53670
notices in five of the most public places in the school district 53671
in which the property, if it is real property, is situated, or, if 53672
it is personal property, in the school district of the board of 53673
education that owns the property. The board may offer real 53674
property for sale as an entire tract or in parcels. 53675

(B) When the board of education has offered real or personal 53676
property for sale at public auction at least once pursuant to 53677
division (A) of this section, and the property has not been sold, 53678
the board may sell it at a private sale. Regardless of how it was 53679
offered at public auction, at a private sale, the board shall, as 53680
it considers best, sell real property as an entire tract or in 53681
parcels, and personal property in a single lot or in several lots. 53682

(C) If a board of education decides to dispose of real or 53683
personal property that it owns in its corporate capacity and that 53684
exceeds in value ten thousand dollars, it may sell the property to 53685
the adjutant general; to any subdivision or taxing authority as 53686
respectively defined in divisions (A) and (C) of section 5705.01 53687
of the Revised Code, township park district, board of park 53688
commissioners established under Chapter 755. of the Revised Code, 53689
or park district established under Chapter 1545. of the Revised 53690

Code; to a wholly or partially tax-supported university, 53691
university branch, or college; or to the board of trustees of a 53692
school district library, upon such terms as are agreed upon. The 53693
sale of real or personal property to the board of trustees of a 53694
school district library is limited, in the case of real property, 53695
to a school district library within whose boundaries the real 53696
property is situated, or, in the case of personal property, to a 53697
school district library whose boundaries lie in whole or in part 53698
within the school district of the selling board of education. 53699

(D) When a board of education decides to trade as a part or 53700
an entire consideration, an item of personal property on the 53701
purchase price of an item of similar personal property, it may 53702
trade the same upon such terms as are agreed upon by the parties 53703
to the trade. 53704

(E) The president and the treasurer of the board of education 53705
shall execute and deliver deeds or other necessary instruments of 53706
conveyance to complete any sale or trade under this section. 53707

(F) When a board of education has identified a parcel of real 53708
property that it determines is needed for school purposes, the 53709
board may, upon a majority vote of the members of the board, 53710
acquire that property by exchanging real property that the board 53711
owns in its corporate capacity for the identified real property or 53712
by using real property that the board owns in its corporate 53713
capacity as part or an entire consideration for the purchase price 53714
of the identified real property. Any exchange or acquisition made 53715
pursuant to this division shall be made by a conveyance executed 53716
by the president and the treasurer of the board. 53717

(G)~~(1)~~ When a school district board of education decides to 53718
dispose of real property suitable for use as classroom space, 53719
prior to disposing of that property under divisions (A) to (F) of 53720
this section, it shall first offer that property for sale to the 53721
governing authorities of the start-up community schools 53722

established under Chapter 3314. of the Revised Code located within 53723
the territory of the school district, at a price that is not 53724
higher than the appraised fair market value of that property. If 53725
more than one community school governing authority accepts the 53726
offer made by the school district board, the board shall sell the 53727
property to the governing authority that accepted the offer first 53728
in time. If no community school governing authority accepts the 53729
offer within sixty days after the offer is made by the school 53730
district board, the board may dispose of the property in the 53731
applicable manner prescribed under divisions (A) to (F) of this 53732
section. 53733

~~(2) When a school district board of education has not used 53734
real property suitable for classroom space for academic 53735
instruction, administration, storage, or any other educational 53736
purpose for one full school year and has not adopted a resolution 53737
outlining a plan for using that property for any of those purposes 53738
within the next three school years, it shall offer that property 53739
for sale to the governing authorities of the start up community 53740
schools established under Chapter 3314. of the Revised Code 53741
located within the territory of the school district, at a price 53742
that is not higher than the appraised fair market value of that 53743
property. If more than one community school governing authority 53744
accepts the offer made by the school district board, the board 53745
shall sell the property to the governing authority that accepted 53746
the offer first in time. 53747~~

(H) When a school district board of education has property 53748
that the board, by resolution, finds is not needed for school 53749
district use, is obsolete, or is unfit for the use for which it 53750
was acquired, the board may donate that property in accordance 53751
with this division if the fair market value of the property is, in 53752
the opinion of the board, two thousand five hundred dollars or 53753
less. 53754

The property may be donated to an eligible nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating any property under this division, the board shall adopt a resolution expressing its intent to make unneeded, obsolete, or unfit-for-use school district property available to these organizations. The resolution shall include guidelines and procedures the board considers to be necessary to implement the donation program and shall indicate whether the school district will conduct the donation program or the board will contract with a representative to conduct it. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

The resolution shall include within its procedures a requirement that any nonprofit organization desiring to obtain donated property under this division shall submit a written notice to the board or its representative. The written notice shall include evidence that the organization is a nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of the organization's primary purpose; a description of the type or types of property the organization needs; and the name, address, and telephone number of a person designated by the organization's governing board to receive donated property and to serve as its agent.

After adoption of the resolution, the board shall publish, in a newspaper of general circulation in the school district or as provided in section 7.16 of the Revised Code, notice of its intent to donate unneeded, obsolete, or unfit-for-use school district property to eligible nonprofit organizations. The notice shall include a summary of the information provided in the resolution

and shall be published ~~at least~~ twice. The second ~~and any~~ 53787
~~subsequent~~ notice shall be published not less than ten nor more 53788
than twenty days after the previous notice. A similar notice also 53789
shall be posted continually in the board's office, ~~and, if.~~ If the 53790
school district maintains a web site on the internet, the notice 53791
shall be posted continually at that web site. 53792

The board or its representatives shall maintain a list of all 53793
nonprofit organizations that notify the board or its 53794
representative of their desire to obtain donated property under 53795
this division and that the board or its representative determines 53796
to be eligible, in accordance with the requirements set forth in 53797
this section and in the donation program's guidelines and 53798
procedures, to receive donated property. 53799

The board or its representative also shall maintain a list of 53800
all school district property the board finds to be unneeded, 53801
obsolete, or unfit for use and to be available for donation under 53802
this division. The list shall be posted continually in a 53803
conspicuous location in the board's office, and, if the school 53804
district maintains a web site on the internet, the list shall be 53805
posted continually at that web site. An item of property on the 53806
list shall be donated to the eligible nonprofit organization that 53807
first declares to the board or its representative its desire to 53808
obtain the item unless the board previously has established, by 53809
resolution, a list of eligible nonprofit organizations that shall 53810
be given priority with respect to the item's donation. Priority 53811
may be given on the basis that the purposes of a nonprofit 53812
organization have a direct relationship to specific school 53813
district purposes of programs provided or administered by the 53814
board. A resolution giving priority to certain nonprofit 53815
organizations with respect to the donation of an item of property 53816
shall specify the reasons why the organizations are given that 53817
priority. 53818

Members of the board shall consult with the Ohio ethics 53819
commission, and comply with Chapters 102. and 2921. of the Revised 53820
Code, with respect to any donation under this division to a 53821
nonprofit organization of which a board member, any member of a 53822
board member's family, or any business associate of a board member 53823
is a trustee, officer, board member, or employee. 53824

Sec. 3313.411. (A) As used in this section, "unused school 53825
facilities" means any real property that has been used by a school 53826
district for school operations, including, but not limited to, 53827
academic instruction or administration, since July 1, 1998, but 53828
has not been used in that capacity for two years. 53829

(B) On and after the effective date of this section, any 53830
school district board of education shall offer any unused school 53831
facilities it owns in its corporate capacity for lease to the 53832
governing authorities of community schools established under 53833
Chapter 3314. of the Revised Code that are located within the 53834
territory of the school district. If more than one community 53835
school governing authority accepts the offer to lease that 53836
property, the district board shall lease the property to the 53837
governing authority of the community school with the highest 53838
ranking according to performance index score, as defined in 53839
section 3302.01 of the Revised Code. 53840

The price offered by the district board shall be as follows: 53841

(1) For community schools ranked in the top fifty per cent of 53842
all school district buildings, community schools, and STEM schools 53843
statewide, one dollar; 53844

(2) For all other community schools, an amount not higher 53845
than the fair market value of the leasehold in the neighborhood 53846
and community. 53847

If no community school governing authority accepts the offer 53848

to lease the property within sixty days after the offer is made, 53849
the district board may offer the property for lease to any other 53850
entity. 53851

(C) Notwithstanding division (B) of this section, a school 53852
district board may renew any agreement it originally entered into 53853
prior to the effective date of this section to lease real property 53854
to an entity other than a community school. Nothing in this 53855
section shall affect the leasehold arrangements between the 53856
district board and that other entity. 53857

Sec. 3313.46. (A) In addition to any other law governing the 53858
bidding for contracts by the board of education of any school 53859
district, when any such board determines to build, repair, 53860
enlarge, improve, or demolish any school building, the cost of 53861
which will exceed twenty-five thousand dollars, except in cases of 53862
urgent necessity, or for the security and protection of school 53863
property, and except as otherwise provided in division (D) of 53864
section 713.23 and in section 125.04 of the Revised Code, all of 53865
the following shall apply: 53866

(1) The board shall cause to be prepared the plans, 53867
specifications, and related information as required in divisions 53868
(A), ~~(B)~~ (1), (2), and ~~(D)~~ (3) of section 153.01 of the Revised Code 53869
unless the board determines that other information is sufficient 53870
to inform any bidders of the board's requirements. However, if the 53871
board determines that such other information is sufficient for 53872
bidding a project, the board shall not engage in the construction 53873
of any such project involving the practice of professional 53874
engineering, professional surveying, or architecture, for which 53875
plans, specifications, and estimates have not been made by, and 53876
the construction thereof inspected by, a licensed professional 53877
engineer, licensed professional surveyor, or registered architect. 53878

(2) The board shall advertise for bids once each week for a 53879
period of not less than two consecutive weeks, or as provided in 53880
section 7.16 of the Revised Code, in a newspaper of general 53881
circulation in the district before the date specified by the board 53882
for receiving bids. The board may also cause notice to be inserted 53883
in trade papers or other publications designated by it or to be 53884
distributed by electronic means, including posting the notice on 53885
the board's internet web site. If the board posts the notice on 53886
its web site, it may eliminate the second notice otherwise 53887
required to be published in a newspaper of general circulation 53888
within the school district, provided that the first notice 53889
published in such newspaper meets all of the following 53890
requirements: 53891

(a) It is published at least two weeks before the opening of 53892
bids. 53893

(b) It includes a statement that the notice is posted on the 53894
board of education's internet web site. 53895

(c) It includes the internet address of the board's internet 53896
web site. 53897

(d) It includes instructions describing how the notice may be 53898
accessed on the board's internet web site. 53899

(3) Unless the board extends the time for the opening of bids 53900
they shall be opened at the time and place specified by the board 53901
in the advertisement for the bids. 53902

(4) Each bid shall contain the name of every person 53903
interested therein. Each bid shall meet the requirements of 53904
section 153.54 of the Revised Code. 53905

(5) When both labor and materials are embraced in the work 53906
bid for, the board may require that each be separately stated in 53907
the bid, with the price thereof, or may require that bids be 53908
submitted without such separation. 53909

(6) None but the lowest responsible bid shall be accepted. 53910
The board may reject all the bids, or accept any bid for both 53911
labor and material for such improvement or repair, which is the 53912
lowest in the aggregate. In all other respects, the award of 53913
contracts for improvement or repair, but not for purchases made 53914
under section 3327.08 of the Revised Code, shall be pursuant to 53915
section 153.12 of the Revised Code. 53916

(7) The contract shall be between the board and the bidders. 53917
The board shall pay the contract price for the work pursuant to 53918
sections 153.13 and 153.14 of the Revised Code. The board shall 53919
approve and retain the estimates referred to in section 153.13 of 53920
the Revised Code and make them available to the auditor of state 53921
upon request. 53922

(8) When two or more bids are equal, in the whole, or in any 53923
part thereof, and are lower than any others, either may be 53924
accepted, but in no case shall the work be divided between such 53925
bidders. 53926

(9) When there is reason to believe there is collusion or 53927
combination among the bidders, or any number of them, the bids of 53928
those concerned therein shall be rejected. 53929

(B) Division (A) of this section does not apply to the board 53930
of education of any school district in any of the following 53931
situations: 53932

(1) The acquisition of educational materials used in 53933
teaching. 53934

(2) If the board determines and declares by resolution 53935
adopted by two-thirds of all its members that any item is 53936
available and can be acquired only from a single source. 53937

(3) If the board declares by resolution adopted by two-thirds 53938
of all its members that division (A) of this section does not 53939
apply to any installation, modification, or remodeling involved in 53940

any energy conservation measure undertaken through an installment 53941
payment contract under section 3313.372 of the Revised Code or 53942
undertaken pursuant to division (G) of section 133.06 of the 53943
Revised Code. 53944

(4) The acquisition of computer software for instructional 53945
purposes and computer hardware for instructional purposes pursuant 53946
to division (B)(4) of section 3313.37 of the Revised Code. 53947

(C) No resolution adopted pursuant to division (B)(2) or (3) 53948
of this section shall have any effect on whether sections 153.12 53949
to 153.14 and 153.54 of the Revised Code apply to the board of 53950
education of any school district with regard to any item. 53951

Sec. ~~3314.20~~ 3313.473. This section does not apply to any 53952
school district declared to be excellent or effective pursuant to 53953
division (B)(1) or (2) of section 3302.03 of the Revised Code. 53954

(A) The state board of education shall adopt rules requiring 53955
school districts with a total student count of over five thousand, 53956
as determined pursuant to section 3317.03 of the Revised Code, to 53957
designate one school building to be operated by a site-based 53958
management council. The rules shall specify the composition of the 53959
council and the manner in which members of the council are to be 53960
selected and removed. 53961

(B) The rules adopted under division (A) of this section 53962
shall specify those powers, duties, functions, and 53963
responsibilities that shall be vested in the management council 53964
and that would otherwise be exercised by the district board of 53965
education. The rules shall also establish a mechanism for 53966
resolving any differences between the council and the district 53967
board if there is disagreement as to their respective powers, 53968
duties, functions, and responsibilities. 53969

(C) The board of education of any school district described 53970

by division (A) of this section may, in lieu of complying with the 53971
rules adopted under this section, file with the department of 53972
education an alternative structure for a district site-based 53973
management program in at least one of its school buildings. The 53974
proposal shall specify the composition of the council, which shall 53975
include an equal number of parents and teachers and the building 53976
principal, and the method of selection and removal of the council 53977
members. The proposal shall also clearly delineate the respective 53978
powers, duties, functions, and responsibilities of the district 53979
board and the council. The district's proposal shall comply 53980
substantially with the rules adopted under division (A) of this 53981
section. 53982

Sec. 3313.482. (A) Annually, prior to the first day of 53983
September, the board of education of each city, local, and 53984
exempted village school district shall adopt a resolution 53985
specifying a contingency plan under which the district's students 53986
will make up days on which it was necessary to close schools for 53987
any of the reasons specified in ~~division (A)(2) of section 3306.01~~ 53988
~~and~~ division (B) of section 3317.01 of the Revised Code, if any 53989
such days must be made up in order to comply with the requirements 53990
of sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 of the Revised 53991
Code. The plan shall provide for making up at least five school 53992
days. The plan may provide for making up some or all of the days a 53993
school is closed by increasing the length of other school days in 53994
the manner authorized in division (B) of this section. No 53995
resolution adopted pursuant to this division shall conflict with 53996
any collective bargaining agreement into which a board has entered 53997
pursuant to Chapter 4117. of the Revised Code and that is in 53998
effect in the district. 53999

(B) Notwithstanding anything to the contrary in the 54000
contingency plan it adopts under division (A) of this section, if 54001
a school district closes or evacuates any school building for any 54002

of the reasons specified in ~~division (A)(2) of section 3306.01 and~~ 54003
division (B) of section 3317.01 of the Revised Code, or as a 54004
result of a bomb threat or any other report of an alleged or 54005
impending explosion, and if, as a result of the closing or 54006
evacuation, the school district would be unable to meet the 54007
requirements of sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 54008
of the Revised Code regarding the number of days schools must be 54009
open for instruction or the requirements of the state minimum 54010
standards for the school day that are established by the 54011
department of education regarding the number of hours there must 54012
be in the school day, the school district may increase the length 54013
of one or more other school days for the school that was closed or 54014
evacuated, in increments of one-half hour, to make up the number 54015
of hours or days that the school building in question was so 54016
closed or evacuated for the purpose of satisfying the requirements 54017
of those sections. 54018

A school district that makes up, as described in this 54019
division, all of the hours or days that its school buildings were 54020
closed or evacuated for any of the reasons identified in this 54021
division shall be deemed to have complied with the requirements of 54022
sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 of the Revised 54023
Code regarding the number of days schools must be open for 54024
instruction and the requirements of the state minimum standards 54025
regarding the number of hours there must be in the school day. 54026

Sec. 3313.533. (A) The board of education of a city, exempted 54027
village, or local school district may adopt a resolution to 54028
establish and maintain an alternative school in accordance with 54029
this section. The resolution shall specify, but not necessarily be 54030
limited to, all of the following: 54031

(1) The purpose of the school, which purpose shall be to 54032
serve students who are on suspension, who are having truancy 54033

problems, who are experiencing academic failure, who have a 54034
history of class disruption, who are exhibiting other academic or 54035
behavioral problems specified in the resolution, or who have been 54036
discharged or released from the custody of the department of youth 54037
services under section 5139.51 of the Revised Code; 54038

(2) The grades served by the school, which may include any of 54039
grades kindergarten through twelve; 54040

(3) A requirement that the school be operated in accordance 54041
with this section. The board of education adopting the resolution 54042
under division (A) of this section shall be the governing board of 54043
the alternative school. The board shall develop and implement a 54044
plan for the school in accordance with the resolution establishing 54045
the school and in accordance with this section. Each plan shall 54046
include, but not necessarily be limited to, all of the following: 54047

(a) Specification of the reasons for which students will be 54048
accepted for assignment to the school and any criteria for 54049
admission that are to be used by the board to approve or 54050
disapprove the assignment of students to the school; 54051

(b) Specification of the criteria and procedures that will be 54052
used for returning students who have been assigned to the school 54053
back to the regular education program of the district; 54054

(c) An evaluation plan for assessing the effectiveness of the 54055
school and its educational program and reporting the results of 54056
the evaluation to the public. 54057

(B) Notwithstanding any provision of Title XXXIII of the 54058
Revised Code to the contrary, the alternative school plan may 54059
include any of the following: 54060

(1) A requirement that on each school day students must 54061
attend school or participate in other programs specified in the 54062
plan or by the chief administrative officer of the school for a 54063
period equal to the minimum school day set by the state board of 54064

education under section 3313.48 of the Revised Code plus any 54065
additional time required in the plan or by the chief 54066
administrative officer; 54067

(2) Restrictions on student participation in extracurricular 54068
or interscholastic activities; 54069

(3) A requirement that students wear uniforms prescribed by 54070
the district board of education. 54071

(C) In accordance with the alternative school plan, the 54072
district board of education may employ teachers and nonteaching 54073
employees necessary to carry out its duties and fulfill its 54074
responsibilities or may contract with a nonprofit or for profit 54075
entity to operate the alternative school, including the provision 54076
of personnel, supplies, equipment, or facilities. 54077

(D) An alternative school may be established in all or part 54078
of a school building. 54079

(E) If a district board of education elects under this 54080
section, or is required by section 3313.534 of the Revised Code, 54081
to establish an alternative school, the district board may join 54082
with the board of education of one or more other districts to form 54083
a joint alternative school by forming a cooperative education 54084
school district under section 3311.52 or 3311.521 of the Revised 54085
Code, or a joint educational program under section 3313.842 of the 54086
Revised Code. The authority to employ personnel or to contract 54087
with a nonprofit or for profit entity under division (C) of this 54088
section applies to any alternative school program established 54089
under this division. 54090

(F) Any individual employed as a teacher at an alternative 54091
school operated by a nonprofit or for profit entity under this 54092
section shall be licensed and shall be subject to background 54093
checks, as described in section 3319.39 of the Revised Code, in 54094
the same manner as an individual employed by a school district. 54095

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| (G) Division (G) of this section applies only to any alternative school that is operated by a nonprofit or for profit entity under contract with the school district. | 54096 54097 54098 |
| (1) In addition to the specifications authorized under division (B) of this section, any plan adopted under that division for an alternative school to which division (G) of this section also applies shall include the following: | 54099 54100 54101 54102 |
| (a) A description of the educational program provided at the alternative school, which shall include: | 54103 54104 |
| (i) Provisions for the school to be configured in clusters or small learning communities; | 54105 54106 |
| (ii) Provisions for the incorporation of education technology into the curriculum; | 54107 54108 |
| (iii) Provisions for accelerated learning programs in reading and mathematics. | 54109 54110 |
| (b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code. | 54111 54112 54113 54114 54115 54116 |
| (c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs; | 54117 54118 54119 |
| (d) A plan for a student's transition from the alternative school back to a school operated by the school district; | 54120 54121 |
| (e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of | 54122 54123 54124 54125 |

state. 54126

(2) Notwithstanding division (A)(2) of this section, any 54127
alternative school to which division (G) of this section applies 54128
shall include only grades six through twelve. 54129

(3) Notwithstanding anything in division (A)(3)(a) of this 54130
section to the contrary, the characteristics of students who may 54131
be assigned to an alternative school to which division (G) of this 54132
section applies shall include only disruptive and low-performing 54133
students. 54134

(H) When any district board of education determines to 54135
contract with a nonprofit or for profit entity to operate an 54136
alternative school under this section, the board shall use the 54137
procedure set forth in this division. 54138

(1) The board shall publish notice of a request for proposals 54139
in a newspaper of general circulation in the district once each 54140
week for a period of ~~at least~~ two consecutive weeks, or as 54141
provided in section 7.16 of the Revised Code, prior to the date 54142
specified by the board for receiving proposals. Notices of 54143
requests for proposals shall contain a general description of the 54144
subject of the proposed contract and the location where the 54145
request for proposals may be obtained. The request for proposals 54146
shall include all of the following information: 54147

(a) Instructions and information to respondents concerning 54148
the submission of proposals, including the name and address of the 54149
office where proposals are to be submitted; 54150

(b) Instructions regarding communications, including at least 54151
the names, titles, and telephone numbers of persons to whom 54152
questions concerning a proposal may be directed; 54153

(c) A description of the performance criteria that will be 54154
used to evaluate whether a respondent to which a contract is 54155
awarded is meeting the district's educational standards or the 54156

method by which such performance criteria will be determined; 54157

(d) Factors and criteria to be considered in evaluating 54158
proposals, the relative importance of each factor or criterion, 54159
and a description of the evaluation procedures to be followed; 54160

(e) Any terms or conditions of the proposed contract, 54161
including any requirement for a bond and the amount of such bond; 54162

(f) Documents that may be incorporated by reference into the 54163
request for proposals, provided that the request for proposals 54164
specifies where such documents may be obtained and that such 54165
documents are readily available to all interested parties. 54166

(2) After the date specified for receiving proposals, the 54167
board shall evaluate the submitted proposals and may hold 54168
discussions with any respondent to ensure a complete understanding 54169
of the proposal and the qualifications of such respondent to 54170
execute the proposed contract. Such qualifications shall include, 54171
but are not limited to, all of the following: 54172

(a) Demonstrated competence in performance of the required 54173
services as indicated by effective implementation of educational 54174
programs in reading and mathematics and at least three years of 54175
experience successfully serving a student population similar to 54176
the student population assigned to the alternative school; 54177

(b) Demonstrated performance in the areas of cost 54178
containment, the provision of educational services of a high 54179
quality, and any other areas determined by the board; 54180

(c) Whether the respondent has the resources to undertake the 54181
operation of the alternative school and to provide qualified 54182
personnel to staff the school; 54183

(d) Financial responsibility. 54184

(3) The board shall select for further review at least three 54185
proposals from respondents the board considers qualified to 54186

operate the alternative school in the best interests of the 54187
students and the district. If fewer than three proposals are 54188
submitted, the board shall select each proposal submitted. The 54189
board may cancel a request for proposals or reject all proposals 54190
at any time prior to the execution of a contract. 54191

The board may hold discussions with any of the three selected 54192
respondents to clarify or revise the provisions of a proposal or 54193
the proposed contract to ensure complete understanding between the 54194
board and the respondent of the terms under which a contract will 54195
be entered. Respondents shall be accorded fair and equal treatment 54196
with respect to any opportunity for discussion regarding 54197
clarifications or revisions. The board may terminate or 54198
discontinue any further discussion with a respondent upon written 54199
notice. 54200

(4) Upon further review of the three proposals selected by 54201
the board, the board shall award a contract to the respondent the 54202
board considers to have the most merit, taking into consideration 54203
the scope, complexity, and nature of the services to be performed 54204
by the respondent under the contract. 54205

(5) Except as provided in division (H)(6) of this section, 54206
the request for proposals, submitted proposals, and related 54207
documents shall become public records under section 149.43 of the 54208
Revised Code after the award of the contract. 54209

(6) Any respondent may request in writing that the board not 54210
disclose confidential or proprietary information or trade secrets 54211
contained in the proposal submitted by the respondent to the 54212
board. Any such request shall be accompanied by an offer of 54213
indemnification from the respondent to the board. The board shall 54214
determine whether to agree to the request and shall inform the 54215
respondent in writing of its decision. If the board agrees to 54216
nondisclosure of specified information in a proposal, such 54217
information shall not become a public record under section 149.43 54218

of the Revised Code. If the respondent withdraws its proposal at 54219
any time prior to the execution of a contract, the proposal shall 54220
not be a public record under section 149.43 of the Revised Code. 54221

(I) Upon a recommendation from the department and in 54222
accordance with section 3301.16 of the Revised Code, the state 54223
board of education may revoke the charter of any alternative 54224
school operated by a school district that violates this section. 54225

Sec. 3313.538. (A) No student who attends school in this 54226
state shall be denied the opportunity to participate in 54227
interscholastic athletics solely because the student's parents do 54228
not reside in this state, if the student resides in this state 54229
with the student's grandparent, uncle, aunt, or sibling who has 54230
legal or temporary custody of the student or is the guardian of 54231
the student. 54232

(B) No school district, school, interscholastic conference, 54233
or organization that regulates interscholastic conferences or 54234
events shall have a rule, bylaw, or other regulation that 54235
conflicts with this section. 54236

(C) As used in this section, "legal custody," "temporary 54237
custody," and "guardian" have the same meanings as in section 54238
2151.011 of the Revised Code. 54239

Sec. 3313.55. The board of education of any school district 54240
in which is located a state, district, county, or municipal 54241
hospital for children with epilepsy or any public institution, 54242
except state institutions for the care and treatment of 54243
delinquent, unstable, or socially maladjusted children, shall make 54244
provision for the education of all educable children therein; 54245
except that in the event another school district within the same 54246
county or an adjoining county is the source of sixty per cent or 54247
more of the children in said hospital or institution, the board of 54248

that school district shall make provision for the education of all 54249
the children therein. In any case in which a board provides 54250
educational facilities under this section, the board that provides 54251
the facilities shall be entitled to all moneys authorized for the 54252
attendance of pupils as provided in Chapter ~~3306.~~ or 3317. of the 54253
Revised Code, tuition as provided in section 3317.08 of the 54254
Revised Code, and such additional compensation as is provided for 54255
crippled children in sections 3323.01 to 3323.12 of the Revised 54256
Code. Any board that provides the educational facilities for 54257
children in county or municipal institutions established for the 54258
care and treatment of children who are delinquent, unstable, or 54259
socially maladjusted shall not be entitled to any moneys provided 54260
for crippled children in sections 3323.01 to 3323.12 of the 54261
Revised Code. 54262

Sec. 3313.603. (A) As used in this section: 54263

(1) "One unit" means a minimum of one hundred twenty hours of 54264
course instruction, except that for a laboratory course, "one 54265
unit" means a minimum of one hundred fifty hours of course 54266
instruction. 54267

(2) "One-half unit" means a minimum of sixty hours of course 54268
instruction, except that for physical education courses, "one-half 54269
unit" means a minimum of one hundred twenty hours of course 54270
instruction. 54271

(B) Beginning September 15, 2001, except as required in 54272
division (C) of this section and division (C) of section 3313.614 54273
of the Revised Code, the requirements for graduation from every 54274
high school shall include twenty units earned in grades nine 54275
through twelve and shall be distributed as follows: 54276

(1) English language arts, four units; 54277

(2) Health, one-half unit; 54278

| | |
|---|---|
| (3) Mathematics, three units; | 54279 |
| (4) Physical education, one-half unit; | 54280 |
| (5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: | 54281 54282 54283 |
| (a) Biological sciences, one unit; | 54284 |
| (b) Physical sciences, one unit. | 54285 |
| (6) Social studies, three units, which shall include both of the following: | 54286 54287 |
| (a) American history, one-half unit; | 54288 |
| (b) American government, one-half unit. | 54289 |
| (7) Elective units, seven units until September 15, 2003, and six units thereafter. | 54290 54291 |
| Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language. | 54292 54293 54294 |
| (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: | 54295 54296 54297 54298 54299 54300 54301 |
| (1) English language arts, four units; | 54302 |
| (2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health; | 54303 54304 54305 |
| (3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II; | 54306 54307 |

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| (4) Physical education, one-half unit; | 54308 |
| (5) Science, three units with inquiry-based laboratory | 54309 |
| experience that engages students in asking valid scientific | 54310 |
| questions and gathering and analyzing information, which shall | 54311 |
| include the following, or their equivalent: | 54312 |
| (a) Physical sciences, one unit; | 54313 |
| (b) Life sciences, one unit; | 54314 |
| (c) Advanced study in one or more of the following sciences, | 54315 |
| one unit: | 54316 |
| (i) Chemistry, physics, or other physical science; | 54317 |
| (ii) Advanced biology or other life science; | 54318 |
| (iii) Astronomy, physical geology, or other earth or space | 54319 |
| science. | 54320 |
| (6) Social studies, three units, which shall include both of | 54321 |
| the following: | 54322 |
| (a) American history, one-half unit; | 54323 |
| (b) American government, one-half unit. | 54324 |
| Each school shall integrate the study of economics and | 54325 |
| financial literacy, as expressed in the social studies academic | 54326 |
| content standards adopted by the state board of education under | 54327 |
| division (A)(1) of section 3301.079 of the Revised Code and the | 54328 |
| academic content standards for financial literacy and | 54329 |
| entrepreneurship adopted under division (A)(2) of that section, | 54330 |
| into one or more existing social studies credits required under | 54331 |
| division (C)(6) of this section, or into the content of another | 54332 |
| class, so that every high school student receives instruction in | 54333 |
| those concepts. In developing the curriculum required by this | 54334 |
| paragraph, schools shall use available public-private partnerships | 54335 |
| and resources and materials that exist in business, industry, and | 54336 |
| through the centers for economics education at institutions of | 54337 |

higher education in the state. 54338

(7) Five units consisting of one or any combination of 54339
foreign language, fine arts, business, career-technical education, 54340
family and consumer sciences, technology, agricultural education, 54341
a junior reserve officer training corps (JROTC) program approved 54342
by the congress of the United States under title 10 of the United 54343
States Code, or English language arts, mathematics, science, or 54344
social studies courses not otherwise required under division (C) 54345
of this section. 54346

Ohioans must be prepared to apply increased knowledge and 54347
skills in the workplace and to adapt their knowledge and skills 54348
quickly to meet the rapidly changing conditions of the 54349
twenty-first century. National studies indicate that all high 54350
school graduates need the same academic foundation, regardless of 54351
the opportunities they pursue after graduation. The goal of Ohio's 54352
system of elementary and secondary education is to prepare all 54353
students for and seamlessly connect all students to success in 54354
life beyond high school graduation, regardless of whether the next 54355
step is entering the workforce, beginning an apprenticeship, 54356
engaging in post-secondary training, serving in the military, or 54357
pursuing a college degree. 54358

The Ohio core curriculum is the standard expectation for all 54359
students entering ninth grade for the first time at a public or 54360
chartered nonpublic high school on or after July 1, 2010. A 54361
student may satisfy this expectation through a variety of methods, 54362
including, but not limited to, integrated, applied, 54363
career-technical, and traditional coursework. 54364

Whereas teacher quality is essential for student success in 54365
completing the Ohio core curriculum, the general assembly shall 54366
appropriate funds for strategic initiatives designed to strengthen 54367
schools' capacities to hire and retain highly qualified teachers 54368
in the subject areas required by the curriculum. Such initiatives 54369

are expected to require an investment of \$120,000,000 over five 54370
years. 54371

Stronger coordination between high schools and institutions 54372
of higher education is necessary to prepare students for more 54373
challenging academic endeavors and to lessen the need for academic 54374
remediation in college, thereby reducing the costs of higher 54375
education for Ohio's students, families, and the state. The state 54376
board and the chancellor of the Ohio board of regents shall 54377
develop policies to ensure that only in rare instances will 54378
students who complete the Ohio core curriculum require academic 54379
remediation after high school. 54380

School districts, community schools, and chartered nonpublic 54381
schools shall integrate technology into learning experiences 54382
~~whenever practicable~~ across the curriculum in order to maximize 54383
efficiency, enhance learning, and prepare students for success in 54384
the technology-driven twenty-first century. Districts and schools 54385
~~may~~ shall use distance and web-based course delivery as a method 54386
of providing or augmenting all instruction required under this 54387
division, including laboratory experience in science. Districts 54388
and schools shall ~~whenever practicable~~ utilize technology access 54389
and electronic learning opportunities provided by the eTech Ohio 54390
commission, the Ohio learning network, education technology 54391
centers, public television stations, and other public and private 54392
providers. 54393

(D) Except as provided in division (E) of this section, a 54394
student who enters ninth grade on or after July 1, 2010, and 54395
before July 1, 2014, may qualify for graduation from a public or 54396
chartered nonpublic high school even though the student has not 54397
completed the Ohio core curriculum prescribed in division (C) of 54398
this section if all of the following conditions are satisfied: 54399

(1) After the student has attended high school for two years, 54400
as determined by the school, the student and the student's parent, 54401

guardian, or custodian sign and file with the school a written 54402
statement asserting the parent's, guardian's, or custodian's 54403
consent to the student's graduating without completing the Ohio 54404
core curriculum and acknowledging that one consequence of not 54405
completing the Ohio core curriculum is ineligibility to enroll in 54406
most state universities in Ohio without further coursework. 54407

(2) The student and parent, guardian, or custodian fulfill 54408
any procedural requirements the school stipulates to ensure the 54409
student's and parent's, guardian's, or custodian's informed 54410
consent and to facilitate orderly filing of statements under 54411
division (D)(1) of this section. 54412

(3) The student and the student's parent, guardian, or 54413
custodian and a representative of the student's high school 54414
jointly develop an individual career plan for the student that 54415
specifies the student matriculating to a two-year degree program, 54416
acquiring a business and industry credential, or entering an 54417
apprenticeship. 54418

(4) The student's high school provides counseling and support 54419
for the student related to the plan developed under division 54420
(D)(3) of this section during the remainder of the student's high 54421
school experience. 54422

(5) The student successfully completes, at a minimum, the 54423
curriculum prescribed in division (B) of this section. 54424

The department of education, in collaboration with the 54425
chancellor, shall analyze student performance data to determine if 54426
there are mitigating factors that warrant extending the exception 54427
permitted by division (D) of this section to high school classes 54428
beyond those entering ninth grade before July 1, 2014. The 54429
department shall submit its findings and any recommendations not 54430
later than August 1, 2014, to the speaker and minority leader of 54431
the house of representatives, the president and minority leader of 54432

the senate, the chairpersons and ranking minority members of the 54433
standing committees of the house of representatives and the senate 54434
that consider education legislation, the state board of education, 54435
and the superintendent of public instruction. 54436

(E) Each school district and chartered nonpublic school 54437
retains the authority to require an even more rigorous minimum 54438
curriculum for high school graduation than specified in division 54439
(B) or (C) of this section. A school district board of education, 54440
through the adoption of a resolution, or the governing authority 54441
of a chartered nonpublic school may stipulate any of the 54442
following: 54443

(1) A minimum high school curriculum that requires more than 54444
twenty units of academic credit to graduate; 54445

(2) An exception to the district's or school's minimum high 54446
school curriculum that is comparable to the exception provided in 54447
division (D) of this section but with additional requirements, 54448
which may include a requirement that the student successfully 54449
complete more than the minimum curriculum prescribed in division 54450
(B) of this section; 54451

(3) That no exception comparable to that provided in division 54452
(D) of this section is available. 54453

(F) A student enrolled in a dropout prevention and recovery 54454
program, which program has received a waiver from the department, 54455
may qualify for graduation from high school by successfully 54456
completing a competency-based instructional program administered 54457
by the dropout prevention and recovery program in lieu of 54458
completing the Ohio core curriculum prescribed in division (C) of 54459
this section. The department shall grant a waiver to a dropout 54460
prevention and recovery program, within sixty days after the 54461
program applies for the waiver, if the program meets all of the 54462
following conditions: 54463

- (1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age. 54464
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- (2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs. 54466
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- (3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division ~~(E)~~(D)(6) of section 3301.0712 of the Revised Code, division (B)(2) of that section. 54471
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- (4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship. 54477
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- (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. 54481
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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. 54485
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- (7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the 54493
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academic content standards adopted by the state board under 54495
section 3301.079 of the Revised Code will be taught and assessed. 54496

If the department does not act either to grant the waiver or 54497
to reject the program application for the waiver within sixty days 54498
as required under this section, the waiver shall be considered to 54499
be granted. 54500

(G) Every high school may permit students below the ninth 54501
grade to take advanced work. If a high school so permits, it shall 54502
award high school credit for successful completion of the advanced 54503
work and shall count such advanced work toward the graduation 54504
requirements of division (B) or (C) of this section if the 54505
advanced work was both: 54506

(1) Taught by a person who possesses a license or certificate 54507
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 54508
Code that is valid for teaching high school; 54509

(2) Designated by the board of education of the city, local, 54510
or exempted village school district, the board of the cooperative 54511
education school district, or the governing authority of the 54512
chartered nonpublic school as meeting the high school curriculum 54513
requirements. 54514

Each high school shall record on the student's high school 54515
transcript all high school credit awarded under division (G) of 54516
this section. In addition, if the student completed a seventh- or 54517
eighth-grade fine arts course described in division (K) of this 54518
section and the course qualified for high school credit under that 54519
division, the high school shall record that course on the 54520
student's high school transcript. 54521

(H) The department shall make its individual academic career 54522
plan available through its Ohio career information system web site 54523
for districts and schools to use as a tool for communicating with 54524
and providing guidance to students and families in selecting high 54525

school courses. 54526

(I) Units earned in English language arts, mathematics, 54527
science, and social studies that are delivered through integrated 54528
academic and career-technical instruction are eligible to meet the 54529
graduation requirements of division (B) or (C) of this section. 54530

(J) The state board, in consultation with the chancellor, 54531
shall adopt a statewide plan implementing methods for students to 54532
earn units of high school credit based on a demonstration of 54533
subject area competency, instead of or in combination with 54534
completing hours of classroom instruction. The state board shall 54535
adopt the plan not later than March 31, 2009, and commence phasing 54536
in the plan during the 2009-2010 school year. The plan shall 54537
include a standard method for recording demonstrated proficiency 54538
on high school transcripts. Each school district, and community 54539
school, ~~and chartered nonpublic school~~ shall comply with the state 54540
board's plan adopted under this division and award units of high 54541
school credit in accordance with the plan. The state board may 54542
adopt existing methods for earning high school credit based on a 54543
demonstration of subject area competency as necessary prior to the 54544
2009-2010 school year. 54545

(K) This division does not apply to students who qualify for 54546
graduation from high school under division (D) or (F) of this 54547
section, or to students pursuing a career-technical instructional 54548
track as determined by the school district board of education or 54549
the chartered nonpublic school's governing authority. 54550
Nevertheless, the general assembly encourages such students to 54551
consider enrolling in a fine arts course as an elective. 54552

Beginning with students who enter ninth grade for the first 54553
time on or after July 1, 2010, each student enrolled in a public 54554
or chartered nonpublic high school shall complete two semesters or 54555
the equivalent of fine arts to graduate from high school. The 54556
coursework may be completed in any of grades seven to twelve. Each 54557

student who completes a fine arts course in grade seven or eight 54558
may elect to count that course toward the five units of electives 54559
required for graduation under division (C)(7) of this section, if 54560
the course satisfied the requirements of division (G) of this 54561
section. In that case, the high school shall award the student 54562
high school credit for the course and count the course toward the 54563
five units required under division (C)(7) of this section. If the 54564
course in grade seven or eight did not satisfy the requirements of 54565
division (G) of this section, the high school shall not award the 54566
student high school credit for the course but shall count the 54567
course toward the two semesters or the equivalent of fine arts 54568
required by this division. 54569

(L) Notwithstanding anything to the contrary in this section, 54570
the board of education of each school district and the governing 54571
authority of each chartered nonpublic school may adopt a policy to 54572
excuse from the high school physical education requirement each 54573
student who, during high school, has participated in 54574
interscholastic athletics, marching band, or cheerleading for at 54575
least two full seasons or in the junior reserve officer training 54576
corps for at least two full school years. If the board or 54577
authority adopts such a policy, the board or authority shall not 54578
require the student to complete any physical education course as a 54579
condition to graduate. However, the student shall be required to 54580
complete one-half unit, consisting of at least sixty hours of 54581
instruction, in another course of study. In the case of a student 54582
who has participated in the junior reserve officer training corps 54583
for at least two full school years, credit received for that 54584
participation may be used to satisfy the requirement to complete 54585
one-half unit in another course of study. 54586

Sec. 3313.61. (A) A diploma shall be granted by the board of 54587
education of any city, exempted village, or local school district 54588
that operates a high school to any person to whom all of the 54589

following apply: 54590

(1) The person has successfully completed the curriculum in 54591
any high school or the individualized education program developed 54592
for the person by any high school pursuant to section 3323.08 of 54593
the Revised Code, or has qualified under division (D) or (F) of 54594
section 3313.603 of the Revised Code, provided that no school 54595
district shall require a student to remain in school for any 54596
specific number of semesters or other terms if the student 54597
completes the required curriculum early; 54598

(2) Subject to section 3313.614 of the Revised Code, the 54599
person has met the assessment requirements of division (A)(2)(a) 54600
or (b) of this section, as applicable. 54601

(a) If the person entered the ninth grade prior to the date 54602
prescribed by rule of the state board of education under division 54603
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person 54604
either: 54605

(i) Has attained at least the applicable scores designated 54606
under division (B)(1) of section 3301.0710 of the Revised Code on 54607
all the assessments required by that division unless the person 54608
was excused from taking any such assessment pursuant to section 54609
3313.532 of the Revised Code or unless division (H) or (L) of this 54610
section applies to the person; 54611

(ii) Has satisfied the alternative conditions prescribed in 54612
section 3313.615 of the Revised Code. 54613

(b) If the person entered the ninth grade on or after the 54614
date prescribed by rule of the state board under division 54615
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person has 54616
~~attained on~~ met the requirements of the entire assessment system 54617
prescribed under division (B)(2) of section 3301.0710 of the 54618
Revised Code ~~at least the required passing composite score,~~ 54619
~~designated under division (C)(1) of section 3301.0712 of the~~ 54620

~~Revised Code~~, except to the extent that the person is excused from
some portion of that assessment system pursuant to section
3313.532 of the Revised Code or division (H) or (L) of this
section.

