

division of ~~mineral~~ oil and gas resources management. 31095

(O) "Rock sediment" means the combined cutting and residue 31096  
from drilling sedimentary rocks and formation. 31097

(P) "Excavations and workings," "mine," and "pillar" have the 31098  
same meanings as in section 1561.01 of the Revised Code. 31099

(Q) "Coal bearing township" means a township designated as 31100  
such by the chief of the division of mineral resources management 31101  
under section 1561.06 of the Revised Code. 31102

(R) "Gas storage reservoir" means a continuous area of a 31103  
subterranean porous sand or rock stratum or strata into which gas 31104  
is or may be injected for the purpose of storing it therein and 31105  
removing it therefrom and includes a gas storage reservoir as 31106  
defined in section 1571.01 of the Revised Code. 31107

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 31108  
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 31109  
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 31110  
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 31111  
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 31112  
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 31113  
regulations adopted under those acts. 31114

(T) "Person" includes any political subdivision, department, 31115  
agency, or instrumentality of this state; the United States and 31116  
any department, agency, or instrumentality thereof; and any legal 31117  
entity defined as a person under section 1.59 of the Revised Code. 31118

(U) "Brine" means all saline geological formation water 31119  
resulting from, obtained from, or produced in connection with 31120  
exploration, drilling, well stimulation, production of oil or gas, 31121  
or plugging of a well. 31122

(V) "Waters of the state" means all streams, lakes, ponds, 31123  
marshes, watercourses, waterways, springs, irrigation systems, 31124

drainage systems, and other bodies of water, surface or 31125  
underground, natural or artificial, that are situated wholly or 31126  
partially within this state or within its jurisdiction, except 31127  
those private waters that do not combine or effect a junction with 31128  
natural surface or underground waters. 31129

(W) "Exempt Mississippian well" means a well that meets all 31130  
of the following criteria: 31131

(1) Was drilled and completed before January 1, 1980; 31132

(2) Is located in an unglaciated part of the state; 31133

(3) Was completed in a reservoir no deeper than the 31134  
Mississippian Big Injun sandstone in areas underlain by 31135  
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 31136  
sandstone in areas directly underlain by Permian stratigraphy; 31137

(4) Is used primarily to provide oil or gas for domestic use. 31138

(X) "Exempt domestic well" means a well that meets all of the 31139  
following criteria: 31140

(1) Is owned by the owner of the surface estate of the tract 31141  
on which the well is located; 31142

(2) Is used primarily to provide gas for the owner's domestic 31143  
use; 31144

(3) Is located more than two hundred feet horizontal distance 31145  
from any inhabited private dwelling house other than an inhabited 31146  
private dwelling house located on the tract on which the well is 31147  
located; 31148

(4) Is located more than two hundred feet horizontal distance 31149  
from any public building that may be used as a place of resort, 31150  
assembly, education, entertainment, lodging, trade, manufacture, 31151  
repair, storage, traffic, or occupancy by the public. 31152

(Y) "Urbanized area" means an area where a well or production 31153  
facilities of a well are located within a municipal corporation or 31154

within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities. 31155  
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(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations. 31159  
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(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access roads road construction, well drilling, well completion, well stimulation, well operation site activities, site reclamation, and well plugging. "Production operation" also includes all of the following: 31162  
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(1) The piping ~~and~~, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery; 31172  
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(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities; 31175  
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(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, ~~and~~ fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities. 31179  
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(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water.

(CC) "Idle and orphaned well" means a well for which a bond has been forfeited or an abandoned well for which no money is available to plug the well in accordance with this chapter and rules adopted under it.

(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.

(EE) "Material and substantial violation" means any of the following:

(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;

(2) Failure to obtain or maintain insurance coverage that is required under this chapter;

(3) Failure to obtain or maintain a surety bond that is required under this chapter;

(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;

(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;

(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;

(7) Failure to comply with a final nonappealable order of the

chief issued under section 1509.04 of the Revised Code. 31216

(FF) "Severer" has the same meaning as in section 5749.01 of 31217  
the Revised Code. 31218

**Sec. 1509.02.** There is hereby created in the department of 31219  
natural resources the division of ~~mineral~~ oil and gas resources 31220  
management, which shall be administered by the chief of the 31221  
division of ~~mineral~~ oil and gas resources management. The division 31222  
has sole and exclusive authority to regulate the permitting, 31223  
location, and spacing of oil and gas wells and production 31224  
operations within the state, excepting only those activities 31225  
regulated under federal laws for which oversight has been 31226  
delegated to the environmental protection agency and activities 31227  
regulated under sections 6111.02 to 6111.029 of the Revised Code. 31228  
The regulation of oil and gas activities is a matter of general 31229  
statewide interest that requires uniform statewide regulation, and 31230  
this chapter and rules adopted under it constitute a comprehensive 31231  
plan with respect to all aspects of the locating, drilling, well 31232  
stimulation, completing, and operating of oil and gas wells within 31233  
this state, including site construction and restoration, 31234  
permitting related to those activities, and the disposal of wastes 31235  
from those wells. Nothing in this section affects the authority 31236  
granted to the director of transportation and local authorities in 31237  
section 723.01 or 4513.34 of the Revised Code, provided that the 31238  
authority granted under those sections shall not be exercised in a 31239  
manner that discriminates against, unfairly impedes, or obstructs 31240  
oil and gas activities and operations regulated under this 31241  
chapter. 31242