(3) The person is not eligible to receive an honors diploma
granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of
this section, no diploma shall be granted under this division to
anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this
section, an honors diploma shall be granted, in accordance with
rules of the state board, by any such district board to anyone who
accomplishes all of the following:

(1) Successfully completes the curriculum in any high school
or the individualized education program developed for the person
by any high school pursuant to section 3323.08 of the Revised
Code;

(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 54651
~~(E)(D)~~(2) of section 3301.0712 of the Revised Code, the person has 54652
~~attained on~~ met the requirements of the entire assessment system 54653
prescribed under division (B)(2) of section 3301.0710 of the 54654
Revised Code ~~at least the required passing composite score,~~ 54655
~~designated under division (C)(1) of section 3301.0712 of the~~ 54656
~~Revised Code.~~ 54657

(3) Has met additional criteria established by the state 54658
board for the granting of such a diploma. 54659

An honors diploma shall not be granted to a student who is 54660
subject to the Ohio core curriculum prescribed in division (C) of 54661
section 3313.603 of the Revised Code but elects the option of 54662
division (D) or (F) of that section. Except as provided in 54663
divisions (C), (E), and (J) of this section, no honors diploma 54664
shall be granted to anyone failing to comply with this division 54665
and no more than one honors diploma shall be granted to any 54666
student under this division. 54667

The state board shall adopt rules prescribing the granting of 54668
honors diplomas under this division. These rules may prescribe the 54669
granting of honors diplomas that recognize a student's achievement 54670
as a whole or that recognize a student's achievement in one or 54671
more specific subjects or both. The rules may prescribe the 54672
granting of an honors diploma recognizing technical expertise for 54673
a career-technical student. In any case, the rules shall designate 54674
two or more criteria for the granting of each type of honors 54675
diploma the board establishes under this division and the number 54676
of such criteria that must be met for the granting of that type of 54677
diploma. The number of such criteria for any type of honors 54678
diploma shall be at least one less than the total number of 54679
criteria designated for that type and no one or more particular 54680
criteria shall be required of all persons who are to be granted 54681
that type of diploma. 54682

(C) Any district board administering any of the assessments 54683
required by section 3301.0710 of the Revised Code to any person 54684
requesting to take such assessment pursuant to division (B)(8)(b) 54685
of section 3301.0711 of the Revised Code shall award a diploma to 54686
such person if the person attains at least the applicable scores 54687
designated under division (B)(1) of section 3301.0710 of the 54688
Revised Code on all the assessments administered and if the person 54689
has previously attained the applicable scores on all the other 54690
assessments required by division (B)(1) of that section or has 54691
been exempted or excused from attaining the applicable score on 54692
any such assessment pursuant to division (H) or (L) of this 54693
section or from taking any such assessment pursuant to section 54694
3313.532 of the Revised Code. 54695

(D) Each diploma awarded under this section shall be signed 54696
by the president and treasurer of the issuing board, the 54697
superintendent of schools, and the principal of the high school. 54698
Each diploma shall bear the date of its issue, be in such form as 54699
the district board prescribes, and be paid for out of the 54700
district's general fund. 54701

(E) A person who is a resident of Ohio and is eligible under 54702
state board of education minimum standards to receive a high 54703
school diploma based in whole or in part on credits earned while 54704
an inmate of a correctional institution operated by the state or 54705
any political subdivision thereof, shall be granted such diploma 54706
by the correctional institution operating the programs in which 54707
such credits were earned, and by the board of education of the 54708
school district in which the inmate resided immediately prior to 54709
the inmate's placement in the institution. The diploma granted by 54710
the correctional institution shall be signed by the director of 54711
the institution, and by the person serving as principal of the 54712
institution's high school and shall bear the date of issue. 54713

(F) Persons who are not residents of Ohio but who are inmates 54714

of correctional institutions operated by the state or any 54715
political subdivision thereof, and who are eligible under state 54716
board of education minimum standards to receive a high school 54717
diploma based in whole or in part on credits earned while an 54718
inmate of the correctional institution, shall be granted a diploma 54719
by the correctional institution offering the program in which the 54720
credits were earned. The diploma granted by the correctional 54721
institution shall be signed by the director of the institution and 54722
by the person serving as principal of the institution's high 54723
school and shall bear the date of issue. 54724

(G) The state board of education shall provide by rule for 54725
the administration of the assessments required by section 54726
3301.0710 of the Revised Code to inmates of correctional 54727
institutions. 54728

(H) Any person to whom all of the following apply shall be 54729
exempted from attaining the applicable score on the assessment in 54730
social studies designated under division (B)(1) of section 54731
3301.0710 of the Revised Code, any social studies end-of-course 54732
examination required under division (B)(2) of that section if such 54733
an exemption is prescribed by rule of the state board under 54734
division ~~(E)~~(D)(4) of section 3301.0712 of the Revised Code, or 54735
the test in citizenship designated under former division (B) of 54736
section 3301.0710 of the Revised Code as it existed prior to 54737
September 11, 2001: 54738

(1) The person is not a citizen of the United States; 54739

(2) The person is not a permanent resident of the United 54740
States; 54741

(3) The person indicates no intention to reside in the United 54742
States after the completion of high school. 54743

(I) Notwithstanding division (D) of section 3311.19 and 54744
division (D) of section 3311.52 of the Revised Code, this section 54745

and section 3311.611 of the Revised Code do not apply to the board 54746
of education of any joint vocational school district or any 54747
cooperative education school district established pursuant to 54748
divisions (A) to (C) of section 3311.52 of the Revised Code. 54749

(J) Upon receipt of a notice under division (D) of section 54750
3325.08 of division (D) of section 3328.25 of the Revised Code 54751
that a student has received a diploma under ~~that~~ either section, 54752
the board of education receiving the notice may grant a high 54753
school diploma under this section to the student, except that such 54754
board shall grant the student a diploma if the student meets the 54755
graduation requirements that the student would otherwise have had 54756
to meet to receive a diploma from the district. The diploma 54757
granted under this section shall be of the same type the notice 54758
indicates the student received under section 3325.08 or 3328.25 of 54759
the Revised Code. 54760

(K) As used in this division, "limited English proficient 54761
student" has the same meaning as in division (C)(3) of section 54762
3301.0711 of the Revised Code. 54763

Notwithstanding division (C)(3) of section 3301.0711 of the 54764
Revised Code, no limited English proficient student who has not 54765
either attained the applicable scores designated under division 54766
(B)(1) of section 3301.0710 of the Revised Code on all the 54767
assessments required by that division, or ~~attained the composite~~ 54768
~~score designated for~~ met the requirements of the assessments 54769
required by division (B)(2) of that section, shall be awarded a 54770
diploma under this section. 54771

(L) Any student described by division (A)(1) of this section 54772
may be awarded a diploma without attaining the applicable scores 54773
designated on the assessments prescribed under division (B) of 54774
section 3301.0710 of the Revised Code provided an individualized 54775
education program specifically exempts the student from attaining 54776
such scores. This division does not negate the requirement for 54777

such a student to take all such assessments or alternate 54778
assessments required by division (C)(1) of section 3301.0711 of 54779
the Revised Code for the purpose of assessing student progress as 54780
required by federal law. 54781

Sec. 3313.611. (A) The state board of education shall adopt, 54782
by rule, standards for awarding high school credit equivalent to 54783
credit for completion of high school academic and vocational 54784
education courses to applicants for diplomas under this section. 54785
The standards may permit high school credit to be granted to an 54786
applicant for any of the following: 54787

(1) Work experiences or experiences as a volunteer; 54788

(2) Completion of academic, vocational, or self-improvement 54789
courses offered to persons over the age of twenty-one by a 54790
chartered public or nonpublic school; 54791

(3) Completion of academic, vocational, or self-improvement 54792
courses offered by an organization, individual, or educational 54793
institution other than a chartered public or nonpublic school; 54794

(4) Other life experiences considered by the board to provide 54795
knowledge and learning experiences comparable to that gained in a 54796
classroom setting. 54797

(B) The board of education of any city, exempted village, or 54798
local school district that operates a high school shall grant a 54799
diploma of adult education to any applicant if all of the 54800
following apply: 54801

(1) The applicant is a resident of the district; 54802

(2) The applicant is over the age of twenty-one and has not 54803
been issued a diploma as provided in section 3313.61 of the 54804
Revised Code; 54805

(3) Subject to section 3313.614 of the Revised Code, the 54806
applicant has met the assessment requirements of division 54807

(B)(3)(a) or (b) of this section, as applicable. 54808

(a) Prior to the date prescribed by rule of the state board 54809
under division ~~(E)~~(D)(3) of section 3301.0712 of the Revised Code, 54810
the applicant either: 54811

(i) Has attained the applicable scores designated under 54812
division (B)(1) of section 3301.0710 of the Revised Code on all of 54813
the assessments required by that division or was excused or 54814
exempted from any such assessment pursuant to section 3313.532 or 54815
was exempted from attaining the applicable score on any such 54816
assessment pursuant to division (H) or (L) of section 3313.61 of 54817
the Revised Code; 54818

(ii) Has satisfied the alternative conditions prescribed in 54819
section 3313.615 of the Revised Code. 54820

(b) On or after the date prescribed by rule of the state 54821
board under division ~~(E)~~(D)(3) of section 3301.0712 of the Revised 54822
Code, has ~~attained on~~ met the requirements of the entire 54823
assessment system prescribed under division (B)(2) of section 54824
3301.0710 of the Revised Code ~~at least the required passing~~ 54825
~~composite score, designated under division (C)(1) of section~~ 54826
~~3301.0712 of the Revised Code~~, except and only to the extent that 54827
the applicant is excused from some portion of that assessment 54828
system pursuant to section 3313.532 of the Revised Code or 54829
division (H) or (L) of section 3313.61 of the Revised Code. 54830

(4) The district board determines, in accordance with the 54831
standards adopted under division (A) of this section, that the 54832
applicant has attained sufficient high school credits, including 54833
equivalent credits awarded under such standards, to qualify as 54834
having successfully completed the curriculum required by the 54835
district for graduation. 54836

(C) If a district board determines that an applicant is not 54837
eligible for a diploma under division (B) of this section, it 54838

shall inform the applicant of the reason the applicant is 54839
ineligible and shall provide a list of any courses required for 54840
the diploma for which the applicant has not received credit. An 54841
applicant may reapply for a diploma under this section at any 54842
time. 54843

(D) If a district board awards an adult education diploma 54844
under this section, the president and treasurer of the board and 54845
the superintendent of schools shall sign it. Each diploma shall 54846
bear the date of its issuance, be in such form as the district 54847
board prescribes, and be paid for from the district's general 54848
fund, except that the state board may by rule prescribe standard 54849
language to be included on each diploma. 54850

(E) As used in this division, "limited English proficient 54851
student" has the same meaning as in division (C)(3) of section 54852
3301.0711 of the Revised Code. 54853

Notwithstanding division (C)(3) of section 3301.0711 of the 54854
Revised Code, no limited English proficient student who has not 54855
either attained the applicable scores designated under division 54856
(B)(1) of section 3301.0710 of the Revised Code on all the 54857
assessments required by that division, or ~~attained the composite~~ 54858
~~score designated for~~ has not met the requirements of the 54859
assessments required by division (B)(2) of that section, shall be 54860
awarded a diploma under this section. 54861

Sec. 3313.612. (A) No nonpublic school chartered by the state 54862
board of education shall grant a high school diploma to any person 54863
unless, subject to section 3313.614 of the Revised Code, the 54864
person has met the assessment requirements of division (A)(1) or 54865
(2) of this section, as applicable. 54866

(1) If the person entered the ninth grade prior to the date 54867
prescribed by rule of the state board under division ~~(E)~~(D)(2) of 54868
section 3301.0712 of the Revised Code, the person has attained at 54869

least the applicable scores designated under division (B)(1) of 54870
section 3301.0710 of the Revised Code on all the assessments 54871
required by that division, or has satisfied the alternative 54872
conditions prescribed in section 3313.615 of the Revised Code. 54873

(2) If the person entered the ninth grade on or after the 54874
date prescribed by rule of the state board under division (E)(2) 54875
of section 3301.0712 of the Revised Code, the person has ~~attained~~ 54876
~~or met the requirements of~~ the entire assessment system prescribed 54877
under division (B)(2) of section 3301.0710 of the Revised Code ~~at~~ 54878
~~least the required passing composite score, designated under~~ 54879
~~division (C)(1) of section 3301.0712 of the Revised Code.~~ 54880

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(B) This section does not apply to either of the following: 54882

(1) Any person with regard to any assessment from which the 54883
person was excused pursuant to division (C)(1)(c) of section 54884
3301.0711 of the Revised Code; 54885

(2) Any person with regard to the social studies assessment 54886
under division (B)(1) of section 3301.0710 of the Revised Code, 54887
any social studies end-of-course examination required under 54888
division (B)(2) of that section if such an exemption is prescribed 54889
by rule of the state board of education under division ~~(E)~~(D)(4) 54890
of section 3301.0712 of the Revised Code, or the citizenship test 54891
under former division (B) of section 3301.0710 of the Revised Code 54892
as it existed prior to September 11, 2001, if all of the following 54893
apply: 54894

(a) The person is not a citizen of the United States; 54895

(b) The person is not a permanent resident of the United 54896
States; 54897

(c) The person indicates no intention to reside in the United 54898
States after completion of high school. 54899

(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 54900
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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~~ under division (B)(2) of that section, shall be awarded a diploma under this section. 54903
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Sec. 3313.614. (A) As used in this section, a person "fulfills the curriculum requirement for a diploma" at the time one of the following conditions is satisfied: 54911
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(1) The person successfully completes the high school curriculum of a school district, a community school, a chartered nonpublic school, or a correctional institution. 54914
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(2) The person successfully completes the individualized education program developed for the person under section 3323.08 of the Revised Code. 54917
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(3) A board of education issues its determination under section 3313.611 of the Revised Code that the person qualifies as having successfully completed the curriculum required by the district. 54920
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(B) This division specifies the assessment requirements that must be fulfilled as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code. 54924
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(1) A person who fulfills the curriculum requirement for a diploma before September 15, 2000, is not required to pass any 54928
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proficiency test or achievement test in science as a condition to receiving a diploma. 54930
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(2) A person who began ninth grade prior to July 1, 2003, is not required to pass the Ohio graduation test prescribed under division (B)(1) of section 3301.0710 or any assessment prescribed under division (B)(2) of that section in any subject as a condition to receiving a diploma once the person has passed the ninth grade proficiency test in the same subject, so long as the person passed the ninth grade proficiency test prior to September 15, 2008. However, any such person who passes the Ohio graduation test in any subject prior to passing the ninth grade proficiency test in the same subject shall be deemed to have passed the ninth grade proficiency test in that subject as a condition to receiving a diploma. For this purpose, the ninth grade proficiency test in citizenship substitutes for the Ohio graduation test in social studies. If a person began ninth grade prior to July 1, 2003, but does not pass a ninth grade proficiency test or the Ohio graduation test in a particular subject before September 15, 2008, and passage of a test in that subject is a condition for the person to receive a diploma, the person must pass the Ohio graduation test instead of the ninth grade proficiency test in that subject to receive a diploma. 54932
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(3) A person who begins ninth grade on or after July 1, 2003, in a school district, community school, or chartered nonpublic school is not eligible to receive a diploma based on passage of ninth grade proficiency tests. Each such person who begins ninth grade prior to the date prescribed by the state board of education under division ~~(E)~~(D)(5) of section 3301.0712 of the Revised Code must pass Ohio graduation tests to meet the assessment requirements applicable to that person as a condition to receiving a diploma. 54952
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(4) A person who begins ninth grade on or after the date 54961

prescribed by the state board of education under division 54962
~~(E)(D)~~(5) of section 3301.0712 of the Revised Code is not eligible 54963
to receive a diploma based on passage of the Ohio graduation 54964
tests. Each such person must ~~attain on~~ meet the requirements of 54965
the entire assessment system prescribed under division (B)(2) of 54966
section 3301.0710 of the Revised Code ~~at least the required~~ 54967
~~passing composite score, designated under division (C)(1) of~~ 54968
~~section 3301.0712 of the Revised Code.~~ 54969

(C) This division specifies the curriculum requirement that 54970
shall be completed as a condition toward granting high school 54971
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 54972
of the Revised Code. 54973

(1) A person who is under twenty-two years of age when the 54974
person fulfills the curriculum requirement for a diploma shall 54975
complete the curriculum required by the school district or school 54976
issuing the diploma for the first year that the person originally 54977
enrolled in high school, except for a person who qualifies for 54978
graduation from high school under either division (D) or (F) of 54979
section 3313.603 of the Revised Code. 54980

(2) Once a person fulfills the curriculum requirement for a 54981
diploma, the person is never required, as a condition of receiving 54982
a diploma, to meet any different curriculum requirements that take 54983
effect pending the person's passage of proficiency tests or 54984
achievement tests or assessments, including changes mandated by 54985
section 3313.603 of the Revised Code, the state board, a school 54986
district board of education, or a governing authority of a 54987
community school or chartered nonpublic school. 54988

Sec. 3313.64. (A) As used in this section and in section 54989
3313.65 of the Revised Code: 54990

(1)(a) Except as provided in division (A)(1)(b) of this 54991
section, "parent" means either parent, unless the parents are 54992

separated or divorced or their marriage has been dissolved or 54993
annulled, in which case "parent" means the parent who is the 54994
residential parent and legal custodian of the child. When a child 54995
is in the legal custody of a government agency or a person other 54996
than the child's natural or adoptive parent, "parent" means the 54997
parent with residual parental rights, privileges, and 54998
responsibilities. When a child is in the permanent custody of a 54999
government agency or a person other than the child's natural or 55000
adoptive parent, "parent" means the parent who was divested of 55001
parental rights and responsibilities for the care of the child and 55002
the right to have the child live with the parent and be the legal 55003
custodian of the child and all residual parental rights, 55004
privileges, and responsibilities. 55005

(b) When a child is the subject of a power of attorney 55006
executed under sections 3109.51 to 3109.62 of the Revised Code, 55007
"parent" means the grandparent designated as attorney in fact 55008
under the power of attorney. When a child is the subject of a 55009
caretaker authorization affidavit executed under sections 3109.64 55010
to 3109.73 of the Revised Code, "parent" means the grandparent 55011
that executed the affidavit. 55012

(2) "Legal custody," "permanent custody," and "residual 55013
parental rights, privileges, and responsibilities" have the same 55014
meanings as in section 2151.011 of the Revised Code. 55015

(3) "School district" or "district" means a city, local, or 55016
exempted village school district and excludes any school operated 55017
in an institution maintained by the department of youth services. 55018

(4) Except as used in division (C)(2) of this section, "home" 55019
means a home, institution, foster home, group home, or other 55020
residential facility in this state that receives and cares for 55021
children, to which any of the following applies: 55022

(a) The home is licensed, certified, or approved for such 55023

purpose by the state or is maintained by the department of youth services. 55024
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(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose. 55026
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(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. 55029
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(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 55032
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(5) "Agency" means all of the following: 55034

(a) A public children services agency; 55035

(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; 55036
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(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. 55042
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(6) A child is placed for adoption if either of the following occurs: 55046
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(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 55048
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(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care 55052
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for and adopt the child. 55054

(7) "Preschool child with a disability" has the same meaning 55055
as in section 3323.01 of the Revised Code. 55056

(8) "Child," unless otherwise indicated, includes preschool 55057
children with disabilities. 55058

(9) "Active duty" means active duty pursuant to an executive 55059
order of the president of the United States, an act of the 55060
congress of the United States, or section 5919.29 or 5923.21 of 55061
the Revised Code. 55062

(B) Except as otherwise provided in section 3321.01 of the 55063
Revised Code for admittance to kindergarten and first grade, a 55064
child who is at least five but under twenty-two years of age and 55065
any preschool child with a disability shall be admitted to school 55066
as provided in this division. 55067

(1) A child shall be admitted to the schools of the school 55068
district in which the child's parent resides. 55069

(2) A child who does not reside in the district where the 55070
child's parent resides shall be admitted to the schools of the 55071
district in which the child resides if any of the following 55072
applies: 55073

(a) The child is in the legal or permanent custody of a 55074
government agency or a person other than the child's natural or 55075
adoptive parent. 55076

(b) The child resides in a home. 55077

(c) The child requires special education. 55078

(3) A child who is not entitled under division (B)(2) of this 55079
section to be admitted to the schools of the district where the 55080
child resides and who is residing with a resident of this state 55081
with whom the child has been placed for adoption shall be admitted 55082
to the schools of the district where the child resides unless 55083

either of the following applies: 55084

(a) The placement for adoption has been terminated. 55085

(b) Another school district is required to admit the child 55086
under division (B)(1) of this section. 55087

Division (B) of this section does not prohibit the board of 55088
education of a school district from placing a child with a 55089
disability who resides in the district in a special education 55090
program outside of the district or its schools in compliance with 55091
Chapter 3323. of the Revised Code. 55092

(C) A district shall not charge tuition for children admitted 55093
under division (B)(1) or (3) of this section. If the district 55094
admits a child under division (B)(2) of this section, tuition 55095
shall be paid to the district that admits the child as provided in 55096
divisions (C)(1) to (3) of this section, unless division (C)(4) of 55097
this section applies to the child: 55098

(1) If the child receives special education in accordance 55099
with Chapter 3323. of the Revised Code, the school district of 55100
residence, as defined in section 3323.01 of the Revised Code, 55101
shall pay tuition for the child in accordance with section 55102
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 55103
regardless of who has custody of the child or whether the child 55104
resides in a home. 55105

(2) For a child that does not receive special education in 55106
accordance with Chapter 3323. of the Revised Code, except as 55107
otherwise provided in division (C)(2)(d) of this section, if the 55108
child is in the permanent or legal custody of a government agency 55109
or person other than the child's parent, tuition shall be paid by: 55110

(a) The district in which the child's parent resided at the 55111
time the court removed the child from home or at the time the 55112
court vested legal or permanent custody of the child in the person 55113
or government agency, whichever occurred first; 55114

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was 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, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(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; 55146

(b) If the child's parent is not a resident of this state, 55147
the home in which the child resides. 55148

(4) Division (C)(4) of this section applies to any child who 55149
is admitted to a school district under division (B)(2) of this 55150
section, resides in a home that is not a foster home or a home 55151
maintained by the department of youth services, receives 55152
educational services at the home in which the child resides 55153
pursuant to a contract between the home and the school district 55154
providing those services, and does not receive special education. 55155

In the case of a child to which division (C)(4) of this 55156
section applies, the total educational cost to be paid for the 55157
child shall be determined by a formula approved by the department 55158
of education, which formula shall be designed to calculate a per 55159
diem cost for the educational services provided to the child for 55160
each day the child is served and shall reflect the total actual 55161
cost incurred in providing those services. The department shall 55162
certify the total educational cost to be paid for the child to 55163
both the school district providing the educational services and, 55164
if different, the school district that is responsible to pay 55165
tuition for the child. The department shall deduct the certified 55166
amount from the state basic aid funds payable under Chapter 3317. 55167
of the Revised Code to the district responsible to pay tuition and 55168
shall pay that amount to the district providing the educational 55169
services to the child. 55170

(D) Tuition required to be paid under divisions (C)(2) and 55171
(3)(a) of this section shall be computed in accordance with 55172
section 3317.08 of the Revised Code. Tuition required to be paid 55173
under division (C)(3)(b) of this section shall be computed in 55174
accordance with section 3317.081 of the Revised Code. If a home 55175
fails to pay the tuition required by division (C)(3)(b) of this 55176
section, the board of education providing the education may 55177

recover in a civil action the tuition and the expenses incurred in 55178
prosecuting the action, including court costs and reasonable 55179
attorney's fees. If the prosecuting attorney or city director of 55180
law represents the board in such action, costs and reasonable 55181
attorney's fees awarded by the court, based upon the prosecuting 55182
attorney's, director's, or one of their designee's time spent 55183
preparing and presenting the case, shall be deposited in the 55184
county or city general fund. 55185

(E) A board of education may enroll a child free of any 55186
tuition obligation for a period not to exceed sixty days, on the 55187
sworn statement of an adult resident of the district that the 55188
resident has initiated legal proceedings for custody of the child. 55189

(F) In the case of any individual entitled to attend school 55190
under this division, no tuition shall be charged by the school 55191
district of attendance and no other school district shall be 55192
required to pay tuition for the individual's attendance. 55193
Notwithstanding division (B), (C), or (E) of this section: 55194

(1) All persons at least eighteen but under twenty-two years 55195
of age who live apart from their parents, support themselves by 55196
their own labor, and have not successfully completed the high 55197
school curriculum or the individualized education program 55198
developed for the person by the high school pursuant to section 55199
3323.08 of the Revised Code, are entitled to attend school in the 55200
district in which they reside. 55201

(2) Any child under eighteen years of age who is married is 55202
entitled to attend school in the child's district of residence. 55203

(3) A child is entitled to attend school in the district in 55204
which either of the child's parents is employed if the child has a 55205
medical condition that may require emergency medical attention. 55206
The parent of a child entitled to attend school under division 55207
(F)(3) of this section shall submit to the board of education of 55208

the district in which the parent is employed a statement from the 55209
child's physician certifying that the child's medical condition 55210
may require emergency medical attention. The statement shall be 55211
supported by such other evidence as the board may require. 55212

(4) Any child residing with a person other than the child's 55213
parent is entitled, for a period not to exceed twelve months, to 55214
attend school in the district in which that person resides if the 55215
child's parent files an affidavit with the superintendent of the 55216
district in which the person with whom the child is living resides 55217
stating all of the following: 55218

(a) That the parent is serving outside of the state in the 55219
armed services of the United States; 55220

(b) That the parent intends to reside in the district upon 55221
returning to this state; 55222

(c) The name and address of the person with whom the child is 55223
living while the parent is outside the state. 55224

(5) Any child under the age of twenty-two years who, after 55225
the death of a parent, resides in a school district other than the 55226
district in which the child attended school at the time of the 55227
parent's death is entitled to continue to attend school in the 55228
district in which the child attended school at the time of the 55229
parent's death for the remainder of the school year, subject to 55230
approval of that district board. 55231

(6) A child under the age of twenty-two years who resides 55232
with a parent who is having a new house built in a school district 55233
outside the district where the parent is residing is entitled to 55234
attend school for a period of time in the district where the new 55235
house is being built. In order to be entitled to such attendance, 55236
the parent shall provide the district superintendent with the 55237
following: 55238

(a) A sworn statement explaining the situation, revealing the 55239

location of the house being built, and stating the parent's 55240
intention to reside there upon its completion; 55241

(b) A statement from the builder confirming that a new house 55242
is being built for the parent and that the house is at the 55243
location indicated in the parent's statement. 55244

(7) A child under the age of twenty-two years residing with a 55245
parent who has a contract to purchase a house in a school district 55246
outside the district where the parent is residing and who is 55247
waiting upon the date of closing of the mortgage loan for the 55248
purchase of such house is entitled to attend school for a period 55249
of time in the district where the house is being purchased. In 55250
order to be entitled to such attendance, the parent shall provide 55251
the district superintendent with the following: 55252

(a) A sworn statement explaining the situation, revealing the 55253
location of the house being purchased, and stating the parent's 55254
intent to reside there; 55255

(b) A statement from a real estate broker or bank officer 55256
confirming that the parent has a contract to purchase the house, 55257
that the parent is waiting upon the date of closing of the 55258
mortgage loan, and that the house is at the location indicated in 55259
the parent's statement. 55260

The district superintendent shall establish a period of time 55261
not to exceed ninety days during which the child entitled to 55262
attend school under division (F)(6) or (7) of this section may 55263
attend without tuition obligation. A student attending a school 55264
under division (F)(6) or (7) of this section shall be eligible to 55265
participate in interscholastic athletics under the auspices of 55266
that school, provided the board of education of the school 55267
district where the student's parent resides, by a formal action, 55268
releases the student to participate in interscholastic athletics 55269
at the school where the student is attending, and provided the 55270

student receives any authorization required by a public agency or 55271
private organization of which the school district is a member 55272
exercising authority over interscholastic sports. 55273

(8) A child whose parent is a full-time employee of a city, 55274
local, or exempted village school district, or of an educational 55275
service center, may be admitted to the schools of the district 55276
where the child's parent is employed, or in the case of a child 55277
whose parent is employed by an educational service center, in the 55278
district that serves the location where the parent's job is 55279
primarily located, provided the district board of education 55280
establishes such an admission policy by resolution adopted by a 55281
majority of its members. Any such policy shall take effect on the 55282
first day of the school year and the effective date of any 55283
amendment or repeal may not be prior to the first day of the 55284
subsequent school year. The policy shall be uniformly applied to 55285
all such children and shall provide for the admission of any such 55286
child upon request of the parent. No child may be admitted under 55287
this policy after the first day of classes of any school year. 55288

(9) A child who is with the child's parent under the care of 55289
a shelter for victims of domestic violence, as defined in section 55290
3113.33 of the Revised Code, is entitled to attend school free in 55291
the district in which the child is with the child's parent, and no 55292
other school district shall be required to pay tuition for the 55293
child's attendance in that school district. 55294

The enrollment of a child in a school district under this 55295
division shall not be denied due to a delay in the school 55296
district's receipt of any records required under section 3313.672 55297
of the Revised Code or any other records required for enrollment. 55298
Any days of attendance and any credits earned by a child while 55299
enrolled in a school district under this division shall be 55300
transferred to and accepted by any school district in which the 55301
child subsequently enrolls. The state board of education shall 55302

adopt rules to ensure compliance with this division. 55303

(10) Any child under the age of twenty-two years whose parent 55304
has moved out of the school district after the commencement of 55305
classes in the child's senior year of high school is entitled, 55306
subject to the approval of that district board, to attend school 55307
in the district in which the child attended school at the time of 55308
the parental move for the remainder of the school year and for one 55309
additional semester or equivalent term. A district board may also 55310
adopt a policy specifying extenuating circumstances under which a 55311
student may continue to attend school under division (F)(10) of 55312
this section for an additional period of time in order to 55313
successfully complete the high school curriculum for the 55314
individualized education program developed for the student by the 55315
high school pursuant to section 3323.08 of the Revised Code. 55316

(11) As used in this division, "grandparent" means a parent 55317
of a parent of a child. A child under the age of twenty-two years 55318
who is in the custody of the child's parent, resides with a 55319
grandparent, and does not require special education is entitled to 55320
attend the schools of the district in which the child's 55321
grandparent resides, provided that, prior to such attendance in 55322
any school year, the board of education of the school district in 55323
which the child's grandparent resides and the board of education 55324
of the school district in which the child's parent resides enter 55325
into a written agreement specifying that good cause exists for 55326
such attendance, describing the nature of this good cause, and 55327
consenting to such attendance. 55328

In lieu of a consent form signed by a parent, a board of 55329
education may request the grandparent of a child attending school 55330
in the district in which the grandparent resides pursuant to 55331
division (F)(11) of this section to complete any consent form 55332
required by the district, including any authorization required by 55333
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 55334

Code. Upon request, the grandparent shall complete any consent 55335
form required by the district. A school district shall not incur 55336
any liability solely because of its receipt of a consent form from 55337
a grandparent in lieu of a parent. 55338

Division (F)(11) of this section does not create, and shall 55339
not be construed as creating, a new cause of action or substantive 55340
legal right against a school district, a member of a board of 55341
education, or an employee of a school district. This section does 55342
not affect, and shall not be construed as affecting, any 55343
immunities from defenses to tort liability created or recognized 55344
by Chapter 2744. of the Revised Code for a school district, 55345
member, or employee. 55346

(12) A child under the age of twenty-two years is entitled to 55347
attend school in a school district other than the district in 55348
which the child is entitled to attend school under division (B), 55349
(C), or (E) of this section provided that, prior to such 55350
attendance in any school year, both of the following occur: 55351

(a) The superintendent of the district in which the child is 55352
entitled to attend school under division (B), (C), or (E) of this 55353
section contacts the superintendent of another district for 55354
purposes of this division; 55355

(b) The superintendents of both districts enter into a 55356
written agreement that consents to the attendance and specifies 55357
that the purpose of such attendance is to protect the student's 55358
physical or mental well-being or to deal with other extenuating 55359
circumstances deemed appropriate by the superintendents. 55360

While an agreement is in effect under this division for a 55361
student who is not receiving special education under Chapter 3323. 55362
of the Revised Code and notwithstanding Chapter 3327. of the 55363
Revised Code, the board of education of neither school district 55364
involved in the agreement is required to provide transportation 55365

for the student to and from the school where the student attends. 55366

A student attending a school of a district pursuant to this 55367
division shall be allowed to participate in all student 55368
activities, including interscholastic athletics, at the school 55369
where the student is attending on the same basis as any student 55370
who has always attended the schools of that district while of 55371
compulsory school age. 55372

(13) All school districts shall comply with the 55373
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 55374
seq., for the education of homeless children. Each city, local, 55375
and exempted village school district shall comply with the 55376
requirements of that act governing the provision of a free, 55377
appropriate public education, including public preschool, to each 55378
homeless child. 55379

When a child loses permanent housing and becomes a homeless 55380
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 55381
such a homeless person changes temporary living arrangements, the 55382
child's parent or guardian shall have the option of enrolling the 55383
child in either of the following: 55384

(a) The child's school of origin, as defined in 42 U.S.C.A. 55385
11432(g)(3)(C); 55386

(b) The school that is operated by the school district in 55387
which the shelter where the child currently resides is located and 55388
that serves the geographic area in which the shelter is located. 55389

(14) A child under the age of twenty-two years who resides 55390
with a person other than the child's parent is entitled to attend 55391
school in the school district in which that person resides if both 55392
of the following apply: 55393

(a) That person has been appointed, through a military power 55394
of attorney executed under section 574(a) of the "National Defense 55395
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 55396

U.S.C. 1044b, or through a comparable document necessary to 55397
complete a family care plan, as the parent's agent for the care, 55398
custody, and control of the child while the parent is on active 55399
duty as a member of the national guard or a reserve unit of the 55400
armed forces of the United States or because the parent is a 55401
member of the armed forces of the United States and is on a duty 55402
assignment away from the parent's residence. 55403

(b) The military power of attorney or comparable document 55404
includes at least the authority to enroll the child in school. 55405

The entitlement to attend school in the district in which the 55406
parent's agent under the military power of attorney or comparable 55407
document resides applies until the end of the school year in which 55408
the military power of attorney or comparable document expires. 55409

(G) A board of education, after approving admission, may 55410
waive tuition for students who will temporarily reside in the 55411
district and who are either of the following: 55412

(1) Residents or domiciliaries of a foreign nation who 55413
request admission as foreign exchange students; 55414

(2) Residents or domiciliaries of the United States but not 55415
of Ohio who request admission as participants in an exchange 55416
program operated by a student exchange organization. 55417

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 55418
3327.04, and 3327.06 of the Revised Code, a child may attend 55419
school or participate in a special education program in a school 55420
district other than in the district where the child is entitled to 55421
attend school under division (B) of this section. 55422

(I)(1) Notwithstanding anything to the contrary in this 55423
section or section 3313.65 of the Revised Code, a child under 55424
twenty-two years of age may attend school in the school district 55425
in which the child, at the end of the first full week of October 55426
of the school year, was entitled to attend school as otherwise 55427

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 attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under 55460
division (I)(1) of this section shall be entitled to 55461
transportation services pursuant to an agreement between the 55462
district and the district in which the child or child's parent has 55463
relocated unless the districts have not entered into such 55464
agreement, in which case the child shall be entitled to 55465
transportation services in the same manner as a pupil attending 55466
school in the district under interdistrict open enrollment as 55467
described in division (H) of section 3313.981 of the Revised Code, 55468
regardless of whether the district has adopted an open enrollment 55469
policy as described in division (B)(1)(b) or (c) of section 55470
3313.98 of the Revised Code. 55471

(J) This division does not apply to a child receiving special 55472
education. 55473

A school district required to pay tuition pursuant to 55474
division (C)(2) or (3) of this section or section 3313.65 of the 55475
Revised Code shall have an amount deducted under division ~~(F)~~(C) 55476
of section 3317.023 of the Revised Code equal to its own tuition 55477
rate for the same period of attendance. A school district entitled 55478
to receive tuition pursuant to division (C)(2) or (3) of this 55479
section or section 3313.65 of the Revised Code shall have an 55480
amount credited under division ~~(F)~~(C) of section 3317.023 of the 55481
Revised Code equal to its own tuition rate for the same period of 55482
attendance. If the tuition rate credited to the district of 55483
attendance exceeds the rate deducted from the district required to 55484
pay tuition, the department of education shall pay the district of 55485
attendance the difference from amounts deducted from all 55486
districts' payments under division ~~(F)~~(C) of section 3317.023 of 55487
the Revised Code but not credited to other school districts under 55488
such division and from appropriations made for such purpose. The 55489
treasurer of each school district shall, by the fifteenth day of 55490
January and July, furnish the superintendent of public instruction 55491

a report of the names of each child who attended the district's 55492
schools under divisions (C)(2) and (3) of this section or section 55493
3313.65 of the Revised Code during the preceding six calendar 55494
months, the duration of the attendance of those children, the 55495
school district responsible for tuition on behalf of the child, 55496
and any other information that the superintendent requires. 55497

Upon receipt of the report the superintendent, pursuant to 55498
division ~~(F)~~(C) of section 3317.023 of the Revised Code, shall 55499
deduct each district's tuition obligations under divisions (C)(2) 55500
and (3) of this section or section 3313.65 of the Revised Code and 55501
pay to the district of attendance that amount plus any amount 55502
required to be paid by the state. 55503

(K) In the event of a disagreement, the superintendent of 55504
public instruction shall determine the school district in which 55505
the parent resides. 55506

(L) Nothing in this section requires or authorizes, or shall 55507
be construed to require or authorize, the admission to a public 55508
school in this state of a pupil who has been permanently excluded 55509
from public school attendance by the superintendent of public 55510
instruction pursuant to sections 3301.121 and 3313.662 of the 55511
Revised Code. 55512

(M) In accordance with division (B)(1) of this section, a 55513
child whose parent is a member of the national guard or a reserve 55514
unit of the armed forces of the United States and is called to 55515
active duty, or a child whose parent is a member of the armed 55516
forces of the United States and is ordered to a temporary duty 55517
assignment outside of the district, may continue to attend school 55518
in the district in which the child's parent lived before being 55519
called to active duty or ordered to a temporary duty assignment 55520
outside of the district, as long as the child's parent continues 55521
to be a resident of that district, and regardless of where the 55522
child lives as a result of the parent's active duty status or 55523

temporary duty assignment. However, the district is not 55524
responsible for providing transportation for the child if the 55525
child lives outside of the district as a result of the parent's 55526
active duty status or temporary duty assignment. 55527

Sec. 3313.6410. This section applies to any school that is 55528
operated by a school district and in which the enrolled students 55529
work primarily on assignments in nonclassroom-based learning 55530
opportunities provided via an internet- or other computer-based 55531
instructional method. 55532

(A) Any school to which this section applies shall withdraw 55533
from the school any student who, for two consecutive school years, 55534
has failed to participate in the spring administration of any 55535
assessment prescribed under section 3301.0710 or 3301.0712 of the 55536
Revised Code for the student's grade level and was not excused 55537
from the assessment pursuant to division (C)(1) or (3) of section 55538
3301.0711 of the Revised Code, regardless of whether a waiver was 55539
granted for the student under division (E) of section 3317.03 of 55540
the Revised Code. The school shall report any such student's data 55541
verification code, as assigned pursuant to section 3301.0714 of 55542
the Revised Code, to the department of education to be added to 55543
the list maintained by the department under section 3314.26 of the 55544
Revised Code. 55545

(B) No school to which this section applies shall receive any 55546
state funds under Chapter ~~3306.~~^{or} 3317. of the Revised Code for 55547
any enrolled student whose data verification code appears on the 55548
list maintained by the department under section 3314.26 of the 55549
Revised Code. Notwithstanding any provision of the Revised Code to 55550
the contrary, the parent of any such student shall pay tuition to 55551
the school district that operates the school in an amount equal to 55552
the state funds the district otherwise would receive for that 55553
student, as determined by the department. A school to which this 55554

section applies may withdraw any student for whom the parent does 55555
not pay tuition as required by this division. 55556

Sec. 3313.65. (A) As used in this section and section 3313.64 55557
of the Revised Code: 55558

(1) A person is "in a residential facility" if the person is 55559
a resident or a resident patient of an institution, home, or other 55560
residential facility that is: 55561

(a) Licensed as a nursing home, residential care facility, or 55562
home for the aging by the director of health under section 3721.02 55563
of the Revised Code; 55564

(b) Licensed as an adult care facility by the director of 55565
mental health under Chapter 3722. sections 5119.70 to 5119.88 of 55566
the Revised Code; 55567

(c) Maintained as a county home or district home by the board 55568
of county commissioners or a joint board of county commissioners 55569
under Chapter 5155. of the Revised Code; 55570

(d) Operated or administered by a board of alcohol, drug 55571
addiction, and mental health services under section 340.03 or 55572
340.06 of the Revised Code, or provides residential care pursuant 55573
to contracts made under section 340.03 or 340.033 of the Revised 55574
Code; 55575

(e) Maintained as a state institution for the mentally ill 55576
under Chapter 5119. of the Revised Code; 55577

(f) Licensed by the department of mental health under section 55578
5119.20 or 5119.22 of the Revised Code; 55579

(g) Licensed as a residential facility by the department of 55580
developmental disabilities under section 5123.19 of the Revised 55581
Code; 55582

(h) Operated by the veteran's administration or another 55583

agency of the United States government; 55584

(i) ~~The Operated by the Ohio soldiers' and sailors' veterans'~~ 55585
home. 55586

(2) A person is "in a correctional facility" if any of the 55587
following apply: 55588

(a) The person is an Ohio resident and is: 55589

(i) Imprisoned, as defined in section 1.05 of the Revised 55590
Code; 55591

(ii) Serving a term in a community-based correctional 55592
facility or a district community-based correctional facility; 55593

(iii) Required, as a condition of parole, a post-release 55594
control sanction, a community control sanction, transitional 55595
control, or early release from imprisonment, as a condition of 55596
shock parole or shock probation granted under the law in effect 55597
prior to July 1, 1996, or as a condition of a furlough granted 55598
under the version of section 2967.26 of the Revised Code in effect 55599
prior to March 17, 1998, to reside in a halfway house or other 55600
community residential center licensed under section 2967.14 of the 55601
Revised Code or a similar facility designated by the court of 55602
common pleas that established the condition or by the adult parole 55603
authority. 55604

(b) The person is imprisoned in a state correctional 55605
institution of another state or a federal correctional institution 55606
but was an Ohio resident at the time the sentence was imposed for 55607
the crime for which the person is imprisoned. 55608

(3) A person is "in a juvenile residential placement" if the 55609
person is an Ohio resident who is under twenty-one years of age 55610
and has been removed, by the order of a juvenile court, from the 55611
place the person resided at the time the person became subject to 55612
the court's jurisdiction in the matter that resulted in the 55613

person's removal. 55614

(4) "Community control sanction" has the same meaning as in 55615
section 2929.01 of the Revised Code. 55616

(5) "Post-release control sanction" has the same meaning as 55617
in section 2967.01 of the Revised Code. 55618

(B) If the circumstances described in division (C) of this 55619
section apply, the determination of what school district must 55620
admit a child to its schools and what district, if any, is liable 55621
for tuition shall be made in accordance with this section, rather 55622
than section 3313.64 of the Revised Code. 55623

(C) A child who does not reside in the school district in 55624
which the child's parent resides and for whom a tuition obligation 55625
previously has not been established under division (C)(2) of 55626
section 3313.64 of the Revised Code shall be admitted to the 55627
schools of the district in which the child resides if at least one 55628
of the child's parents is in a residential or correctional 55629
facility or a juvenile residential placement and the other parent, 55630
if living and not in such a facility or placement, is not known to 55631
reside in this state. 55632

(D) Regardless of who has custody or care of the child, 55633
whether the child resides in a home, or whether the child receives 55634
special education, if a district admits a child under division (C) 55635
of this section, tuition shall be paid to that district as 55636
follows: 55637

(1) If the child's parent is in a juvenile residential 55638
placement, by the district in which the child's parent resided at 55639
the time the parent became subject to the jurisdiction of the 55640
juvenile court; 55641

(2) If the child's parent is in a correctional facility, by 55642
the district in which the child's parent resided at the time the 55643
sentence was imposed; 55644

(3) If the child's parent is in a residential facility, by 55645
the district in which the parent resided at the time the parent 55646
was admitted to the residential facility, except that if the 55647
parent was transferred from another residential facility, tuition 55648
shall be paid by the district in which the parent resided at the 55649
time the parent was admitted to the facility from which the parent 55650
first was transferred; 55651

(4) In the event of a disagreement as to which school 55652
district is liable for tuition under division (C)(1), (2), or (3) 55653
of this section, the superintendent of public instruction shall 55654
determine which district shall pay tuition. 55655

(E) If a child covered by division (D) of this section 55656
receives special education in accordance with Chapter 3323. of the 55657
Revised Code, the tuition shall be paid in accordance with section 55658
3323.13 or 3323.14 of the Revised Code. Tuition for children who 55659
do not receive special education shall be paid in accordance with 55660
division (J) of section 3313.64 of the Revised Code. 55661

Sec. 3313.75. (A) The board of education of a city, exempted 55662
village, or local school district may authorize the opening of 55663
schoolhouses for any lawful purposes. ~~This~~ 55664

(B) In accordance with this section and section 3313.77 of 55665
the Revised Code, a district board may rent or lease facilities 55666
under its control to any public or nonpublic institution of higher 55667
education for the institution's use in providing evening and 55668
summer classes. 55669

(C) This section does not authorize a board to rent or lease 55670
a schoolhouse when such rental or lease interferes with the public 55671
schools in such district, or for any purpose other than is 55672
authorized by law. 55673

Sec. 3313.816. ~~(A)~~ No public or chartered nonpublic school 55674

shall permit the sale of a la carte beverage items other than the 55675
following during the regular and extended school day: 55676

~~(1)(A)~~ For a school in which the majority of grades offered 55677
are in the range from kindergarten to grade four: 55678

~~(a)(1)~~ Water; 55679

~~(b)(i)~~ Prior to January 1, 2014, eight ounces or less of 55680
low fat or fat free milk, including flavored milk, that contains 55681
not more than one hundred seventy calories per eight ounces; 55682

~~(ii)~~ Beginning January 1, 2014, eight ounces or less of 55683
low fat or fat free milk, including flavored milk, that contains 55684
not more than one hundred fifty calories per eight ounces. 55685

~~(c)(2)~~ Milk; 55686

(3) Eight ounces or less of one hundred per cent fruit juice, 55687
or a one hundred per cent fruit juice and water blend with no 55688
added sweeteners, that contains not more than one hundred sixty 55689
calories per eight ounces. 55690

~~(2)(B)~~ For a school in which the majority of grades offered 55691
are in the range from grade five to grade eight: 55692

~~(a)(1)~~ Water; 55693

~~(b)(i)~~ Prior to January 1, 2014, eight ounces or less of 55694
low fat or fat free milk, including flavored milk, that contains 55695
not more than one hundred seventy calories per eight ounces; 55696

~~(ii)~~ Beginning January 1, 2014, eight ounces or less of 55697
low fat or fat free milk, including flavored milk, that contains 55698
not more than one hundred fifty calories per eight ounces. 55699

~~(c)(2)~~ Milk; 55700

(3) Ten ounces or less of one hundred per cent fruit juice, 55701
or a one hundred per cent fruit juice and water blend with no 55702
added sweeteners, that contains not more than one hundred sixty 55703

calories per eight ounces. 55704

~~(3)(C)~~ For a school in which the majority of grades offered 55705
are in the range from grade nine to grade twelve: 55706

~~(a)(1)~~ Water; 55707

~~(b)(i)~~ Prior to January 1, 2014, sixteen ounces or less of 55708
low fat or fat free milk, including flavored milk, that contains 55709
not more than one hundred seventy calories per eight ounces; 55710

~~(ii)~~ Beginning January 1, 2014, sixteen ounces or less of 55711
low fat or fat free milk, including flavored milk, that contains 55712
not more than one hundred fifty calories per eight ounces. 55713

~~(e)(2)~~ Milk; 55714

(3) Twelve ounces or less of one hundred per cent fruit 55715
juice, or a one hundred per cent fruit juice and water blend with 55716
no added sweeteners, that contains not more than one hundred sixty 55717
calories per eight ounces; 55718

~~(d)(4)~~ Twelve ounces or less of any beverage that contains 55719
not more than sixty-six calories per eight ounces; 55720

~~(e)(5)~~ Any size of a beverage that contains not more than ten 55721
calories per eight ounces, which may include caffeinated beverages 55722
and beverages with added sweeteners, carbonation, or artificial 55723
flavoring. 55724

~~(B)~~ Each public and chartered nonpublic school shall require 55725
at least fifty per cent of the a la carte beverage items available 55726
for sale from each of the following sources during the regular and 55727
extended school day to be water or other beverages that contain 55728
not more than ten calories per eight ounces: 55729

~~(1)~~ A school food service program; 55730

~~(2)~~ A vending machine located on school property that does 55731
not sell only milk or reimbursable meals; 55732

~~(3) A store operated by the school, a student association, or
other school sponsored organization.~~ 55733
55734

Sec. 3313.842. (A) The boards of education or governing 55735
authorities of any two or more school districts or community 55736
schools may enter into an agreement for joint or cooperative 55737
establishment and operation of any educational program including 55738
any class, course, or program that may be included in a school 55739
district's or community school's graded course of study and staff 55740
development programs for teaching and nonteaching school 55741
employees. Each school district or community school that is party 55742
to such an agreement may contribute funds of the district or 55743
school in support of the agreement and for the establishment and 55744
operation of any educational program established under the 55745
agreement. The agreement shall designate one of the districts or 55746
community schools as ~~the district~~ responsible for receiving and 55747
disbursing the funds contributed by the ~~districts that are parties~~ 55748
to the agreement. 55749

(B) Notwithstanding sections 3313.48 and 3313.64 of the 55750
Revised Code, any school district that is party to an agreement 55751
for joint or cooperative establishment and operation of an 55752
educational program may charge fees or tuition for students who 55753
participate in the program and are entitled to attend school in 55754
the district under section 3313.64 or 3313.65 of the Revised Code. 55755
Except as otherwise provided in division (H) of section 3321.01 of 55756
the Revised Code, no community school that is party to the 55757
agreement shall charge fees or tuition for students who 55758
participate in the program and are reported by the school under 55759
division (B)(2) of section 3314.08 of the Revised Code. 55760

Sec. 3313.843. (A) Notwithstanding division (D) of section 55761
3311.52 of the Revised Code, this section does not apply to ~~either~~ 55762
~~of the following:~~ 55763

~~(1) Any any cooperative education school district+ 55764~~

~~(2) Any city or exempted village school district with a total 55765
student count of thirteen thousand or more determined pursuant to 55766
section 3317.03 of the Revised Code that has not entered into one 55767
or more agreements pursuant to this section prior to July 1, 1993, 55768
unless the district's total student count did not exceed thirteen 55769
thousand at the time it entered into an initial agreement under 55770
this section. 55771~~

~~(B)(1) The board of education of a each city ~~or~~, exempted 55772
village, or local school district ~~and~~ with a student count of 55773
sixteen thousand or less, as defined in section 3301.011 of the 55774
Revised Code, shall enter into an agreement with the governing 55775
board of an educational service center ~~may enter into an~~ 55776
~~agreement, through adoption of identical resolutions,~~ under which 55777
the educational service center governing board will provide 55778
services to the ~~city or exempted village school~~ district. 55779~~

~~(2) The board of education of a city, exempted village, or 55780
local school district with a student count of more than sixteen 55781
thousand may enter into an agreement with the governing board of 55782
an educational service center, under which the educational service 55783
center governing board will provide services to the district. 55784~~

~~(3) Services provided under ~~the~~ an agreement entered into 55785
under division (B)(1) or (2) of this section shall be specified in 55786
the agreement, and may include any ~~one or a combination~~ of the 55787
following: supervisory teachers; in-service and continuing 55788
education programs for ~~city or exempted village school~~ district 55789
personnel; curriculum services ~~as provided to the local school~~ 55790
~~districts under the supervision of the service center governing~~ 55791
~~board;~~ research and development programs; academic instruction for 55792
which the governing board employs teachers pursuant to section 55793
3319.02 of the Revised Code; ~~and~~ assistance in the provision of 55794
special accommodations and classes for students with disabilities; 55795~~

or any other services the district board and service center 55796
governing board agree can be better provided by the service center 55797
and are not provided under an agreement entered into under section 55798
3313.845 of the Revised Code. Services included in the agreement 55799
shall be provided to the ~~city or exempted village~~ district in the 55800
same manner ~~they are provided to local school districts under the~~ 55801
~~governing board's supervision, unless otherwise~~ specified in the 55802
agreement. The ~~city or exempted village~~ district board of 55803
education shall reimburse the educational service center governing 55804
board pursuant to section 3317.11 of the Revised Code. 55805

~~(C) If an educational service center received funding under~~ 55806
~~division (B) of former section 3317.11 or division (F) of section~~ 55807
~~3317.11 of the Revised Code for an agreement under this section~~ 55808
~~involving a city school district whose total student count was~~ 55809
~~less than thirteen thousand, the service center may continue to~~ 55810
~~receive funding under that division for such an agreement in any~~ 55811
~~subsequent year if the city district's total student count exceeds~~ 55812
~~thirteen thousand. However, only the first thirteen thousand~~ 55813
~~pupils in the formula ADM of such district shall be included in~~ 55814
~~determining the amount of the per pupil subsidy the service center~~ 55815
~~shall receive under division (F) of section 3317.11 of the Revised~~ 55816
~~Code.~~ 55817

~~(D)~~ Any agreement entered into pursuant to this section shall 55818
be ~~valid only if a copy is~~ filed with the department of education 55819
by the first day of July of the school year for which the 55820
agreement is in effect. 55821

(D)(1) An agreement for services from an educational service 55822
center entered into under this section may be terminated by the 55823
school district board of education, at its option, by notifying 55824
the governing board of the service center by January 1, 2012, or 55825
by the first day of January of any odd-numbered year thereafter, 55826
that the district board intends to terminate the agreement in that 55827

year, and that termination shall be effective on the thirtieth day 55828
of June of that year. The failure of a district board to notify an 55829
educational service center of its intent to terminate an agreement 55830
by the first day of January of an odd-numbered year shall result 55831
in renewal of the existing agreement for the following two school 55832
years. 55833

(2) If the school district that terminates an agreement for 55834
services under division (D)(1) of this section is also subject to 55835
the requirement of division (B)(1) of this section, the district 55836
board shall enter into a new agreement with a different 55837
educational service center so that the new agreement is effective 55838
on the first day of July of that same year. 55839

Sec. 3313.845. The board of education of a city, exempted 55840
village, or local school district and the governing board of an 55841
educational service center may enter into an agreement, ~~through~~ 55842
~~adoption of identical resolutions,~~ under which the educational 55843
service center will provide services to the school district. 55844
Services provided under the agreement and the amount to be paid 55845
for such services shall be mutually agreed to by the district 55846
board of education and the service center governing board, and 55847
shall be specified in the agreement. Payment for services 55848
specified in the agreement shall be made pursuant to division (D) 55849
of section 3317.11 of the Revised Code and shall not include any 55850
deduction under division (B), (C), or (F) of that section. Any 55851
agreement entered into pursuant to this section shall be valid 55852
only if a copy is filed with the department of education by the 55853
first day of the school year for which the agreement is in effect. 55854

The authority granted under this section to the boards of 55855
education of city ~~and~~, exempted village, and local school 55856
districts is in addition to the authority granted to such boards 55857
under section 3313.843 of the Revised Code. ~~No city or exempted~~ 55858

~~village district that is eligible to receive services from an 55859
educational service center under section 3313.843 of the Revised 55860
Code may receive any of the services described in division (B) of 55861
that section pursuant to an agreement entered into with an 55862
educational service center under this section. 55863~~

~~If a local school district enters into an agreement with an 55864
educational service center under this section and the district is 55865
not located within the territory of the service center, the 55866
agreement shall not require the district to receive any 55867
supervisory services described in division (B) of section 3317.11 55868
of the Revised Code from the service center. The supervisory 55869
services described in that section shall be provided to the 55870
district by the educational service center of the territory in 55871
which the district is located. 55872~~

Sec. 3313.846. The governing board of an educational service 55873
center may enter into a contract with any political subdivision as 55874
defined in section 2744.01 of the Revised Code, not including 55875
school districts, community schools, or STEM schools contracting 55876
for services under section 3313.843, 3313.844, 3313.845, or 55877
3326.45 of the Revised Code, under which the educational service 55878
center will provide services to the political subdivision. 55879
Services provided under the contract and the amount to be paid for 55880
such services shall be mutually agreed to by the parties and shall 55881
be specified in the contract. The political subdivision shall 55882
directly pay an educational service center for services specified 55883
in the contract. The board of the educational service center shall 55884
file a copy of each contract entered into under this section with 55885
the department of education by the first day the contract is in 55886
effect. 55887

Sec. 3313.88. (A)(1) Prior to the first day of August of each 55888
school year, the board of education of any school district or the 55889

governing authority of any chartered nonpublic school may submit 55890
to the department of education a plan to require students to 55891
access and complete classroom lessons posted on the district's or 55892
nonpublic school's web portal or web site in order to make up days 55893
in that school year on which it is necessary to close schools for 55894
any of the reasons specified in division (B) of section 3317.01 of 55895
the Revised Code in excess of the number of days permitted under 55896
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 55897

55898

Prior to the first day of August of each school year, the 55899
governing authority of any community school established under 55900
Chapter 3314. that is not an internet- or computer-based community 55901
school, as defined in section 3314.02 of the Revised Code, may 55902
submit to the department a plan to require students to access and 55903
complete classroom lessons posted on the school's web portal or 55904
web site in order to make up days or hours in that school year on 55905
which it is necessary to close the school for any of the reasons 55906
specified in division (L)(4) of section 3314.08 of the Revised 55907
Code so that the school is in compliance with the minimum number 55908
of hours required under Chapter 3314. of the Revised Code. 55909

A plan submitted by a school district board or chartered 55910
nonpublic school governing authority shall provide for making up 55911
any number of days, up to a maximum of three days. A plan 55912
submitted by a community school governing authority shall provide 55913
for making up any number of hours, up to a maximum of the 55914
equivalent of three days. Provided the plan meets all requirements 55915
of this section, the department shall permit the board or 55916
governing authority to implement the plan for the applicable 55917
school year. 55918

(2) Each plan submitted under this section by a school 55919
district board of education shall include the written consent of 55920

the teachers' employee representative designated under division 55921
(B) of section 4117.04 of the Revised Code. 55922

(3) Each plan submitted under this section shall provide for 55923
the following: 55924

(a) Not later than the first day of November of the school 55925
year, each classroom teacher shall develop a sufficient number of 55926
lessons for each course taught by the teacher that school year to 55927
cover the number of make-up days or hours specified in the plan. 55928
The teacher shall designate the order in which the lessons are to 55929
be posted on the district's, community school's, or nonpublic 55930
school's web portal or web site in the event of a school closure. 55931
Teachers may be granted up to one professional development day to 55932
create lesson plans for those lessons. 55933

(b) To the extent possible and necessary, a classroom teacher 55934
shall update or replace, based on current instructional progress, 55935
one or more of the lesson plans developed under division (A)(3)(a) 55936
of this section before they are posted on the web portal or web 55937
site under division (A)(3)(c) of this section or distributed under 55938
division (B) of this section. 55939

(c) As soon as practicable after a school closure, a district 55940
or school employee responsible for web portal or web site 55941
operations shall make the designated lessons available to students 55942
on the district's, community school's, or nonpublic school's 55943
portal or site. A lesson shall be posted for each course that was 55944
scheduled to meet on the day or hours of the closure. 55945

(d) Each student enrolled in a course for which a lesson is 55946
posted on the portal or site shall be granted a two-week period 55947
from the date of posting to complete the lesson. The student's 55948
classroom teacher shall grade the lesson in the same manner as 55949
other lessons. The student may receive an incomplete or failing 55950
grade if the lesson is not completed on time. 55951

(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. 55952
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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 bags," which are paper copies of the lessons posted online. 55965
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(2) If a school opts to use blizzard bags, teachers shall prepare paper copies in conjunction with the lessons to be posted online and update the paper copies whenever the teacher updates the online lesson plans. 55970
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(3) The board of education of any school district or governing authority of any community or chartered nonpublic school that opts to use blizzard bags shall specify in the plan the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to anticipated school closure as directed by the superintendent of a school district or the principal, director, chief administrative officer, or the equivalent, of a school. 55974
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(4) Students shall turn in completed lessons in accordance 55983

with division (A)(3)(d) of this section. 55984

(C)(1) No school district that implements a plan in 55985
accordance with this section shall be considered to have failed to 55986
comply with division (B) of section 3317.01 of the Revised Code 55987
with respect to the number of make-up days specified in the plan. 55988

(2) No community school that implements a plan in accordance 55989
with this section shall be considered to have failed to comply 55990
with the minimum number of hours required under Chapter 3314. of 55991
the Revised Code with respect to the number of make-up hours 55992
specified in the plan. 55993

Sec. 3313.911. The state board of education may adopt a 55994
resolution assigning a city, exempted village, or local school 55995
district that is not a part of a joint vocational school district 55996
to membership in a joint vocational school district. A copy of the 55997
resolution shall be certified to the board of education of the 55998
joint vocational school district and the board of education of the 55999
district proposed to be assigned. The board of education of the 56000
joint vocational school district shall advertise a copy of the 56001
resolution in a newspaper of general circulation in the district 56002
proposed to be assigned once each week for at least two weeks, or 56003
as provided in section 7.16 of the Revised Code, immediately 56004
following the certification of the resolution to the board. The 56005
assignment shall take effect on the ninety-first day after the 56006
state board adopts the resolution, unless prior to that date 56007
qualified electors residing in the school district proposed for 56008
assignment, equal in number to ten per cent of the qualified 56009
electors of that district voting at the last general election, 56010
file a petition against the assignment. 56011

The petition of referendum shall be filed with the treasurer 56012
of the board of education of the district proposed to be assigned 56013
to the joint vocational school district. The treasurer shall give 56014

the person presenting the petition a receipt showing the time of 56015
day, date, and purpose of the petition. The treasurer shall cause 56016
the board of elections to determine the sufficiency of signatures 56017
on the petition and if the signatures are found to be sufficient, 56018
shall present the petition to the board of education of the 56019
district. The board of education shall promptly certify the 56020
question to the board of elections for the purpose of having the 56021
question placed on the ballot at the next general, primary, or 56022
special election not earlier than sixty days after the date of the 56023
certification. 56024

Only those qualified electors residing in the district 56025
proposed for assignment to the joint vocational school district 56026
are qualified to vote on the question. If a majority of the 56027
electors voting on the question vote against the assignment, it 56028
shall not take place, and the state board of education shall 56029
require the district to contract with the joint vocational school 56030
district or another school district as authorized by section 56031
3313.91 of the Revised Code. 56032

If a majority of the electors voting on the question do not 56033
vote against the assignment, the assignment shall take immediate 56034
effect, and the board of education of the joint vocational school 56035
district shall notify the county auditor of the county in which 56036
the school district becoming a part of the joint vocational school 56037
district is located to have any outstanding levy of the joint 56038
vocational school district spread over the territory of the school 56039
district that has become a part of the joint vocational school 56040
district. 56041

The assignment of a school district to a joint vocational 56042
school district pursuant to this section is subject to any 56043
agreements made between the board of education of the assigned 56044
school district and the board of education of the joint vocational 56045
school district. Such an agreement may include provisions for a 56046

payment by the assigned school district to the joint vocational 56047
school district of an amount to be contributed toward the cost of 56048
the existing facilities of the joint vocational school district. 56049

On the assignment of a school district to a joint vocational 56050
school district pursuant to this section, the joint vocational 56051
school district's board of education shall submit a proposal to 56052
the state board of education to enlarge or reorganize the 56053
membership of the joint vocational school district's board of 56054
education if expansion or reorganization of the board is necessary 56055
in order to comply with section 3311.19 of the Revised Code. 56056

Sec. 3313.97. Notwithstanding division (D) of section 3311.19 56057
and division (D) of section 3311.52 of the Revised Code, this 56058
section does not apply to any joint vocational or cooperative 56059
education school district. 56060

(A) As used in this section: 56061

(1) "Parent" has the same meaning as in section 3313.64 of 56062
the Revised Code. 56063

(2) "Alternative school" means a school building other than 56064
the one to which a student is assigned by the district 56065
superintendent. 56066

(3) "IEP" has the same meaning as in section 3323.01 of the 56067
Revised Code. 56068

(B) The board of education of each city, local, and exempted 56069
village school district shall adopt an open enrollment policy 56070
allowing students entitled to attend school in the district 56071
pursuant to section 3313.64 or 3313.65 of the Revised Code to 56072
enroll in an alternative school. Each policy shall provide for the 56073
following: 56074

(1) Application procedures, including deadlines for 56075
application and for notification of students and principals of 56076

alternative schools whenever a student's application is accepted. 56077
The policy shall require a student to apply only if the student 56078
wishes to attend an alternative school. 56079

(2) The establishment of district capacity limits by grade 56080
level, school building, and education program; 56081

(3) A requirement that students enrolled in a school building 56082
or living in any attendance area of the school building 56083
established by the superintendent or board be given preference 56084
over applicants; 56085

(4) Procedures to ensure that an appropriate racial balance 56086
is maintained in the district schools. 56087

Each policy may permit a student to permanently transfer to 56088
an alternative school so that the student need not reapply 56089
annually for permission to attend the alternative school. 56090

(C) Except as provided in section 3313.982 of the Revised 56091
Code, the procedures for admitting applicants to alternative 56092
schools shall not include: 56093

(1) Any requirement of academic ability, or any level of 56094
athletic, artistic, or other extracurricular skills; 56095

(2) Limitations on admitting applicants because of disabling 56096
conditions, except that a board may require a student receiving 56097
services under Chapter 3323. of the Revised Code to attend school 56098
where the services described in the student's IEP are available; 56099

(3) A requirement that the student be proficient in the 56100
English language; 56101

(4) Rejection of any applicant because the student has been 56102
subject to disciplinary proceedings, except that if an applicant 56103
has been suspended or expelled for ten consecutive days or more in 56104
the term for which admission is sought or in the term immediately 56105
preceding the term for which admission is sought, the procedures 56106

may include a provision denying admission of such applicant to an alternative school.

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and except as provided in division (D)(2) of this section, a district board is not required to provide transportation to a nondisabled student enrolled in an alternative school unless such student can be picked up and dropped off at a regular school bus stop designated in accordance with the board's transportation policy or unless the board is required to provide additional transportation to the student in accordance with a court-approved desegregation plan.

(2) A district board shall provide transportation to any student described in 20 U.S.C. 6316(b)(1)(F) to the extent required by division (E) of section 3302.04 of the Revised Code, except that no district board shall be required to provide transportation to any such student after the school in which the student was enrolled immediately prior to enrolling in the alternative school makes adequate yearly progress, as defined in section 3302.01 of the Revised Code, for two consecutive school years.

(E) Each school board shall provide information about the policy adopted under this section and the application procedures and deadlines to the parent of each student in the district and to the general public.

(F) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies.

Sec. 3313.975. As used in this section and in sections 3313.975 to 3313.979 of the Revised Code, "the pilot project school district" or "the district" means any school district included in the pilot project scholarship program pursuant to this

section. 56138

(A) The superintendent of public instruction shall establish 56139
a pilot project scholarship program and shall include in such 56140
program any school districts that are or have ever been under 56141
federal court order requiring supervision and operational 56142
management of the district by the state superintendent. The 56143
program shall provide for a number of students residing in any 56144
such district to receive scholarships to attend alternative 56145
schools, and for an equal number of students to receive tutorial 56146
assistance grants while attending public school in any such 56147
district. 56148

(B) The state superintendent shall establish an application 56149
process and deadline for accepting applications from students 56150
residing in the district to participate in the scholarship 56151
program. In the initial year of the program students may only use 56152
a scholarship to attend school in grades kindergarten through 56153
third. 56154

The state superintendent shall award as many scholarships and 56155
tutorial assistance grants as can be funded given the amount 56156
appropriated for the program. In no case, however, shall more than 56157
fifty per cent of all scholarships awarded be used by students who 56158
were enrolled in a nonpublic school during the school year of 56159
application for a scholarship. 56160

(C)(1) The pilot project program shall continue in effect 56161
each year that the general assembly has appropriated sufficient 56162
money to fund scholarships and tutorial assistance grants. In each 56163
year the program continues, ~~no~~ new students may receive 56164
scholarships ~~unless they are enrolled~~ in grades kindergarten to 56165
~~eight~~ twelve. ~~However, any~~ A student who has received a 56166
scholarship ~~the preceding year~~ may continue to receive one until 56167
the student has completed grade ~~ten~~. ~~Beginning in the 2005-2006~~ 56168
~~academic year, a student who previously has received a scholarship~~ 56169

~~may receive a scholarship in grade eleven. Beginning in the 56170
2006-2007 academic year, a student who previously has received a 56171
scholarship may receive a scholarship in grade twelve. 56172~~

(2) If the general assembly discontinues the scholarship 56173
program, all students who are attending an alternative school 56174
under the pilot project shall be entitled to continued admittance 56175
to that specific school through all grades that are provided in 56176
such school, under the same conditions as when they were 56177
participating in the pilot project. The state superintendent shall 56178
continue to make scholarship payments in accordance with division 56179
(A) or (B) of section 3313.979 of the Revised Code for students 56180
who remain enrolled in an alternative school under this provision 56181
in any year that funds have been appropriated for this purpose. 56182

If funds are not appropriated, the tuition charged to the 56183
parents of a student who remains enrolled in an alternative school 56184
under this provision shall not be increased beyond the amount 56185
equal to the amount of the scholarship plus any additional amount 56186
charged that student's parent in the most recent year of 56187
attendance as a participant in the pilot project, except that 56188
tuition for all the students enrolled in such school may be 56189
increased by the same percentage. 56190

(D) Notwithstanding sections 124.39, 3307.54, and 3319.17 of 56191
the Revised Code, if the pilot project school district experiences 56192
a decrease in enrollment due to participation in a state-sponsored 56193
scholarship program pursuant to sections 3313.974 to 3313.979 of 56194
the Revised Code, the district board of education may enter into 56195
an agreement with any teacher it employs to provide to that 56196
teacher severance pay or early retirement incentives, or both, if 56197
the teacher agrees to terminate the employment contract with the 56198
district board, provided any collective bargaining agreement in 56199
force pursuant to Chapter 4117. of the Revised Code does not 56200
prohibit such an agreement for termination of a teacher's 56201

employment contract. 56202

Sec. 3313.978. (A) Annually by the first day of November, the 56203
superintendent of public instruction shall notify the pilot 56204
project school district of the number of initial scholarships that 56205
the state superintendent will be awarding in each of grades 56206
kindergarten through ~~eight~~ twelve. 56207

The state superintendent shall provide information about the 56208
scholarship program to all students residing in the district, 56209
shall accept applications from any such students until such date 56210
as shall be established by the state superintendent as a deadline 56211
for applications, and shall establish criteria for the selection 56212
of students to receive scholarships from among all those applying 56213
prior to the deadline, which criteria shall give preference to 56214
students from low-income families. For each student selected, the 56215
state superintendent shall also determine whether the student 56216
qualifies for seventy-five or ninety per cent of the scholarship 56217
amount. Students whose family income is at or above two hundred 56218
per cent of the maximum income level established by the state 56219
superintendent for low-income families shall qualify for 56220
seventy-five per cent of the scholarship amount and students whose 56221
family income is below two hundred per cent of that maximum income 56222
level shall qualify for ninety per cent of the scholarship amount. 56223
The state superintendent shall notify students of their selection 56224
prior to the fifteenth day of January and whether they qualify for 56225
seventy-five or ninety per cent of the scholarship amount. 56226

(1) A student receiving a pilot project scholarship may 56227
utilize it at an alternative public school by notifying the 56228
district superintendent, at any time before the beginning of the 56229
school year, of the name of the public school in an adjacent 56230
school district to which the student has been accepted pursuant to 56231
section 3327.06 of the Revised Code. 56232

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| (2) A student may decide to utilize a pilot project | 56233 |
| scholarship at a registered private school in the district if all | 56234 |
| of the following conditions are met: | 56235 |
| (a) By the fifteenth day of February of the preceding school | 56236 |
| year, or at any time prior to the start of the school year, the | 56237 |
| parent makes an application on behalf of the student to a | 56238 |
| registered private school. | 56239 |
| (b) The registered private school notifies the parent and the | 56240 |
| state superintendent as follows that the student has been | 56241 |
| admitted: | 56242 |
| (i) By the fifteenth day of March of the preceding school | 56243 |
| year if the student filed an application by the fifteenth day of | 56244 |
| February and was admitted by the school pursuant to division (A) | 56245 |
| of section 3313.977 of the Revised Code; | 56246 |
| (ii) Within one week of the decision to admit the student if | 56247 |
| the student is admitted pursuant to division (C) of section | 56248 |
| 3313.977 of the Revised Code. | 56249 |
| (c) The student actually enrolls in the registered private | 56250 |
| school to which the student was first admitted or in another | 56251 |
| registered private school in the district or in a public school in | 56252 |
| an adjacent school district. | 56253 |
| (B) The state superintendent shall also award in any school | 56254 |
| year tutorial assistance grants to a number of students equal to | 56255 |
| the number of students who receive scholarships under division (A) | 56256 |
| of this section. Tutorial assistance grants shall be awarded | 56257 |
| solely to students who are enrolled in the public schools of the | 56258 |
| district in a grade level covered by the pilot project. Tutorial | 56259 |
| assistance grants may be used solely to obtain tutorial assistance | 56260 |
| from a provider approved pursuant to division (D) of section | 56261 |
| 3313.976 of the Revised Code. | 56262 |
| All students wishing to obtain tutorial assistance grants | 56263 |

shall make application to the state superintendent by the first 56264
day of the school year in which the assistance will be used. The 56265
state superintendent shall award assistance grants in accordance 56266
with criteria the superintendent shall establish. For each student 56267
awarded a grant, the state superintendent shall also determine 56268
whether the student qualifies for seventy-five or ninety per cent 56269
of the grant amount and so notify the student. Students whose 56270
family income is at or above two hundred per cent of the maximum 56271
income level established by the state superintendent for 56272
low-income families shall qualify for seventy-five per cent of the 56273
grant amount and students whose family income is below two hundred 56274
per cent of that maximum income level shall qualify for ninety per 56275
cent of the grant amount. 56276

(C)(1) In the case of basic scholarships for students in 56277
grades kindergarten through eight, the scholarship amount shall 56278
not exceed the lesser of the tuition charges of the alternative 56279
school the scholarship recipient attends or three thousand dollars 56280
before fiscal year 2007 ~~and~~, three thousand four hundred fifty 56281
dollars in fiscal year 2007 through fiscal year 2011, and four 56282
thousand two hundred fifty dollars in fiscal year 2012 and 56283
thereafter. 56284

In the case of basic scholarships for students in grades nine 56285
through twelve, the scholarship amount shall not exceed the lesser 56286
of the tuition charges of the alternative school the scholarship 56287
recipient attends or two thousand seven hundred dollars before 56288
fiscal year 2007 ~~and~~, three thousand four hundred fifty dollars in 56289
fiscal year 2007 through fiscal year 2011, and five thousand 56290
dollars in fiscal year 2012 and thereafter. 56291

(2) The state superintendent shall provide for an increase in 56292
the basic scholarship amount in the case of any student who is a 56293
mainstreamed student with a disability and shall further increase 56294
such amount in the case of any separately educated student with a 56295

disability. Such increases shall take into account the 56296
instruction, related services, and transportation costs of 56297
educating such students. 56298

(3) In the case of tutorial assistance grants, the grant 56299
amount shall not exceed the lesser of the provider's actual 56300
charges for such assistance or: 56301

(a) Before fiscal year 2007, a percentage established by the 56302
state superintendent, not to exceed twenty per cent, of the amount 56303
of the pilot project school district's average basic scholarship 56304
amount; 56305

(b) In fiscal year 2007 and thereafter, four hundred dollars. 56306

(4) No scholarship or tutorial assistance grant shall be 56307
awarded unless the state superintendent determines that 56308
twenty-five or ten per cent, as applicable, of the amount 56309
specified for such scholarship or grant pursuant to division 56310
(C)(1), (2), or (3) of this section will be furnished by a 56311
political subdivision, a private nonprofit or for profit entity, 56312
or another person. Only seventy-five or ninety per cent of such 56313
amounts, as applicable, shall be paid from state funds pursuant to 56314
section 3313.979 of the Revised Code. 56315

(D)(1) Annually by the first day of November, the state 56316
superintendent shall estimate the maximum per-pupil scholarship 56317
amounts for the ensuing school year. The state superintendent 56318
shall make this estimate available to the general public at the 56319
offices of the district board of education together with the forms 56320
required by division (D)(2) of this section. 56321

(2) Annually by the fifteenth day of January, the chief 56322
administrator of each registered private school located in the 56323
pilot project district and the principal of each public school in 56324
such district shall complete a parental information form and 56325
forward it to the president of the board of education. The 56326

parental information form shall be prescribed by the department of 56327
education and shall provide information about the grade levels 56328
offered, the numbers of students, tuition amounts, achievement 56329
test results, and any sectarian or other organizational 56330
affiliations. 56331

(E)(1) Only for the purpose of administering the pilot 56332
project scholarship program, the department may request from any 56333
of the following entities the data verification code assigned 56334
under division (D)(2) of section 3301.0714 of the Revised Code to 56335
any student who is seeking a scholarship under the program: 56336

(a) The school district in which the student is entitled to 56337
attend school under section 3313.64 or 3313.65 of the Revised 56338
Code; 56339

(b) If applicable, the community school in which the student 56340
is enrolled; 56341

(c) The independent contractor engaged to create and maintain 56342
data verification codes. 56343

(2) Upon a request by the department under division (E)(1) of 56344
this section for the data verification code of a student seeking a 56345
scholarship or a request by the student's parent for that code, 56346
the school district or community school shall submit that code to 56347
the department or parent in the manner specified by the 56348
department. If the student has not been assigned a code, because 56349
the student will be entering kindergarten during the school year 56350
for which the scholarship is sought, the district shall assign a 56351
code to that student and submit the code to the department or 56352
parent by a date specified by the department. If the district does 56353
not assign a code to the student by the specified date, the 56354
department shall assign a code to the student. 56355

The department annually shall submit to each school district 56356
the name and data verification code of each student residing in 56357

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.

(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.

(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.

(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 scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:

(a) Age;

(b) Race and ethnicity;

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|--|--|
| (c) Gender; | 56388 |
| (d) Students who have participated in the scholarship program for three or more years; | 56389 56390 |
| (e) Students who have participated in the scholarship program for more than one year and less than three years; | 56391 56392 |
| (f) Students who have participated in the scholarship program for one year or less; | 56393 56394 |
| (g) Economically disadvantaged students. | 56395 |
| (3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students. | 56396 56397 56398 56399 56400 56401 56402 56403 56404 56405 |
| (4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status. | 56406 56407 56408 56409 56410 56411 56412 56413 56414 56415 |
| Sec. 3313.981. (A) The state board of education shall adopt rules requiring all of the following: | 56416 56417 |

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

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

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

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

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

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

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

(b) The full-time equivalent number of adjacent district or
other district joint vocational students enrolled in vocational
education programs or classes described in division (A) of section
3317.014 of the Revised Code and the full-time equivalent number
of such students enrolled in vocational education programs or
classes described in division (B) of that section;

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

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

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

(B) From the payments made to a city, exempted village, or local school district under Chapter ~~3306~~. 3317. of the Revised Code and, if necessary, from the payments made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract both of the following:

(1) An amount equal to the number of the district's native students reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the adjusted formula amount;

(2) The excess costs computed in accordance with division (E) of this section for any such native students receiving special

education and related services in adjacent or other school 56480
districts or as an adjacent district or other district joint 56481
vocational student; 56482

(3) For the full-time equivalent number of the district's 56483
native students reported under division (A)(1)(c) or (2)(b) of 56484
this section as enrolled in vocational education programs or 56485
classes described in section 3317.014 of the Revised Code, an 56486
amount equal to ~~the formula amount~~ \$5,732 times the applicable 56487
multiple prescribed by that section. 56488

(C) To the payments made to a city, exempted village, or 56489
local school district under Chapter ~~3306.~~ 3317. of the Revised 56490
Code, the department of education shall annually add all of the 56491
following: 56492

(1) An amount equal to the adjusted formula amount multiplied 56493
by the remainder obtained by subtracting the number of adjacent 56494
district or other district joint vocational students from the 56495
number of adjacent district or other district students enrolled in 56496
the district, as reported under division (A)(1) of this section; 56497

(2) The excess costs computed in accordance with division (E) 56498
of this section for any adjacent district or other district 56499
students, except for any adjacent or other district joint 56500
vocational students, receiving special education and related 56501
services in the district; 56502

(3) For the full-time equivalent number of the adjacent or 56503
other district students who are not adjacent district or other 56504
district joint vocational students and are reported under division 56505
(A)(1)(c) of this section as enrolled in vocational education 56506
programs or classes described in section 3317.014 of the Revised 56507
Code, an amount equal to ~~the formula amount~~ \$5,732 times the 56508
applicable multiple prescribed by that section; 56509

(4) An amount equal to the number of adjacent district or 56510

other district joint vocational students reported under division 56511
(A)(1) of this section multiplied by an amount equal to twenty per 56512
cent of the adjusted formula amount. 56513

(D) To the payments made to a joint vocational school 56514
district under Chapter 3317. of the Revised Code, the department 56515
of education shall add, for each adjacent district or other 56516
district joint vocational student reported under division (A)(2) 56517
of this section, both of the following: 56518

(1) The adjusted formula amount; 56519

(2) An amount equal to the full-time equivalent number of 56520
students reported pursuant to division (A)(2)(b) of this section 56521
times ~~the formula amount~~ \$5,732 times the applicable multiple 56522
prescribed by section 3317.014 of the Revised Code. 56523

(E)(1) A city, exempted village, or local school board 56524
providing special education and related services to an adjacent or 56525
other district student in accordance with an IEP shall, pursuant 56526
to rules of the state board, compute the excess costs to educate 56527
such student as follows: 56528

(a) Subtract the adjusted formula amount from the actual 56529
costs to educate the student; 56530

(b) From the amount computed under division (E)(1)(a) of this 56531
section subtract the amount of any funds received by the district 56532
under Chapter ~~3306-~~ 3317. of the Revised Code to provide special 56533
education and related services to the student. 56534

(2) The board shall report the excess costs computed under 56535
this division to the department of education. 56536

(3) If any student for whom excess costs are computed under 56537
division (E)(1) of this section is an adjacent or other district 56538
joint vocational student, the department of education shall add 56539
the amount of such excess costs to the payments made under Chapter 56540

~~3306-~~ 3317. of the Revised Code to the joint vocational school 56541
district enrolling the student. 56542

(F) As provided in division (D)(1)(b) of section 3317.03 of 56543
the Revised Code, no joint vocational school district shall count 56544
any adjacent or other district joint vocational student enrolled 56545
in the district in its formula ADM certified under section 3317.03 56546
of the Revised Code. 56547

(G) No city, exempted village, or local school district shall 56548
receive a payment under division (C) of this section for a 56549
student, and no joint vocational school district shall receive a 56550
payment under division (D) of this section for a student, if for 56551
the same school year that student is counted in the district's 56552
formula ADM certified under section 3317.03 of the Revised Code. 56553

(H) Upon request of a parent, and provided the board offers 56554
transportation to native students of the same grade level and 56555
distance from school under section 3327.01 of the Revised Code, a 56556
city, exempted village, or local school board enrolling an 56557
adjacent or other district student shall provide transportation 56558
for the student within the boundaries of the board's district, 56559
except that the board shall be required to pick up and drop off a 56560
nonhandicapped student only at a regular school bus stop 56561
designated in accordance with the board's transportation policy. 56562
Pursuant to rules of the state board of education, such board may 56563
reimburse the parent from funds received for pupil transportation 56564
under section ~~3306.12~~ 3317.0212 of the Revised Code, or other 56565
provisions of law, for the reasonable cost of transportation from 56566
the student's home to the designated school bus stop if the 56567
student's family has an income below the federal poverty line. 56568

Sec. 3314.012. (A) Within ninety days of September 28, 1999, 56569
the superintendent of public instruction shall appoint 56570
representatives of the department of education, including 56571

employees who work with the education management information 56572
system ~~and employees of the office of community schools~~ 56573
~~established by section 3314.11 of the Revised Code~~, to a committee 56574
to develop report card models for community schools. ~~The director~~ 56575
~~of the legislative office of education oversight shall also~~ 56576
~~appoint representatives to the committee.~~ The committee shall 56577
design model report cards appropriate for the various types of 56578
community schools approved to operate in the state. Sufficient 56579
models shall be developed to reflect the variety of grade levels 56580
served and the missions of the state's community schools. All 56581
models shall include both financial and academic data. The initial 56582
models shall be developed by March 31, 2000. 56583

(B) The department of education shall issue an annual report 56584
card for each community school, regardless of how long the school 56585
has been in operation. The report card shall report the academic 56586
and financial performance of the school utilizing one of the 56587
models developed under division (A) of this section. The report 56588
card shall include all information applicable to school buildings 56589
under division (A) of section 3302.03 of the Revised Code. The 56590
ratings a community school receives under section 3302.03 of the 56591
Revised Code for its first two full school years shall not be 56592
considered toward automatic closure of the school under section 56593
3314.35 of the Revised Code or any other matter that is based on 56594
report card ratings. 56595

(C) Upon receipt of a copy of a contract between a sponsor 56596
and a community school entered into under this chapter, the 56597
department of education shall notify the community school of the 56598
specific model report card that will be used for that school. 56599

(D) Report cards shall be distributed to the parents of all 56600
students in the community school, to the members of the board of 56601
education of the school district in which the community school is 56602
located, and to any person who requests one from the department. 56603

Sec. 3314.015. (A) The department of education shall be 56604
responsible for the oversight of any and all sponsors of the 56605
community schools established under this chapter and shall provide 56606
technical assistance to schools and sponsors in their compliance 56607
with applicable laws and the terms of the contracts entered into 56608
under section 3314.03 of the Revised Code and in the development 56609
and start-up activities of those schools. In carrying out its 56610
duties under this section, the department shall do all of the 56611
following: 56612

(1) In providing technical assistance to proposing parties, 56613
governing authorities, and sponsors, conduct training sessions and 56614
distribute informational materials; 56615

(2) Approve entities to be sponsors of community schools; 56616

(3) Monitor the effectiveness of any and all sponsors in 56617
their oversight of the schools with which they have contracted; 56618

(4) By December thirty-first of each year, issue a report to 56619
the governor, the speaker of the house of representatives, the 56620
president of the senate, and the chairpersons of the house and 56621
senate committees principally responsible for education matters 56622
regarding the effectiveness of academic programs, operations, and 56623
legal compliance and of the financial condition of all community 56624
schools established under this chapter and on the performance of 56625
community school sponsors; 56626

(5) From time to time, make legislative recommendations to 56627
the general assembly designed to enhance the operation and 56628
performance of community schools. 56629

(B)(1) Except as provided in sections 3314.021 and 3314.027 56630
of the Revised Code, no entity listed in division (C)(1) of 56631
section 3314.02 of the Revised Code shall enter into a preliminary 56632
agreement under division (C)(2) of section 3314.02 of the Revised 56633

Code until it has received approval from the department of 56634
education to sponsor community schools under this chapter and has 56635
entered into a written agreement with the department regarding the 56636
manner in which the entity will conduct such sponsorship. The 56637
department shall adopt in accordance with Chapter 119. of the 56638
Revised Code rules containing criteria, procedures, and deadlines 56639
for processing applications for such approval, for oversight of 56640
sponsors, for revocation of the approval of sponsors, and for 56641
entering into written agreements with sponsors. The rules shall 56642
require an entity to submit evidence of the entity's ability and 56643
willingness to comply with the provisions of division (D) of 56644
section 3314.03 of the Revised Code. The rules also shall require 56645
entities approved as sponsors on and after June 30, 2005, to 56646
demonstrate a record of financial responsibility and successful 56647
implementation of educational programs. If an entity seeking 56648
approval on or after June 30, 2005, to sponsor community schools 56649
in this state sponsors or operates schools in another state, at 56650
least one of the schools sponsored or operated by the entity must 56651
be comparable to or better than the performance of Ohio schools in 56652
need of continuous improvement under section 3302.03 of the 56653
Revised Code, as determined by the department. 56654

~~An Subject to section 3314.016 of the Revised Code, an entity 56655
that sponsors community schools may enter into preliminary 56656
agreements and sponsor up to one hundred schools as follows, 56657
provided each school and the contract for sponsorship meets the 56658
requirements of this chapter:~~ 56659

~~(a) An entity that sponsored fifty or fewer schools that were 56660
open for operation as of May 1, 2005, may sponsor not more than 56661
fifty schools. 56662~~

~~(b) An entity that sponsored more than fifty but not more 56663
than seventy five schools that were open for operation as of May 56664
1, 2005, may sponsor not more than the number of schools the 56665~~

~~entity sponsored that were open for operation as of May 1, 2005.~~ 56666

~~(c) Until June 30, 2006, an entity that sponsored more than 56667
seventy five schools that were open for operation as of May 1, 56668
2005, may sponsor not more than the number of schools the entity 56669
sponsored that were open for operation as of May 1, 2005. After 56670
June 30, 2006, such an entity may sponsor not more than 56671
seventy five schools. 56672~~

~~Upon approval of an entity to be a sponsor under this 56673
division, the department shall notify the entity of the number of 56674
schools the entity may sponsor. 56675~~

~~The limit imposed on an entity to which division (B)(1) of 56676
this section applies shall be decreased by one for each school 56677
sponsored by the entity that permanently closes. 56678~~

~~If at any time an entity exceeds the number of schools it may 56679
sponsor under this division, the department shall assist the 56680
schools in excess of the entity's limit in securing new sponsors. 56681
If a school is unable to secure a new sponsor, the department 56682
shall assume sponsorship of the school in accordance with division 56683
(C) of this section. Those schools for which another sponsor or 56684
the department assumes sponsorship shall be the schools that most 56685
recently entered into contracts with the entity under section 56686
3314.03 of the Revised Code. 56687~~

(2) The department of education shall determine, pursuant to 56688
criteria adopted by rule of the department, whether the mission 56689
proposed to be specified in the contract of a community school to 56690
be sponsored by a state university board of trustees or the 56691
board's designee under division (C)(1)(e) of section 3314.02 of 56692
the Revised Code complies with the requirements of that division. 56693
Such determination of the department is final. 56694

(3) The department of education shall determine, pursuant to 56695
criteria adopted by rule of the department, if any tax-exempt 56696

entity under section 501(c)(3) of the Internal Revenue Code that 56697
is proposed to be a sponsor of a community school is an 56698
education-oriented entity for purpose of satisfying the condition 56699
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 56700
Revised Code. Such determination of the department is final. 56701

(C) If at any time the state board of education finds that a 56702
sponsor is not in compliance or is no longer willing to comply 56703
with its contract with any community school or with the 56704
department's rules for sponsorship, the state board or designee 56705
shall conduct a hearing in accordance with Chapter 119. of the 56706
Revised Code on that matter. If after the hearing, the state board 56707
or designee has confirmed the original finding, the department of 56708
education may revoke the sponsor's approval to sponsor community 56709
schools and may assume the sponsorship of any schools with which 56710
the sponsor has contracted until the earlier of the expiration of 56711
two school years or until a new sponsor as described in division 56712
(C)(1) of section 3314.02 of the Revised Code is secured by the 56713
school's governing authority. The department may extend the term 56714
of the contract in the case of a school for which it has assumed 56715
sponsorship under this division as necessary to accommodate the 56716
term of the department's authorization to sponsor the school 56717
specified in this division. 56718

(D) The decision of the department to disapprove an entity 56719
for sponsorship of a community school or to revoke approval for 56720
such sponsorship under division (C) of this section, may be 56721
appealed by the entity in accordance with section 119.12 of the 56722
Revised Code. 56723

(E) The department shall adopt procedures for use by a 56724
community school governing authority and sponsor when the school 56725
permanently closes and ceases operation, which shall include at 56726
least procedures for data reporting to the department, handling of 56727
student records, distribution of assets in accordance with section 56728

3314.074 of the Revised Code, and other matters related to ceasing 56729
operation of the school. 56730

(F) In carrying out its duties under this chapter, the 56731
department shall not impose requirements on community schools or 56732
their sponsors that are not permitted by law or duly adopted 56733
rules. 56734

Sec. 3314.016. This section applies to any entity that 56735
sponsors a community school, regardless of whether section 56736
3314.021 or 3314.027 of the Revised Code exempts the entity from 56737
the requirement to be approved for sponsorship under divisions 56738
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. 56739

(A) An entity that sponsors a community school shall be 56740
permitted to enter into contracts under section 3314.03 of the 56741
Revised Code to sponsor additional community schools only if the 56742
entity meets both of the following criteria: 56743

(1) The entity is in compliance with all provisions of this 56744
chapter requiring sponsors of community schools to report data or 56745
information to the department. 56746

(2) The entity has had at least eighty per cent of the 56747
community schools it sponsors ranked, based on performance index 56748
score as defined in section 3302.01 of the Revised Code, in the 56749
highest ninety-five per cent of all public schools statewide for 56750
three consecutive years, beginning with the ranking based on data 56751
from the 2009-2010 school year. 56752

(B) If the governing authority of a community school enters 56753
into a contract with a sponsor prior to the date on which the 56754
sponsor is prohibited from sponsoring additional schools under 56755
division (A) of this section and the school has not opened for 56756
operation as of that date, that contract shall be void and the 56757
school shall not open until the governing authority secures a new 56758

sponsor by entering into a contract with the new sponsor under 56759
section 3314.03 of the Revised Code. 56760

Sec. 3314.02. (A) As used in this chapter: 56761

(1) "Sponsor" means an entity listed in division (C)(1) of 56762
this section, which has been approved by the department of 56763
education to sponsor community schools and with which the 56764
governing authority of the proposed community school enters into a 56765
contract pursuant to this section. 56766

(2) "Pilot project area" means the school districts included 56767
in the territory of the former community school pilot project 56768
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 56769
the 122nd general assembly. 56770

(3) "Challenged school district" means any of the following: 56771

(a) A school district that is part of the pilot project area; 56772

(b) A school district that is either in a state of academic 56773
emergency or in a state of academic watch under section 3302.03 of 56774
the Revised Code; 56775

(c) A big eight school district; 56776

(d) A school district ranked in the lowest five per cent 56777
according to performance index score under section 3302.21 of the 56778
Revised Code. 56779

(4) "Big eight school district" means a school district that 56780
for fiscal year 1997 had both of the following: 56781

(a) A percentage of children residing in the district and 56782
participating in the predecessor of Ohio works first greater than 56783
thirty per cent, as reported pursuant to section 3317.10 of the 56784
Revised Code; 56785

(b) An average daily membership greater than twelve thousand, 56786
as reported pursuant to former division (A) of section 3317.03 of 56787

the Revised Code. 56788

(5) "New start-up school" means a community school other than 56789
one created by converting all or part of an existing public school 56790
or educational service center building, as designated in the 56791
school's contract pursuant to division (A)(17) of section 3314.03 56792
of the Revised Code. 56793

(6) "Urban school district" means one of the state's 56794
twenty-one urban school districts as defined in division (O) of 56795
section 3317.02 of the Revised Code as that section existed prior 56796
to July 1, 1998. 56797

(7) "Internet- or computer-based community school" means a 56798
community school established under this chapter in which the 56799
enrolled students work primarily from their residences on 56800
assignments in nonclassroom-based learning opportunities provided 56801
via an internet- or other computer-based instructional method that 56802
does not rely on regular classroom instruction or via 56803
comprehensive instructional methods that include internet-based, 56804
other computer-based, and noncomputer-based learning 56805
opportunities. 56806

(8) "Operator" means either of the following: 56807

(a) An individual or organization that manages the daily 56808
operations of a community school pursuant to a contract between 56809
the operator and the school's governing authority; 56810

(b) A nonprofit organization that provides programmatic 56811
oversight and support to a community school under a contract with 56812
the school's governing authority and that retains the right to 56813
terminate its affiliation with the school if the school fails to 56814
meet the organization's quality standards. 56815

(B) Any person or group of individuals may initially propose 56816
under this division the conversion of all or a portion of a public 56817
school or a building operated by an educational service center to 56818

a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted or, in the case of the conversion of a building operated by an educational service center, to the governing board of the service center. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

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

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

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

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

(d) The governing board of any educational service center,~~as~~ 56850
~~long as the proposed school will be located in a county within the~~ 56851
~~territory of the service center or in a county contiguous to such~~ 56852
~~county;~~ 56853

(e) A sponsoring authority designated by the board of 56854
trustees of any of the thirteen state universities listed in 56855
section 3345.011 of the Revised Code or the board of trustees 56856
itself as long as a mission of the proposed school to be specified 56857
in the contract under division (A)(2) of section 3314.03 of the 56858
Revised Code and as approved by the department of education under 56859
division (B)(2) of section 3314.015 of the Revised Code will be 56860
the practical demonstration of teaching methods, educational 56861
technology, or other teaching practices that are included in the 56862
curriculum of the university's teacher preparation program 56863
approved by the state board of education; 56864

(f) Any qualified tax-exempt entity under section 501(c)(3) 56865
of the Internal Revenue Code as long as all of the following 56866
conditions are satisfied: 56867

(i) The entity has been in operation for at least five years 56868
prior to applying to be a community school sponsor. 56869

(ii) The entity has assets of at least five hundred thousand 56870
dollars and a demonstrated record of financial responsibility. 56871

(iii) The department of education has determined that the 56872
entity is an education-oriented entity under division (B)(3) of 56873
section 3314.015 of the Revised Code and the entity has a 56874
demonstrated record of successful implementation of educational 56875
programs. 56876

(iv) The entity is not a community school. 56877

Any entity described in division (C)(1) of this section may 56878
enter into a preliminary agreement pursuant to division (C)(2) of 56879
this section with the proposing person or group. 56880

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district while that district is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or ranked in the lowest five per cent according to performance index score under section 3302.21 of the Revised Code may continue in existence once the school district is no longer in a state of academic emergency or academic watch or ranked in the lowest five per cent according to performance index score, provided there is a valid contract between the school and a sponsor.