The chief shall not hold any other public office, nor shall 31243  
the chief be engaged in any occupation or business that might 31244  
interfere with or be inconsistent with the duties as chief. 31245

All moneys collected by the chief pursuant to sections 31246

1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.221, 31247  
1509.222, 1509.34, and 1509.50 of the Revised Code, ninety per 31248  
cent of moneys received by the treasurer of state from the tax 31249  
levied in divisions (A)(5) and (6) of section 5749.02 of the 31250  
Revised Code, all civil penalties paid under section 1509.33 of 31251  
the Revised Code, and, notwithstanding any section of the Revised 31252  
Code relating to the distribution or crediting of fines for 31253  
violations of the Revised Code, all fines imposed under divisions 31254  
(A) and (B) of section 1509.99 of the Revised Code and fines 31255  
imposed under divisions (C) and (D) of section 1509.99 of the 31256  
Revised Code for all violations prosecuted by the attorney general 31257  
and for violations prosecuted by prosecuting attorneys that do not 31258  
involve the transportation of brine by vehicle shall be deposited 31259  
into the state treasury to the credit of the oil and gas well 31260  
fund, which is hereby created. Fines imposed under divisions (C) 31261  
and (D) of section 1509.99 of the Revised Code for violations 31262  
prosecuted by prosecuting attorneys that involve the 31263  
transportation of brine by vehicle and penalties associated with a 31264  
compliance agreement entered into pursuant to this chapter shall 31265  
be paid to the county treasury of the county where the violation 31266  
occurred. 31267

The fund shall be used solely and exclusively for the 31268  
purposes enumerated in division (B) of section 1509.071 of the 31269  
Revised Code, for the expenses of the division associated with the 31270  
administration of this chapter and Chapter 1571. of the Revised 31271  
Code and rules adopted under them, and for expenses that are 31272  
critical and necessary for the protection of human health and 31273  
safety and the environment related to oil and gas production in 31274  
this state. The expenses of the division in excess of the moneys 31275  
available in the fund shall be paid from general revenue fund 31276  
appropriations to the department. 31277

**Sec. 1509.021.** On and after ~~the effective date of this~~ 31278

~~section~~ June 30, 2010, all of the following apply: 31279

(A) The surface location of a new well or a tank battery of a 31280  
well shall not be within one hundred fifty feet of an occupied 31281  
dwelling that is located in an urbanized area unless the owner of 31282  
the land on which the occupied dwelling is located consents in 31283  
writing to the surface location of the well or tank battery of a 31284  
well less than one hundred fifty feet from the occupied dwelling 31285  
and the chief of the division of ~~mineral~~ oil and gas resources 31286  
management approves the written consent of that owner. However, 31287  
the chief shall not approve the written consent of such an owner 31288  
when the surface location of a new well or a tank battery of a 31289  
well will be within one hundred feet of an occupied dwelling that 31290  
is located in an urbanized area. 31291

(B) The surface location of a new well shall not be within 31292  
one hundred fifty feet from the property line of a parcel of land 31293  
that is not in the drilling unit of the well if the parcel of land 31294  
is located in an urbanized area and directional drilling will be 31295  
used to drill the new well unless the owner of the parcel of land 31296  
consents in writing to the surface location of the well less than 31297  
one hundred fifty feet from the property line of the parcel of 31298  
land and the chief approves the written consent of that owner. 31299  
However, the chief shall not approve the written consent of such 31300  
an owner when the surface location of a new well will be less than 31301  
one hundred feet from the property line of the owner's parcel of 31302  
land that is not in the drilling unit of the well if the parcel of 31303  
land is located in an urbanized area and directional drilling will 31304  
be used. 31305

(C) The surface location of a new well shall not be within 31306  
two hundred feet of an occupied dwelling that is located in an 31307  
urbanized area and that is located on land that has become part of 31308  
the drilling unit of the well pursuant to a mandatory pooling 31309

order issued under section 1509.27 of the Revised Code unless the 31310  
owner of the land on which the occupied dwelling is located 31311  
consents in writing to the surface location of the well at a 31312  
distance that is less than two hundred feet from the occupied 31313  
dwelling. However, if the owner of the land on which the occupied 31314  
dwelling is located provides such written consent, the surface 31315  
location of the well shall not be within one hundred feet of the 31316  
occupied dwelling. 31317