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

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall

notify the department of education when the contract has been 56913
signed. ~~Subject to sections 3314.013, 3314.014, 3314.016, and~~ 56914
~~3314.017 of the Revised Code, an~~ An unlimited number of community 56915
schools may be established in any school district provided that a 56916
contract is entered into for each community school pursuant to 56917
this chapter. 56918

(E)(1) As used in this division, "immediate relatives" are 56919
limited to spouses, children, parents, grandparents, siblings, and 56920
in-laws. 56921

Each new start-up community school established under this 56922
chapter shall be under the direction of a governing authority 56923
which shall consist of a board of not less than five individuals. 56924

No person shall serve on the governing authority or operate 56925
the community school under contract with the governing authority 56926
so long as the person owes the state any money or is in a dispute 56927
over whether the person owes the state any money concerning the 56928
operation of a community school that has closed. 56929

(2) No person shall serve on the governing authorities of 56930
more than two start-up community schools at the same time. 56931

(3) No present or former member, or immediate relative of a 56932
present or former member, of the governing authority of any 56933
community school established under this chapter shall be an owner, 56934
employee, or consultant of any ~~nonprofit~~ sponsor or ~~for-profit~~ 56935
operator of a community school, unless at least one year has 56936
elapsed since the conclusion of the person's membership. 56937

(F)(1) A new start-up school that is established prior to 56938
August 15, 2003, in an urban school district that is not also a 56939
big-eight school district may continue to operate after that date 56940
and the contract between the school's governing authority and the 56941
school's sponsor may be renewed, as provided under this chapter, 56942
after that date, but no additional new start-up schools may be 56943

established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

~~(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school unless the school is located in a county within the territory of the service center or in a county contiguous to such county.~~

(G) Notwithstanding anything to the contrary in this section, a person or group of individuals may propose the establishment of a new start-up school to be located in a school district that is not a challenged school district and, upon obtaining a sponsor in accordance with divisions (C)(1) and (2) of this section, may proceed to establish the school, if all of the following conditions are met:

(1) The school will be established as a public benefit corporation in accordance with division (A)(1)(b) of section 3314.03 of the Revised Code;

(2) At least seventy-five per cent of the school's total enrollment will be children with disabilities, as defined in section 3323.01 of the Revised Code; 56975
56976
56977

(3) Either the school district in which the school will be located or the department of education has certified that there is a need for a school serving children with disabilities in that region. 56978
56979
56980
56981

Sec. 3314.021. (A) This section applies to any entity that is 56982
exempt from taxation under section 501(c)(3) of the Internal 56983
Revenue Code and that satisfies the conditions specified in 56984
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 56985
Revised Code but does not satisfy the condition specified in 56986
division (C)(1)(f)(i) of that section. 56987

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 56988
of the Revised Code, an entity described in division (A) of this 56989
section may do both of the following without obtaining the 56990
department of education's initial approval of its sponsorship 56991
under divisions (A)(2) and (B)(1) of section 3314.015 of the 56992
Revised Code: 56993

(1) Succeed the board of trustees of a state university 56994
located in the pilot project area or that board's designee as the 56995
sponsor of a community school established under this chapter; 56996

(2) Continue to sponsor that school in conformance with the 56997
terms of the contract between the board of trustees or its 56998
designee and the governing authority of the community school and 56999
renew that contract as provided in division (E) of section 3314.03 57000
of the Revised Code. 57001

(C) The entity that succeeds the board of trustees or the 57002
board's designee as sponsor of a community school under division 57003
(B) of this section also may enter into contracts to sponsor other 57004

community schools located in any challenged school district, 57005
without obtaining the department's initial approval of its 57006
sponsorship of those schools under divisions (A)(2) and (B)(1) of 57007
section 3314.015 of the Revised Code, ~~and not subject to the~~ 57008
~~restriction of division (A)(7) of section 3314.013 of the Revised~~ 57009
~~Code,~~ as long as the contracts conform with and the entity 57010
complies with all other requirements of this chapter. 57011

(D) Regardless of the entity's authority to sponsor community 57012
schools without the initial approval of the department, the entity 57013
is under the continuing oversight of the department in accordance 57014
with rules adopted under section 3314.015 of the Revised Code. 57015

Sec. 3314.023. In order to provide monitoring and technical 57016
assistance, ~~the sponsor of a community school shall be located or~~ 57017
~~have representatives located within fifty miles of the location of~~ 57018
~~the community school, or in the case of an internet or~~ 57019
~~computer based community school, within fifty miles of the~~ 57020
~~school's base of operation. A~~ a representative of the sponsor of a 57021
community school shall meet with the governing authority or 57022
treasurer of the school and shall review the financial and 57023
enrollment records of the school at least once every ~~two months~~ 57024
month. 57025

Not later than one hundred eighty days after the effective 57026
date of this amendment, the state board of education shall adopt 57027
rules under Chapter 119. of the Revised Code that define what 57028
records constitute financial records for purposes of this section. 57029

Sec. 3314.0210. (A) Notwithstanding anything to the contrary 57030
in this chapter, any organization whose membership consists solely 57031
of entities described in divisions (C)(1)(a) to (f) of section 57032
3314.02 of the Revised Code may sponsor community schools, 57033
provided that, in accordance with division (B) of section 3314.015 57034

of the Revised Code, the department of education approves the 57035
organization as a sponsor and the organization enters into a 57036
written agreement with the department regarding the manner in 57037
which the organization will conduct its sponsorship. 57038

(B) An organization approved under division (A) of this 57039
section may do all of the following: 57040

(1) Assume the sponsorship of any community school with which 57041
a member of the organization has entered into a contract under 57042
section 3314.03 of the Revised Code, provided the transfer of the 57043
sponsorship authority takes effect only at the beginning of a 57044
school year and one of the following conditions is met: 57045

(a) If the contract has expired, the governing authority of 57046
the community school enters into a successor contract with the 57047
organization under section 3314.03 of the Revised Code. 57048

(b) If the contract has not expired, both the governing 57049
authority of the community school and the governing body of the 57050
member adopt a resolution consenting to the organization becoming 57051
the school's sponsor prior to the expiration of the contract, and 57052
the governing authority and the organization amend the contract to 57053
reflect the transfer of the school's sponsorship to the 57054
organization. 57055

(2) Enter into a preliminary agreement with a person or group 57056
proposing to convert all or a portion of a building operated by a 57057
school district or educational service center that is a member of 57058
the organization into a community school and, if the district 57059
board of education or service center governing board adopts a 57060
resolution approving the conversion, enter into a contract with 57061
the governing authority of the school under section 3314.03 of the 57062
Revised Code; 57063

(3) Enter into a preliminary agreement with a person or group 57064

proposing the establishment of a new start-up school to be located 57065
in a challenged school district and enter into a contract with the 57066
governing authority of the school under section 3314.03 of the 57067
Revised Code. 57068

(C) An organization approved under division (A) of this 57069
section shall comply with all applicable requirements of this 57070
chapter in the same manner as any other sponsor. 57071

(D) Nothing in this section prohibits a member of an 57072
organization approved under division (A) of this section from 57073
sponsoring a community school on its own in its capacity as an 57074
autonomous entity authorized to sponsor community schools under 57075
section 3314.02 of the Revised Code. 57076

Sec. 3314.03. A copy of every contract entered into under 57077
this section shall be filed with the superintendent of public 57078
instruction. 57079

(A) Each contract entered into between a sponsor and the 57080
governing authority of a community school shall specify the 57081
following: 57082

(1) That the school shall be established as either of the 57083
following: 57084

(a) A nonprofit corporation established under Chapter 1702. 57085
of the Revised Code, if established prior to April 8, 2003; 57086

(b) A public benefit corporation established under Chapter 57087
1702. of the Revised Code, if established after April 8, 2003. 57088

(2) The education program of the school, including the 57089
school's mission, the characteristics of the students the school 57090
is expected to attract, the ages and grades of students, and the 57091
focus of the curriculum; 57092

(3) The academic goals to be achieved and the method of 57093
measurement that will be used to determine progress toward those 57094

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| goals, which shall include the statewide achievement assessments; | 57095 |
| (4) Performance standards by which the success of the school will be evaluated by the sponsor; | 57096 57097 |
| (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; | 57098 57099 |
| (6)(a) Dismissal procedures; | 57100 |
| (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. | 57101 57102 57103 57104 57105 57106 |
| (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; | 57107 57108 |
| (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. | 57109 57110 57111 57112 57113 57114 |
| (9) The facilities to be used and their locations; | 57115 |
| (10) Qualifications of teachers, including the following: | 57116 |
| (a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code; | 57117 57118 57119 57120 57121 |
| (b) A requirement that each classroom teacher initially hired by the school on or after July 1, 2013, and employed to provide instruction in physical education hold a valid license issued | 57122 57123 57124 |

pursuant to section 3319.22 of the Revised Code for teaching 57125
physical education. 57126

(11) That the school will comply with the following 57127
requirements: 57128

(a) The school will provide learning opportunities to a 57129
minimum of twenty-five students for a minimum of nine hundred 57130
twenty hours per school year. 57131

(b) The governing authority will purchase liability 57132
insurance, or otherwise provide for the potential liability of the 57133
school. 57134

(c) The school will be nonsectarian in its programs, 57135
admission policies, employment practices, and all other 57136
operations, and will not be operated by a sectarian school or 57137
religious institution. 57138

(d) The school will comply with sections 9.90, 9.91, 109.65, 57139
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 57140
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 57141
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 57142
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 57143
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 57144
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, ~~3314.817~~ 57145
3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 57146
3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 57147
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 57148
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 57149
and 4167. of the Revised Code as if it were a school district and 57150
will comply with section 3301.0714 of the Revised Code in the 57151
manner specified in section 3314.17 of the Revised Code. 57152

(e) The school shall comply with Chapter 102. and section 57153
2921.42 of the Revised Code. 57154

(f) The school will comply with sections 3313.61, 3313.611, 57155

and 3313.614 of the Revised Code, except that for students who 57156
enter ninth grade for the first time before July 1, 2010, the 57157
requirement in sections 3313.61 and 3313.611 of the Revised Code 57158
that a person must successfully complete the curriculum in any 57159
high school prior to receiving a high school diploma may be met by 57160
completing the curriculum adopted by the governing authority of 57161
the community school rather than the curriculum specified in Title 57162
XXXIII of the Revised Code or any rules of the state board of 57163
education. Beginning with students who enter ninth grade for the 57164
first time on or after July 1, 2010, the requirement in sections 57165
3313.61 and 3313.611 of the Revised Code that a person must 57166
successfully complete the curriculum of a high school prior to 57167
receiving a high school diploma shall be met by completing the 57168
Ohio core curriculum prescribed in division (C) of section 57169
3313.603 of the Revised Code, unless the person qualifies under 57170
division (D) or (F) of that section. Each school shall comply with 57171
the plan for awarding high school credit based on demonstration of 57172
subject area competency, adopted by the state board of education 57173
under division (J) of section 3313.603 of the Revised Code. 57174

(g) The school governing authority will submit within four 57175
months after the end of each school year a report of its 57176
activities and progress in meeting the goals and standards of 57177
divisions (A)(3) and (4) of this section and its financial status 57178
to the sponsor and the parents of all students enrolled in the 57179
school. 57180

(h) The school, unless it is an internet- or computer-based 57181
community school, will comply with ~~sections 3313.674 and section~~ 57182
3313.801 of the Revised Code as if it were a school district. 57183

(12) Arrangements for providing health and other benefits to 57184
employees; 57185

(13) The length of the contract, which shall begin at the 57186
beginning of an academic year. No contract shall exceed five years 57187

unless such contract has been renewed pursuant to division (E) of 57188
this section. 57189

(14) The governing authority of the school, which shall be 57190
responsible for carrying out the provisions of the contract; 57191

(15) A financial plan detailing an estimated school budget 57192
for each year of the period of the contract and specifying the 57193
total estimated per pupil expenditure amount for each such year. 57194
The plan shall specify for each year the base formula amount that 57195
will be used for purposes of funding calculations under section 57196
3314.08 of the Revised Code. This base formula amount for any year 57197
shall not exceed the formula amount defined under section 3317.02 57198
of the Revised Code. The plan may also specify for any year a 57199
percentage figure to be used for reducing the per pupil amount of 57200
the subsidy calculated pursuant to section 3317.029 of the Revised 57201
Code the school is to receive that year under section 3314.08 of 57202
the Revised Code. 57203

(16) Requirements and procedures regarding the disposition of 57204
employees of the school in the event the contract is terminated or 57205
not renewed pursuant to section 3314.07 of the Revised Code; 57206

(17) Whether the school is to be created by converting all or 57207
part of an existing public school or educational service center 57208
building or is to be a new start-up school, and if it is a 57209
converted public school or service center building, specification 57210
of any duties or responsibilities of an employer that the board of 57211
education or service center governing board that operated the 57212
school or building before conversion is delegating to the 57213
governing authority of the community school with respect to all or 57214
any specified group of employees provided the delegation is not 57215
prohibited by a collective bargaining agreement applicable to such 57216
employees; 57217

(18) Provisions establishing procedures for resolving 57218

disputes or differences of opinion between the sponsor and the 57219
governing authority of the community school; 57220

(19) A provision requiring the governing authority to adopt a 57221
policy regarding the admission of students who reside outside the 57222
district in which the school is located. That policy shall comply 57223
with the admissions procedures specified in sections 3314.06 and 57224
3314.061 of the Revised Code and, at the sole discretion of the 57225
authority, shall do one of the following: 57226

(a) Prohibit the enrollment of students who reside outside 57227
the district in which the school is located; 57228

(b) Permit the enrollment of students who reside in districts 57229
adjacent to the district in which the school is located; 57230

(c) Permit the enrollment of students who reside in any other 57231
district in the state. 57232

(20) A provision recognizing the authority of the department 57233
of education to take over the sponsorship of the school in 57234
accordance with the provisions of division (C) of section 3314.015 57235
of the Revised Code; 57236

(21) A provision recognizing the sponsor's authority to 57237
assume the operation of a school under the conditions specified in 57238
division (B) of section 3314.073 of the Revised Code; 57239

(22) A provision recognizing both of the following: 57240

(a) The authority of public health and safety officials to 57241
inspect the facilities of the school and to order the facilities 57242
closed if those officials find that the facilities are not in 57243
compliance with health and safety laws and regulations; 57244

(b) The authority of the department of education as the 57245
community school oversight body to suspend the operation of the 57246
school under section 3314.072 of the Revised Code if the 57247
department has evidence of conditions or violations of law at the 57248

school that pose an imminent danger to the health and safety of 57249
the school's students and employees and the sponsor refuses to 57250
take such action; 57251

(23) A description of the learning opportunities that will be 57252
offered to students including both classroom-based and 57253
non-classroom-based learning opportunities that is in compliance 57254
with criteria for student participation established by the 57255
department under division (L)(2) of section 3314.08 of the Revised 57256
Code; 57257

(24) The school will comply with sections 3302.04 and 57258
3302.041 of the Revised Code, except that any action required to 57259
be taken by a school district pursuant to those sections shall be 57260
taken by the sponsor of the school. However, the sponsor shall not 57261
be required to take any action described in division (F) of 57262
section 3302.04 of the Revised Code. 57263

(25) Beginning in the 2006-2007 school year, the school will 57264
open for operation not later than the thirtieth day of September 57265
each school year, unless the mission of the school as specified 57266
under division (A)(2) of this section is solely to serve dropouts. 57267
In its initial year of operation, if the school fails to open by 57268
the thirtieth day of September, or within one year after the 57269
adoption of the contract pursuant to division (D) of section 57270
3314.02 of the Revised Code if the mission of the school is solely 57271
to serve dropouts, the contract shall be void. 57272

(B) The community school shall also submit to the sponsor a 57273
comprehensive plan for the school. The plan shall specify the 57274
following: 57275

(1) The process by which the governing authority of the 57276
school will be selected in the future; 57277

(2) The management and administration of the school; 57278

(3) If the community school is a currently existing public 57279

school or educational service center building, alternative 57280
arrangements for current public school students who choose not to 57281
attend the converted school and for teachers who choose not to 57282
teach in the school or building after conversion; 57283

(4) The instructional program and educational philosophy of 57284
the school; 57285

(5) Internal financial controls. 57286

(C) A contract entered into under section 3314.02 of the 57287
Revised Code between a sponsor and the governing authority of a 57288
community school may provide for the community school governing 57289
authority to make payments to the sponsor, which is hereby 57290
authorized to receive such payments as set forth in the contract 57291
between the governing authority and the sponsor. The total amount 57292
of such payments for oversight and monitoring of the school shall 57293
not exceed three per cent of the total amount of payments for 57294
operating expenses that the school receives from the state. 57295

(D) The contract shall specify the duties of the sponsor 57296
which shall be in accordance with the written agreement entered 57297
into with the department of education under division (B) of 57298
section 3314.015 of the Revised Code and shall include the 57299
following: 57300

(1) Monitor the community school's compliance with all laws 57301
applicable to the school and with the terms of the contract; 57302

(2) Monitor and evaluate the academic and fiscal performance 57303
and the organization and operation of the community school on at 57304
least an annual basis; 57305

(3) Report on an annual basis the results of the evaluation 57306
conducted under division (D)(2) of this section to the department 57307
of education and to the parents of students enrolled in the 57308
community school; 57309

(4) Provide technical assistance to the community school in 57310
complying with laws applicable to the school and terms of the 57311
contract; 57312

(5) Take steps to intervene in the school's operation to 57313
correct problems in the school's overall performance, declare the 57314
school to be on probationary status pursuant to section 3314.073 57315
of the Revised Code, suspend the operation of the school pursuant 57316
to section 3314.072 of the Revised Code, or terminate the contract 57317
of the school pursuant to section 3314.07 of the Revised Code as 57318
determined necessary by the sponsor; 57319

(6) Have in place a plan of action to be undertaken in the 57320
event the community school experiences financial difficulties or 57321
closes prior to the end of a school year. 57322

(E) Upon the expiration of a contract entered into under this 57323
section, the sponsor of a community school may, with the approval 57324
of the governing authority of the school, renew that contract for 57325
a period of time determined by the sponsor, but not ending earlier 57326
than the end of any school year, if the sponsor finds that the 57327
school's compliance with applicable laws and terms of the contract 57328
and the school's progress in meeting the academic goals prescribed 57329
in the contract have been satisfactory. Any contract that is 57330
renewed under this division remains subject to the provisions of 57331
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 57332

(F) If a community school fails to open for operation within 57333
one year after the contract entered into under this section is 57334
adopted pursuant to division (D) of section 3314.02 of the Revised 57335
Code or permanently closes prior to the expiration of the 57336
contract, the contract shall be void and the school shall not 57337
enter into a contract with any other sponsor. A school shall not 57338
be considered permanently closed because the operations of the 57339
school have been suspended pursuant to section 3314.072 of the 57340
Revised Code. ~~Any contract that becomes void under this division~~ 57341

~~shall not count toward any statewide limit on the number of such~~ 57342
~~contracts prescribed by section 3314.013 of the Revised Code.~~ 57343

Sec. 3314.05. (A) The contract between the community school 57344
and the sponsor shall specify the facilities to be used for the 57345
community school and the method of acquisition. Except as provided 57346
in ~~division~~ divisions (B)(3) and (4) of this section, no community 57347
school shall be established in more than one school district under 57348
the same contract. 57349

(B) Division (B) of this section shall not apply to internet- 57350
or computer-based community schools. 57351

(1) A community school may be located in multiple facilities 57352
under the same contract only if the limitations on availability of 57353
space prohibit serving all the grade levels specified in the 57354
contract in a single facility or ~~division (B)(2) or (3), or (4)~~ 57355
of this section applies to the school. The school shall not offer 57356
the same grade level classrooms in more than one facility. 57357

(2) A community school may be located in multiple facilities 57358
under the same contract and, notwithstanding division (B)(1) of 57359
this section, may assign students in the same grade level to 57360
multiple facilities, as long as all of the following apply: 57361

(a) The governing authority of the community school filed a 57362
copy of its contract with the school's sponsor under section 57363
3314.03 of the Revised Code with the superintendent of public 57364
instruction on or before May 15, 2008. 57365

(b) The school was not open for operation prior to July 1, 57366
2008. 57367

(c) The governing authority has entered into and maintains a 57368
contract with an operator of the type described in division 57369
(A) ~~(2)(8)(b)~~ of section ~~3314.014~~ 3314.02 of the Revised Code. 57370

(d) The contract with that operator qualified the school to 57371

be established pursuant to division (A) of former section 3314.016 57372
of the Revised Code. 57373

(e) The school's rating under section 3302.03 of the Revised 57374
Code does not fall below "in need of continuous improvement" for 57375
two or more consecutive years. 57376

(3) A new start-up community school may be established in two 57377
school districts under the same contract if all of the following 57378
apply: 57379

(a) At least one of the school districts in which the school 57380
is established is a challenged school district; 57381

(b) The school operates not more than one facility in each 57382
school district and, in accordance with division (B)(1) of this 57383
section, the school does not offer the same grade level classrooms 57384
in both facilities; and 57385

(c) Transportation between the two facilities does not 57386
require more than thirty minutes of direct travel time as measured 57387
by school bus. 57388

In the case of a community school to which division (B)(3) of 57389
this section applies, if only one of the school districts in which 57390
the school is established is a challenged school district, that 57391
district shall be considered the school's primary location and the 57392
district in which the school is located for the purposes of 57393
division (A)(19) of section 3314.03 and divisions (C) and (H) of 57394
section 3314.06 of the Revised Code and for all other purposes of 57395
this chapter. If both of the school districts in which the school 57396
is established are challenged school districts, the school's 57397
governing authority shall designate one of those districts to be 57398
considered the school's primary location and the district in which 57399
the school is located for the purposes of those divisions and all 57400
other purposes of this chapter and shall notify the department of 57401
education of that designation. 57402

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply: 57403
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(a) The facilities are all located in the same county. 57407

(b) The governing authority has entered into and maintains a contract with an operator. 57408
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In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation. 57410
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(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings. 57419
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(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school. 57422
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(D) Two or more separate community schools may be located in the same facility. 57430
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Sec. 3314.051. (A) When the governing authority of a 57432

community school that acquired real property from a school 57433
district pursuant to former division (G)(2) of section 3313.41 of 57434
the Revised Code decides to dispose of that property, it first 57435
shall offer that property for sale to the school district board of 57436
education from which it acquired the property, at a price that is 57437
not higher than the appraised fair market value of that property. 57438
If the district board does not accept the offer within sixty days 57439
after the offer is made, the community school may dispose of the 57440
property in another lawful manner. 57441

(B) When a community school that acquired real property from 57442
a school district pursuant to former division (G)(2) of section 57443
3313.41 of the Revised Code permanently closes, in distributing 57444
the school's assets under section 3314.074 of the Revised Code, 57445
that property first shall be offered for sale to the school 57446
district board of education from which the community school 57447
acquired the property, at a price that is not higher than the 57448
appraised fair market value of that property. If the district 57449
board does not accept the offer within sixty days after the offer 57450
is made, the property may be disposed in another lawful manner. 57451

Sec. 3314.07. (A) The expiration of the contract for a 57452
community school between a sponsor and a school shall be the date 57453
provided in the contract. A successor contract may be entered into 57454
pursuant to division (E) of section 3314.03 of the Revised Code 57455
unless the contract is terminated or not renewed pursuant to this 57456
section. 57457

(B)(1) A sponsor may choose not to renew a contract at its 57458
expiration or may choose to terminate a contract prior to its 57459
expiration for any of the following reasons: 57460

(a) Failure to meet student performance requirements stated 57461
in the contract; 57462

(b) Failure to meet generally accepted standards of fiscal management; 57463
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(c) Violation of any provision of the contract or applicable state or federal law; 57465
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(d) Other good cause. 57467

(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. 57468
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(3) ~~At least ninety days prior to the termination or nonrenewal of a~~ Not later than the first day of March in the year in which the sponsor intends to terminate or take actions not to renew the community school's contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within ~~seventy~~ fourteen days of the receipt of a request for the hearing. ~~Promptly following~~ Not later than fourteen days after the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract. 57471
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(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The notice of appeal shall be filed with the state board not later than fourteen days following receipt of the sponsor's written decision to terminate the contract. Within sixty days of receipt of the notice of appeal, the state board shall conduct a hearing and issue a written decision on the appeal. The written decision of the state board shall include the reasons for affirming or rescinding the 57486
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decision of the sponsor. The decision by the state board 57494
pertaining to an appeal under this division is final. If the 57495
sponsor is the state board, its decision to terminate a contract 57496
under division (B)(3) of this section shall be final. 57497

(5) The termination of a contract under this section shall be 57498
effective upon the occurrence of the later of the following 57499
events: 57500

(a) ~~Ninety days following the~~ The date the sponsor notifies 57501
the school of its decision to terminate the contract as prescribed 57502
in division (B)(3) of this section; 57503

(b) If an informal hearing is requested under division (B)(3) 57504
of this section and as a result of that hearing the sponsor 57505
affirms its decision to terminate the contract, the effective date 57506
of the termination specified in the notice issued under division 57507
(B)(3) of this section, or if that decision is appealed to the 57508
state board under division (B)(4) of this section and the state 57509
board affirms that decision, the date established in the 57510
resolution of the state board affirming the sponsor's decision. 57511

(6) Any community school whose contract is terminated under 57512
division (B) of this section shall close permanently at the end of 57513
the current school year or on a date specified in the notification 57514
of termination under (B)(3) of this section. Any community school 57515
whose contract is terminated under this division shall not enter 57516
into a contract with any other sponsor. 57517

(C) A child attending a community school whose contract has 57518
been terminated, nonrenewed, or suspended or that closes for any 57519
reason shall be admitted to the schools of the district in which 57520
the child is entitled to attend under section 3313.64 or 3313.65 57521
of the Revised Code. Any deadlines established for the purpose of 57522
admitting students under section 3313.97 or 3313.98 of the Revised 57523
Code shall be waived for students to whom this division pertains. 57524

(D) If a community school does not intend to renew a contract with its sponsor, the community school shall notify its sponsor in writing of that fact at least one hundred eighty days prior to the expiration of the contract. Such a community school may enter into a contract with a new sponsor in accordance with section 3314.03 of the Revised Code upon the expiration of the previous contract.

(E) A sponsor of a community school and the officers, directors, or employees of such a sponsor are immune from civil liability for any action authorized under this chapter or the contract entered into with the school under section 3314.03 of the Revised Code that is taken to fulfill the sponsor's responsibility to oversee and monitor the school. The sponsor and its officers, directors, or employees are not liable in damages in a tort or other civil action for harm allegedly arising from either of the following:

(1) A failure of the community school or any of its officers, directors, or employees to perform any statutory or common law duty or responsibility or any other legal obligation;

(2) An action or omission of the community school or any of its officers, directors, or employees that results in harm.

(F) As used in this section:

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

(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.

Sec. 3314.08. The deductions under division (C) and the payments under division (D) of this section for fiscal years ~~2010~~ 2012 and ~~2011~~ 2013 shall be made in accordance with section

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| 3314.088 of the Revised Code. | 57555 |
| (A) As used in this section: | 57556 |
| (1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code. | 57557 57558 57559 |
| (2) "IEP" has the same meaning as in section 3323.01 of the Revised Code. | 57560 57561 |
| (3) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section. | 57562 57563 57564 |
| (4) "Applicable vocational education weight" means: | 57565 |
| (a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division; | 57566 57567 57568 |
| (b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division. | 57569 57570 57571 |
| (5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code. | 57572 57573 57574 |
| (6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program. | 57575 57576 57577 57578 |
| (7) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code. | 57579 57580 57581 57582 57583 57584 |

(8) "All-day kindergarten" has the same meaning as in section 57585
~~3317.029~~ 3321.05 of the Revised Code. 57586

(9) "State education aid" has the same meaning as in section 57587
5751.20 of the Revised Code. 57588

(B) The state board of education shall adopt rules requiring 57589
both of the following: 57590

(1) The board of education of each city, exempted village, 57591
and local school district to annually report the number of 57592
students entitled to attend school in the district who are 57593
enrolled in grades one through twelve in a community school 57594
established under this chapter, the number of students entitled to 57595
attend school in the district who are enrolled in kindergarten in 57596
a community school, the number of those kindergartners who are 57597
enrolled in all-day kindergarten in their community school, and 57598
for each child, the community school in which the child is 57599
enrolled. 57600

(2) The governing authority of each community school 57601
established under this chapter to annually report all of the 57602
following: 57603

(a) The number of students enrolled in grades one through 57604
twelve and the number of students enrolled in kindergarten in the 57605
school who are not receiving special education and related 57606
services pursuant to an IEP; 57607

(b) The number of enrolled students in grades one through 57608
twelve and the number of enrolled students in kindergarten, who 57609
are receiving special education and related services pursuant to 57610
an IEP; 57611

(c) The number of students reported under division (B)(2)(b) 57612
of this section receiving special education and related services 57613
pursuant to an IEP for a disability described in each of divisions 57614
(A) to (F) of section 3317.013 of the Revised Code; 57615

(d) The full-time equivalent number of students reported 57616
under divisions (B)(2)(a) and (b) of this section who are enrolled 57617
in vocational education programs or classes described in each of 57618
divisions (A) and (B) of section 3317.014 of the Revised Code that 57619
are provided by the community school; 57620

(e) Twenty per cent of the number of students reported under 57621
divisions (B)(2)(a) and (b) of this section who are not reported 57622
under division (B)(2)(d) of this section but who are enrolled in 57623
vocational education programs or classes described in each of 57624
divisions (A) and (B) of section 3317.014 of the Revised Code at a 57625
joint vocational school district under a contract between the 57626
community school and the joint vocational school district and are 57627
entitled to attend school in a city, local, or exempted village 57628
school district whose territory is part of the territory of the 57629
joint vocational school district; 57630

(f) The number of enrolled preschool children with 57631
disabilities receiving special education services in a 57632
state-funded unit; 57633

(g) The community school's base formula amount; 57634

(h) For each student, the city, exempted village, or local 57635
school district in which the student is entitled to attend school; 57636

(i) Any poverty-based assistance reduction factor that 57637
applies to a school year. 57638

(C) From the state education aid calculated for a city, 57639
exempted village, or local school district and, if necessary, from 57640
the payment made to the district under sections 321.24 and 323.156 57641
of the Revised Code, the department of education shall annually 57642
subtract the sum of the amounts described in divisions (C)(1) to 57643
(9) of this section. However, when deducting payments on behalf of 57644
students enrolled in internet- or computer-based community 57645
schools, the department shall deduct only those amounts described 57646

in divisions (C)(1) and (2) of this section. Furthermore, the 57647
aggregate amount deducted under this division shall not exceed the 57648
sum of the district's state education aid and its payment under 57649
sections 321.24 and 323.156 of the Revised Code. 57650

(1) An amount equal to the sum of the amounts obtained when, 57651
for each community school where the district's students are 57652
enrolled, the number of the district's students reported under 57653
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 57654
in grades one through twelve, and one-half the number of students 57655
reported under those divisions who are enrolled in kindergarten, 57656
in that community school is multiplied by the sum of the base 57657
formula amount of that community school plus the per pupil amount 57658
of the base funding supplements specified in divisions (C)(1) to 57659
(4) of section 3317.012 of the Revised Code. 57660

(2) The sum of the amounts calculated under divisions 57661
(C)(2)(a) and (b) of this section: 57662

(a) For each of the district's students reported under 57663
division (B)(2)(c) of this section as enrolled in a community 57664
school in grades one through twelve and receiving special 57665
education and related services pursuant to an IEP for a disability 57666
described in section 3317.013 of the Revised Code, the product of 57667
the applicable special education weight times the community 57668
school's base formula amount; 57669

(b) For each of the district's students reported under 57670
division (B)(2)(c) of this section as enrolled in kindergarten in 57671
a community school and receiving special education and related 57672
services pursuant to an IEP for a disability described in section 57673
3317.013 of the Revised Code, one-half of the amount calculated as 57674
prescribed in division (C)(2)(a) of this section. 57675

(3) For each of the district's students reported under 57676
division (B)(2)(d) of this section for whom payment is made under 57677

division (D)(4) of this section, the amount of that payment; 57678

(4) An amount equal to the sum of the amounts obtained when, 57679
for each community school where the district's students are 57680
enrolled, the number of the district's students enrolled in that 57681
community school who are included in the district's poverty 57682
student count is multiplied by the per pupil amount of 57683
poverty-based assistance the school district receives that year 57684
pursuant to division (C) of section 3317.029 of the Revised Code, 57685
as adjusted by any poverty-based assistance reduction factor of 57686
that community school. The per pupil amount of that aid for the 57687
district shall be calculated by the department. 57688

(5) An amount equal to the sum of the amounts obtained when, 57689
for each community school where the district's students are 57690
enrolled, the district's per pupil amount of aid received under 57691
division (E) of section 3317.029 of the Revised Code, as adjusted 57692
by any poverty-based assistance reduction factor of the community 57693
school, is multiplied by the sum of the following: 57694

(a) The number of the district's students reported under 57695
division (B)(2)(a) of this section who are enrolled in grades one 57696
to three in that community school and who are not receiving 57697
special education and related services pursuant to an IEP; 57698

(b) One-half of the district's students who are enrolled in 57699
all-day or any other kindergarten class in that community school 57700
and who are not receiving special education and related services 57701
pursuant to an IEP; 57702

(c) One-half of the district's students who are enrolled in 57703
all-day kindergarten in that community school and who are not 57704
receiving special education and related services pursuant to an 57705
IEP. 57706

The district's per pupil amount of aid under division (E) of 57707
section 3317.029 of the Revised Code is the quotient of the amount 57708

the district received under that division divided by the 57709
district's kindergarten through third grade ADM, as defined in 57710
that section. 57711

(6) An amount equal to the sum of the amounts obtained when, 57712
for each community school where the district's students are 57713
enrolled, the district's per pupil amount received under division 57714
(F) of section 3317.029 of the Revised Code, as adjusted by any 57715
poverty-based assistance reduction factor of that community 57716
school, is multiplied by the number of the district's students 57717
enrolled in the community school who are identified as 57718
limited-English proficient. 57719

(7) An amount equal to the sum of the amounts obtained when, 57720
for each community school where the district's students are 57721
enrolled, the district's per pupil amount received under division 57722
(G) of section 3317.029 of the Revised Code, as adjusted by any 57723
poverty-based assistance reduction factor of that community 57724
school, is multiplied by the sum of the following: 57725

(a) The number of the district's students enrolled in grades 57726
one through twelve in that community school; 57727

(b) One-half of the number of the district's students 57728
enrolled in kindergarten in that community school. 57729

The district's per pupil amount under division (G) of section 57730
3317.029 of the Revised Code is the district's amount per teacher 57731
calculated under division (G)(1) or (2) of that section divided by 57732
17. 57733

(8) An amount equal to the sum of the amounts obtained when, 57734
for each community school where the district's students are 57735
enrolled, the district's per pupil amount received under divisions 57736
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 57737
by any poverty-based assistance reduction factor of that community 57738
school, is multiplied by the sum of the following: 57739

(a) The number of the district's students enrolled in grades one through twelve in that community school; 57740
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(b) One-half of the number of the district's students enrolled in kindergarten in that community school. 57742
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The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code. 57744
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(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one-half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section. 57748
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(D) The department shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet- or computer-based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all 57756
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community schools under those divisions for the students entitled 57772
to attend school in that district. 57773

(1) ~~Subject to section 3314.085 of the Revised Code, an~~ An 57774
amount equal to the sum of the amounts obtained when the number of 57775
students enrolled in grades one through twelve, plus one-half of 57776
the kindergarten students in the school, reported under divisions 57777
(B)(2)(a), (b), and (e) of this section who are not receiving 57778
special education and related services pursuant to an IEP for a 57779
disability described in section 3317.013 of the Revised Code is 57780
multiplied by the sum of the community school's base formula 57781
amount plus the per pupil amount of the base funding supplements 57782
specified in divisions (C)(1) to (4) of section 3317.012 of the 57783
Revised Code. 57784

(2) ~~Prior to fiscal year 2007, the greater of the amount~~ 57785
~~calculated under division (D)(2)(a) or (b) of this section, and in~~ 57786
~~fiscal year 2007 and thereafter, the amount calculated under~~ 57787
~~division (D)(2)(b) of this section:~~ 57788

~~(a) The aggregate amount that the department paid to the~~ 57789
~~community school in fiscal year 1999 for students receiving~~ 57790
~~special education and related services pursuant to IEPs, excluding~~ 57791
~~federal funds and state disadvantaged pupil impact aid funds;~~ 57792

~~(b) The sum of the following amounts ~~calculated under~~~~ 57793
~~divisions (D)(2)(b)(i) and (ii) of this section:~~ 57794

~~(i)(a) For each student reported under division (B)(2)(c) of~~ 57795
~~this section as enrolled in the school in grades one through~~ 57796
~~twelve and receiving special education and related services~~ 57797
~~pursuant to an IEP for a disability described in section 3317.013~~ 57798
~~of the Revised Code, the following amount:~~ 57799

(the school's base formula amount plus 57800
the per pupil amount of the base funding supplements specified in 57801
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 57802

+ (the applicable special education weight X the 57803
community school's base formula amount); 57804

~~(ii)~~(b) For each student reported under division (B)(2)(c) of 57805
this section as enrolled in kindergarten and receiving special 57806
education and related services pursuant to an IEP for a disability 57807
described in section 3317.013 of the Revised Code, one-half of the 57808
amount calculated under the formula prescribed in division 57809
(D)(2)~~(b)~~(i)(a) of this section. 57810

(3) An amount received from federal funds to provide special 57811
education and related services to students in the community 57812
school, as determined by the superintendent of public instruction. 57813

(4) For each student reported under division (B)(2)(d) of 57814
this section as enrolled in vocational education programs or 57815
classes that are described in section 3317.014 of the Revised 57816
Code, are provided by the community school, and are comparable as 57817
determined by the superintendent of public instruction to school 57818
district vocational education programs and classes eligible for 57819
state weighted funding under section 3317.014 of the Revised Code, 57820
an amount equal to the applicable vocational education weight 57821
times the community school's base formula amount times the 57822
percentage of time the student spends in the vocational education 57823
programs or classes. 57824

(5) An amount equal to the sum of the amounts obtained when, 57825
for each school district where the community school's students are 57826
entitled to attend school, the number of that district's students 57827
enrolled in the community school who are included in the 57828
district's poverty student count is multiplied by the per pupil 57829
amount of poverty-based assistance that school district receives 57830
that year pursuant to division (C) of section 3317.029 of the 57831
Revised Code, as adjusted by any poverty-based assistance 57832
reduction factor of the community school. The per pupil amount of 57833
aid shall be determined as described in division (C)(4) of this 57834

section. 57835

(6) An amount equal to the sum of the amounts obtained when, 57836
for each school district where the community school's students are 57837
entitled to attend school, the district's per pupil amount of aid 57838
received under division (E) of section 3317.029 of the Revised 57839
Code, as adjusted by any poverty-based assistance reduction factor 57840
of the community school, is multiplied by the sum of the 57841
following: 57842

(a) The number of the district's students reported under 57843
division (B)(2)(a) of this section who are enrolled in grades one 57844
to three in that community school and who are not receiving 57845
special education and related services pursuant to an IEP; 57846

(b) One-half of the district's students who are enrolled in 57847
all-day or any other kindergarten class in that community school 57848
and who are not receiving special education and related services 57849
pursuant to an IEP; 57850

(c) One-half of the district's students who are enrolled in 57851
all-day kindergarten in that community school and who are not 57852
receiving special education and related services pursuant to an 57853
IEP. 57854

The district's per pupil amount of aid under division (E) of 57855
section 3317.029 of the Revised Code shall be determined as 57856
described in division (C)(5) of this section. 57857

(7) An amount equal to the sum of the amounts obtained when, 57858
for each school district where the community school's students are 57859
entitled to attend school, the number of that district's students 57860
enrolled in the community school who are identified as 57861
limited-English proficient is multiplied by the district's per 57862
pupil amount received under division (F) of section 3317.029 of 57863
the Revised Code, as adjusted by any poverty-based assistance 57864
reduction factor of the community school. 57865

(8) An amount equal to the sum of the amounts obtained when, 57866
for each school district where the community school's students are 57867
entitled to attend school, the district's per pupil amount 57868
received under division (G) of section 3317.029 of the Revised 57869
Code, as adjusted by any poverty-based assistance reduction factor 57870
of the community school, is multiplied by the sum of the 57871
following: 57872

(a) The number of the district's students enrolled in grades 57873
one through twelve in that community school; 57874

(b) One-half of the number of the district's students 57875
enrolled in kindergarten in that community school. 57876

The district's per pupil amount under division (G) of section 57877
3317.029 of the Revised Code shall be determined as described in 57878
division (C)(7) of this section. 57879

(9) An amount equal to the sum of the amounts obtained when, 57880
for each school district where the community school's students are 57881
entitled to attend school, the district's per pupil amount 57882
received under divisions (H) and (I) of section 3317.029 of the 57883
Revised Code, as adjusted by any poverty-based assistance 57884
reduction factor of the community school, is multiplied by the sum 57885
of the following: 57886

(a) The number of the district's students enrolled in grades 57887
one through twelve in that community school; 57888

(b) One-half of the number of the district's students 57889
enrolled in kindergarten in that community school. 57890

The district's per pupil amount under divisions (H) and (I) 57891
of section 3317.029 of the Revised Code shall be determined as 57892
described in division (C)(8) of this section. 57893

(10) An amount equal to the sum of the amounts obtained when, 57894
for each school district where the community school's students are 57895

entitled to attend school, the district's per pupil amount of 57896
state parity aid funding calculated under either division (C) or 57897
(D) of section 3317.0217 of the Revised Code is multiplied by the 57898
sum of the number of that district's students enrolled in grades 57899
one through twelve, and one-half of the number of that district's 57900
students enrolled in kindergarten, in the community school as 57901
reported under ~~division~~ divisions (B)(2)(a) and (b) of this 57902
section. 57903

(E)(1) If a community school's costs for a fiscal year for a 57904
student receiving special education and related services pursuant 57905
to an IEP for a disability described in divisions (B) to (F) of 57906
section 3317.013 of the Revised Code exceed the threshold 57907
catastrophic cost for serving the student as specified in division 57908
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 57909
submit to the superintendent of public instruction documentation, 57910
as prescribed by the superintendent, of all its costs for that 57911
student. Upon submission of documentation for a student of the 57912
type and in the manner prescribed, the department shall pay to the 57913
community school an amount equal to the school's costs for the 57914
student in excess of the threshold catastrophic costs. 57915

(2) The community school shall only report under division 57916
(E)(1) of this section, and the department shall only pay for, the 57917
costs of educational expenses and the related services provided to 57918
the student in accordance with the student's individualized 57919
education program. Any legal fees, court costs, or other costs 57920
associated with any cause of action relating to the student may 57921
not be included in the amount. 57922

(F) A community school may apply to the department of 57923
education for preschool children with disabilities ~~or-gifted~~ unit 57924
funding the school would receive if it were a school district. 57925
Upon request of its governing authority, a community school that 57926
received such unit funding as a school district-operated school 57927

before it became a community school shall retain any units awarded 57928
to it as a school district-operated school provided the school 57929
continues to meet eligibility standards for the unit. 57930

A community school shall be considered a school district and 57931
its governing authority shall be considered a board of education 57932
for the purpose of applying to any state or federal agency for 57933
grants that a school district may receive under federal or state 57934
law or any appropriations act of the general assembly. The 57935
governing authority of a community school may apply to any private 57936
entity for additional funds. 57937

(G) A board of education sponsoring a community school may 57938
utilize local funds to make enhancement grants to the school or 57939
may agree, either as part of the contract or separately, to 57940
provide any specific services to the community school at no cost 57941
to the school. 57942

(H) A community school may not levy taxes or issue bonds 57943
secured by tax revenues. 57944

(I) No community school shall charge tuition for the 57945
enrollment of any student. 57946

(J)(1)(a) A community school may borrow money to pay any 57947
necessary and actual expenses of the school in anticipation of the 57948
receipt of any portion of the payments to be received by the 57949
school pursuant to division (D) of this section. The school may 57950
issue notes to evidence such borrowing. The proceeds of the notes 57951
shall be used only for the purposes for which the anticipated 57952
receipts may be lawfully expended by the school. 57953

(b) A school may also borrow money for a term not to exceed 57954
fifteen years for the purpose of acquiring facilities. 57955

(2) Except for any amount guaranteed under section 3318.50 of 57956
the Revised Code, the state is not liable for debt incurred by the 57957
governing authority of a community school. 57958

(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the department shall report to the state department of education the number of students on the list who reside in each school district who were included in the department's report under section 3317.10 of the Revised Code. In complying with this division, the department of job and family services shall not report to the state department of education any personally identifiable information on any student.

(L) The department of education shall adjust the amounts subtracted and paid under divisions (C) and (D) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section and section 3314.13 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from

school district accounts as provided under divisions (C) and (D) 57992
of this section and section 3314.13 of the Revised Code. For 57993
purposes of this section and section 3314.13 of the Revised Code: 57994

(1) A student shall be considered enrolled in the community 57995
school for any portion of the school year the student is 57996
participating at a college under Chapter 3365. of the Revised 57997
Code. 57998

(2) A student shall be considered to be enrolled in a 57999
community school ~~during a school year~~ for the period of time 58000
beginning on the later of the date on which the school both has 58001
received documentation of the student's enrollment from a parent 58002
and the student has commenced participation in learning 58003
opportunities as defined in the contract with the sponsor, or 58004
thirty days prior to the date on which the student is entered into 58005
the education management information system established under 58006
section 3301.0714 of the Revised Code. For purposes of applying 58007
this division and divisions (L)(3) and (4) of this section to a 58008
community school student, "learning opportunities" shall be 58009
defined in the contract, which shall describe both classroom-based 58010
and non-classroom-based learning opportunities and shall be in 58011
compliance with criteria and documentation requirements for 58012
student participation which shall be established by the 58013
department. Any student's instruction time in non-classroom-based 58014
learning opportunities shall be certified by an employee of the 58015
community school. A student's enrollment shall be considered to 58016
cease on the date on which any of the following occur: 58017

(a) The community school receives documentation from a parent 58018
terminating enrollment of the student. 58019

(b) The community school is provided documentation of a 58020
student's enrollment in another public or private school. 58021

(c) The community school ceases to offer learning 58022

opportunities to the student pursuant to the terms of the contract 58023
with the sponsor or the operation of any provision of this 58024
chapter. 58025

(3) The department shall determine each community school 58026
student's percentage of full-time equivalency based on the 58027
percentage of learning opportunities offered by the community 58028
school to that student, reported either as number of hours or 58029
number of days, is of the total learning opportunities offered by 58030
the community school to a student who attends for the school's 58031
entire school year. However, no internet- or computer-based 58032
community school shall be credited for any time a student spends 58033
participating in learning opportunities beyond ten hours within 58034
any period of twenty-four consecutive hours. Whether it reports 58035
hours or days of learning opportunities, each community school 58036
shall offer not less than nine hundred twenty hours of learning 58037
opportunities during the school year. 58038

(4) With respect to the calculation of full-time equivalency 58039
under division (L)(3) of this section, the department shall waive 58040
the number of hours or days of learning opportunities not offered 58041
to a student because the community school was closed during the 58042
school year due to disease epidemic, hazardous weather conditions, 58043
inoperability of school buses or other equipment necessary to the 58044
school's operation, damage to a school building, or other 58045
temporary circumstances due to utility failure rendering the 58046
school building unfit for school use, so long as the school was 58047
actually open for instruction with students in attendance during 58048
that school year for not less than the minimum number of hours 58049
required by this chapter. The department shall treat the school as 58050
if it were open for instruction with students in attendance during 58051
the hours or days waived under this division. 58052

(M) The department of education shall reduce the amounts paid 58053
under division (D) of this section to reflect payments made to 58054

colleges under division (B) of section 3365.07 of the Revised Code 58055
or through alternative funding agreements entered into under rules 58056
adopted under section 3365.12 of the Revised Code. 58057

(N)(1) No student shall be considered enrolled in any 58058
internet- or computer-based community school or, if applicable to 58059
the student, in any community school that is required to provide 58060
the student with a computer pursuant to division (C) of section 58061
3314.22 of the Revised Code, unless both of the following 58062
conditions are satisfied: 58063

(a) The student possesses or has been provided with all 58064
required hardware and software materials and all such materials 58065
are operational so that the student is capable of fully 58066
participating in the learning opportunities specified in the 58067
contract between the school and the school's sponsor as required 58068
by division (A)(23) of section 3314.03 of the Revised Code; 58069

(b) The school is in compliance with division (A) of section 58070
3314.22 of the Revised Code, relative to such student. 58071

(2) In accordance with policies adopted jointly by the 58072
superintendent of public instruction and the auditor of state, the 58073
department shall reduce the amounts otherwise payable under 58074
division (D) of this section to any community school that includes 58075
in its program the provision of computer hardware and software 58076
materials to any student, if such hardware and software materials 58077
have not been delivered, installed, and activated for each such 58078
student in a timely manner or other educational materials or 58079
services have not been provided according to the contract between 58080
the individual community school and its sponsor. 58081

The superintendent of public instruction and the auditor of 58082
state shall jointly establish a method for auditing any community 58083
school to which this division pertains to ensure compliance with 58084
this section. 58085

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

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

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

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(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 58117
final. 58118

(3) If it is decided that the community school owes moneys to 58119
the state, the department shall deduct such amount from the 58120
school's future payments in accordance with guidelines issued by 58121
the superintendent of public instruction. 58122

(P) The department shall not subtract from a school 58123
district's state aid account under division (C) of this section 58124
and shall not pay to a community school under division (D) of this 58125
section any amount for any of the following: 58126

(1) Any student who has graduated from the twelfth grade of a 58127
public or nonpublic high school; 58128

(2) Any student who is not a resident of the state; 58129

(3) Any student who was enrolled in the community school 58130
during the previous school year when assessments were administered 58131
under section 3301.0711 of the Revised Code but did not take one 58132
or more of the assessments required by that section and was not 58133
excused pursuant to division (C)(1) or (3) of that section, unless 58134
the superintendent of public instruction grants the student a 58135
waiver from the requirement to take the assessment and a parent is 58136
not paying tuition for the student pursuant to section 3314.26 of 58137
the Revised Code. The superintendent may grant a waiver only for 58138
good cause in accordance with rules adopted by the state board of 58139
education. 58140

(4) Any student who has attained the age of twenty-two years, 58141
except for veterans of the armed services whose attendance was 58142
interrupted before completing the recognized twelve-year course of 58143
the public schools by reason of induction or enlistment in the 58144
armed forces and who apply for enrollment in a community school 58145
not later than four years after termination of war or their 58146
honorable discharge. If, however, any such veteran elects to 58147

enroll in special courses organized for veterans for whom tuition 58148
is paid under federal law, or otherwise, the department shall not 58149
subtract from a school district's state aid account under division 58150
(C) of this section and shall not pay to a community school under 58151
division (D) of this section any amount for that veteran. 58152

Sec. 3314.087. (A) As used in this section: 58153

(1) "Career-technical program" means vocational programs or 58154
classes described in division (A) or (B) of section 3317.014 of 58155
the Revised Code in which a student is enrolled. 58156

(2) "Formula ADM," "category one or two vocational education 58157
ADM," and "FTE basis" have the same meanings as in section 3317.02 58158
of the Revised Code. 58159

(3) "Resident school district" means the city, exempted 58160
village, or local school district in which a student is entitled 58161
to attend school under section 3313.64 or 3313.65 of the Revised 58162
Code. 58163

(B) Notwithstanding anything to the contrary in this chapter 58164
or Chapter ~~3306.~~ or 3317. of the Revised Code, a student enrolled 58165
in a community school may simultaneously enroll in the 58166
career-technical program operated by the student's resident school 58167
district. On an FTE basis, the student's resident school district 58168
shall count the student in the category one or two vocational 58169
education ADM for the proportion of the time the student is 58170
enrolled in the district's career-technical program and, 58171
accordingly, the department of education shall calculate funds 58172
under ~~Chapters 3306. and Chapter~~ Chapter 3317. for the district 58173
attributable to the student for the proportion of time the student 58174
attends the career-technical program. The community school shall 58175
count the student in its enrollment report under section 3314.08 58176
of the Revised Code and shall report to the department the 58177
proportion of time that the student attends classes at the 58178

community school. The department shall pay the community school 58179
and deduct from the student's resident school district the amount 58180
computed for the student under section 3314.08 of the Revised Code 58181
in proportion to the fraction of the time on an FTE basis that the 58182
student attends classes at the community school. "Full-time 58183
equivalency" for a community school student, as defined in 58184
division (L) of section 3314.08 of the Revised Code, does not 58185
apply to the student. 58186

Sec. 3314.088. ~~(A)~~ For purposes of applying sections 3314.08 58187
and 3314.13 of the Revised Code to fiscal years ~~2010~~ 2012 and ~~2011~~ 58188
2013: 58189

~~(1)(A)~~ The base formula amount for community schools for each 58190
of fiscal year 2010 is \$5,718 and for fiscal year 2011 is \$5,703. 58191
~~These respective amounts~~ years 2012 and 2013 is \$5,653. That 58192
amount shall be applied wherein sections 3314.08 and 3314.13 of 58193
the Revised Code the base formula amount is specified, except for 58194
deducting and paying amounts for special education weighted 58195
funding and vocational education weighted funding. 58196

~~(2)(B)~~ The base funding supplements under section 3317.012 of 58197
the Revised Code shall be deemed in each year to be the amounts 58198
specified in that section for fiscal year 2009. Accordingly, when 58199
computing the per-pupil base funding supplements for a community 58200
school under that section for fiscal years 2012 and 2013, the 58201
department of education shall substitute \$5,732 for the "formula 58202
amount" as used in divisions (C)(2), (3), and (4) of that section. 58203

~~(3)(C)~~ Special education additional weighted funding shall be 58204
calculated by first grouping children with disabilities into the 58205
appropriate disability categories prescribed by section 3317.013 58206
of the Revised Code as amended by H.B. 153 of the 129th general 58207
assembly, and then by multiplying the applicable weight respective 58208
multiple specified for fiscal year 2009 in that section 3317.013 58209

~~of the Revised Code, as it existed for that fiscal year 2009,~~ 58210
times \$5,732. 58211

~~(4)(D)~~ Vocational education additional weighted funding shall 58212
be calculated by multiplying the applicable weight specified in 58213
section 3317.014 of the Revised Code for fiscal year 2009 times 58214
\$5,732. 58215

~~(5)(E)~~ The per pupil amounts paid to a school district under 58216
sections 3317.029 and 3317.0217 of the Revised Code shall be 58217
deemed to be the respective per pupil amounts paid under those 58218
sections to that district for fiscal year 2009. 58219

~~(6)(F)~~ A community school may receive all-day kindergarten 58220
payments under section 3314.13 of the Revised Code only for 58221
all-day kindergarten students who are entitled to attend school in 58222
school districts that, for fiscal year 2009, met the eligibility 58223
requirements of division (D) of section 3317.029 of the Revised 58224
Code. For students entitled to attend school in such school 58225
districts that actually received payment for all-day kindergarten 58226
for fiscal year 2009, the payments to community schools under 58227
section 3314.13 of the Revised Code shall be deducted from the 58228
school district's state education aid. For students entitled to 58229
attend school in such school districts that did not receive 58230
payment for all-day kindergarten for fiscal year 2009, the 58231
payments to community schools under section 3314.13 of the Revised 58232
Code shall be paid out of the funds appropriated under 58233
appropriation item 200550, foundation funding, ~~as appropriated in~~ 58234
~~section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly.~~ 58235
As used in this division, "entitled to attend school" has the same 58236
meaning as in section 3314.08 of the Revised Code. 58237

~~(B)~~ For purposes of applying section 3314.085 of the Revised 58238
Code to fiscal years 2010 and 2011, the minimum per pupil 58239
expenditure required for pupil instruction under that section is 58240
\$2,931, which equals the minimum amount required by that section 58241

~~for fiscal year 2009.~~ 58242

Sec. 3314.091. (A) A school district is not required to 58243
provide transportation for any native student enrolled in a 58244
community school if the district board of education has entered 58245
into an agreement with the community school's governing authority 58246
that designates the community school as responsible for providing 58247
or arranging for the transportation of the district's native 58248
students to and from the community school. For any such agreement 58249
to be effective, it must be certified by the superintendent of 58250
public instruction as having met all of the following 58251
requirements: 58252

(1) It is submitted to the department of education by a 58253
deadline which shall be established by the department. 58254

(2) In accordance with divisions (C)(1) and (2) of this 58255
section, it specifies qualifications, such as residing a minimum 58256
distance from the school, for students to have their 58257
transportation provided or arranged. 58258

(3) The transportation provided by the community school is 58259
subject to all provisions of the Revised Code and all rules 58260
adopted under the Revised Code pertaining to pupil transportation. 58261

(4) The sponsor of the community school also has signed the 58262
agreement. 58263

(B)(1) For the school year that begins on July 1, 2007, a 58264
school district is not required to provide transportation for any 58265
native student enrolled in a community school, if the community 58266
school during the previous school year transported the students 58267
enrolled in the school or arranged for the students' 58268
transportation, even if that arrangement consisted of having 58269
parents transport their children to and from the school, but did 58270
not enter into an agreement to transport or arrange for 58271

transportation for those students under division (A) of this 58272
section, and if the governing authority of the community school by 58273
July 15, 2007, submits written notification to the district board 58274
of education stating that the governing authority is accepting 58275
responsibility for providing or arranging for the transportation 58276
of the district's native students to and from the community 58277
school. 58278

(2) For any school year subsequent to the school year that 58279
begins on July 1, 2007, a school district is not required to 58280
provide transportation for any native student enrolled in a 58281
community school if the governing authority of the community 58282
school, by the thirty-first day of January of the previous school 58283
year, submits written notification to the district board of 58284
education stating that the governing authority is accepting 58285
responsibility for providing or arranging for the transportation 58286
of the district's native students to and from the community 58287
school. If the governing authority of the community school has 58288
previously accepted responsibility for providing or arranging for 58289
the transportation of a district's native students to and from the 58290
community school, under division (B)(1) or (2) of this section, 58291
and has since relinquished that responsibility under division 58292
(B)(3) of this section, the governing authority shall not accept 58293
that responsibility again unless the district board consents to 58294
the governing authority's acceptance of that responsibility. 58295

(3) A governing authority's acceptance of responsibility 58296
under division (B)(1) or (2) of this section shall cover an entire 58297
school year, and shall remain in effect for subsequent school 58298
years unless the governing authority submits written notification 58299
to the district board that the governing authority is 58300
relinquishing the responsibility. However, a governing authority 58301
shall not relinquish responsibility for transportation before the 58302
end of a school year, and shall submit the notice relinquishing 58303

responsibility by the thirty-first day of January, in order to 58304
allow the school district reasonable time to prepare 58305
transportation for its native students enrolled in the school. 58306

(C)(1) A community school governing authority that enters 58307
into an agreement under division (A) of this section, or that 58308
accepts responsibility under division (B) of this section, shall 58309
provide or arrange transportation free of any charge for each of 58310
its enrolled students who is required to be transported under 58311
section 3327.01 of the Revised Code or who would otherwise be 58312
transported by the school district under the district's 58313
transportation policy. The governing authority shall report to the 58314
department of education the number of students transported or for 58315
whom transportation is arranged under this section in accordance 58316
with rules adopted by the state board of education. 58317

(2) The governing authority may provide or arrange 58318
transportation for any other enrolled student who is not eligible 58319
for transportation in accordance with division (C)(1) of this 58320
section and may charge a fee for such service up to the actual 58321
cost of the service. 58322

(3) Notwithstanding anything to the contrary in division 58323
(C)(1) or (2) of this section, a community school governing 58324
authority shall provide or arrange transportation free of any 58325
charge for any disabled student enrolled in the school for whom 58326
the student's individualized education program developed under 58327
Chapter 3323. of the Revised Code specifies transportation. 58328

(D)(1) If a school district board and a community school 58329
governing authority elect to enter into an agreement under 58330
division (A) of this section, the department of education shall 58331
make payments to the community school according to the terms of 58332
the agreement for each student actually transported under division 58333
(C)(1) of this section. 58334

If a community school governing authority accepts 58335
transportation responsibility under division (B) of this section, 58336
the department shall make payments to the community school for 58337
each student actually transported or for whom transportation is 58338
arranged by the community school under division (C)(1) of this 58339
section, calculated as follows: 58340

(a) For any fiscal year which the general assembly has 58341
specified that transportation payments to school districts be 58342
based on an across-the-board percentage of the district's payment 58343
for the previous school year, the per pupil payment to the 58344
community school shall be the following quotient: 58345

(i) The total amount calculated for the school district in 58346
which the child is entitled to attend school for student 58347
transportation other than transportation of children with 58348
disabilities; divided by 58349

(ii) The number of students included in the district's 58350
transportation ADM for the current fiscal year, as reported under 58351
division (B)(13) of section 3317.03 of the Revised Code, plus the 58352
number of students enrolled in the community school not counted in 58353
the district's transportation ADM who are transported under 58354
division (B)(1) or (2) of this section. 58355

(b) For any fiscal year which the general assembly has 58356
specified that the transportation payments to school districts be 58357
calculated in accordance with section ~~3306.12~~ 3317.0212 of the 58358
Revised Code and any rules of the state board of education 58359
implementing that section, the payment to the community school 58360
shall be the amount so calculated that otherwise would be paid to 58361
the school district in which the student is entitled to attend 58362
school by the method of transportation the district would have 58363
used. The community school, however, is not required to use the 58364
same method to transport that student. 58365

(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in that section for fiscal year 2011.

As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under section ~~3306.12~~ 3317.0212 of the Revised Code and the operating appropriations act.

(3) A community school shall be paid under division (D)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of

miles traveled, cost to transport, and any other information 58398
requested by the department. 58399

(4) A community school shall use payments received under this 58400
section solely to pay the costs of providing or arranging for the 58401
transportation of students who are eligible as specified in 58402
section 3327.01 of the Revised Code and division (C)(1) of this 58403
section, which may include payments to a parent, guardian, or 58404
other person in charge of a child in lieu of transportation. 58405

(E) Except when arranged through payment to a parent, 58406
guardian, or person in charge of a child, transportation provided 58407
or arranged for by a community school pursuant to an agreement 58408
under this section is subject to all provisions of the Revised 58409
Code, and all rules adopted under the Revised Code, pertaining to 58410
the construction, design, equipment, and operation of school buses 58411
and other vehicles transporting students to and from school. The 58412
drivers and mechanics of the vehicles are subject to all 58413
provisions of the Revised Code, and all rules adopted under the 58414
Revised Code, pertaining to drivers and mechanics of such 58415
vehicles. The community school also shall comply with sections 58416
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 58417
of section 3327.16 of the Revised Code and, subject to division 58418
(C)(1) of this section, sections 3327.01 and 3327.02 of the 58419
Revised Code, as if it were a school district. 58420

Sec. 3314.10. (A)(1) The governing authority of any community 58421
school established under this chapter may employ teachers and 58422
nonteaching employees necessary to carry out its mission and 58423
fulfill its contract. 58424

(2) Except as provided under division (A)(3) of this section, 58425
employees hired under this section may organize and collectively 58426
bargain pursuant to Chapter 4117. of the Revised Code. 58427
Notwithstanding division (D)(1) of section 4117.06 of the Revised 58428

Code, a unit containing teaching and nonteaching employees 58429
employed under this section shall be considered an appropriate 58430
unit. As applicable, employment under this section is subject to 58431
either Chapter 3307. or 3309. of the Revised Code. 58432

(3) If a school is created by converting all or part of an 58433
existing public school rather than by establishment of a new 58434
start-up school, at the time of conversion, the employees of the 58435
governing authority community school shall remain part of any 58436
collective bargaining unit in which they were included immediately 58437
prior to the conversion and shall remain subject to any collective 58438
bargaining agreement for that unit in effect on the first day of 58439
July of the year in which the community school initially begins 58440
operation and shall be subject to any subsequent collective 58441
bargaining agreement for that unit, unless a petition is certified 58442
as sufficient under division (A)(6) of this section with regard to 58443
those employees. Any new employees of the community school 58444
governing authority shall also be included in the unit to which 58445
they would have been assigned had not the conversion taken place 58446
and shall be subject to the collective bargaining agreement for 58447
that unit unless a petition is certified as sufficient under 58448
division (A)(6) of this section with regard to those employees. 58449

Notwithstanding division (B) of section 4117.01 of the 58450
Revised Code, the board of education of a school district and not 58451
the governing authority of a community school shall be regarded, 58452
for purposes of Chapter 4117. of the Revised Code, as the "public 58453
employer" of the employees of a conversion community school 58454
subject to a collective bargaining agreement pursuant to division 58455
(A)(3) of this section unless a petition is certified under 58456
division (A)(6) of this section with regard to those employees. 58457
Only on and after the effective date of a petition certified as 58458
sufficient under division (A)(6) of this section shall division 58459
(A)(2) of this section apply to those employees of that community 58460

school and only on and after the effective date of that petition 58461
shall Chapter 4117. of the Revised Code apply to the governing 58462
authority of that community school with regard to those employees. 58463

(4) Notwithstanding sections 4117.03 to 4117.18 of the 58464
Revised Code and Section 4 of Amended Substitute Senate Bill No. 58465
133 of the 115th general assembly, the employees of a conversion 58466
community school who are subject to a collective bargaining 58467
agreement pursuant to division (A)(3) of this section shall cease 58468
to be subject to that agreement and all subsequent agreements 58469
pursuant to that division and shall cease to be part of the 58470
collective bargaining unit that is subject to that and all 58471
subsequent agreements, if a majority of the employees of that 58472
community school who are subject to that collective bargaining 58473
agreement sign and submit to the state employment relations board 58474
a petition requesting all of the following: 58475

(a) That all the employees of the community school who are 58476
subject to that agreement be removed from the bargaining unit that 58477
is subject to that agreement and be designated by the state 58478
employment relations board as a new and separate bargaining unit 58479
for purposes of Chapter 4117. of the Revised Code; 58480

(b) That the employee organization certified as the exclusive 58481
representative of the employees of the bargaining unit from which 58482
the employees are to be removed be certified as the exclusive 58483
representative of the new and separate bargaining unit for 58484
purposes of Chapter 4117. of the Revised Code; 58485

(c) That the governing authority of the community school be 58486
regarded as the "public employer" of these employees for purposes 58487
of Chapter 4117. of the Revised Code. 58488

(5) Notwithstanding sections 4117.03 to 4117.18 of the 58489
Revised Code and Section 4 of Amended Substitute Senate Bill No. 58490
133 of the 115th general assembly, the employees of a conversion 58491

community school who are subject to a collective bargaining 58492
agreement pursuant to division (A)(3) of this section shall cease 58493
to be subject to that agreement and all subsequent agreements 58494
pursuant to that division, shall cease to be part of the 58495
collective bargaining unit that is subject to that and all 58496
subsequent agreements, and shall cease to be represented by any 58497
exclusive representative of that collective bargaining unit, if a 58498
majority of the employees of the community school who are subject 58499
to that collective bargaining agreement sign and submit to the 58500
state employment relations board a petition requesting all of the 58501
following: 58502

(a) That all the employees of the community school who are 58503
subject to that agreement be removed from the bargaining unit that 58504
is subject to that agreement; 58505

(b) That any employee organization certified as the exclusive 58506
representative of the employees of that bargaining unit be 58507
decertified as the exclusive representative of the employees of 58508
the community school who are subject to that agreement; 58509

(c) That the governing authority of the community school be 58510
regarded as the "public employer" of these employees for purposes 58511
of Chapter 4117. of the Revised Code. 58512

(6) Upon receipt of a petition under division (A)(4) or (5) 58513
of this section, the state employment relations board shall check 58514
the sufficiency of the signatures on the petition. If the 58515
signatures are found sufficient, the board shall certify the 58516
sufficiency of the petition and so notify the parties involved, 58517
including the board of education, the governing authority of the 58518
community school, and any exclusive representative of the 58519
bargaining unit. The changes requested in a certified petition 58520
shall take effect on the first day of the month immediately 58521
following the date on which the sufficiency of the petition is 58522
certified under division (A)(6) of this section. 58523

(B)(1) The board of education of each city, local, and 58524
exempted village school district sponsoring a community school and 58525
the governing board of each educational service center in which a 58526
community school is located shall adopt a policy that provides a 58527
leave of absence of at least three years to each teacher or 58528
nonteaching employee of the district or service center who is 58529
employed by a conversion or new start-up community school 58530
sponsored by the district or located in the district or center for 58531
the period during which the teacher or employee is continuously 58532
employed by the community school. The policy shall also provide 58533
that any teacher or nonteaching employee may return to employment 58534
by the district or service center if the teacher or employee 58535
leaves or is discharged from employment with the community school 58536
for any reason, unless, in the case of a teacher, the board of the 58537
district or service center determines that the teacher was 58538
discharged for a reason for which the board would have sought to 58539
discharge the teacher under section 3319.16 of the Revised Code, 58540
in which case the board may proceed to discharge the teacher 58541
utilizing the procedures of that section. Upon termination of such 58542
a leave of absence, any seniority that is applicable to the person 58543
shall be calculated to include all of the following: all 58544
employment by the district or service center prior to the leave of 58545
absence; all employment by the community school during the leave 58546
of absence; and all employment by the district or service center 58547
after the leave of absence. The policy shall also provide that if 58548
any teacher holding valid certification returns to employment by 58549
the district or service center upon termination of such a leave of 58550
absence, the teacher shall be restored to the previous position 58551
and salary or to a position and salary similar thereto. If, as a 58552
result of teachers returning to employment upon termination of 58553
such leaves of absence, a school district or educational service 58554
center reduces the number of teachers it employs, it shall make 58555
such reductions in accordance with section ~~3319.17~~ or, if 58556

~~applicable,~~ 3319.171 of the Revised Code. 58557

Unless a collective bargaining agreement providing otherwise 58558
is in effect for an employee of a conversion community school 58559
pursuant to division (A)(3) of this section, an employee on a 58560
leave of absence pursuant to this division shall remain eligible 58561
for any benefits that are in addition to benefits under Chapter 58562
3307. or 3309. of the Revised Code provided by the district or 58563
service center to its employees provided the employee pays the 58564
entire cost associated with such benefits, except that personal 58565
leave and vacation leave cannot be accrued for use as an employee 58566
of a school district or service center while in the employ of a 58567
community school unless the district or service center board 58568
adopts a policy expressly permitting this accrual. 58569

(2) While on a leave of absence pursuant to division (B)(1) 58570
of this section, a conversion community school shall permit a 58571
teacher to use sick leave accrued while in the employ of the 58572
school district from which the leave of absence was taken and 58573
prior to commencing such leave. If a teacher who is on such a 58574
leave of absence uses sick leave so accrued, the cost of any 58575
salary paid by the community school to the teacher for that time 58576
shall be reported to the department of education. The cost of 58577
employing a substitute teacher for that time shall be paid by the 58578
community school. The department of education shall add amounts to 58579
the payments made to a community school under this chapter as 58580
necessary to cover the cost of salary reported by a community 58581
school as paid to a teacher using sick leave so accrued pursuant 58582
to this section. The department shall subtract the amounts of any 58583
payments made to community schools under this division from 58584
payments made to such sponsoring school district under ~~Chapters~~ 58585
~~3306. and Chapter~~ Chapter 3317. of the Revised Code. 58586

A school district providing a leave of absence and employee 58587
benefits to a person pursuant to this division is not liable for 58588

any action of that person while the person is on such leave and 58589
employed by a community school. 58590

Sec. 3314.13. Payments and deductions under this section for 58591
fiscal years ~~2010~~ 2012 and ~~2011~~ 2013 shall be made in accordance 58592
with section 3314.088 of the Revised Code. 58593

(A) As used in this section: 58594

(1) "All-day kindergarten" has the same meaning as in section 58595
3317.029 of the Revised Code. 58596

(2) "Formula amount" has the same meaning as in section 58597
3317.02 of the Revised Code. 58598

(B) Except as provided in division (C) of this section, the 58599
department of education annually shall pay each community school 58600
established under this chapter one-half of the formula amount for 58601
each student to whom both of the following apply: 58602

(1) The student is entitled to attend school under section 58603
3313.64 or 3313.65 of the Revised Code in a school district that 58604
is eligible to receive a payment under division (D) of section 58605
3317.029 of the Revised Code if it provides all-day kindergarten; 58606

(2) The student is reported by the community school as 58607
enrolled in all-day kindergarten at the community school. 58608

(C) The department shall make no payments under this section 58609
to any internet- or computer-based community school. 58610

(D) If a student for whom payment is made under division (B) 58611
of this section is entitled to attend school in a district that 58612
receives any payment for all-day kindergarten under division (D) 58613
of section 3317.029 of the Revised Code, the department shall 58614
deduct the payment to the community school under this section from 58615
the amount paid that school district under that division. If that 58616
school district does not receive payment for all-day kindergarten 58617
under that division because it does not provide all-day 58618

kindergarten, the department shall pay the community school from 58619
state funds appropriated generally for poverty-based assistance to 58620
school districts. 58621

(E) The department shall adjust the amounts deducted from 58622
school districts and paid to community schools under this section 58623
to reflect any enrollments of students in all-day kindergarten in 58624
community schools for less than the equivalent of a full school 58625
year. 58626

Sec. 3314.19. The sponsor of each community school annually 58627
shall provide the following assurances in writing to the 58628
department of education not later than ten business days prior to 58629
the opening of the school: 58630

(A) That a current copy of the contract between the sponsor 58631
and the governing authority of the school entered into under 58632
section 3314.03 of the Revised Code has been filed with the ~~state~~ 58633
~~office of community schools established under section 3314.11 of~~ 58634
~~the Revised Code~~ department and that any subsequent modifications 58635
to that contract will be filed with the ~~office~~ department; 58636

(B) That the school has submitted to the sponsor a plan for 58637
providing special education and related services to students with 58638
disabilities and has demonstrated the capacity to provide those 58639
services in accordance with Chapter 3323. of the Revised Code and 58640
federal law; 58641

(C) That the school has a plan and procedures for 58642
administering the achievement and diagnostic assessments 58643
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 58644
Revised Code; 58645

(D) That school personnel have the necessary training, 58646
knowledge, and resources to properly use and submit information to 58647
all databases maintained by the department for the collection of 58648

education data, including the education management information system established under section 3301.0714 of the Revised Code in accordance with methods and timelines established under section 3314.17 of the Revised Code;

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;

(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;

(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;

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;

(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;

(J) That the school holds all of the following:

(1) Proof of property ownership or a lease for the facilities used by the school;

(2) A certificate of occupancy;

(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;

(4) A satisfactory health and safety inspection;

| | |
|---|---|
| (5) A satisfactory fire inspection; | 58679 |
| (6) A valid food permit, if applicable. | 58680 |
| (K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided; | 58681 58682 58683 |
| (L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code; | 58684 58685 58686 58687 |
| (M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor. | 58688 58689 |
| Sec. 3314.22. (A)(1) Each child enrolled in an internet- or computer-based community school is entitled to a computer supplied by the school; however, the parent of any child enrolled in the school may waive this entitlement in the manner specified in division (A)(3) of this section. In no case shall an internet- or computer-based community school provide a stipend or other substitute to an enrolled child or the child's parent in lieu of supplying a computer to the child. The prohibition contained in the preceding sentence is intended to clarify the meaning of this division as it existed prior to September 29, 2005, and is not intended to change that meaning in any way. | 58690 58691 58692 58693 58694 58695 58696 58697 58698 58699 58700 |
| (2) Notwithstanding division (A)(1) of this section, if more than one child living in a single residence is enrolled in an internet- or computer-based community school, at the option of the parent of those children, the school may supply less than one computer per child, as long as at least one computer is supplied to the residence. An internet- or computer-based community school may supply no computer at all only if the parent has waived the entitlement prescribed in division (A)(1) of this section in the | 58701 58702 58703 58704 58705 58706 58707 58708 |

manner specified in division (A)(3) of this section. The parent 58709
may amend the decision to accept less than one computer per child 58710
anytime during the school year, and, in such case, within thirty 58711
days after the parent notifies the school of such amendment, the 58712
school shall provide any additional computers requested by the 58713
parent up to the number necessary to comply with division (A)(1) 58714
of this section. 58715

(3) The parent of any child enrolled in an internet- or 58716
computer-based community school may waive the entitlement to one 58717
computer per child, and have no computer at all supplied by the 58718
school, if the school and parent set forth that waiver in writing 58719
with both parties attesting that there is a computer available to 58720
the child in the child's residence with sufficient hardware, 58721
software, programming, and connectivity so that the child may 58722
fully participate in all of the learning opportunities offered to 58723
the child by the school. The parent may amend the decision to 58724
waive the entitlement at any time during the school year and, in 58725
such case, within thirty days after the parent notifies the school 58726
of that decision, the school shall provide any additional 58727
computers requested by the parent up to the number necessary to 58728
comply with division (A)(1) of this section, regardless of whether 58729
there is any change in the conditions attested to in the waiver. 58730

(4) A copy of a waiver executed under division (A)(3) of this 58731
section shall be retained by the internet- or computer-based 58732
community school and the parent who attested to the conditions 58733
prescribed in that division. The school shall submit a copy of the 58734
waiver to the ~~office of community schools, established under~~ 58735
~~section 3314.11 of the Revised Code, department of education~~ 58736
immediately upon execution of the waiver. 58737

(5) The school shall notify the ~~office of community schools~~ 58738
department of education, in the manner specified by the ~~office~~ 58739
department, of any parent's decision under division (A)(2) of this 58740

section to accept less than one computer per child or the parent's 58741
amendment to that decision, and of any parent's decision to amend 58742
the waiver executed under division (A)(3) of this section. 58743

(B) Each internet- or computer-based community school shall 58744
provide to each parent who is considering enrolling the parent's 58745
child in the school and to the parent of each child already 58746
enrolled in the school a written notice of the provisions 58747
prescribed in division (A) of this section. 58748

(C) If a community school that is not an internet- or 58749
computer-based community school provides any of its enrolled 58750
students with nonclassroom-based learning opportunities provided 58751
via an internet- or other computer-based instructional method and 58752
requires such students to participate in any of those learning 58753
opportunities from their residences, the school shall be subject 58754
to this section and division (C)(1) of section 3314.21 of the 58755
Revised Code relative to each such student in the same manner as 58756
an internet- or computer-based community school, unless both of 58757
the following conditions apply to the student: 58758

(1) The nonclassroom-based learning opportunities in which 58759
the student is required to participate from the student's 58760
residence are supplemental in nature or do not constitute a 58761
significant portion of the total classroom-based and 58762
nonclassroom-based learning opportunities provided to the student 58763
by the school; 58764

(2) The student's residence is equipped with a computer 58765
available for the student's use. 58766

Sec. 3314.35. (A)(1) ~~Except as provided in division (A)(3) of~~ 58767
~~this section, this section applies to any community school that~~ 58768
~~meets one of the following criteria after July 1, 2008, but before~~ 58769
~~July 1, 2009:~~ 58770

~~(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 four consecutive school years.~~ 58771
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~~(b) The school satisfies all of the following conditions:~~ 58775

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~ 58776
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~~(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.~~ 58778
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~~(iii) For two of those 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.~~ 58781
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~~(c) The school satisfies all of the following conditions:~~ 58786

~~(i) The school offers any of grade levels ten to twelve.~~ 58787

~~(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.~~ 58788
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~~(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.~~ 58791
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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:~~ 58796
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~~(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~~ 58799
58800

section 3302.03 of the Revised Code for three of the four most recent school years. 58801
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(b) The school satisfies all of the following conditions: 58803

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine. 58804
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(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. 58806
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(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. 58809
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(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. 58814
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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, 2011: 58818
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(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 two of the three most recent school years. 58821
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(b) The school satisfies all of the following conditions: 58825

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine. 58826
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(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. 58828
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(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 in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. 58831
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(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 two of the three most recent school years. 58836
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(3) This section does not apply to either of the following: 58840

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3314.36 of the Revised Code; 58841
58842
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(b) Any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code. 58845
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(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes. 58849
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~~(C) Not later than July 1, 2008, the department shall determine the feasibility of using the value added progress dimension, as defined in section 3302.01 of the Revised Code, as a factor in evaluating the academic performance of community schools~~ 58858
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~~described in division (A)(1)(c)(i) of this section. 58862
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 58863
if the department determines that using the value added progress 58864
dimension to evaluate community schools described in division 58865
(A)(1)(c)(i) of this section is not feasible, a community school 58866
described in that division shall be required to permanently close 58867
under this section only if it has been declared to be in a state 58868
of academic emergency under section 3302.03 of the Revised Code 58869
for four consecutive school years. 58870~~

~~(D) In accordance with division (B) of section 3314.012 of 58871
the Revised Code, the department shall not consider the 58872
performance ratings assigned to a community school for its first 58873
two years of operation when determining whether the school meets 58874
the criteria prescribed by division (A)(1) or (2) of this section. 58875
The department shall reevaluate each community school that the 58876
department directed to close at the conclusion of the 2009-2010 58877
school year to determine if the school still meets the criteria 58878
prescribed by division (A)(2) of this section when the school's 58879
performance ratings for its first two years of operation are not 58880
considered and, if the school no longer meets those criteria, the 58881
department shall not require the school to close at the conclusion 58882
of that school year. 58883~~

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 58884
not apply to any community school in which a majority of the 58885
students are enrolled in a dropout prevention and recovery program 58886
that is operated by the school and that has been granted a waiver 58887
by the department of education. The department shall grant a 58888
waiver to a dropout prevention and recovery program, within sixty 58889
days after the program applies for the waiver, if the program 58890
meets all of the following conditions: 58891

(1) The program serves only students not younger than sixteen 58892

years of age and not older than twenty-one years of age. 58893

(2) The program enrolls students who, at the time of their 58894
initial enrollment, either, or both, are at least one grade level 58895
behind their cohort age groups or experience crises that 58896
significantly interfere with their academic progress such that 58897
they are prevented from continuing their traditional programs. 58898

(3) The program requires students to attain at least the 58899
applicable score designated for each of the assessments prescribed 58900
under division (B)(1) of section 3301.0710 of the Revised Code or, 58901
to the extent prescribed by rule of the state board of education 58902
under division ~~(E)~~(D)(6) of section 3301.0712 of the Revised Code, 58903
division (B)(2) of that section. 58904

(4) The program develops an individual career plan for the 58905
student that specifies the student's matriculating to a two-year 58906
degree program, acquiring a business and industry credential, or 58907
entering an apprenticeship. 58908

(5) The program provides counseling and support for the 58909
student related to the plan developed under division (A)(4) of 58910
this section during the remainder of the student's high school 58911
experience. 58912

(6) Prior to receiving the waiver, the program has submitted 58913
to the department an instructional plan that demonstrates how the 58914
academic content standards adopted by the state board of education 58915
under section 3301.079 of the Revised Code will be taught and 58916
assessed. 58917

If the department does not act either to grant the waiver or 58918
to reject the program application for the waiver within sixty days 58919
as required under this section, the waiver shall be considered to 58920
be granted. 58921

(B) Notwithstanding division (A) of this section, the 58922
department shall not grant a waiver to any community school that 58923

did not qualify for a waiver under this section when it initially 58924
began operations, unless the state board of education approves the 58925
waiver. 58926

Sec. 3314.46. As used in this section, "sponsor" includes any 58927
officer, director, employee, agent, representative, subsidiary, or 58928
independent contractor of the sponsor of a community school. 58929

(A) Except as provided in division (B) of this section, no 58930
sponsor of a community school shall sell any goods or services to 58931
any community school it sponsors. 58932

(B) If the sponsor of a community school entered into a 58933
contract prior to the effective date of this section that involves 58934
the sale of goods or services to a community school it sponsors, 58935
the sponsor shall not be required to comply with division (A) of 58936
this section with respect to that school until the expiration of 58937
the contract. 58938

Sec. 3315.01. (A) Except as provided in division (B) of this 58939
section and notwithstanding sections 3315.12 and 3315.14 of the 58940
Revised Code, the board of education of any school district may 58941
adopt a resolution requiring the treasurer of the district to 58942
credit the earnings made on the investment of the principal of the 58943
moneys specified in the resolution to the fund from which the 58944
earnings arose or any other fund of the district as the board 58945
specifies in its resolution. 58946

(B) This section does not apply to the earnings made on the 58947
investment of the bond retirement fund, the sinking fund, a 58948
project construction fund established pursuant to sections 3318.01 58949
to 3318.20 of the Revised Code, or the payments received by school 58950
districts pursuant to division ~~(I)~~(E) of section 3317.024 of the 58951
Revised Code. 58952

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 58953
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 58954
subject to the approval of the superintendent of public 58955
instruction, a school district that is in a state of fiscal watch 58956
declared under section 3316.03 of the Revised Code may restructure 58957
or refinance loans obtained or in the process of being obtained 58958
under section 3313.483 of the Revised Code if all of the following 58959
requirements are met: 58960

(1) The operating deficit certified for the school district 58961
for the current or preceding fiscal year under section 3313.483 of 58962
the Revised Code exceeds fifteen per cent of the district's 58963
general revenue fund for the fiscal year preceding the year for 58964
which the certification of the operating deficit is made. 58965

(2) The school district voters have, during the period of the 58966
fiscal watch, approved the levy of a tax under section 718.09, 58967
718.10, 5705.194, 5705.21, ~~or 5748.02,~~ or 5748.09 of the Revised 58968
Code that is not a renewal or replacement levy, or a levy under 58969
section 5705.199 of the Revised Code, and that will provide new 58970
operating revenue. 58971

(3) The board of education of the school district has adopted 58972
or amended the financial plan required by section 3316.04 of the 58973
Revised Code to reflect the restructured or refinanced loans, and 58974
sets forth the means by which the district will bring projected 58975
operating revenues and expenditures, and projected debt service 58976
obligations, into balance for the life of any such loan. 58977

(B) Subject to the approval of the superintendent of public 58978
instruction, the school district may issue securities to evidence 58979
the restructuring or refinancing authorized by this section. Such 58980
securities may extend the original period for repayment not to 58981
exceed ten years, and may alter the frequency and amount of 58982
repayments, interest or other financing charges, and other terms 58983

or agreements under which the loans were originally contracted, 58984
provided the loans received under sections 3313.483 of the Revised 58985
Code are repaid from funds the district would otherwise receive 58986
under Chapter ~~3306~~. 3317. of the Revised Code, as required under 58987
division (E)(3) of section 3313.483 of the Revised Code. 58988
Securities issued for the purpose of restructuring or refinancing 58989
under this section shall be repaid in equal payments and at equal 58990
intervals over the term of the debt and are not eligible to be 58991
included in any subsequent proposal to restructure or refinance. 58992

(C) Unless the district is declared to be in a state of 58993
fiscal emergency under division (D) of section 3316.04 of the 58994
Revised Code, a school district shall remain in a state of fiscal 58995
watch for the duration of the repayment period of any loan 58996
restructured or refinanced under this section. 58997

Sec. 3316.06. (A) Within one hundred twenty days after the 58998
first meeting of a school district financial planning and 58999
supervision commission, the commission shall adopt a financial 59000
recovery plan regarding the school district for which the 59001
commission was created. During the formulation of the plan, the 59002
commission shall seek appropriate input from the school district 59003
board and from the community. This plan shall contain the 59004
following: 59005

(1) Actions to be taken to: 59006

(a) Eliminate all fiscal emergency conditions declared to 59007
exist pursuant to division (B) of section 3316.03 of the Revised 59008
Code; 59009

(b) Satisfy any judgments, past-due accounts payable, and all 59010
past-due and payable payroll and fringe benefits; 59011

(c) Eliminate the deficits in all deficit funds, except that 59012
any prior year deficits in the capital and maintenance fund 59013

established pursuant to section 3315.18 of the Revised Code shall 59014
be forgiven; 59015

(d) Restore to special funds any moneys from such funds that 59016
were used for purposes not within the purposes of such funds, or 59017
borrowed from such funds by the purchase of debt obligations of 59018
the school district with the moneys of such funds, or missing from 59019
the special funds and not accounted for, if any; 59020

(e) Balance the budget, avoid future deficits in any funds, 59021
and maintain on a current basis payments of payroll, fringe 59022
benefits, and all accounts; 59023

(f) Avoid any fiscal emergency condition in the future; 59024

(g) Restore the ability of the school district to market 59025
long-term general obligation bonds under provisions of law 59026
applicable to school districts generally. 59027

(2) The management structure that will enable the school 59028
district to take the actions enumerated in division (A)(1) of this 59029
section. The plan shall specify the level of fiscal and management 59030
control that the commission will exercise within the school 59031
district during the period of fiscal emergency, and shall 59032
enumerate respectively, the powers and duties of the commission 59033
and the powers and duties of the school board during that period. 59034
The commission may elect to assume any of the powers and duties of 59035
the school board it considers necessary, including all powers 59036
related to personnel, curriculum, and legal issues in order to 59037
successfully implement the actions described in division (A)(1) of 59038
this section. 59039

(3) The target dates for the commencement, progress upon, and 59040
completion of the actions enumerated in division (A)(1) of this 59041
section and a reasonable period of time expected to be required to 59042
implement the plan. The commission shall prepare a reasonable time 59043
schedule for progress toward and achievement of the requirements 59044

for the plan, and the plan shall be consistent with that time 59045
schedule. 59046

(4) The amount and purpose of any issue of debt obligations 59047
that will be issued, together with assurances that any such debt 59048
obligations that will be issued will not exceed debt limits 59049
supported by appropriate certifications by the fiscal officer of 59050
the school district and the county auditor. Debt obligations 59051
issued pursuant to section 133.301 of the Revised Code shall 59052
include assurances that such debt shall be in an amount not to 59053
exceed the amount certified under division (B) of such section. If 59054
the commission considers it necessary in order to maintain or 59055
improve educational opportunities of pupils in the school 59056
district, the plan may include a proposal to restructure or 59057
refinance outstanding debt obligations incurred by the board under 59058
section 3313.483 of the Revised Code contingent upon the approval, 59059
during the period of the fiscal emergency, by district voters of a 59060
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 59061
5748.02, ~~or 5748.08~~, or 5748.09 of the Revised Code that is not a 59062
renewal or replacement levy, or a levy under section 5705.199 of 59063
the Revised Code, and that will provide new operating revenue. 59064
Notwithstanding any provision of Chapter 133. or sections 3313.483 59065
to 3313.4811 of the Revised Code, following the required approval 59066
of the district voters and with the approval of the commission, 59067
the school district may issue securities to evidence the 59068
restructuring or refinancing. Those securities may extend the 59069
original period for repayment, not to exceed ten years, and may 59070
alter the frequency and amount of repayments, interest or other 59071
financing charges, and other terms of agreements under which the 59072
debt originally was contracted, at the discretion of the 59073
commission, provided that any loans received pursuant to section 59074
3313.483 of the Revised Code shall be paid from funds the district 59075
would otherwise receive under Chapter ~~3306~~. 3317. of the Revised 59076
Code, as required under division (E)(3) of section 3313.483 of the 59077

Revised Code. The securities issued for the purpose of 59078
restructuring or refinancing the debt shall be repaid in equal 59079
payments and at equal intervals over the term of the debt and are 59080
not eligible to be included in any subsequent proposal for the 59081
purpose of restructuring or refinancing debt under this section. 59082

(B) Any financial recovery plan may be amended subsequent to 59083
its adoption. Each financial recovery plan shall be updated 59084
annually. 59085

(C) Each school district financial planning and supervision 59086
commission shall submit the financial recovery plan it adopts or 59087
updates under this section to the state superintendent of public 59088
instruction for approval immediately following its adoption or 59089
updating. The state superintendent shall evaluate the plan and 59090
either approve or disapprove it within thirty calendar days from 59091
the date of its submission. If the plan is disapproved, the state 59092
superintendent shall recommend modifications that will render it 59093
acceptable. No financial planning and supervision commission shall 59094
implement a financial recovery plan that is adopted or updated on 59095
or after April 10, 2001, unless the state superintendent has 59096
approved it. 59097

Sec. 3316.08. During a school district's fiscal emergency 59098
period, the auditor of state shall determine annually, or at any 59099
other time upon request of the financial planning and supervision 59100
commission, whether the school district will incur an operating 59101
deficit. If the auditor of state determines that a school district 59102
will incur an operating deficit, the auditor of state shall 59103
certify that determination to the superintendent of public 59104
instruction, the financial planning and supervision commission, 59105
and the board of education of the school district. Upon receiving 59106
the auditor of state's certification, the commission shall adopt a 59107
resolution requesting that the board of education work with the 59108

county auditor or tax commissioner to estimate the amount and rate 59109
of a tax levy that is needed under section 5705.194, 5709.199, or 59110
5705.21 or Chapter 5748. of the Revised Code to produce a positive 59111
fund balance not later than the fifth year of the five-year 59112
forecast submitted under section 5705.391 of the Revised Code. 59113

The board of education shall recommend to the commission 59114
whether the board supports or opposes a tax levy under section 59115
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 59116
Code and shall provide supporting documentation to the commission 59117
of its recommendation. 59118

After considering the board of education's recommendation and 59119
supporting documentation, the commission shall adopt a resolution 59120
to either submit a ballot question proposing a tax levy or not to 59121
submit such a question. 59122

Except as otherwise provided in this division, the tax shall 59123
be levied in the manner prescribed for a tax levied under section 59124
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 59125
Revised Code. If the commission decides that a tax should be 59126
levied, the tax shall be levied for the purpose of paying current 59127
operating expenses of the school district. The rate of a property 59128
tax levied under section 5705.194, 5709.199, ~~or~~ 5705.21, or 59129
5748.09 of the Revised Code shall be determined by the county 59130
auditor, and the rate of a an income tax levied under section 59131
5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised Code shall be 59132
determined by the tax commissioner, upon the request of the 59133
commission. The commission, in consultation with the board of 59134
education, shall determine the election at which the question of 59135
the tax shall appear on the ballot, and the commission shall 59136
submit a copy of its resolution to the board of elections not 59137
later than ninety days prior to the day of that election. The 59138
board of elections conducting the election shall certify the 59139
results of the election to the board of education and to the 59140

financial planning and supervision commission. 59141

Sec. 3316.20. (A)(1) The school district solvency assistance 59142
fund is hereby created in the state treasury, to consist of such 59143
amounts designated for the purposes of the fund by the general 59144
assembly. The fund shall be used to provide assistance and grants 59145
to school districts to enable them to remain solvent and to pay 59146
unforeseeable expenses of a temporary or emergency nature that 59147
they are unable to pay from existing resources. 59148

(2) There is hereby created within the fund an account known 59149
as the school district shared resource account, which shall 59150
consist of money appropriated to it by the general assembly. The 59151
money in the account shall be used solely for solvency assistance 59152
to school districts that have been declared under division (B) of 59153
section 3316.03 of the Revised Code to be in a state of fiscal 59154
emergency. 59155

(3) There is hereby created within the fund an account known 59156
as the catastrophic expenditures account, which shall consist of 59157
money appropriated to the account by the general assembly plus all 59158
investment earnings of the fund. Money in the account shall be 59159
used solely for the following: 59160

(a) Solvency assistance to school districts that have been 59161
declared under division (B) of section 3316.03 of the Revised Code 59162
to be in a state of fiscal emergency, in the event that all money 59163
in the shared resource account is utilized for solvency 59164
assistance; 59165

(b) Grants to school districts under division (C) of this 59166
section. 59167

(B) Solvency assistance payments under division (A)(2) or 59168
(3)(a) of this section shall be made from the fund by the 59169
superintendent of public instruction in accordance with rules 59170

adopted by the director of budget and management, after consulting 59171
with the superintendent, specifying approval criteria and 59172
procedures necessary for administering the fund. 59173

The fund shall be reimbursed for any solvency assistance 59174
amounts paid under division (A)(2) or (3)(a) of this section not 59175
later than the end of the ~~second~~ fourth fiscal year following the 59176
fiscal year in which the solvency assistance payment was made, 59177
except that the fund may be reimbursed not later than the end of 59178
the tenth fiscal year following the fiscal year in which the 59179
solvency assistance payment was made upon the approval of the 59180
director of budget and management and the superintendent of public 59181
instruction. If not made directly by the school district, such 59182
reimbursement shall be made by the director of budget and 59183
management from the amounts the school district would otherwise 59184
receive pursuant to Chapter ~~3306-~~ 3317. of the Revised Code, or 59185
from any other funds appropriated for the district by the general 59186
assembly. Reimbursements shall be credited to the respective 59187
account from which the solvency assistance paid to the district 59188
was deducted. 59189

(C) The superintendent of public instruction may make 59190
recommendations, and the controlling board may grant money from 59191
the catastrophic expenditures account to any school district that 59192
suffers an unforeseen catastrophic event that severely depletes 59193
the district's financial resources. The superintendent shall make 59194
recommendations for the grants in accordance with rules adopted by 59195
the director of budget and management, after consulting with the 59196
superintendent. A school district shall not be required to repay 59197
any grant awarded to the district under this division, unless the 59198
district receives money from this state or a third party, 59199
including an agency of the government of the United States, 59200
specifically for the purpose of compensating the district for 59201
revenue lost or expenses incurred as a result of the unforeseen 59202

catastrophic event. If a school district receives a grant from the catastrophic expenditures account on the basis of the same circumstances for which an adjustment or recomputation is authorized under section 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, or 3317.0211 of the Revised Code, the department of education shall reduce the adjustment or recomputation by an amount not to exceed the total amount of the grant, and an amount equal to the reduction shall be transferred, from the funding source from which the adjustment or recomputation would be paid, to the catastrophic expenditures account. Any adjustment or recomputation under such sections that is in excess of the total amount of the grant shall be paid to the school district.

Sec. 3316.21. (A) If a school district has been declared to be in a state of fiscal emergency by the auditor of state under section 3316.03 of the Revised Code, and if the auditor of state has further determined upon examination of the district's financial recovery plan that implementing that plan cannot reasonably be expected to correct and eliminate all of the district's fiscal emergency conditions within five fiscal years, the auditor of state shall notify the superintendent of public instruction of that determination.

(B) Not later than ninety days after the state superintendent receives the auditor of state's notification under division (A) of this section, the state superintendent shall develop an operations plan for the district and submit that plan to the state board of education for approval. Upon approval of the plan, the state board shall suspend the charter of the district and shall take over the operation of the district. The state board shall continue to operate the school district until such time as the district's board and its financial planning and supervision commission submit an acceptable financial recovery plan to the state superintendent and the auditor of state has determined that the district does

have a plan that can reasonably be expected to correct and 59235
eliminate the district's fiscal emergency conditions within five 59236
fiscal years. 59237

(C) While the state board is operating the district, all of 59238
the following apply: 59239

(1) The state board shall exercise all powers granted to the 59240
school district board under the Revised Code for management and 59241
control of the schools of the district, except for the power to 59242
propose property tax or school district income tax levies under 59243
Title LVII of the Revised Code, and shall carry out such powers in 59244
the place of the district board. 59245

(2) Subject to approval of the state board, the district 59246
board shall continue to propose tax levies necessary to operate 59247
the district and to resolve the district's fiscal emergency 59248
conditions. 59249

(3) Employees and officers of the district shall be deemed 59250
employees of the state board. 59251

(4) The state board may delegate any management and control 59252
functions of the district to the district's financial planning and 59253
supervision commission. 59254

(5) The state board shall not revoke the charter of the 59255
district or transfer its territory to other districts. 59256

Sec. 3317.01. ~~As used in this section and section 3317.011 of~~ 59257
~~the Revised Code, "school district," unless otherwise specified,~~ 59258
means any city, local, exempted village, joint vocational, or 59259
cooperative education school district and any educational service 59260
center. 59261

This chapter shall be administered by the state board of 59262
education. The superintendent of public instruction shall 59263
calculate the amounts payable to each school district and shall 59264

certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed periodically to each school district unless otherwise provided for. ~~The state board, in June of each year, shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district the state board's year-end distributions pursuant to this chapter.~~

Except as otherwise provided, payments under this chapter shall be made only to those school districts in which:

(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to

the extent apportioned to current expenses, shall be included in 59297
this qualification requirement. School district income tax levies 59298
under Chapter 5748. of the Revised Code, limited to or to the 59299
extent apportioned to current operating expenses, shall be 59300
included in this qualification requirement to the extent 59301
determined by the tax commissioner under division (D) of section 59302
3317.021 of the Revised Code. 59303

(B) The school year next preceding the fiscal year for which 59304
such payments are authorized meets the requirement of section 59305
3313.48 or 3313.481 of the Revised Code, with regard to the 59306
minimum number of days or hours school must be open for 59307
instruction with pupils in attendance, for individualized 59308
parent-teacher conference and reporting periods, and for 59309
professional meetings of teachers. This requirement shall be 59310
waived by the superintendent of public instruction if it had been 59311
necessary for a school to be closed because of disease epidemic, 59312
hazardous weather conditions, inoperability of school buses or 59313
other equipment necessary to the school's operation, damage to a 59314
school building, or other temporary circumstances due to utility 59315
failure rendering the school building unfit for school use, 59316
provided that for those school districts operating pursuant to 59317
section 3313.48 of the Revised Code the number of days the school 59318
was actually open for instruction with pupils in attendance and 59319
for individualized parent-teacher conference and reporting periods 59320
is not less than one hundred seventy-five, or for those school 59321
districts operating on a trimester plan the number of days the 59322
school was actually open for instruction with pupils in attendance 59323
not less than seventy-nine days in any trimester, for those school 59324
districts operating on a quarterly plan the number of days the 59325
school was actually open for instruction with pupils in attendance 59326
not less than fifty-nine days in any quarter, or for those school 59327
districts operating on a pentamester plan the number of days the 59328
school was actually open for instruction with pupils in attendance 59329

not less than forty-four days in any pentamester. 59330

A school district shall not be considered to have failed to 59331
comply with this division or section 3313.481 of the Revised Code 59332
because schools were open for instruction but either twelfth grade 59333
students were excused from attendance for up to three days or only 59334
a portion of the kindergarten students were in attendance for up 59335
to three days in order to allow for the gradual orientation to 59336
school of such students. 59337

The superintendent of public instruction shall waive the 59338
requirements of this section with reference to the minimum number 59339
of days or hours school must be in session with pupils in 59340
attendance for the school year succeeding the school year in which 59341
a board of education initiates a plan of operation pursuant to 59342
section 3313.481 of the Revised Code. The minimum requirements of 59343
this section shall again be applicable to such a district 59344
beginning with the school year commencing the second July 59345
succeeding the initiation of one such plan, and for each school 59346
year thereafter. 59347

A school district shall not be considered to have failed to 59348
comply with this division or section 3313.48 or 3313.481 of the 59349
Revised Code because schools were open for instruction but the 59350
length of the regularly scheduled school day, for any number of 59351
days during the school year, was reduced by not more than two 59352
hours due to hazardous weather conditions. 59353

(C) The school district has on file, and is paying in 59354
accordance with, a teachers' salary schedule which complies with 59355
section 3317.13 of the Revised Code. 59356

A board of education or governing board of an educational 59357
service center which has not conformed with other law and the 59358
rules pursuant thereto, shall not participate in the distribution 59359
of funds authorized by ~~sections 3317.022 to 3317.0211, 3317.11,~~ 59360

~~3317.16, 3317.17, and 3317.19 of the Revised Code~~ this chapter, 59361
except for good and sufficient reason established to the 59362
satisfaction of the state board of education and the state 59363
controlling board. 59364

All funds allocated to school districts under this chapter, 59365
except those specifically allocated for other purposes, shall be 59366
used to pay current operating expenses only. 59367

Sec. 3317.013. Except for a preschool child with a disability 59368
for whom a scholarship has been awarded under section 3310.41 of 59369
the Revised Code, this section does not apply to preschool 59370
children with disabilities. 59371

Analysis of special education cost data has resulted in a 59372
finding that the average special education additional cost per 59373
pupil, including the costs of related services, can be expressed 59374
as a multiple of the ~~base cost per pupil calculated under section~~ 59375
~~3317.012 of the Revised Code~~ formula amount. The multiples for the 59376
following categories of special education programs, as these 59377
programs are defined for purposes of Chapter 3323. of the Revised 59378
Code, and adjusted as provided in this section, are as follows: 59379

(A) A multiple of ~~0.2892~~ 0.2906 for students whose primary or 59380
only identified disability is a speech and language disability, as 59381
this term is defined pursuant to Chapter 3323. of the Revised 59382
Code; 59383

(B) A multiple of ~~0.3691~~ 0.7374 for students identified as 59384
specific learning disabled or developmentally disabled, as these 59385
terms are defined pursuant to Chapter 3323. of the Revised Code, 59386
or as having an other health impairment-minor; 59387

(C) A multiple of ~~1.7695~~ 1.7716 for students identified as 59388
hearing disabled, ~~vision impaired~~, or severe behavior disabled, as 59389
these terms are defined pursuant to Chapter 3323. of the Revised 59390

Code; 59391

(D) A multiple of ~~2.3646~~ 2.3643 for students identified as 59392
~~orthopedically disabled~~ vision impaired, as this term is defined 59393
pursuant to Chapter 3323. of the Revised Code, or as having an 59394
other health impairment-major; 59395

(E) A multiple of ~~3.1129~~ 3.2022 for students identified as 59396
orthopedically disabled or as having multiple disabilities, as 59397
~~this term is~~ these terms are defined pursuant to Chapter 3323. of 59398
the Revised Code; 59399

(F) A multiple of ~~4.7342~~ 4.7205 for students identified as 59400
autistic, having traumatic brain injuries, or as both visually and 59401
hearing impaired, as these terms are defined pursuant to Chapter 59402
3323. of the Revised Code. 59403

In fiscal years 2008, 2009, 2010, ~~and~~ 2011, 2012, and 2013, 59404
the multiples specified in divisions (A) to (F) of this section 59405
shall be adjusted by multiplying them by 0.90. 59406

~~Not later than the thirtieth day of December in 2007, 2008,~~ 59407
~~and 2009, the department of education shall submit to the office~~ 59408
~~of budget and management a report that specifies for each city,~~ 59409
~~local, exempted village, and joint vocational school district the~~ 59410
~~fiscal year allocation of the state and local shares of special~~ 59411
~~education and related services additional weighted funding and~~ 59412
~~federal special education funds passed through to the district.~~ 59413

Sec. 3317.014. The average vocational education additional 59414
cost per pupil can be expressed as a multiple of the ~~base cost per~~ 59415
~~pupil calculated under section 3317.012 of the Revised Code~~ 59416
formula amount. The multiples for the following categories of 59417
vocational education programs are as follows: 59418

(A) A multiple of 0.57 for students enrolled in vocational 59419
education job-training and workforce development programs approved 59420

by the department of education in accordance with rules adopted 59421
under section 3313.90 of the Revised Code. 59422

(B) A multiple of 0.28 for students enrolled in vocational 59423
education classes other than job-training and workforce 59424
development programs. 59425

Vocational education associated services costs can be 59426
expressed as a multiple of 0.05 of the ~~base cost per pupil~~ 59427
~~calculated under section 3317.012 of the Revised Code~~ formula 59428
amount. 59429

~~By the thirtieth day of each December, the department of~~ 59430
~~education shall report to the office of budget and management and~~ 59431
~~the general assembly the amount of weighted funding for vocational~~ 59432
~~education and associated services that was spent by each city,~~ 59433
~~local, exempted village, and joint vocational school district~~ 59434
~~specifically for vocational educational and associated services~~ 59435
~~during the previous fiscal year.~~ 59436

Sec. 3317.018. (A) The department of education shall make no 59437
calculations or payments under ~~Chapter 3317. of the Revised Code~~ 59438
this chapter for any fiscal year except as prescribed in this 59439
section. The payments authorized under this section are in 59440
addition to payments computed and paid for fiscal years 2012 and 59441
2013 under the section of H.B. 153 of the 129th general assembly 59442
entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL 59443
DISTRICTS." 59444

(B) School districts shall report student enrollment data as 59445
prescribed by section 3317.03 of the Revised Code, which data the 59446
department shall use to make payments under ~~Chapters 3306. and~~ 59447
~~3317. of the Revised Code.~~ this chapter and the section of H.B. 59448
153 of the 129th general assembly entitled "FUNDING FOR CITY, 59449
EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS." 59450

(C) The tax commissioner shall report data regarding tax 59451
valuation and receipts for school districts as prescribed by 59452
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 59453
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division ~~(M)~~(K) 59454
of section 3317.02 of the Revised Code, which data the department 59455
shall use to make payments under ~~Chapters 3306. and 3317. of the~~ 59456
~~Revised Code.~~ this chapter and the section of H.B. 153 of the 59457
129th general assembly entitled "FUNDING FOR CITY, EXEMPTED 59458
VILLAGE, AND LOCAL SCHOOL DISTRICTS." 59459

(D) Unless otherwise specified by another provision of law, 59460
~~in addition to the payments prescribed by Chapter 3306. of the~~ 59461
~~Revised Code,~~ the department shall continue to make payments to or 59462
adjustments for school districts in fiscal years after fiscal year 59463
2009 under the following provisions of ~~Chapter 3317. of the~~ 59464
~~Revised Code~~ this chapter: 59465

(1) The catastrophic cost reimbursement under division (C)(3) 59466
of section 3317.022 of the Revised Code; however, when computing 59467
that payment, the department shall use the disability categories 59468
and multiples specified in section 3317.013 of the Revised Code as 59469
that section existed prior to the effective date of this 59470
amendment. No other payments shall be made under ~~that~~ section 59471
3317.022 of the Revised Code. 59472

(2) All payments or adjustments under section 3317.023 of the 59473
Revised Code, ~~except no payments or adjustments shall be made~~ 59474
~~under divisions (B), (C), and (D) of that section.;~~ 59475

(3) All payments or adjustments under section 3317.024 of the 59476
Revised Code, ~~except no payments or adjustments shall be made~~ 59477
~~under divisions (F) and (N) of that section for fiscal years after~~ 59478
~~fiscal year 2009 or under division (L) of that section for fiscal~~ 59479
~~years 2010 and 2011.;~~ 59480

(4) All payments and adjustments under sections 3317.025, 59481

| | |
|---|--|
| 3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the Revised Code; | 59482 59483 |
| (5) Payments under section 3317.04 of the Revised Code; | 59484 |
| (6) Unit payments under sections 3317.05, 3317.051, 3317.052, and 3317.053 of the Revised Code, except that no units for gifted funding are authorized for <u>after</u> fiscal years 2010 and 2011 year <u>2009</u> . | 59485 59486 59487 59488 |
| (7) <u>(6)</u> Payments under sections 3317.06, 3317.063, and 3317.064 of the Revised Code; | 59489 59490 |
| (8) Payments under section 3317.07 of the Revised Code; | 59491 |
| (9) <u>(7)</u> Payments to educational service centers under section 3317.11 of the Revised Code; | 59492 59493 |
| (10) <u>(8)</u> 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 <u>of the Revised Code</u> . | 59494 59495 59496 59497 59498 59499 59500 59501 |
| (11) Payments under section 3317.17 of the Revised Code; | 59502 |
| (12) <u>(9)</u> Adjustments under section 3317.18 of the Revised Code; | 59503 59504 |
| (13) <u>(10)</u> Payments to cooperative education school districts under section 3317.19 of the Revised Code; | 59505 59506 |
| (14) <u>(11)</u> Payments to county MR/DD <u>DD</u> boards under section 3317.20 of the Revised Code; | 59507 59508 |
| (15) <u>(12)</u> Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code. | 59509 59510 |

(E) ~~Sections 3317.016 and 3317.017 shall not apply to fiscal years after fiscal year 2009.~~ 59511
59512

~~(F)~~ This section does not affect the provisions of sections 59513
3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 59514
3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.141, 59515
3317.15, 3317.50, and 3317.51, ~~3317.62, 3317.63, and 3317.64~~ of 59516
the Revised Code. 59517

(F) The department shall make no payments for fiscal years 2012 or 2013 under section 3317.0212 of the Revised Code. 59518
59519

Sec. 3317.02. As used in this chapter: 59520

(A) Unless otherwise specified, "school district" means city, 59521
local, and exempted village school districts. 59522

(B) "Formula amount" means ~~\$5,732~~ \$5,653 for fiscal year ~~2010~~ 59523
2012 and fiscal year ~~2011~~ 2013. 59524

(C) "FTE basis" means a count of students based on full-time 59525
equivalency, in accordance with rules adopted by the department of 59526
education pursuant to section 3317.03 of the Revised Code. In 59527
adopting its rules under this division, the department shall 59528
provide for counting any student in category one, two, three, 59529
four, five, or six special education ADM or in category one or two 59530
vocational education ADM in the same proportion the student is 59531
counted in formula ADM. 59532

(D)(1) "Formula ADM" means, for a city, local, or exempted 59533
village school district, ~~"formula ADM" as defined in section~~ 59534
~~3306.02 of the Revised Code.~~ the average daily membership 59535
described in division (A) of section 3317.03 of the Revised Code, 59536
as verified by the superintendent of public instruction and 59537
adjusted if so ordered under division (K) of that section, and as 59538
further adjusted by the department of education, as follows: 59539

(a) Count only twenty per cent of the number of joint 59540

vocational school district students counted under division (A)(3) 59541
of section 3317.03 of the Revised Code; 59542

(b) Add twenty per cent of the number of students who are 59543
entitled to attend school in the district under section 3313.64 or 59544
3313.65 of the Revised Code and are enrolled in another school 59545
district under a career-technical educational compact. 59546

(2) "Formula ADM" means, for a joint vocational school 59547
district, the final number verified by the superintendent of 59548
public instruction, based on the number reported pursuant to 59549
division (D) of section 3317.03 of the Revised Code, as adjusted, 59550
if so ordered, under division (K) of that section. ~~For purposes of~~ 59551
the calculation of payments to or adjustments for a city, exempted 59552
village, local, or joint vocational school district under this 59553
chapter or under Chapter 3306. of the Revised Code, calculations 59554
required under Chapter 3318. of the Revised Code, or adjustments 59555
required under Chapter 3365. of the Revised Code, the department 59556
of education shall use the district's formula ADM for the previous 59557
fiscal year, unless the district's average daily membership 59558
reported and verified for the current fiscal year is at least two 59559
per cent greater than the formula ADM reported for the previous 59560
fiscal year, in which case the department shall use the district's 59561
formula ADM for the current fiscal year. 59562

(E) "Three-year average formula ADM" means the average of 59563
formula ADMS for the preceding three fiscal years. 59564

(F)(1) "Category one special education ADM" means the average 59565
daily membership of children with disabilities receiving special 59566
education services for the disability specified in division 59567
~~(D)(1)(A)~~ of section ~~3306.02~~ 3317.013 of the Revised Code and 59568
reported under division (B)(5) or (D)(2)(b) of section 3317.03 of 59569
the Revised Code. 59570

(2) "Category two special education ADM" means the average 59571

daily membership of children with disabilities receiving special 59572
education services for those disabilities specified in division 59573
~~(D)(2)(B)~~ of section ~~3306.02~~ 3317.013 of the Revised Code and 59574
reported under division (B)(6) or (D)(2)(c) of section 3317.03 of 59575
the Revised Code. 59576

(3) "Category three special education ADM" means the average 59577
daily membership of students receiving special education services 59578
for those disabilities specified in division ~~(D)(3)(C)~~ of section 59579
~~3306.02~~ 3317.013 of the Revised Code, and reported under division 59580
(B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 59581

(4) "Category four special education ADM" means the average 59582
daily membership of students receiving special education services 59583
for those disabilities specified in division (D)~~(4)~~ of section 59584
~~3306.02~~ 3317.013 of the Revised Code and reported under division 59585
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 59586

(5) "Category five special education ADM" means the average 59587
daily membership of students receiving special education services 59588
for the disabilities specified in division ~~(D)(5)(E)~~ of section 59589
~~3306.02~~ 3317.013 of the Revised Code and reported under division 59590
(B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 59591

(6) "Category six special education ADM" means the average 59592
daily membership of students receiving special education services 59593
for the disabilities specified in division ~~(D)(6)(F)~~ of section 59594
~~3306.02~~ 3317.013 of the Revised Code and reported under division 59595
(B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 59596

(7) "Category one vocational education ADM" means the average 59597
daily membership of students receiving vocational education 59598
services described in division (A) of section 3317.014 of the 59599
Revised Code and reported under division (B)(11) or (D)(2)(h) of 59600
section 3317.03 of the Revised Code. 59601

(8) "Category two vocational education ADM" means the average 59602

daily membership of students receiving vocational education 59603
services described in division (B) of section 3317.014 of the 59604
Revised Code and reported under division (B)(12) or (D)(2)(i) of 59605
section 3317.03 of the Revised Code. 59606

(G) "Preschool child with a disability" means a child with a 59607
disability, as defined in section 3323.01 of the Revised Code, who 59608
is at least age three but is not of compulsory school age, as 59609
defined in section 3321.01 of the Revised Code, and who is not 59610
currently enrolled in kindergarten. 59611

(H) "County DD board" means a county board of developmental 59612
disabilities. 59613

(I) "Recognized valuation" means the amount calculated for a 59614
school district pursuant to section 3317.015 of the Revised Code. 59615

~~(J) "Transportation ADM" means the number of children 59616
reported under division (B)(13) of section 3317.03 of the Revised 59617
Code. 59618~~

~~(K) "Average efficient transportation use cost per student" 59619
means a statistical representation of transportation costs as 59620
calculated under division (D)(2) of section 3317.022 of the 59621
Revised Code. 59622~~

~~(L)~~ "Taxes charged and payable" means the taxes charged and 59623
payable against real and public utility property after making the 59624
reduction required by section 319.301 of the Revised Code, plus 59625
the taxes levied against tangible personal property. 59626

~~(M)~~(K) "Total taxable value" means the sum of the amounts 59627
certified for a city, local, exempted village, or joint vocational 59628
school district under divisions (A)(1) and (2) of section 3317.021 59629
of the Revised Code. 59630

~~(N)~~(L) "Tax exempt value" of a school district means the 59631
amount certified for a school district under division (A)(4) of 59632

section 3317.021 of the Revised Code. 59633

~~(O)~~(M) "Potential value" of a school district means the 59634
recognized valuation of a school district plus the tax exempt 59635
value of the district. 59636

~~(P)~~(N) "District median income" means the median Ohio 59637
adjusted gross income certified for a school district. On or 59638
before the first day of July of each year, the tax commissioner 59639
shall certify to the department of education and the office of 59640
budget and management for each city, exempted village, and local 59641
school district the median Ohio adjusted gross income of the 59642
residents of the school district determined on the basis of tax 59643
returns filed for the second preceding tax year by the residents 59644
of the district. 59645

~~(Q)~~(O) "Statewide median income" means the median district 59646
median income of all city, exempted village, and local school 59647
districts in the state. 59648

~~(R)~~(P) "Income factor" for a city, exempted village, or local 59649
school district means the quotient obtained by dividing that 59650
district's median income by the statewide median income. 59651

~~(S)~~(O) "Medically fragile child" means a child to whom all of 59652
the following apply: 59653

(1) The child requires the services of a doctor of medicine 59654
or osteopathic medicine at least once a week due to the 59655
instability of the child's medical condition. 59656

(2) The child requires the services of a registered nurse on 59657
a daily basis. 59658

(3) The child is at risk of institutionalization in a 59659
hospital, skilled nursing facility, or intermediate care facility 59660
for the mentally retarded. 59661

~~(T)~~(R) A child may be identified as having an "other health 59662

impairment-major" if the child's condition meets the definition of 59663
"other health impaired" established in rules adopted by the state 59664
board of education prior to July 1, 2001, and if either of the 59665
following apply: 59666

(1) The child is identified as having a medical condition 59667
that is among those listed by the superintendent of public 59668
instruction as conditions where a substantial majority of cases 59669
fall within the definition of "medically fragile child." The 59670
superintendent of public instruction shall issue an initial list 59671
no later than September 1, 2001. 59672

(2) The child is determined by the superintendent of public 59673
instruction to be a medically fragile child. A school district 59674
superintendent may petition the superintendent of public 59675
instruction for a determination that a child is a medically 59676
fragile child. 59677

~~(U)~~(S) A child may be identified as having an "other health 59678
impairment-minor" if the child's condition meets the definition of 59679
"other health impaired" established in rules adopted by the state 59680
board of education prior to July 1, 2001, but the child's 59681
condition does not meet either of the conditions specified in 59682
division ~~(T)~~(R)(1) or (2) of this section. 59683

~~(V)~~(T) "State education aid" has the same meaning as in 59684
section 5751.20 of the Revised Code. 59685

~~(W)~~(U) "Property exemption value" means zero in fiscal year 59686
2006, and in fiscal year 2007 and each fiscal year thereafter, the 59687
amount certified for a school district under divisions (A)(6) and 59688
(7) of section 3317.021 of the Revised Code. 59689

~~(X)~~(V) "Internet- or computer-based community school" has the 59690
same meaning as in section 3314.02 of the Revised Code. 59691

~~(Y)~~(W) "State share percentage" ~~has the same meaning as in,~~ 59692
for a city, exempted village, or local school district, for fiscal 59693

years 2012 and 2013, means the district's state share percentage 59694
as computed for fiscal year 2011 under former section 3306.02 of 59695
the Revised Code. "State share percentage," for a joint vocational 59696
school district, for fiscal years 2012 and 2013, means the 59697
district's state share percentage as computed for fiscal year 2009 59698
under section 3317.16 of the Revised Code as that section existed 59699
for that fiscal year. 59700

~~Sec. 3317.021. The information certified under this section~~ 59701
~~shall be used to calculate payments under this chapter and Chapter~~ 59702
~~3306. of the Revised Code.~~ 59703

(A) On or before the first day of June of each year, the tax 59704
commissioner shall certify to the department of education and the 59705
office of budget and management the information described in 59706
divisions (A)(1) to (7) of this section for each city, exempted 59707
village, and local school district, and the information required 59708
by divisions (A)(1) and (2) of this section for each joint 59709
vocational school district, and it shall be used, along with the 59710
information certified under division (B) of this section, in 59711
making the computations for the district under this chapter ~~and~~ 59712
~~Chapter 3306. of the Revised Code.~~ 59713

(1) The taxable value of real and public utility real 59714
property in the school district subject to taxation in the 59715
preceding tax year, by class and by county of location. 59716

(2) The taxable value of tangible personal property, 59717
including public utility personal property, subject to taxation by 59718
the district for the preceding tax year. 59719

(3)(a) The total property tax rate and total taxes charged 59720
and payable for the current expenses for the preceding tax year 59721
and the total property tax rate and the total taxes charged and 59722
payable to a joint vocational district for the preceding tax year 59723
that are limited to or to the extent apportioned to current 59724

| | |
|---|---|
| expenses. | 59725 |
| (b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district. | 59726 59727 59728 59729 |
| (4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following: | 59730 59731 59732 |
| (a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose; | 59733 59734 59735 |
| (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. | 59736 59737 59738 59739 |
| (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. | 59740 59741 59742 59743 |
| (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. | 59744 59745 59746 59747 59748 59749 59750 59751 59752 59753 59754 |
| (a) "School district compensation value" means the aggregate | 59755 |

value of real property in the school district exempted from 59756
taxation pursuant to an ordinance or resolution adopted under 59757
division (C) of section 5709.40, division (C) of section 5709.73, 59758
or division (B) of section 5709.78 of the Revised Code to the 59759
extent that the exempted value results in the charging of payments 59760
in lieu of taxes required to be paid to the school district under 59761
division (D)(1) or (2) of section 5709.40, division (D) of section 59762
5709.73, or division (C) of section 5709.78 of the Revised Code. 59763

(b) "Other compensation value" means the quotient that 59764
results from dividing (i) the dollar value of compensation 59765
received by the school district during the preceding tax year 59766
pursuant to division (B), (C), or (D) of section 5709.82 of the 59767
Revised Code and the amounts received pursuant to an agreement as 59768
specified in division (D)(2) of section 5709.40, division (D) of 59769
section 5709.73, or division (C) of section 5709.78 of the Revised 59770
Code to the extent those amounts were not previously reported or 59771
included in division (A)(6)(a) of this section, and so that any 59772
such amount is reported only once under division (A)(6)(b) of this 59773
section, in relation to exemptions from taxation granted pursuant 59774
to an ordinance or resolution adopted under division (C) of 59775
section 5709.40, division (C) of section 5709.73, or division (B) 59776
of section 5709.78 of the Revised Code, by (ii) the real property 59777
tax rate in effect for the preceding tax year for 59778
nonresidential/agricultural real property after making the 59779
reductions required by section 319.301 of the Revised Code. 59780

(c) The portion of school district compensation value or 59781
other compensation value that was exempted from taxation pursuant 59782
to such an ordinance or resolution for the preceding tax year, if 59783
the ordinance or resolution is adopted prior to January 1, 2006, 59784
and the legislative authority or board of township trustees or 59785
county commissioners, prior to January 1, 2006, executes a 59786
contract or agreement with a developer, whether for-profit or 59787

not-for-profit, with respect to the development of a project 59788
undertaken or to be undertaken and identified in the ordinance or 59789
resolution, and upon which parcels such project is being, or will 59790
be, undertaken; 59791

(d) The portion of school district compensation value that 59792
was exempted from taxation for the preceding tax year and for 59793
which payments in lieu of taxes for the preceding tax year were 59794
provided to the school district under division (D)(1) of section 59795
5709.40 of the Revised Code. 59796

(e) The portion of school district compensation value that 59797
was exempted from taxation for the preceding tax year pursuant to 59798
such an ordinance or resolution, if and to the extent that, on or 59799
before April 1, 2006, the fiscal officer of the municipal 59800
corporation that adopted the ordinance, or of the township or 59801
county that adopted the resolution, certifies and provides 59802
appropriate supporting documentation to the tax commissioner and 59803
the director of development that, based on hold-harmless 59804
provisions in any agreement between the school district and the 59805
legislative authority of the municipal corporation, board of 59806
township trustees, or board of county commissioners that was 59807
entered into on or before June 1, 2005, the ability or obligation 59808
of the municipal corporation, township, or county to repay bonds, 59809
notes, or other financial obligations issued or entered into prior 59810
to January 1, 2006, will be impaired, including obligations to or 59811
of any other body corporate and politic with whom the legislative 59812
authority of the municipal corporation or board of township 59813
trustees or county commissioners has entered into an agreement 59814
pertaining to the use of service payments derived from the 59815
improvements exempted; 59816

(f) The portion of school district compensation value that 59817
was exempted from taxation for the preceding tax year pursuant to 59818
such an ordinance or resolution, if the ordinance or resolution is 59819

adopted prior to January 1, 2006, in a municipal corporation with 59820
a population that exceeds one hundred thousand, as shown by the 59821
most recent federal decennial census, that includes a major 59822
employment center and that is adjacent to historically distressed 59823
neighborhoods, if the legislative authority of the municipal 59824
corporation that exempted the property prepares an economic 59825
analysis that demonstrates that all taxes generated within the 59826
incentive district accruing to the state by reason of improvements 59827
constructed within the district during its existence exceed the 59828
amount the state pays the school district under section 3317.022 59829
of the Revised Code attributable to such property exemption from 59830
the school district's recognized valuation. The analysis shall be 59831
submitted to and approved by the department of development prior 59832
to January 1, 2006, and the department shall not unreasonably 59833
withhold approval. 59834

(g) The portion of school district compensation value that 59835
was exempted from taxation for the preceding tax year under such 59836
an ordinance or resolution, if the ordinance or resolution is 59837
adopted prior to January 1, 2006, and if service payments have 59838
been pledged to be used for mixed-use riverfront entertainment 59839
development in any county with a population that exceeds six 59840
hundred thousand, as shown by the most recent federal decennial 59841
census; 59842

(h) The portion of school district compensation value that 59843
was exempted from taxation for the preceding tax year under such 59844
an ordinance or resolution, if, prior to January 1, 2006, the 59845
legislative authority of a municipal corporation, board of 59846
township trustees, or board of county commissioners has pledged 59847
service payments for a designated transportation capacity project 59848
approved by the transportation review advisory council under 59849
Chapter 5512. of the Revised Code; 59850

(i) The portion of school district compensation value that 59851

was exempted from taxation for the preceding tax year under such 59852
an ordinance or resolution if the legislative authority of a 59853
municipal corporation, board of township trustees, or board of 59854
county commissioners have, by January 1, 2006, pledged proceeds 59855
for designated transportation improvement projects that involve 59856
federal funds for which the proceeds are used to meet a local 59857
share match requirement for such funding. 59858

As used in division (A)(6) of this section, "project" has the 59859
same meaning as in section 5709.40 of the Revised Code. 59860

(7) The aggregate value of real property in the school 59861
district for which an exemption from taxation is granted by an 59862
ordinance or resolution adopted on or after January 1, 2006, under 59863
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 59864
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 59865
Code, as indicated on the list of exempted property for the 59866
preceding tax year under section 5713.08 of the Revised Code and 59867
as if such property had been assessed for taxation that year, 59868
minus the product determined by multiplying (a) the aggregate 59869
value of the real property in the school district exempted from 59870
taxation for the preceding tax year under any of the chapters or 59871
sections specified in this division, by (b) a fraction, the 59872
numerator of which is the difference between (i) the amount of 59873
anticipated revenue such school district would have received for 59874
the preceding tax year if the real property exempted from taxation 59875
had not been exempted from taxation and (ii) the aggregate amount 59876
of payments in lieu of taxes on the exempt real property for the 59877
preceding tax year and other compensation received for the 59878
preceding tax year by the school district pursuant to any 59879
agreements entered into on or after January 1, 2006, under section 59880
5709.82 of the Revised Code between the school district and the 59881
legislative authority of a political subdivision that acted under 59882
the authority of a chapter or statute specified in this division, 59883

that were entered into in relation to such exemption, and the 59884
denominator of which is the amount of anticipated revenue such 59885
school district would have received in the preceding fiscal year 59886
if the real property exempted from taxation had not been exempted. 59887

(B) On or before the first day of May each year, the tax 59888
commissioner shall certify to the department of education and the 59889
office of budget and management the total taxable real property 59890
value of railroads and, separately, the total taxable tangible 59891
personal property value of all public utilities for the preceding 59892
tax year, by school district and by county of location. 59893

(C) If a public utility has properly and timely filed a 59894
petition for reassessment under section 5727.47 of the Revised 59895
Code with respect to an assessment issued under section 5727.23 of 59896
the Revised Code affecting taxable property apportioned by the tax 59897
commissioner to a school district, the taxable value of public 59898
utility tangible personal property included in the certification 59899
under divisions (A)(2) and (B) of this section for the school 59900
district shall include only the amount of taxable value on the 59901
basis of which the public utility paid tax for the preceding year 59902
as provided in division (B)(1) or (2) of section 5727.47 of the 59903
Revised Code. 59904

(D) If on the basis of the information certified under 59905
division (A) of this section, the department determines that any 59906
district fails in any year to meet the qualification requirement 59907
specified in ~~division (A)(1) of section 3306.01~~ and division (A) 59908
of section 3317.01 of the Revised Code, the department shall 59909
immediately request the tax commissioner to determine the extent 59910
to which any school district income tax levied by the district 59911
under Chapter 5748. of the Revised Code shall be included in 59912
meeting that requirement. Within five days of receiving such a 59913
request from the department, the tax commissioner shall make the 59914
determination required by this division and report the quotient 59915

obtained under division (D)(3) of this section to the department 59916
and the office of budget and management. This quotient represents 59917
the number of mills that the department shall include in 59918
determining whether the district meets the qualification 59919
requirement of ~~division (A)(1) of section 3306.01~~ and division (A) 59920
of section 3317.01 of the Revised Code. 59921

The tax commissioner shall make the determination required by 59922
this division as follows: 59923

(1) Multiply one mill times the total taxable value of the 59924
district as determined in divisions (A)(1) and (2) of this 59925
section; 59926

(2) Estimate the total amount of tax liability for the 59927
current tax year under taxes levied by Chapter 5748. of the 59928
Revised Code that are apportioned to current operating expenses of 59929
the district, excluding any income tax receipts allocated for the 59930
project cost, debt service, or maintenance set-aside associated 59931
with a state-assisted classroom facilities project as authorized 59932
by section 3318.052 of the Revised Code; 59933

(3) Divide the amount estimated under division (D)(2) of this 59934
section by the product obtained under division (D)(1) of this 59935
section. 59936

(E)(1) On or before June 1, 2006, and the first day of April 59937
of each year thereafter, the director of development shall report 59938
to the department of education, the tax commissioner, and the 59939
director of budget and management the total amounts of payments 59940
received by each city, local, exempted village, or joint 59941
vocational school district for the preceding tax year pursuant to 59942
division (D) of section 5709.40, division (D) of section 5709.73, 59943
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 59944
or (D) of section 5709.82 of the Revised Code in relation to 59945
exemptions from taxation granted pursuant to an ordinance adopted 59946

by the legislative authority of a municipal corporation under 59947
division (C) of section 5709.40 of the Revised Code, or a 59948
resolution adopted by a board of township trustees or board of 59949
county commissioners under division (C) of section 5709.73 or 59950
division (B) of section 5709.78 of the Revised Code, respectively. 59951
On or before April 1, 2006, and the first day of March of each 59952
year thereafter, the treasurer of each city, local, exempted 59953
village, or joint vocational school district that has entered into 59954
such an agreement shall report to the director of development the 59955
total amounts of such payments the district received for the 59956
preceding tax year as provided in this section. The state board of 59957
education, in accordance with sections 3319.31 and 3319.311 of the 59958
Revised Code, may suspend or revoke the license of a treasurer 59959
found to have willfully reported erroneous, inaccurate, or 59960
incomplete data under this division. 59961

(2) On or before April 1, 2007, and the first day of April of 59962
each year thereafter, the director of development shall report to 59963
the department of education, the tax commissioner, and the 59964
director of budget and management the total amounts of payments 59965
received by each city, local, exempted village, or joint 59966
vocational school district for the preceding tax year pursuant to 59967
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 59968
in relation to exemptions from taxation granted pursuant to 59969
ordinances or resolutions adopted on or after January 1, 2006, 59970
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 59971
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 59972
Revised Code. On or before March 1, 2007, and the first day of 59973
March of each year thereafter, the treasurer of each city, local, 59974
exempted village, or joint vocational school district that has 59975
entered into such an agreement shall report to the director of 59976
development the total amounts of such payments the district 59977
received for the preceding tax year as provided by this section. 59978
The state board of education, in accordance with sections 3319.31 59979

and 3319.311 of the Revised Code, may suspend or revoke the 59980
license of a treasurer found to have willfully reported erroneous, 59981
inaccurate, or incomplete data under this division. 59982

Sec. 3317.022. (A)(1) The department of education shall 59983
compute and distribute state base cost funding to each eligible 59984
school district for the fiscal year, using the information 59985
obtained under section 3317.021 of the Revised Code in the 59986
calendar year in which the fiscal year begins, according to the 59987
following formula: 59988

{[the formula amount X (formula ADM + 59989
preschool scholarship ADM)] + 59990
the sum of the base funding supplements 59991
prescribed in divisions (C)(1) to (4) 59992
of section 3317.012 of the Revised Code} - 59993
[.023 x (the sum of recognized valuation 59994
and property exemption value)] + 59995
the amounts calculated for the district under 59996
sections 3317.029 and 3317.0217 of the Revised Code 59997

If the difference obtained is a negative number, the 59998
district's computation shall be zero. 59999

(2)(a) For each school district for which the tax exempt 60000
value of the district equals or exceeds twenty-five per cent of 60001
the potential value of the district, the department of education 60002
shall calculate the difference between the district's tax exempt 60003
value and twenty-five per cent of the district's potential value. 60004

(b) For each school district to which division (A)(2)(a) of 60005
this section applies, the department shall adjust the recognized 60006
valuation used in the calculation under division (A)(1) of this 60007
section by subtracting from it the amount calculated under 60008
division (A)(2)(a) of this section. 60009

(B) As used in this section: 60010

(1) The "total special education weight" for a district means 60011
the sum of the following amounts: 60012

(a) The district's category one special education ADM 60013
multiplied by the multiple specified in division (A) of section 60014
3317.013 of the Revised Code; 60015

(b) The district's category two special education ADM 60016
multiplied by the multiple specified in division (B) of section 60017
3317.013 of the Revised Code; 60018

(c) The district's category three special education ADM 60019
multiplied by the multiple specified in division (C) of section 60020
3317.013 of the Revised Code; 60021

(d) The district's category four special education ADM 60022
multiplied by the multiple specified in division (D) of section 60023
3317.013 of the Revised Code; 60024

(e) The district's category five special education ADM 60025
multiplied by the multiple specified in division (E) of section 60026
3317.013 of the Revised Code; 60027

(f) The district's category six special education ADM 60028
multiplied by the multiple specified in division (F) of section 60029
3317.013 of the Revised Code. 60030

(2) "Related services" includes: 60031

(a) Child study, special education supervisors and 60032
coordinators, speech and hearing services, adaptive physical 60033
development services, occupational or physical therapy, teacher 60034
assistants for children with disabilities whose disabilities are 60035
described in division (B) of section 3317.013 or division (F)(3) 60036
of section 3317.02 of the Revised Code, behavioral intervention, 60037
interpreter services, work study, nursing services, and 60038
specialized integrative services as those terms are defined by the 60039
department; 60040

| | |
|---|----------------------------------|
| (b) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability; | 60041 60042 60043 |
| (c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services; | 60044 60045 60046 |
| (d) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code; | 60047 60048 |
| (e) Any other related service needed by children with disabilities in accordance with their individualized education programs. | 60049 60050 60051 |
| (3) The "total vocational education weight" for a district means the sum of the following amounts: | 60052 60053 |
| (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; | 60054 60055 60056 |
| (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. | 60057 60058 60059 |
| (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. | 60060 60061 60062 |
| (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: | 60063 60064 60065 60066 |
| The district's state share percentage X | 60067 |
| the formula amount for the year for which | 60068 |
| the aid is calculated X the district's | 60069 |
| total special education weight | 60070 |

(2) The attributed local share of special education and related services additional weighted costs equals: 60071
(1 - the district's state share percentage) X the district's total special education weight X the formula amount 60072
60073
60074

(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following: 60075
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(i) One-half of the district's costs for the student in excess of the threshold catastrophic cost; 60087
60088

(ii) 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. 60089
60090
60091

(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals: 60092
60093

(i) For a student in the school district's category two, three, four, or five special education ADM, twenty-seven thousand three hundred seventy-five dollars; 60094
60095
60096

(ii) For a student in the district's category six special education ADM, thirty-two thousand eight hundred fifty dollars. 60097
60098

(c) The district shall only report under division (C)(3)(a) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the 60099
60100
60101

student in accordance with the student's individualized education 60102
program. Any legal fees, court costs, or other costs associated 60103
with any cause of action relating to the student may not be 60104
included in the amount. 60105

(4)(a) As used in this division, the "personnel allowance" 60106
means thirty thousand dollars in fiscal years 2008 and 2009. 60107

(b) For the provision of speech language pathology services 60108
to students, including students who do not have individualized 60109
education programs prepared for them under Chapter 3323. of the 60110
Revised Code, and for no other purpose, the department of 60111
education shall pay each school district an amount calculated 60112
under the following formula: 60113

(formula ADM divided by 2000) X 60114

the personnel allowance X 60115

the state share percentage 60116

(5) In any fiscal year, a school district shall spend for 60117
purposes that the department designates as approved for special 60118
education and related services expenses at least the amount 60119
calculated as follows: 60120

(formula amount X the sum of categories 60121

one through six special education ADM) + 60122

(total special education weight X formula amount) 60123

The purposes approved by the department for special education 60124
expenses shall include, but shall not be limited to, 60125
identification of children with disabilities, compliance with 60126
state rules governing the education of children with disabilities 60127
and prescribing the continuum of program options for children with 60128
disabilities, provision of speech language pathology services, and 60129
the portion of the school district's overall administrative and 60130
overhead costs that are attributable to the district's special 60131
education student population. 60132

The scholarships deducted from the school district's account 60133
under section 3310.41 of the Revised Code shall be considered to 60134
be an approved special education and related services expense for 60135
the purpose of the school district's compliance with division 60136
(C)(5) of this section. 60137

The department shall require school districts to report data 60138
annually to allow for monitoring compliance with division (C)(5) 60139
of this section. The department shall annually report to the 60140
governor and the general assembly the amount of money spent by 60141
each school district for special education and related services. 60142

(6) In any fiscal year, a school district shall spend for the 60143
provision of speech language pathology services not less than the 60144
sum of the amount calculated under division (C)(1) of this section 60145
for the students in the district's category one special education 60146
ADM and the amount calculated under division (C)(4) of this 60147
section. 60148

~~(D)(1) As used in this division:~~ 60149

~~(a) "Daily bus miles per student" equals the number of bus 60150
miles traveled per day, divided by transportation base. 60151~~

~~(b) "Transportation base" equals total student count as 60152
defined in section 3301.011 of the Revised Code, minus the number 60153
of students enrolled in units for preschool children with 60154
disabilities, plus the number of nonpublic school students 60155
included in transportation ADM. 60156~~

~~(c) "Transported student percentage" equals transportation 60157
ADM divided by transportation base. 60158~~

~~(d) "Transportation cost per student" equals total operating 60159
costs for board owned or contractor operated school buses divided 60160
by transportation base. 60161~~

~~(2) Analysis of student transportation cost data has resulted 60162~~

~~in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:~~

$$\begin{aligned} & \del{51.79027 + (139.62626 \times \text{daily bus miles per student}) +} \\ & \del{(116.25573 \times \text{transported student percentage})} \end{aligned}$$

~~The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the 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% | 60196 |
| 2001 | 55% | 60197 |
| 2002 | 57.5% | 60198 |
| 2003 and thereafter | The greater of 60% or the district's state share percentage | 60199 |

~~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.~~ 60200
60201
60202

~~(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:~~ 60203
60204
60205

~~(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;~~ 60206
60207
60208

~~(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.~~ 60209
60210

~~(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:~~ 60211
60212
60213

~~(per rough mile subsidy X total rough road miles)
X density multiplier~~ 60214
60215

~~where:~~ 60216

~~(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:~~ 60217
60218

~~$0.75 \times \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$~~ 60219
60220
60221

~~(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.~~ 60222
60223

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

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

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

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

$$1 - \left[\frac{\text{minimum student density} - \text{district student density}}{\text{minimum student density} - \text{statewide student density}} \right]$$

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

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

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

~~(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board owned or~~

~~contractor operated buses and whose transportation is not funded~~ 60255
~~under division (G) of section 3317.024 of the Revised Code. The~~ 60256
~~rules shall include provisions for school district reporting of~~ 60257
~~such students.~~ 60258

~~(E)(1)~~ The department shall compute and distribute state 60259
vocational education additional weighted costs funds to each 60260
school district in accordance with the following formula: 60261

state share percentage X 60262
the formula amount X 60263
total vocational education weight 60264

In any fiscal year, a school district receiving funds under 60265
division ~~(E)~~(D)(1) of this section shall spend those funds only 60266
for the purposes that the department designates as approved for 60267
vocational education expenses. Vocational educational expenses 60268
approved by the department shall include only expenses connected 60269
to the delivery of career-technical programming to 60270
career-technical students. The department shall require the school 60271
district to report data annually so that the department may 60272
monitor the district's compliance with the requirements regarding 60273
the manner in which funding received under division ~~(E)~~(D)(1) of 60274
this section may be spent. 60275

(2) The department shall compute for each school district 60276
state funds for vocational education associated services in 60277
accordance with the following formula: 60278

state share percentage X .05 X the formula amount X 60279
the sum of categories one and two vocational education ADM 60280

In any fiscal year, a school district receiving funds under 60281
division ~~(E)~~(D)(2) of this section, or through a transfer of funds 60282
pursuant to division ~~(E)~~(I) of section 3317.023 of the Revised 60283
Code, shall spend those funds only for the purposes that the 60284
department designates as approved for vocational education 60285
associated services expenses, which may include such purposes as 60286

apprenticeship coordinators, coordinators for other vocational 60287
education services, vocational evaluation, and other purposes 60288
designated by the department. The department may deny payment 60289
under division ~~(E)~~(D)(2) of this section to any district that the 60290
department determines is not operating those services or is using 60291
funds paid under division ~~(E)~~(D)(2) of this section, or through a 60292
transfer of funds pursuant to division ~~(L)~~(I) of section 3317.023 60293
of the Revised Code, for other purposes. 60294

~~(F)~~(E) The actual local share in any fiscal year for the 60295
combination of special education and related services additional 60296
weighted costs funding calculated under division (C)(1) of this 60297
section, transportation ~~funding base payment~~ calculated under 60298
divisions ~~(D)(2) and (3)~~ division (E) of ~~this~~ section 3317.0212 of 60299
the Revised Code, and vocational education and associated services 60300
additional weighted costs funding calculated under divisions 60301
~~(E)~~(D)(1) and (2) of this section shall not exceed for any school 60302
district the product of three and three-tenths mills times the 60303
district's recognized valuation. The department annually shall pay 60304
each school district as an excess cost supplement any amount by 60305
which the sum of the district's attributed local shares for that 60306
funding exceeds that product. For purposes of calculating the 60307
excess cost supplement: 60308

(1) The attributed local share for special education and 60309
related services additional weighted costs funding is the amount 60310
specified in division (C)(2) of this section. 60311

(2) The attributed local share of the district's 60312
transportation ~~funding base payment~~ equals the difference of the 60313
total amount calculated for the district ~~using the formula~~ 60314
~~developed~~ under division ~~(D)(2)~~(E) of ~~this~~ section 3317.0212 of 60315
the Revised Code minus the actual amount paid to the district 60316
after applying the percentage specified in division ~~(D)~~(E)(3) of 60317
~~this~~ that section. 60318

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

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

Sec. 3317.023. (A) The amounts required to be paid to a district under this chapter ~~and Chapter 3306.~~ of the Revised Code shall be adjusted by the amount of the computations made under divisions (B) to ~~(N)~~(K) of this section. ~~The department of education shall not make payments or adjustments under divisions (B), (C), and (D) of this section for any fiscal year after fiscal year 2009.~~

As used in this section:

(1) ~~"Classroom teacher" means a licensed employee who provides direct instruction to pupils, excluding teachers funded from money paid to the district from federal sources; educational service personnel; and vocational and special education teachers.~~

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

~~(3) "Annual salary" means the annual base salary stated in the state minimum salary schedule for the performance of the teacher's regular teaching duties that the teacher earns for services rendered for the first full week of October of the fiscal year for which the adjustment is made under division (C) of this~~

~~section. It shall not include any salary payments for supplemental teachers contracts.~~ 60350
60351

~~(4) "Regular student population" means the formula ADM plus the number of students reported as enrolled in the district pursuant to division (A)(1) of section 3313.981 of the Revised Code; minus the number of students reported under division (A)(2) of section 3317.03 of the Revised Code; minus the FTE of students reported under division (B)(6), (7), (8), (9), (10), (11), or (12) of that section who are enrolled in a vocational education class or receiving special education; and minus twenty per cent of the students enrolled concurrently in a joint vocational school district.~~ 60352
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~~(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.~~ 60362
60363
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~~(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.~~ 60366
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~~(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:~~ 60370
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~~(1) Divide the number of the district's full-time equivalent classroom teachers employed by one twenty-fifth;~~ 60374
60375

~~(2) Subtract the quotient in (1) from the district's regular student population;~~ 60376
60377

~~(3) Multiply the difference in (2) by seven hundred fifty-two dollars.~~ 60378
60379

~~(C) If a positive amount, add one half of the amount obtained by multiplying the number of full time equivalent classroom teachers by:~~ 60380
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60382

~~(1) The mean annual salary of all full time equivalent classroom teachers employed by the district at their respective training and experience levels minus;~~ 60383
60384
60385

~~(2) The mean annual salary of all such teachers at their respective levels in all school districts receiving payments under this section.~~ 60386
60387
60388

~~The number of full time equivalent classroom teachers used in this computation shall not exceed one twenty fifth of the district's regular student population. In calculating the district's mean salary under this division, those full time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order. Within the respective training levels, teachers with the highest years of service shall be counted first, the next highest years of service second, and so on, in descending order.~~ 60389
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~~(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:~~ 60399
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~~(1) Divide the number of full time equivalent educational service personnel employed by the district by five one thousandths;~~ 60408
60409
60410

~~(2) Subtract the quotient in (1) from the district's regular student population;~~ 60411
60412

~~(3) Multiply the difference in (2) by ninety four dollars.~~ 60413

~~(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. 60414
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~~(F)~~(C)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code. 60420
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(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible. 60428
60429
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~~(G)~~(D) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under ~~Chapter 3306. of the Revised Code~~ this chapter. 60432
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~~(H)~~(E) If the district has received a loan from a commercial lending institution for which payments are made by the superintendent of public instruction pursuant to division (E)(3) of section 3313.483 of the Revised Code, deduct an amount equal to 60438
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60440
60441

such payments. 60442

~~(I)~~(F)(1) If the district is a party to an agreement entered 60443
into under division (D), (E), or (F) of section 3311.06 or 60444
division (B) of section 3311.24 of the Revised Code and is 60445
obligated to make payments to another district under such an 60446
agreement, deduct an amount equal to such payments if the district 60447
school board notifies the department in writing that it wishes to 60448
have such payments deducted. 60449

(2) If the district is entitled to receive payments from 60450
another district that has notified the department to deduct such 60451
payments under division ~~(I)~~(F)(1) of this section, add the amount 60452
of such payments. 60453

~~(J)~~(G) If the district is required to pay an amount of funds 60454
to a cooperative education district pursuant to a provision 60455
described by division (B)(4) of section 3311.52 or division (B)(8) 60456
of section 3311.521 of the Revised Code, deduct such amounts as 60457
provided under that provision and credit those amounts to the 60458
cooperative education district for payment to the district under 60459
division (B)(1) of section 3317.19 of the Revised Code. 60460

~~(K)~~(H)(1) If a district is educating a student entitled to 60461
attend school in another district pursuant to a shared education 60462
contract, compact, or cooperative education agreement other than 60463
an agreement entered into pursuant to section 3313.842 of the 60464
Revised Code, credit to that educating district on an FTE basis 60465
both of the following: 60466

(a) An amount equal to the formula amount. 60467

(b) An amount equal to ~~the current formula amount~~ \$5,732 60468
times the state share percentage times any multiple applicable to 60469
the student for fiscal year 2009 pursuant to section ~~3306.11~~ 60470
3317.013 or 3317.014 of the Revised Code, as those sections 60471
existed for that fiscal year. 60472

(2) Deduct any amount credited pursuant to division ~~(K)~~(H)(1) 60473
of this section from amounts paid to the school district in which 60474
the student is entitled to attend school pursuant to section 60475
3313.64 or 3313.65 of the Revised Code. 60476

(3) If the district is required by a shared education 60477
contract, compact, or cooperative education agreement to make 60478
payments to an educational service center, deduct the amounts from 60479
payments to the district and add them to the amounts paid to the 60480
service center pursuant to section 3317.11 of the Revised Code. 60481

~~(L)~~(I)(1) If a district, including a joint vocational school 60482
district, is a lead district of a VEPD, credit to that district 60483
the following amounts calculated for all the school districts 60484
within that VEPD ~~pursuant to:~~ 60485

(a) In any fiscal year except fiscal year 2012 or 2013, the 60486
amount computed under division ~~(E)~~(D)(2) of section 3317.022 of 60487
the Revised Code; 60488

(b) In fiscal years 2012 and 2013, an amount equal to the 60489
following: 60490

state share percentage X .05 X \$5,732 X 60491

the sum of categories one 60492

and two vocational education ADM 60493

(2) Deduct from each appropriate district that is not a lead 60494
district, the amount attributable to that district that is 60495
credited to a lead district under division ~~(L)~~(I)(1) of this 60496
section. 60497

~~(M)~~(J) If the department pays a joint vocational school 60498
district under division (G)(4) of section 3317.16 of the Revised 60499
Code for excess costs of providing special education and related 60500
services to a student with a disability, as calculated under 60501
division (G)(2) of that section, the department shall deduct the 60502
amount of that payment from the city, local, or exempted village 60503

school district that is responsible as specified in that section 60504
for the excess costs. 60505

~~(N)~~(K)(1) If the district reports an amount of excess cost 60506
for special education services for a child under division (C) of 60507
section 3323.14 of the Revised Code, the department shall pay that 60508
amount to the district. 60509

(2) If the district reports an amount of excess cost for 60510
special education services for a child under division (C) of 60511
section 3323.14 of the Revised Code, the department shall deduct 60512
that amount from the district of residence of that child. 60513

Sec. 3317.024. The following shall be distributed monthly, 60514
quarterly, or annually as may be determined by the state board of 60515
education, ~~except that the department of education shall not make~~ 60516
~~payments under divisions (F) and (N) of this section for any~~ 60517
~~fiscal year after fiscal year 2009 or under division (L) of this~~ 60518
~~section for fiscal year 2010 or 2011:~~ 60519

(A) An amount for each island school district and each joint 60520
state school district for the operation of each high school and 60521
each elementary school maintained within such district and for 60522
capital improvements for such schools. Such amounts shall be 60523
determined on the basis of standards adopted by the state board of 60524
education. However, for fiscal years 2012 and 2013, an island 60525
district shall receive the lesser of its actual cost of operation, 60526
as certified to the department of education, or ninety-three per 60527
cent of the amount the district received in state operating 60528
funding for fiscal year 2011. If an island district received no 60529
funding for fiscal year 2011, it shall receive no funding for 60530
either of fiscal year 2012 or 2013. 60531

~~(B) An amount for each school district operating classes for~~ 60532
~~children of migrant workers who are unable to be in attendance in~~ 60533
~~an Ohio school during the entire regular school year. The amounts~~ 60534

~~shall be determined on the basis of standards adopted by the state board of education, except that payment shall be made only for subjects regularly offered by the school district providing the classes.~~

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

~~(D) An amount for the emergency purchase of school buses as provided for in section 3317.07 of the Revised Code;~~

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

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

~~(G)~~(C) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM. The state board of education shall establish standards and guidelines for use by the department of education in determining

the approved cost of such transportation for each district or 60566
service center. 60567

~~(H)(D)~~ An amount to each school district, including each 60568
cooperative education school district, pursuant to section 3313.81 60569
of the Revised Code to assist in providing free lunches to needy 60570
children ~~and an amount to assist needy school districts in~~ 60571
~~purchasing necessary equipment for food preparation.~~ The amounts 60572
shall be determined on the basis of rules adopted by the state 60573
board of education. 60574

~~(I)(E)~~ An amount to each school district, for each pupil 60575
attending a chartered nonpublic elementary or high school within 60576
the district. The amount shall equal the amount appropriated for 60577
the implementation of section 3317.06 of the Revised Code divided 60578
by the average daily membership in grades kindergarten through 60579
twelve in nonpublic elementary and high schools within the state 60580
as determined during the first full week in October of each school 60581
year. 60582

~~(J)(F)~~ An amount for each county DD board, distributed on the 60583
basis of standards adopted by the state board of education, for 60584
the approved cost of transportation required for children 60585
attending special education programs operated by the county DD 60586
board under section 3323.09 of the Revised Code; 60587

~~(K)~~ An amount for each school district that establishes a 60588
mentor teacher program that complies with rules of the state board 60589
of education. No school district shall be required to establish or 60590
maintain such a program in any year unless sufficient funds are 60591
appropriated to cover the district's total costs for the program. 60592

~~(L)~~ An amount to each school district or educational service 60593
center for the total number of gifted units approved pursuant to 60594
section 3317.05 of the Revised Code. The amount for each such unit 60595
shall be the sum of the minimum salary for the teacher of the 60596

~~unit, calculated on the basis of the teacher's training level and 60597
years of experience pursuant to the salary schedule prescribed in 60598
the version of section 3317.13 of the Revised Code in effect prior 60599
to July 1, 2001, plus fifteen per cent of that minimum salary 60600
amount, plus two thousand six hundred seventy eight dollars. 60601~~

~~(M)(G) An amount to each institution defined under section 60602
3317.082 of the Revised Code providing elementary or secondary 60603
education to children other than children receiving special 60604
education under section 3323.091 of the Revised Code. This amount 60605
for any institution in any fiscal year shall equal the total of 60606
all tuition amounts required to be paid to the institution under 60607
division (A)(1) of section 3317.082 of the Revised Code. 60608~~

~~(N) A grant to each school district and joint vocational 60609
school district that operates a "graduation, reality, and 60610
dual role skills" (GRADS) program for pregnant and parenting 60611
students that is approved by the department. The amount of the 60612
payment shall be the district's state share percentage, as defined 60613
in section 3317.022 or 3317.16 of the Revised Code, times the 60614
GRADS personnel allowance times the full time equivalent number of 60615
GRADS teachers approved by the department. The GRADS personnel 60616
allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS 60617
program shall include instruction on adoption as an option for 60618
unintended pregnancies. 60619~~

The state board of education or any other board of education 60620
or governing board may provide for any resident of a district or 60621
educational service center territory any educational service for 60622
which funds are made available to the board by the United States 60623
under the authority of public law, whether such funds come 60624
directly or indirectly from the United States or any agency or 60625
department thereof or through the state or any agency, department, 60626
or political subdivision thereof. 60627

Sec. 3317.025. On or before the first day of June of each 60628
year, the tax commissioner shall certify the following information 60629
to the department of education and the office of budget and 60630
management, for each school district in which the value of the 60631
property described under division (A) of this section exceeds one 60632
per cent of the taxable value of all real and tangible personal 60633
property in the district or in which is located tangible personal 60634
property designed for use or used in strip mining operations, 60635
whose taxable value exceeds five million dollars, and the taxes 60636
upon which the district is precluded from collecting by virtue of 60637
legal proceedings to determine the value of such property: 60638

(A) The total taxable value of all property in the district 60639
owned by a public utility or railroad that has filed a petition 60640
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 60641
(1898), 11 U.S.C. 205, as amended, and all tangible personal 60642
property in the district designed for use or used in strip mining 60643
operations whose taxable value exceeds five million dollars upon 60644
which have not been paid in full on or before the first day of 60645
April of that calendar year all real and tangible personal 60646
property taxes levied for the preceding calendar year and which 60647
the district was precluded from collecting by virtue of 60648
proceedings under section 205 of said act or by virtue of legal 60649
proceedings to determine the tax liability of such strip mining 60650
equipment; 60651

(B) The percentage of the total operating taxes charged and 60652
payable for school district purposes levied against such valuation 60653
for the preceding calendar year that have not been paid by such 60654
date; 60655

(C) The product obtained by multiplying the value certified 60656
under division (A) of this section by the percentage certified 60657
under division (B) of this section. If the value certified under 60658

division (A) of this section includes taxable property owned by a 60659
public utility or railroad that has filed a petition for 60660
reorganization under the bankruptcy act, the amount used in making 60661
the calculation under this division shall be reduced by one per 60662
cent of the total value of all real and tangible personal property 60663
in the district or the value of the utility's or railroad's 60664
property, whichever is less. 60665

Upon receipt of the certification, the department shall 60666
recompute the payments required under ~~Chapter 3306. of the Revised~~ 60667
~~Code~~ this chapter in the manner the payments would have been 60668
computed if: 60669

(1) The amount certified under division (C) of this section 60670
was not subject to taxation by the district and was not included 60671
in the certification made under division (A)(1), (A)(2), or (D) of 60672
section 3317.021 of the Revised Code. 60673

(2) The amount of taxes charged and payable and unpaid and 60674
used to make the computation under division (B) of this section 60675
had not been levied and had not been used in the computation 60676
required by division (B) of section 3317.021 of the Revised Code. 60677
The department shall pay the district that amount in the ensuing 60678
fiscal year in lieu of the amounts computed under ~~Chapter 3306. of~~ 60679
~~the Revised Code~~ this chapter. 60680

If a school district received a grant from the catastrophic 60681
expenditures account pursuant to division (C) of section 3316.20 60682
of the Revised Code on the basis of the same circumstances for 60683
which a recomputation is made under this section, the amount of 60684
the recomputation shall be reduced and transferred in accordance 60685
with division (C) of section 3316.20 of the Revised Code. 60686

Sec. 3317.0210. (A) As used in this section: 60687

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 60688

of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 60689

(2) "Chapter 11 corporation" means a corporation, company, or 60690
other business organization that has filed a petition for 60691
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 60692
Stat. 2626, 11 U.S.C. 1101, as amended. 60693

(3) "Uncollectable taxes" means property taxes payable in a 60694
calendar year by a Chapter 11 corporation on its property that a 60695
school district is precluded from collecting by virtue of 60696
proceedings under the Bankruptcy Reform Act. 60697

(4) "Basic state aid" means ~~the a school district's state~~ 60698
~~education aid calculated for a school district under Chapter 3306.~~ 60699
~~of the Revised Code.~~ 60700

(5) "Effective value" means the amount obtained by 60701
multiplying the total taxable value certified in a calendar year 60702
under section 3317.021 of the Revised Code by a fraction, the 60703
numerator of which is the total taxes charged and payable in that 60704
calendar year exclusive of the uncollectable taxes payable in that 60705
year, and the denominator of which is the total taxes charged and 60706
payable in that year. 60707

(6) "Total taxes charged and payable" has the same meaning 60708
given "taxes charged and payable" in section 3317.02 of the 60709
Revised Code. 60710

(B)(1) Between the first day of January and the first day of 60711
February of any year, a school district shall notify the 60712
department of education if it has uncollectable taxes payable in 60713
the preceding calendar year from one Chapter 11 corporation. 60714

(2) The department shall verify whether the district has such 60715
uncollectable taxes from such a corporation, and if the district 60716
does, shall immediately request the tax commissioner to certify 60717
the district's total taxes charged and payable in the preceding 60718
calendar year, and the tax commissioner shall certify that 60719

information to the department within thirty days after receiving 60720
the request. For the purposes of this section, taxes are payable 60721
in the calendar year that includes the day prescribed by law for 60722
their payment, including any lawful extension thereof. 60723

(C) Upon receiving the certification from the tax 60724
commissioner, the department shall determine whether the amount of 60725
uncollectable taxes from the corporation equals at least one per 60726
cent of the total taxes charged and payable as certified by the 60727
tax commissioner. If it does, the department shall compute the 60728
district's effective value and shall recompute the basic state aid 60729
payable to the district for the current fiscal year using the 60730
effective value in lieu of the total taxable value used to compute 60731
the basic state aid for the current fiscal year. The difference 60732
between the basic state aid amount originally computed for the 60733
district for the current fiscal year and the recomputed amount 60734
shall be paid to the district from the lottery profits education 60735
fund before the end of the current fiscal year. 60736

(D) Except as provided in division (E) of this section, 60737
amounts received by a school district under division (C) of this 60738
section shall be repaid to the department of education in any 60739
future year to the extent the district receives payments of 60740
uncollectable taxes in such future year. The district shall notify 60741
the department of any amount owed under this division. 60742

(E) If a school district received a grant from the 60743
catastrophic expenditures account pursuant to division (C) of 60744
section 3316.20 of the Revised Code on the basis of the same 60745
circumstances for which a recomputation is made under this 60746
section, the amount of the recomputation shall be reduced and 60747
transferred in accordance with division (C) of section 3316.20 of 60748
the Revised Code. 60749

Sec. 3317.0211. (A) As used in this section: 60750

- (1) "Port authority" means any port authority as defined in section 4582.01 or 4582.21 of the Revised Code. 60751
60752
- (2) "Real property" includes public utility real property and "personal property" includes public utility personal property. 60753
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- (3) "Uncollected taxes" means property taxes charged and payable against the property of a port authority for a tax year that a school district has not collected. 60755
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- (4) "Basic state aid" means ~~the a school district's state education aid calculated for a school district under Chapter 3306. of the Revised Code.~~ 60758
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- (5) "Effective value" means the sum of the effective residential/agricultural real property value, the effective nonresidential/agricultural real property value, and the effective personal value. 60761
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- (6) "Effective residential/agricultural real property value" means, for a tax year, the amount obtained by multiplying the value for that year of residential/agricultural real property subject to taxation in the district by a fraction, the numerator of which is the total taxes charged and payable for that year against the residential/agricultural real property subject to taxation in the district, exclusive of the uncollected taxes for that year on all real property subject to taxation in the district, and the denominator of which is the total taxes charged and payable for that year against the residential/agricultural real property subject to taxation in the district. 60765
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- (7) "Effective nonresidential/agricultural real property value" means, for a tax year, the amount obtained by multiplying the value for that year of nonresidential/agricultural real property subject to taxation in the district by a fraction, the numerator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject 60776
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to taxation in the district, exclusive of the uncollected taxes 60782
for that year on all real property subject to taxation in the 60783
district, and the denominator of which is the total taxes charged 60784
and payable for that year against the nonresidential/agricultural 60785
real property subject to taxation in the district. 60786

(8) "Effective personal value" means, for a tax year, the 60787
amount obtained by multiplying the value for that year certified 60788
under division (A)(2) of section 3317.021 of the Revised Code by a 60789
fraction, the numerator of which is the total taxes charged and 60790
payable for that year against personal property subject to 60791
taxation in the district, exclusive of the uncollected taxes for 60792
that year on that property, and the denominator of which is the 60793
total taxes charged and payable for that year against personal 60794
property subject to taxation in the district. 60795

(9) "Nonresidential/agricultural real property value" means, 60796
for a tax year, the sum of the values certified for a school 60797
district for that year under division (B)(2)(a) of this section, 60798
and "residential/agricultural real property value" means, for a 60799
tax year, the sum of the values certified for a school district 60800
under division (B)(2)(b) of this section. 60801

(10) "Taxes charged and payable against real property" means 60802
the taxes charged and payable against that property after making 60803
the reduction required by section 319.301 of the Revised Code. 60804

(11) "Total taxes charged and payable" has the same meaning 60805
given "taxes charged and payable" in section 3317.02 of the 60806
Revised Code. 60807

(B)(1) By the first day of August of any calendar year, a 60808
school district shall notify the department of education if it has 60809
any uncollected taxes from one port authority for the second 60810
preceding tax year whose taxes charged and payable represent at 60811
least one-half of one per cent of the district's total taxes 60812

charged and payable for that tax year. 60813

(2) The department shall verify whether the district has such 60814
uncollected taxes by the first day of September, and if the 60815
district does, shall immediately request the county auditor of 60816
each county in which the school district has territory to certify 60817
the following information concerning the district's property 60818
values and taxes for the second preceding tax year, and each such 60819
auditor shall certify that information to the department within 60820
thirty days of receiving the request: 60821

(a) The value of the property subject to taxation in the 60822
district that was classified as nonresidential/agricultural real 60823
property pursuant to section 5713.041 of the Revised Code, and the 60824
taxes charged and payable on that property; and 60825

(b) The value of the property subject to taxation in the 60826
district that was classified as residential/agricultural real 60827
property under section 5713.041 of the Revised Code. 60828

(C) By the fifteenth day of November, the department shall 60829
compute the district's effective nonresidential/agricultural real 60830
property value, effective residential/agricultural real property 60831
value, effective personal value, and effective value, and shall 60832
determine whether the school district's effective value for the 60833
second preceding tax year is at least one per cent less than its 60834
total value for that year certified under divisions (A)(1) and (2) 60835
of section 3317.021 of the Revised Code. If it is, the department 60836
shall recompute the basic state aid payable to the district for 60837
the immediately preceding fiscal year using the effective value in 60838
lieu of the amounts previously certified under section 3317.021 of 60839
the Revised Code. The difference between the original basic state 60840
aid amount computed for the district for the preceding fiscal year 60841
and the recomputed amount shall be paid to the district from the 60842
lottery profits education fund before the end of the current 60843
fiscal year. 60844

(D) Except as provided in division (E) of this section, 60845
amounts received by a school district under division (C) of this 60846
section shall be repaid to the department of education in any 60847
future year to the extent the district receives payments of 60848
uncollectable taxes in such future year. The department shall 60849
notify a district of any amount owed under this division. 60850

(E) If a school district received a grant from the 60851
catastrophic expenditures account pursuant to division (C) of 60852
section 3316.20 of the Revised Code on the basis of the same 60853
circumstances for which a recomputation is made under this 60854
section, the amount of the recomputation shall be reduced and 60855
transferred in accordance with division (C) of section 3316.20 of 60856
the Revised Code. 60857

Sec. ~~3306.12~~ 3317.0212. ~~(A)~~ The department of education shall 60858
make no payments under this section for fiscal year 2012 or 2013. 60859

(A) As used in this section: 60860

(1) "Assigned bus" means a school bus used to transport 60861
qualifying riders. 60862

(2) "Nontraditional ridership" means the average number of 60863
qualifying riders who are enrolled in a community school 60864
established under Chapter 3314. of the Revised Code, in a STEM 60865
school established under Chapter 3326. of the Revised Code, or in 60866
a nonpublic school and are provided school bus service by a school 60867
district during the first full week of October. 60868

(3) "Qualifying riders" means resident students enrolled in 60869
regular education in grades kindergarten to twelve who are 60870
provided school bus service by a school district and who live more 60871
than one mile from the school they attend, including students with 60872
dual enrollment in a joint vocational school district or a 60873
cooperative education school district, and students enrolled in a 60874

community school, STEM school, or nonpublic school. 60875

(4) "Qualifying ridership" means the average number of 60876
qualifying riders who are provided school bus service by a school 60877
district during the first full week of October. 60878

(5) "Rider density" means the number of qualifying riders per 60879
square mile of a school district. 60880

(6) "School bus service" means a school district's 60881
transportation of qualifying riders in any of the following types 60882
of vehicles: 60883

(a) School buses owned or leased by the district; 60884

(b) School buses operated by a private contractor hired by 60885
the district; 60886

(c) School buses operated by another school district or 60887
entity with which the district has contracted, either as part of a 60888
consortium for the provision of transportation or otherwise. 60889

(B) Not later than the fifteenth day of October each year, 60890
each city, local, and exempted village school district shall 60891
report to the department of education its qualifying ridership, 60892
nontraditional ridership, number of qualifying riders per assigned 60893
bus, and any other information requested by the department. 60894
Subsequent adjustments to the reported numbers shall be made only 60895
in accordance with rules adopted by the department. 60896

(C) The department shall calculate the statewide 60897
transportation cost per student as follows: 60898

(1) Determine each city, local, and exempted village school 60899
district's transportation cost per student by dividing the 60900
district's total costs for school bus service in the previous 60901
fiscal year by its qualifying ridership in the previous fiscal 60902
year. 60903

(2) After excluding districts that do not provide school bus 60904

service and the ten districts with the highest transportation 60905
costs per student and the ten districts with the lowest 60906
transportation costs per student, divide the aggregate cost for 60907
school bus service for the remaining districts in the previous 60908
fiscal year by the aggregate qualifying ridership of those 60909
districts in the previous fiscal year. 60910

(D) The department shall calculate the statewide 60911
transportation cost per mile as follows: 60912

(1) Determine each city, local, and exempted village school 60913
district's transportation cost per mile by dividing the district's 60914
total costs for school bus service in the previous fiscal year by 60915
its total number of miles driven for school bus service in the 60916
previous fiscal year. 60917

(2) After excluding districts that do not provide school bus 60918
service and the ten districts with the highest transportation 60919
costs per mile and the ten districts with the lowest 60920
transportation costs per mile, divide the aggregate cost for 60921
school bus service for the remaining districts in the previous 60922
fiscal year by the aggregate miles driven for school bus service 60923
in those districts in the previous fiscal year. 60924

(E) The department shall calculate each city, local, and 60925
exempted village school district's transportation base payment as 60926
follows: 60927

(1) Multiply the statewide transportation cost per student by 60928
the district's qualifying ridership for the current fiscal year. 60929

(2) Multiply the statewide transportation cost per mile by 60930
the district's total number of miles driven for school bus service 60931
in the current fiscal year. 60932

(3) Multiply the greater of the amounts calculated under 60933
divisions (E)(1) and (2) of this section by the greater of sixty 60934
per cent or the district's state share percentage, as defined in 60935

section 3317.02 of the Revised Code. 60936

(F) The department shall calculate each city, local, and 60937
exempted village school district's nontraditional ridership 60938
adjustment according to the following formula: 60939

(nontraditional ridership for the current fiscal year / 60940
qualifying ridership for the current fiscal year) X 0.1 X 60941
transportation base payment 60942

(G) If a city, local, ~~and~~ or exempted village school district 60943
offers school bus service to all resident students who are 60944
enrolled in regular education in district schools in grades nine 60945
to twelve and who live more than one mile from the school they 60946
attend, the department shall calculate the district's high school 60947
ridership adjustment according to the following formula: 60948

0.025 X transportation base payment 60949

(H) If a city, local, ~~and~~ or exempted village school district 60950
offers school bus service to students enrolled in grades 60951
kindergarten to eight who live more than one mile, but two miles 60952
or less, from the school they attend, the department shall 60953
calculate an additional adjustment according to the following 60954
formula: 60955

0.025 X transportation base payment 60956

(I)(1) The department annually shall establish a target 60957
number of qualifying riders per assigned bus for each city, local, 60958
and exempted village school district. The department shall use the 60959
most recently available data in establishing the target number. 60960
The target number shall be based on the statewide median number of 60961
qualifying riders per assigned bus as adjusted to reflect the 60962
district's rider density in comparison to the rider density of all 60963
other districts. The department shall post on the department's web 60964
site each district's target number of qualifying riders per 60965
assigned bus and a description of how the target number was 60966
determined. 60967

(2) The department shall determine each school district's efficiency index by dividing the district's median number of qualifying riders per assigned bus by its target number of qualifying riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment shall be calculated according to the following formula:

0.1 X transportation base payment

(b) If the district's efficiency index is less than 1.5 but equal to or greater than 1.0, the efficiency adjustment shall be calculated according to the following formula:

$[(\text{efficiency index} - 1) / 5] \times \text{transportation base payment}$

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment shall be zero.

(J) The department shall pay each city, local, and exempted village school district the lesser of the following:

(1) The sum of the amounts calculated under divisions (E) to (H) and (I)(3) of this section;

(2) The district's total costs for school bus service for the prior fiscal year.

(K) In addition to funds paid under division (J) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division ~~(G)~~(C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such

students. 60998

~~(L)(1) In fiscal years 2010 and 2011, the department shall 60999
pay each district a pro rata portion of the amounts calculated 61000
under division (J) of this section and described in division (K) 61001
of this section, based on state appropriations. 61002~~

~~(2) In addition to the prorated payment under division (L)(1) 61003
of this section, in fiscal years 2010 and 2011, the department 61004
shall pay each school district that meets the conditions 61005
prescribed in division (L)(3) of this section an additional amount 61006
equal to the following product: 61007~~

~~(a) The difference of (i) the amounts calculated under 61008
division (J) of this section and prescribed in division (K) of 61009
this section minus (ii) that prorated payment; times 61010~~

~~(b) 0.30 in fiscal year 2010 and 0.70 in fiscal year 2011. 61011~~

~~(3) Division (L)(2) of this section applies to each school 61012
district that meets all of the following conditions: 61013~~

~~(a) The district qualifies for the calculation of a payment 61014
under division (J) of this section because it transports students 61015
on board owned or contractor owned school buses. 61016~~

~~(b) The district's local wealth per pupil, calculated as 61017
prescribed in section 3317.0217 of the Revised Code, is at or 61018
below the median local wealth per pupil of all districts that 61019
qualify for calculation of a payment under division (J) of this 61020
section. 61021~~

~~(c) The district's rider density is at or below the median 61022
rider density of all districts that qualify for calculation of a 61023
payment under division (J) of this section. 61024~~

~~Sec. 3317.03. The information certified and verified under 61025
this section shall be used to calculate payments under this 61026
chapter and Chapter 3306. of the Revised Code. 61027~~

(A) The superintendent of each city, local, and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the average daily membership of students receiving services from schools under the superintendent's supervision, and the numbers of other students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code the superintendent is required to report under this section, so that the department of education can calculate the district's formula ADM. If a school under the superintendent's supervision is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the average daily membership for that school for that week and specify an alternate week for certifying the average daily membership of that school.

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

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

(a) Students enrolled in adult education classes;

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

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

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

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education

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| district; | 61089 |
| (f) Another school district under a cooperative education agreement, compact, or contract; | 61090 61091 |
| (g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code; | 61092 61093 |
| (h) An alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 or <u>sections 3310.51 to 3310.64</u> of the Revised Code. | 61094 61095 61096 |
| As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 <u>or 3310.51</u> of the Revised Code, <u>as applicable</u> . | 61097 61098 61099 |
| (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; | 61100 61101 61102 61103 |
| <u>(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code.</u> | 61104 61105 |
| (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; | 61106 61107 61108 61109 61110 61111 61112 61113 |
| (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 | 61114 61115 61116 61117 61118 |

fiscal year 1998. If this calculation produces a negative number, 61119
the number reported under division (A)(4) of this section shall be 61120
zero. 61121

(B) To enable the department of education to obtain the data 61122
needed to complete the calculation of payments pursuant to this 61123
chapter ~~and Chapter 3306. of the Revised Code~~, in addition to the 61124
average daily membership, each superintendent shall report 61125
separately the following student counts for the same week for 61126
which average daily membership is certified: 61127

(1) The total average daily membership in regular learning 61128
day classes included in the report under division (A)(1) or (2) of 61129
this section for each of the individual grades kindergarten 61130
through twelve in schools under the superintendent's supervision; 61131

(2) The number of all preschool children with disabilities 61132
enrolled as of the first day of December in classes in the 61133
district that are eligible for approval under division (B) of 61134
section 3317.05 of the Revised Code and the number of those 61135
classes, which shall be reported not later than the fifteenth day 61136
of December, in accordance with rules adopted under that section; 61137

(3) The number of children entitled to attend school in the 61138
district pursuant to section 3313.64 or 3313.65 of the Revised 61139
Code who are: 61140

(a) Participating in a pilot project scholarship program 61141
established under sections 3313.974 to 3313.979 of the Revised 61142
Code as described in division (I)(2)(a) or (b) of this section; 61143

(b) Enrolled in a college under Chapter 3365. of the Revised 61144
Code, except when the student is enrolled in the college while 61145
also enrolled in a community school pursuant to Chapter 3314. or a 61146
science, technology, engineering, and mathematics school 61147
established under Chapter 3326. of the Revised Code; 61148

(c) Enrolled in an adjacent or other school district under 61149

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| section 3313.98 of the Revised Code; | 61150 |
| (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; | 61151 61152 61153 61154 61155 61156 |
| (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; | 61157 61158 61159 61160 |
| (f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code; | 61161 61162 |
| (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; | 61163 61164 61165 |
| (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; | 61166 61167 61168 |
| (i) Participating in a program operated by a county DD board or a state institution; | 61169 61170 |
| (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; | 61171 61172 61173 61174 |
| <u>(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code.</u> | 61175 61176 |
| (4) The number of pupils enrolled in joint vocational schools; | 61177 61178 |
| (5) The <u>combined</u> average daily membership of children with | 61179 |

disabilities reported under division (A)(1) or (2) of this section 61180
receiving special education services for the category one 61181
disability described in division ~~(D)(1)~~(A) of section ~~3306.02~~ 61182
3317.013 of the Revised Code, including children attending a 61183
special education program operated by an alternative public 61184
provider or a registered private provider with a scholarship 61185
awarded under sections 3310.51 to 3310.64 of the Revised Code; 61186

(6) The combined average daily membership of children with 61187
disabilities reported under division (A)(1) or (2) of this section 61188
receiving special education services for category two disabilities 61189
described in division ~~(D)(2)~~(B) of section ~~3306.02~~ 3317.013 of the 61190
Revised Code, including children attending a special education 61191
program operated by an alternative public provider or a registered 61192
private provider with a scholarship awarded under sections 3310.51 61193
to 3310.64 of the Revised Code; 61194

(7) The combined average daily membership of children with 61195
disabilities reported under division (A)(1) or (2) of this section 61196
receiving special education services for category three 61197
disabilities described in division ~~(D)(3)~~(C) of section ~~3306.02~~ 61198
3317.013 of the Revised Code, including children attending a 61199
special education program operated by an alternative public 61200
provider or a registered private provider with a scholarship 61201
awarded under sections 3310.51 to 3310.64 of the Revised Code; 61202

(8) The combined average daily membership of children with 61203
disabilities reported under division (A)(1) or (2) of this section 61204
receiving special education services for category four 61205
disabilities described in division (D)~~(4)~~ of section ~~3306.02~~ 61206
3317.013 of the Revised Code, including children attending a 61207
special education program operated by an alternative public 61208
provider or a registered private provider with a scholarship 61209
awarded under sections 3310.51 to 3310.64 of the Revised Code; 61210

(9) The combined average daily membership of children with 61211

disabilities reported under division (A)(1) or (2) of this section 61212
receiving special education services for the category five 61213
disabilities described in division ~~(D)(5)(E)~~ of section ~~3306.02~~ 61214
3317.013 of the Revised Code, including children attending a 61215
special education program operated by an alternative public 61216
provider or a registered private provider with a scholarship 61217
awarded under sections 3310.51 to 3310.64 of the Revised Code; 61218

(10) The combined average daily membership of children with 61219
disabilities reported under division (A)(1) or (2) and under 61220
division (B)(3)(h) of this section receiving special education 61221
services for category six disabilities described in division 61222
~~(D)(6)(F)~~ of section ~~3306.02~~ 3317.013 of the Revised Code, 61223
including children attending a special education program operated 61224
by an alternative public provider or a registered private provider 61225
with a scholarship awarded under either section 3310.41 or 61226
sections 3310.51 to 3310.64 of the Revised Code; 61227

(11) The average daily membership of pupils reported under 61228
division (A)(1) or (2) of this section enrolled in category one 61229
vocational education programs or classes, described in division 61230
(A) of section 3317.014 of the Revised Code, operated by the 61231
school district or by another district, other than a joint 61232
vocational school district, or by an educational service center, 61233
excluding any student reported under division (B)(3)(e) of this 61234
section as enrolled in an internet- or computer-based community 61235
school, notwithstanding division (C) of section 3317.02 of the 61236
Revised Code and division (C)(3) of this section; 61237

(12) The average daily membership of pupils reported under 61238
division (A)(1) or (2) of this section enrolled in category two 61239
vocational education programs or services, described in division 61240
(B) of section 3317.014 of the Revised Code, operated by the 61241
school district or another school district, other than a joint 61242
vocational school district, or by an educational service center, 61243

excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

Beginning with fiscal year 2010, vocational education ADM shall not be used to calculate a district's funding but shall be reported under divisions (B)(11) and (12) of this section for statistical purposes.

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

(14)(a) The number of children, other than preschool children with disabilities, the district placed with a county DD board in fiscal year 1998;

(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~~ 3317.013 of the Revised Code;

(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~~ 3317.013 of the Revised Code;

(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~~ 3317.013 of the Revised Code;

(e) The number of children with disabilities, other than

preschool children with disabilities, placed with a county DD 61275
board in the current fiscal year to receive special education 61276
services for category four disabilities described in division 61277
(D)(4) of section ~~3306.02~~ 3317.013 of the Revised Code; 61278

(f) The number of children with disabilities, other than 61279
preschool children with disabilities, placed with a county DD 61280
board in the current fiscal year to receive special education 61281
services for the category five disabilities described in division 61282
~~(D)(5)~~(E) of section ~~3306.02~~ 3317.013 of the Revised Code; 61283

(g) The number of children with disabilities, other than 61284
preschool children with disabilities, placed with a county DD 61285
board in the current fiscal year to receive special education 61286
services for category six disabilities described in division 61287
~~(D)(6)~~(F) of section ~~3306.02~~ 3317.013 of the Revised Code. 61288

(C)(1) The average daily membership in divisions (B)(1) to 61289
(12) of this section shall be based upon the number of full-time 61290
equivalent students. The state board of education shall adopt 61291
rules defining full-time equivalent students and for determining 61292
the average daily membership therefrom for the purposes of 61293
divisions (A), (B), and (D) of this section. 61294

(2) A student enrolled in a community school established 61295
under Chapter 3314. ~~or~~ a science, technology, engineering, and 61296
mathematics school established under Chapter 3326., or a 61297
college-preparatory boarding school established under Chapter 61298
3328. of the Revised Code shall be counted in the formula ADM and, 61299
if applicable, the category one, two, three, four, five, or six 61300
special education ADM of the school district in which the student 61301
is entitled to attend school under section 3313.64 or 3313.65 of 61302
the Revised Code for the same proportion of the school year that 61303
the student is counted in the enrollment of the community school 61304
~~or~~ the science, technology, engineering, and mathematics school, 61305
or the college-preparatory boarding school for purposes of section 61306

3314.08 ~~or~~, 3326.33, or 3328.24 of the Revised Code. 61307

Notwithstanding the number of students reported pursuant to 61308
division (B)(3)(d), (e), ~~or (j), or (k)~~ of this section, the 61309
department may adjust the formula ADM of a school district to 61310
account for students entitled to attend school in the district 61311
under section 3313.64 or 3313.65 of the Revised Code who are 61312
enrolled in a community school ~~or~~, a science, technology, 61313
engineering, and mathematics school, or a college-preparatory 61314
boarding school for only a portion of the school year. 61315

(3) No child shall be counted as more than a total of one 61316
child in the sum of the average daily memberships of a school 61317
district under division (A), divisions (B)(1) to (12), or division 61318
(D) of this section, except as follows: 61319

(a) A child with a disability described in ~~division (D) of~~ 61320
section ~~3306.02~~ 3317.013 of the Revised Code may be counted both 61321
in formula ADM and in category one, two, three, four, five, or six 61322
special education ADM and, if applicable, in category one or two 61323
vocational education ADM. As provided in division (C) of section 61324
3317.02 of the Revised Code, such a child shall be counted in 61325
category one, two, three, four, five, or six special education ADM 61326
in the same proportion that the child is counted in formula ADM. 61327

(b) A child enrolled in vocational education programs or 61328
classes described in section 3317.014 of the Revised Code may be 61329
counted both in formula ADM and category one or two vocational 61330
education ADM and, if applicable, in category one, two, three, 61331
four, five, or six special education ADM. Such a child shall be 61332
counted in category one or two vocational education ADM in the 61333
same proportion as the percentage of time that the child spends in 61334
the vocational education programs or classes. 61335

(4) Based on the information reported under this section, the 61336
department of education shall determine the total student count, 61337
as defined in section 3301.011 of the Revised Code, for each 61338

school district. 61339

(D)(1) The superintendent of each joint vocational school 61340
district shall certify to the superintendent of public instruction 61341
on or before the fifteenth day of October in each year for the 61342
first full school week in October the formula ADM, for purposes of 61343
section 3318.42 of the Revised Code and for any other purpose 61344
prescribed by law for which "formula ADM" of the joint vocational 61345
district is a factor. If a school operated by the joint vocational 61346
school district is closed for one or more days during that week 61347
due to hazardous weather conditions or other circumstances 61348
described in the first paragraph of division (B) of section 61349
3317.01 of the Revised Code, the superintendent may apply to the 61350
superintendent of public instruction for a waiver, under which the 61351
superintendent of public instruction may exempt the district 61352
superintendent from certifying the formula ADM for that school for 61353
that week and specify an alternate week for certifying the formula 61354
ADM of that school. 61355

The formula ADM, except as otherwise provided in this 61356
division, shall consist of the average daily membership during 61357
such week, on an FTE basis, of the number of students receiving 61358
any educational services from the district, including students 61359
enrolled in a community school established under Chapter 3314. or 61360
a science, technology, engineering, and mathematics school 61361
established under Chapter 3326. of the Revised Code who are 61362
attending the joint vocational district under an agreement between 61363
the district board of education and the governing authority of the 61364
community school or the governing body of the science, technology, 61365
engineering, and mathematics school and are entitled to attend 61366
school in a city, local, or exempted village school district whose 61367
territory is part of the territory of the joint vocational 61368
district. 61369

The following categories of students shall not be included in 61370

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|---|---|
| the determination made under division (D)(1) of this section: | 61371 |
| (a) Students enrolled in adult education classes; | 61372 |
| (b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code; | 61373 61374 61375 |
| (c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district; | 61376 61377 61378 61379 61380 |
| (d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code. | 61381 61382 |
| (2) In <u>To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in</u> addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students for the same week for which formula ADM is certified: | 61383 61384 61385 61386 61387 61388 61389 |
| (a) Students enrolled in each individual grade included in the joint vocational district schools; | 61390 61391 |
| (b) Children with disabilities 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; | 61392 61393 61394 |
| (c) Children with disabilities receiving special education services for the category two disabilities described in division (D)(2)(B) of section 3306.02 <u>3317.013</u> of the Revised Code; | 61395 61396 61397 |
| (d) Children with disabilities receiving 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; | 61398 61399 61400 |

(e) Children with disabilities receiving special education services for category four disabilities described in division (D)~~(4)~~ of section ~~3306.02~~ 3317.013 of the Revised Code;

(f) Children with disabilities 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;

(g) Children with disabilities receiving special education services for category six disabilities described in division ~~(D)(6)~~(F) of section ~~3306.02~~ 3317.013 of the Revised Code;

(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;

(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.

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.

(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 61432
shall not be counted as in membership from and after the date of 61433
such withdrawal. There shall not be included in the membership of 61434
any school any of the following: 61435

(1) Any pupil who has graduated from the twelfth grade of a 61436
public or nonpublic high school; 61437

(2) Any pupil who is not a resident of the state; 61438

(3) Any pupil who was enrolled in the schools of the district 61439
during the previous school year when assessments were administered 61440
under section 3301.0711 of the Revised Code but did not take one 61441
or more of the assessments required by that section and was not 61442
excused pursuant to division (C)(1) or (3) of that section; 61443

(4) Any pupil who has attained the age of twenty-two years, 61444
except for veterans of the armed services whose attendance was 61445
interrupted before completing the recognized twelve-year course of 61446
the public schools by reason of induction or enlistment in the 61447
armed forces and who apply for reenrollment in the public school 61448
system of their residence not later than four years after 61449
termination of war or their honorable discharge. 61450

If, however, any veteran described by division (E)(4) of this 61451
section elects to enroll in special courses organized for veterans 61452
for whom tuition is paid under the provisions of federal laws, or 61453
otherwise, that veteran shall not be included in average daily 61454
membership. 61455

Notwithstanding division (E)(3) of this section, the 61456
membership of any school may include a pupil who did not take an 61457
assessment required by section 3301.0711 of the Revised Code if 61458
the superintendent of public instruction grants a waiver from the 61459
requirement to take the assessment to the specific pupil and a 61460
parent is not paying tuition for the pupil pursuant to section 61461
3313.6410 of the Revised Code. The superintendent may grant such a 61462

waiver only for good cause in accordance with rules adopted by the state board of education.

Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined by dividing the figure representing the sum of the number of pupils enrolled during each day the school of attendance is actually open for instruction during the week for which the average daily membership is being certified by the total number of days the school was actually open for instruction during that week. For purposes of state funding, "enrolled" persons are only those pupils who are attending school, those who have attended school during the current school year and are absent for authorized reasons, and those children with disabilities currently receiving home instruction.

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

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

(F)(1) of this section does not apply after fiscal year 2006. 61495

(2) If on the first school day of April the total number of 61496
classes or units for preschool children with disabilities that are 61497
eligible for approval under division (B) of section 3317.05 of the 61498
Revised Code exceeds the number of units that have been approved 61499
for the year under that division, the superintendent of schools of 61500
any city, exempted village, or cooperative education school 61501
district or educational service center shall make the 61502
certifications required by this section for that day. If the 61503
department determines additional units can be approved for the 61504
fiscal year within any limitations set forth in the acts 61505
appropriating moneys for the funding of such units, the department 61506
shall approve additional units for the fiscal year on the basis of 61507
such average daily membership. For each unit so approved, the 61508
department shall pay an amount computed in the manner prescribed 61509
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 61510
Code. 61511

(3) If a student attending a community school under Chapter 61512
3314. ~~or~~, a science, technology, engineering, and mathematics 61513
school established under Chapter 3326., or a college-preparatory 61514
boarding school established under Chapter 3328. of the Revised 61515
Code is not included in the formula ADM certified for the school 61516
district in which the student is entitled to attend school under 61517
section 3313.64 or 3313.65 of the Revised Code, the department of 61518
education shall adjust the formula ADM of that school district to 61519
include the student in accordance with division (C)(2) of this 61520
section, and shall recalculate the school district's payments 61521
under this chapter ~~and Chapter 3306. of the Revised Code~~ for the 61522
entire fiscal year on the basis of that adjusted formula ADM. This 61523
requirement applies regardless of whether the student was 61524
enrolled, as defined in division (E) of this section, in the 61525
community school ~~or~~, the science, technology, engineering, and 61526

mathematics school, or the college-preparatory boarding school 61527
during the week for which the formula ADM is being certified. 61528

(4) If a student awarded an educational choice scholarship is 61529
not included in the formula ADM of the school district from which 61530
the department deducts funds for the scholarship under section 61531
3310.08 of the Revised Code, the department shall adjust the 61532
formula ADM of that school district to include the student to the 61533
extent necessary to account for the deduction, and shall 61534
recalculate the school district's payments under this chapter ~~and~~ 61535
~~Chapter 3306. of the Revised Code~~ for the entire fiscal year on 61536
the basis of that adjusted formula ADM. This requirement applies 61537
regardless of whether the student was enrolled, as defined in 61538
division (E) of this section, in the chartered nonpublic school, 61539
the school district, or a community school during the week for 61540
which the formula ADM is being certified. 61541

(5) If a student awarded a scholarship under the special 61542
education scholarship program is not included in the formula ADM 61543
of the school district from which the department deducts funds for 61544
the scholarship under section 3310.55 of the Revised Code, the 61545
department shall adjust the formula ADM of that school district to 61546
include the student to the extent necessary to account for the 61547
deduction, and shall recalculate the school district's payments 61548
under this chapter for the entire fiscal year on the basis of that 61549
adjusted formula ADM. This requirement applies regardless of 61550
whether the student was enrolled, as defined in division (E) of 61551
this section, in an alternative public provider, a registered 61552
private provider, or the school district during the week for which 61553
the formula ADM is being certified. 61554

(G)(1)(a) The superintendent of an institution operating a 61555
special education program pursuant to section 3323.091 of the 61556
Revised Code shall, for the programs under such superintendent's 61557
supervision, certify to the state board of education, in the 61558

manner prescribed by the superintendent of public instruction, 61559
both of the following: 61560

(i) The average daily membership of all children with 61561
disabilities other than preschool children with disabilities 61562
receiving services at the institution for each category of 61563
disability described in divisions ~~(D)(1) to (6)~~ (A) to (F) of 61564
section ~~3306.02~~ 3317.013 of the Revised Code; 61565

(ii) The average daily membership of all preschool children 61566
with disabilities in classes or programs approved annually by the 61567
department of education for unit funding under section 3317.05 of 61568
the Revised Code. 61569

(b) The superintendent of an institution with vocational 61570
education units approved under division (A) of section 3317.05 of 61571
the Revised Code shall, for the units under the superintendent's 61572
supervision, certify to the state board of education the average 61573
daily membership in those units, in the manner prescribed by the 61574
superintendent of public instruction. 61575

(2) The superintendent of each county DD board that maintains 61576
special education classes under section 3317.20 of the Revised 61577
Code or units approved pursuant to section 3317.05 of the Revised 61578
Code shall do both of the following: 61579

(a) Certify to the state board, in the manner prescribed by 61580
the board, the average daily membership in classes under section 61581
3317.20 of the Revised Code for each school district that has 61582
placed children in the classes; 61583

(b) Certify to the state board, in the manner prescribed by 61584
the board, the number of all preschool children with disabilities 61585
enrolled as of the first day of December in classes eligible for 61586
approval under division (B) of section 3317.05 of the Revised 61587
Code, and the number of those classes. 61588

(3)(a) If on the first school day of April the number of 61589

classes or units maintained for preschool children with 61590
disabilities by the county DD board that are eligible for approval 61591
under division (B) of section 3317.05 of the Revised Code is 61592
greater than the number of units approved for the year under that 61593
division, the superintendent shall make the certification required 61594
by this section for that day. 61595

(b) If the department determines that additional classes or 61596
units can be approved for the fiscal year within any limitations 61597
set forth in the acts appropriating moneys for the funding of the 61598
classes and units described in division (G)(3)(a) of this section, 61599
the department shall approve and fund additional units for the 61600
fiscal year on the basis of such average daily membership. For 61601
each unit so approved, the department shall pay an amount computed 61602
in the manner prescribed in sections 3317.052 and 3317.053 of the 61603
Revised Code. 61604

(H) Except as provided in division (I) of this section, when 61605
any city, local, or exempted village school district provides 61606
instruction for a nonresident pupil whose attendance is 61607
unauthorized attendance as defined in section 3327.06 of the 61608
Revised Code, that pupil's membership shall not be included in 61609
that district's membership figure used in the calculation of that 61610
district's formula ADM or included in the determination of any 61611
unit approved for the district under section 3317.05 of the 61612
Revised Code. The reporting official shall report separately the 61613
average daily membership of all pupils whose attendance in the 61614
district is unauthorized attendance, and the membership of each 61615
such pupil shall be credited to the school district in which the 61616
pupil is entitled to attend school under division (B) of section 61617
3313.64 or section 3313.65 of the Revised Code as determined by 61618
the department of education. 61619

(I)(1) A city, local, exempted village, or joint vocational 61620
school district admitting a scholarship student of a pilot project 61621

district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership. 61622
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(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: 61625
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(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; 61630
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(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. 61633
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(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. 61636
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(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. 61644
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Sec. 3317.031. A membership record shall be kept by grade 61651

level in each city, local, exempted village, joint vocational, and 61652
cooperative education school district and such a record shall be 61653
kept by grade level in each educational service center that 61654
provides academic instruction to pupils, classes for pupils with 61655
disabilities, or any other direct instructional services to 61656
pupils. Such membership record shall show the following 61657
information for each pupil enrolled: Name, date of birth, name of 61658
parent, date entered school, date withdrawn from school, days 61659
present, days absent, and the number of days school was open for 61660
instruction while the pupil was enrolled. At the end of the school 61661
year this membership record shall show the total days present, the 61662
total days absent, and the total days due for all pupils in each 61663
grade. Such membership record shall show the pupils that are 61664
transported to and from school and it shall also show the pupils 61665
that are transported living within one mile of the school 61666
attended. This membership record shall also show any other 61667
information prescribed by the state board of education. 61668

This membership record shall be kept intact for at least five 61669
years and shall be made available to the state board of education 61670
or its representative in making an audit of the average daily 61671
membership or the transportation of the district or educational 61672
service center. ~~The membership records of local school districts~~ 61673
~~shall be filed at the close of each school year in the office of~~ 61674
~~the educational service center superintendent.~~ 61675

The state board of education may withhold any money due any 61676
school district or educational service center under this chapter 61677
~~and Chapter 3306. of the Revised Code~~ until it has satisfactory 61678
evidence that the board of education or educational service center 61679
governing board has fully complied with all of the provisions of 61680
this section. 61681

Nothing in this section shall require any person to release, 61682
or to permit access to, public school records in violation of 61683

section 3319.321 of the Revised Code. 61684

Sec. 3317.05. (A) For the purpose of calculating payments 61685
under sections 3317.052 and 3317.053 of the Revised Code, the 61686
department of education shall determine for each institution, by 61687
the last day of January of each year and based on information 61688
certified under section 3317.03 of the Revised Code, the number of 61689
vocational education units or fractions of units approved by the 61690
department on the basis of standards and rules adopted by the 61691
state board of education. As used in this division, "institution" 61692
means an institution operated by a department specified in section 61693
3323.091 of the Revised Code and that provides vocational 61694
education programs under the supervision of the division of 61695
vocational education of the department that meet the standards and 61696
rules for these programs, including licensure of professional 61697
staff involved in the programs, as established by the state board. 61698

(B) For the purpose of calculating payments under sections 61699
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 61700
department shall determine, based on information certified under 61701
section 3317.03 of the Revised Code, the following by the last day 61702
of January of each year for each educational service center, for 61703
each school district, including each cooperative education school 61704
district, for each institution eligible for payment under section 61705
3323.091 of the Revised Code, and for each county DD board: the 61706
number of classes operated by the school district, service center, 61707
institution, or county DD board for preschool children with 61708
disabilities, or fraction thereof, including in the case of a 61709
district or service center that is a funding agent, classes taught 61710
by a licensed teacher employed by that district or service center 61711
under section 3313.841 of the Revised Code, approved annually by 61712
the department on the basis of standards and rules adopted by the 61713
state board. 61714

(C) For the purpose of calculating payments under sections 61715
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 61716
department shall determine, based on information certified under 61717
section 3317.03 of the Revised Code, the following by the last day 61718
of January of each year for each school district, including each 61719
cooperative education school district, for each institution 61720
eligible for payment under section 3323.091 of the Revised Code, 61721
and for each county DD board: the number of units for related 61722
services, as defined in section 3323.01 of the Revised Code, for 61723
preschool children with disabilities approved annually by the 61724
department on the basis of standards and rules adopted by the 61725
state board. 61726

(D) All of the arithmetical calculations made under this 61727
section shall be carried to the second decimal place. The total 61728
number of units for school districts, service centers, and 61729
institutions approved annually under this section shall not exceed 61730
the number of units included in the estimate of cost for these 61731
units and appropriations made for them by the general assembly. 61732

In the case of units for preschool children with disabilities 61733
described in division (B) of this section, the department shall 61734
approve only preschool units for children who are under age six on 61735
the thirtieth day of September of the academic year, or on the 61736
first day of August of the academic year if the school district in 61737
which the child is enrolled has adopted a resolution under 61738
division (A)(3) of section 3321.01 of the Revised Code, but not 61739
less than age three on the first day of December of the academic 61740
year, except that such a unit may include one or more children who 61741
are under age three or are age six or over on the applicable date, 61742
as reported under division (B)(2) or (G)(2)(b) of section 3317.03 61743
of the Revised Code, if such children have been admitted to the 61744
unit pursuant to rules of the state board. The number of units for 61745
county DD boards and institutions eligible for payment under 61746

section 3323.091 of the Revised Code approved under this section 61747
shall not exceed the number that can be funded with appropriations 61748
made for such purposes by the general assembly. 61749

No unit shall be approved under divisions (B) and (C) of this 61750
section unless a plan has been submitted and approved under 61751
Chapter 3323. of the Revised Code. 61752

~~(E) The department shall approve units or fractions thereof 61753
for gifted children on the basis of standards and rules adopted by 61754
the state board. 61755~~

Sec. 3317.051. ~~(A)(1) Notwithstanding sections 3317.05 and 61756
3317.11 of the Revised Code, a unit funded pursuant to division 61757
(L) of section 3317.024 or division (A)(2) of section 3317.052 of 61758
the Revised Code shall not be approved for state funding in one 61759
school district, including any cooperative education school 61760
district or any educational service center, to the extent that 61761
such unit provides programs in or services to another district 61762
which receives payment pursuant to section 3317.04 of the Revised 61763
Code. 61764~~

~~(2) Any city, local, exempted village, or cooperative 61765
education school district or any educational service center may 61766
combine partial unit eligibility for programs for preschool 61767
children with disabilities pursuant to section 3317.05 of the 61768
Revised Code, and such combined partial units may be approved for 61769
state funding in one school district or service center. 61770~~

~~(B) After units have been initially approved for any fiscal 61771
year under section 3317.05 of the Revised Code, no unit shall be 61772
subsequently transferred from a school district or educational 61773
service center to another city, exempted village, local, or 61774
cooperative education school district or educational service 61775
center or to an institution or county DD board solely for the 61776
purpose of reducing the financial obligations of the school 61777~~

~~district in a fiscal year it receives payment pursuant to section 61778
3317.04 of the Revised Code. 61779~~

Sec. 3317.053. (A) As used in this section: 61780

(1) "State share percentage" has the same meaning as in 61781
section 3317.022 of the Revised Code. 61782

(2) "Dollar amount" means the amount shown in the following 61783
table for the corresponding type of unit: 61784

| TYPE OF UNIT | DOLLAR AMOUNT | 61785 |
|---|--------------------|-------|
| Division (B) of section 3317.05 | | 61786 |
| of the Revised Code | \$8,334 | 61787 |
| Division (C) of that section | \$3,234 | 61788 |
| Division (E) of that section | \$5,550 | 61789 |

(3) "Average unit amount" means the amount shown in the 61790
following table for the corresponding type of unit: 61791

| TYPE OF UNIT | AVERAGE UNIT AMOUNT | 61792 |
|---|---------------------|-------|
| Division (B) of section 3317.05 | | 61793 |
| of the Revised Code | \$7,799 | 61794 |
| Division (C) of that section | \$2,966 | 61795 |
| Division (E) of that section | \$5,251 | 61796 |

(B) In the case of each unit described in division (B), or 61797
(C), ~~or (E)~~ of section 3317.05 of the Revised Code and allocated 61798
to a city, local, or exempted village school district, the 61799
department of education, in addition to the amounts specified in 61800
~~division (L) of section 3317.024 and~~ sections 3317.052 and 3317.19 61801
of the Revised Code, shall pay a supplemental unit allowance equal 61802
to the sum of the following amounts: 61803

(1) An amount equal to 50% of the average unit amount for the 61804
unit; 61805

(2) An amount equal to the percentage of the dollar amount 61806
for the unit that equals the district's state share percentage. 61807

If, prior to the fifteenth day of May of a fiscal year, a school district's aid computed under section 3317.022 of the Revised Code is recomputed pursuant to section 3317.027 or 3317.028 of the Revised Code, the department shall also recompute the district's entitlement to payment under this section utilizing a new state share percentage. Such new state share percentage shall be determined using the district's recomputed basic aid amount pursuant to section 3317.027 or 3317.028 of the Revised Code. During the last six months of the fiscal year, the 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~~ 61840
~~Revised Code, shall pay a supplemental unit allowance of \$5,251.~~ 61841

Sec. 3317.06. Moneys paid to school districts under division 61842
~~(I)~~(E) of section 3317.024 of the Revised Code shall be used for 61843
the following independent and fully severable purposes: 61844

(A) To purchase such secular textbooks or electronic 61845
textbooks as have been approved by the superintendent of public 61846
instruction for use in public schools in the state and to loan 61847
such textbooks or electronic textbooks to pupils attending 61848
nonpublic schools within the district or to their parents and to 61849
hire clerical personnel to administer such lending program. Such 61850
loans shall be based upon individual requests submitted by such 61851
nonpublic school pupils or parents. Such requests shall be 61852
submitted to the school district in which the nonpublic school is 61853
located. Such individual requests for the loan of textbooks or 61854
electronic textbooks shall, for administrative convenience, be 61855
submitted by the nonpublic school pupil or the pupil's parent to 61856
the nonpublic school, which shall prepare and submit collective 61857
summaries of the individual requests to the school district. As 61858
used in this section: 61859

(1) "Textbook" means any book or book substitute that a pupil 61860
uses as a consumable or nonconsumable text, text substitute, or 61861
text supplement in a particular class or program in the school the 61862
pupil regularly attends. 61863

(2) "Electronic textbook" means ~~computer software,~~ 61864
~~interactive videodisc, magnetic media, CD-ROM, computer~~ 61865
~~courseware, local and remote computer assisted instruction,~~ 61866
~~on-line service, electronic medium, or other means of conveying~~ 61867
~~information to the student or otherwise contributing~~ any book or 61868
book substitute that a student accesses through the use of a 61869
computer or other electronic medium or that is available through 61870

an internet-based provider of course content, or any other 61871
material that contributes to the learning process through 61872
electronic means. 61873

(B) To provide speech and hearing diagnostic services to 61874
pupils attending nonpublic schools within the district. Such 61875
service shall be provided in the nonpublic school attended by the 61876
pupil receiving the service. 61877

(C) To provide physician, nursing, dental, and optometric 61878
services to pupils attending nonpublic schools within the 61879
district. Such services shall be provided in the school attended 61880
by the nonpublic school pupil receiving the service. 61881

(D) To provide diagnostic psychological services to pupils 61882
attending nonpublic schools within the district. Such services 61883
shall be provided in the school attended by the pupil receiving 61884
the service. 61885

(E) To provide therapeutic psychological and speech and 61886
hearing services to pupils attending nonpublic schools within the 61887
district. Such services shall be provided in the public school, in 61888
nonpublic schools, in public centers, or in mobile units located 61889
on or off of the nonpublic premises. If such services are provided 61890
in the public school or in public centers, transportation to and 61891
from such facilities shall be provided by the school district in 61892
which the nonpublic school is located. 61893

(F) To provide guidance, counseling, and social work services 61894
to pupils attending nonpublic schools within the district. Such 61895
services shall be provided in the public school, in nonpublic 61896
schools, in public centers, or in mobile units located on or off 61897
of the nonpublic premises. If such services are provided in the 61898
public school or in public centers, transportation to and from 61899
such facilities shall be provided by the school district in which 61900
the nonpublic school is located. 61901

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

(H) To supply for use by pupils attending nonpublic schools within the district such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

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

(K) To purchase or lease any secular, neutral, and nonideological computer application software ~~(including designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing)~~, ~~prerecorded video laserdiscs~~, digital video on demand (DVD), ~~compact discs, and video cassette cartridges~~, wide area connectivity and related technology as it relates to internet

access, mathematics or science equipment and materials, 61934
instructional materials, and school library materials that are in 61935
general use in the public schools of the state and loan such items 61936
to pupils attending nonpublic schools within the district or to 61937
their parents, and to hire clerical personnel to administer the 61938
lending program. Only such items that are incapable of diversion 61939
to religious use and that are susceptible of loan to individual 61940
pupils and are furnished for the use of individual pupils shall be 61941
purchased and loaned under this division. As used in this section, 61942
"instructional materials" means prepared learning materials that 61943
are secular, neutral, and nonideological in character and are of 61944
benefit to the instruction of school children, and may include 61945
educational resources and services developed by the eTech Ohio 61946
commission. 61947

(L) To purchase or lease instructional equipment, including 61948
computer hardware and related equipment in general use in the 61949
public schools of the state, for use by pupils attending nonpublic 61950
schools within the district and to loan such items to pupils 61951
attending nonpublic schools within the district or to their 61952
parents, and to hire clerical personnel to administer the lending 61953
program. "Computer hardware and related equipment" includes 61954
desktop computers and workstations; laptop computers, computer 61955
tablets, and other mobile handheld devices; and their operating 61956
systems and accessories. 61957

(M) To purchase mobile units to be used for the provision of 61958
services pursuant to divisions (E), (F), (G), and (I) of this 61959
section and to pay for necessary repairs and operating costs 61960
associated with these units. 61961

(N) To reimburse costs the district incurred to store the 61962
records of a chartered nonpublic school that closes. 61963
Reimbursements under this division shall be made one time only for 61964
each chartered nonpublic school that closes. 61965

(O) To purchase life-saving medical or other emergency 61966
equipment for placement in nonpublic schools within the district 61967
or to maintain such equipment. 61968

Clerical and supervisory personnel hired pursuant to division 61969
(J) of this section shall perform their services in the public 61970
schools, in nonpublic schools, public centers, or mobile units 61971
where the services are provided to the nonpublic school pupil, 61972
except that such personnel may accompany pupils to and from the 61973
service sites when necessary to ensure the safety of the children 61974
receiving the services. 61975

All services provided pursuant to this section may be 61976
provided under contract with educational service centers, the 61977
department of health, city or general health districts, or private 61978
agencies whose personnel are properly licensed by an appropriate 61979
state board or agency. 61980

Transportation of pupils provided pursuant to divisions (E), 61981
(F), (G), and (I) of this section shall be provided by the school 61982
district from its general funds and not from moneys paid to it 61983
under division ~~(I)~~(E) of section 3317.024 of the Revised Code 61984
unless a special transportation request is submitted by the parent 61985
of the child receiving service pursuant to such divisions. If such 61986
an application is presented to the school district, it may pay for 61987
the transportation from moneys paid to it under division ~~(I)~~(E) of 61988
section 3317.024 of the Revised Code. 61989

No school district shall provide health or remedial services 61990
to nonpublic school pupils as authorized by this section unless 61991
such services are available to pupils attending the public schools 61992
within the district. 61993

Materials, equipment, computer hardware or software, 61994
textbooks, electronic textbooks, and health and remedial services 61995
provided for the benefit of nonpublic school pupils pursuant to 61996

this section and the admission of pupils to such nonpublic schools 61997
shall be provided without distinction as to race, creed, color, or 61998
national origin of such pupils or of their teachers. 61999

No school district shall provide services, materials, or 62000
equipment that contain religious content for use in religious 62001
courses, devotional exercises, religious training, or any other 62002
religious activity. 62003

As used in this section, "parent" includes a person standing 62004
in loco parentis to a child. 62005

Notwithstanding section 3317.01 of the Revised Code, payments 62006
shall be made under this section to any city, local, or exempted 62007
village school district within which is located one or more 62008
nonpublic elementary or high schools and any payments made to 62009
school districts under division ~~(I)~~(E) of section 3317.024 of the 62010
Revised Code for purposes of this section may be disbursed without 62011
submission to and approval of the controlling board. 62012

The allocation of payments for materials, equipment, 62013
textbooks, electronic textbooks, health services, and remedial 62014
services to city, local, and exempted village school districts 62015
shall be on the basis of the state board of education's estimated 62016
annual average daily membership in nonpublic elementary and high 62017
schools located in the district. 62018

Payments made to city, local, and exempted village school 62019
districts under this section shall be equal to specific 62020
appropriations made for the purpose. All interest earned by a 62021
school district on such payments shall be used by the district for 62022
the same purposes and in the same manner as the payments may be 62023
used. 62024

The department of education shall adopt guidelines and 62025
procedures under which such programs and services shall be 62026
provided, under which districts shall be reimbursed for 62027

administrative costs incurred in providing such programs and 62028
services, and under which any unexpended balance of the amounts 62029
appropriated by the general assembly to implement this section may 62030
be transferred to the auxiliary services personnel unemployment 62031
compensation fund established pursuant to section 4141.47 of the 62032
Revised Code. The department shall also adopt guidelines and 62033
procedures limiting the purchase and loan of the items described 62034
in division (K) of this section to items that are in general use 62035
in the public schools of the state, that are incapable of 62036
diversion to religious use, and that are susceptible to individual 62037
use rather than classroom use. Within thirty days after the end of 62038
each biennium, each board of education shall remit to the 62039
department all moneys paid to it under division ~~(I)~~(E) of section 62040
3317.024 of the Revised Code and any interest earned on those 62041
moneys that are not required to pay expenses incurred under this 62042
section during the biennium for which the money was appropriated 62043
and during which the interest was earned. If a board of education 62044
subsequently determines that the remittal of moneys leaves the 62045
board with insufficient money to pay all valid expenses incurred 62046
under this section during the biennium for which the remitted 62047
money was appropriated, the board may apply to the department of 62048
education for a refund of money, not to exceed the amount of the 62049
insufficiency. If the department determines the expenses were 62050
lawfully incurred and would have been lawful expenditures of the 62051
refunded money, it shall certify its determination and the amount 62052
of the refund to be made to the director of job and family 62053
services who shall make a refund as provided in section 4141.47 of 62054
the Revised Code. 62055

Each school district shall label materials, equipment, 62056
computer hardware or software, textbooks, and electronic textbooks 62057
purchased or leased for loan to a nonpublic school under this 62058
section, acknowledging that they were purchased or leased with 62059
state funds under this section. However, a district need not label 62060

materials, equipment, computer hardware or software, textbooks, or 62061
electronic textbooks that the district determines are consumable 62062
in nature or have a value of less than two hundred dollars. 62063

Sec. 3317.061. The superintendent of each school district, 62064
including each cooperative education and joint vocational school 62065
district and the superintendent of each educational service 62066
center, shall, on forms prescribed and furnished by the state 62067
board of education, certify to the state board of education, on or 62068
before the fifteenth day of October of each year, the name of each 62069
licensed employee employed, on an annual salary, in each school 62070
under such superintendent's supervision during the first full 62071
school week of said month of October, the number of years of 62072
recognized college training such licensed employee has completed, 62073
the college degrees from a recognized college earned by such 62074
licensed employee, the type of teaching license held by such 62075
licensed employee, the number of months such licensed employee is 62076
employed in the school district, the annual salary of such 62077
licensed employee, and such other information as the state board 62078
of education may request. For the purposes of ~~Chapters 3306. and~~ 62079
Chapter 3317. of the Revised Code, a licensed employee is any 62080
employee in a position that requires a license issued pursuant to 62081
sections 3319.22 to 3319.31 of the Revised Code. 62082

Pursuant to standards adopted by the state board of 62083
education, experience of vocational teachers in trade and industry 62084
shall be recognized by such board for the purpose of complying 62085
with the requirements of recognized college training provided by 62086
~~Chapters 3306. and~~ Chapter 3317. of the Revised Code. 62087

~~**Sec. 3317.07.** The state board of education shall establish 62088
rules for the purpose of distributing subsidies for the purchase 62089
of school buses under division (D) of section 3317.024 of the 62090
Revised Code. 62091~~

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

~~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.~~

~~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.~~

~~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.~~

~~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.~~

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 62123
district that transports children to a special education program 62124
designated in the children's individualized education plans, or to 62125
a school district that transports pupils to a nonpublic school, 62126
and needs an additional school bus. 62127

Sec. 3317.08. A board of education may admit to its schools a 62128
child it is not required by section 3313.64 or 3313.65 of the 62129
Revised Code to admit, if tuition is paid for the child. 62130

Unless otherwise provided by law, tuition shall be computed 62131
in accordance with this section. A district's tuition charge for a 62132
school year shall be one of the following: 62133

(A) For any child, except a preschool child with a disability 62134
described in division (B) of this section, the quotient obtained 62135
by dividing the sum of the amounts described in divisions (A)(1) 62136
and (2) of this section by the district's formula ADM. 62137

(1) The district's total taxes charged and payable for 62138
current expenses for the tax year preceding the tax year in which 62139
the school year begins as certified under division (A)(3) of 62140
section 3317.021 of the Revised Code. 62141

(2) The district's total taxes collected for current expenses 62142
under a school district income tax adopted pursuant to section 62143
5748.03 ~~or~~, 5748.08, or 5748.09 of the Revised Code that are 62144
disbursed to the district during the fiscal year, excluding any 62145
income tax receipts allocated for the project cost, debt service, 62146
or maintenance set-aside associated with a state-assisted 62147
classroom facilities project as authorized by section 3318.052 of 62148
the Revised Code. On or before the first day of June of each year, 62149
the tax commissioner shall certify the amount to be used in the 62150
calculation under this division for the next fiscal year to the 62151
department of education and the office of budget and management 62152
for each city, local, and exempted village school district that 62153

levies a school district income tax. 62154

(B) For any preschool child with a disability not included in 62155
a unit approved under division (B) of section 3317.05 of the 62156
Revised Code, an amount computed for the school year as follows: 62157

(1) For each type of special education service provided to 62158
the child for whom tuition is being calculated, determine the 62159
amount of the district's operating expenses in providing that type 62160
of service to all preschool children with disabilities not 62161
included in units approved under division (B) of section 3317.05 62162
of the Revised Code; 62163

(2) For each type of special education service for which 62164
operating expenses are determined under division (B)(1) of this 62165
section, determine the amount of such operating expenses that was 62166
paid from any state funds received under this chapter; 62167

(3) For each type of special education service for which 62168
operating expenses are determined under division (B)(1) of this 62169
section, divide the difference between the amount determined under 62170
division (B)(1) of this section and the amount determined under 62171
division (B)(2) of this section by the total number of preschool 62172
children with disabilities not included in units approved under 62173
division (B) of section 3317.05 of the Revised Code who received 62174
that type of service; 62175

(4) Determine the sum of the quotients obtained under 62176
division (B)(3) of this section for all types of special education 62177
services provided to the child for whom tuition is being 62178
calculated. 62179

The state board of education shall adopt rules defining the 62180
types of special education services and specifying the operating 62181
expenses to be used in the computation under this section. 62182

If any child for whom a tuition charge is computed under this 62183
section for any school year is enrolled in a district for only 62184

part of that school year, the amount of the district's tuition 62185
charge for the child for the school year shall be computed in 62186
proportion to the number of school days the child is enrolled in 62187
the district during the school year. 62188

Except as otherwise provided in division (J) of section 62189
3313.64 of the Revised Code, whenever a district admits a child to 62190
its schools for whom tuition computed in accordance with this 62191
section is an obligation of another school district, the amount of 62192
the tuition shall be certified by the treasurer of the board of 62193
education of the district of attendance, to the board of education 62194
of the district required to pay tuition for its approval and 62195
payment. If agreement as to the amount payable or the district 62196
required to pay the tuition cannot be reached, or the board of 62197
education of the district required to pay the tuition refuses to 62198
pay that amount, the board of education of the district of 62199
attendance shall notify the superintendent of public instruction. 62200
The superintendent shall determine the correct amount and the 62201
district required to pay the tuition and shall deduct that amount, 62202
if any, under division ~~(G)~~(D) of section 3317.023 of the Revised 62203
Code, from the district required to pay the tuition and add that 62204
amount to the amount allocated to the district attended under such 62205
division. The superintendent of public instruction shall send to 62206
the district required to pay the tuition an itemized statement 62207
showing such deductions at the time of such deduction. 62208

When a political subdivision owns and operates an airport, 62209
welfare, or correctional institution or other project or facility 62210
outside its corporate limits, the territory within which the 62211
facility is located is exempt from taxation by the school district 62212
within which such territory is located, and there are school age 62213
children residing within such territory, the political subdivision 62214
owning such tax exempt territory shall pay tuition to the district 62215
in which such children attend school. The tuition for these 62216