If an applicant cannot identify an owner of land or if an 31318  
owner of land is not responsive to attempts by the applicant to 31319  
contact the owner, the applicant may submit an affidavit to the 31320  
chief attesting to such an unidentifiable owner or to such 31321  
unresponsiveness of an owner and attempts by the applicant to 31322  
contact the owner and include a written request to reduce the 31323  
distance of the location of the well from the occupied dwelling to 31324  
less than two hundred feet. If the chief receives such an 31325  
affidavit and written request, the chief shall reduce the distance 31326  
of the location of the well from the occupied dwelling to a 31327  
distance of not less than one hundred feet. 31328

(D) Except as otherwise provided in division (L) of this 31329  
section, the surface location of a new well shall not be within 31330  
one hundred fifty feet of the property line of a parcel of land 31331  
that is located in an urbanized area and that has become part of 31332  
the drilling unit of the well pursuant to a mandatory pooling 31333  
order issued under section 1509.27 of the Revised Code unless the 31334  
owner of the land consents in writing to the surface location of 31335  
the well at a distance that is less than one hundred fifty feet 31336  
from the owner's property line. However, if the owner of the land 31337  
provides such written consent, the surface location of the well 31338  
shall not be within seventy-five feet of the property line of the 31339  
owner's parcel of land. 31340

If an applicant cannot identify an owner of land or if an 31341



owner of land is not responsive to attempts by the applicant to 31342  
contact the owner, the applicant may submit an affidavit to the 31343  
chief attesting to such an unidentifiable owner or to such 31344  
unresponsiveness of an owner and attempts by the applicant to 31345  
contact the owner and include a written request to reduce the 31346  
distance of the location of the well from the property line of the 31347  
owner's parcel of land to less than one hundred fifty feet. If the 31348  
chief receives such an affidavit and written request, the chief 31349  
shall reduce the distance of the location of the well from the 31350  
property line to a distance of not less than seventy-five feet. 31351

(E) The surface location of a new tank battery of a well 31352  
shall not be within one hundred fifty feet of an occupied dwelling 31353  
that is located in an urbanized area and that is located on land 31354  
that has become part of the drilling unit of the well pursuant to 31355  
a mandatory pooling order issued under section 1509.27 of the 31356  
Revised Code unless the owner of the land on which the occupied 31357  
dwelling is located consents in writing to the location of the 31358  
tank battery at a distance that is less than one hundred fifty 31359  
feet from the occupied dwelling. However, if the owner of the land 31360  
on which the occupied dwelling is located provides such written 31361  
consent, the location of the tank battery shall not be within one 31362  
hundred feet of the occupied dwelling. 31363

If an applicant cannot identify an owner of land or if an 31364  
owner of land is not responsive to attempts by the applicant to 31365  
contact the owner, the applicant may submit an affidavit to the 31366  
chief attesting to such an unidentifiable owner or to such 31367  
unresponsiveness of an owner and attempts by the applicant to 31368  
contact the owner and include a written request to reduce the 31369  
distance of the location of the tank battery from the occupied 31370  
dwelling to less than one hundred fifty feet. If the chief 31371  
receives such an affidavit and written request, the chief shall 31372  
reduce the distance of the location of the tank battery from the 31373

occupied dwelling to a distance of not less than one hundred feet. 31374

(F) Except as otherwise provided in division (L) of this 31375  
section, the location of a new tank battery of a well shall not be 31376  
within seventy-five feet of the property line of a parcel of land 31377  
that is located in an urbanized area and that has become part of 31378  
the drilling unit of the well pursuant to a mandatory pooling 31379  
order issued under section 1509.27 of the Revised Code unless the 31380  
owner of the land consents in writing to the location of the tank 31381  
battery at a distance that is less than seventy-five feet from the 31382  
owner's property line. However, if the owner of the land provides 31383  
such written consent, the location of the tank battery shall not 31384  
be within the property line of the owner's parcel of land. 31385

If an applicant cannot identify an owner of land or if an 31386  
owner of land is not responsive to attempts by the applicant to 31387  
contact the owner, the applicant may submit an affidavit to the 31388  
chief attesting to such an unidentifiable owner or to such 31389  
unresponsiveness of an owner and attempts by the applicant to 31390  
contact the owner and include a written request to reduce the 31391  
distance of the location of the tank battery from the property 31392  
line of the owner's parcel of land to less than seventy-five feet. 31393  
If the chief receives such an affidavit and written request, the 31394  
chief shall reduce the distance of the location of the tank 31395  
battery from the property line, provided that the tank battery 31396  
shall not be within the property line of the owner's parcel of 31397  
land. 31398

(G) For purposes of divisions (C) to (F) of this section, 31399  
written consent of an owner of land may be provided by any of the 31400  
following: 31401

(1) A copy of an original lease agreement as recorded in the 31402  
office of the county recorder of the county in which the occupied 31403  
dwelling or property is located that expressly provides for the 31404  
reduction of the distance of the location of a well or a tank 31405

battery, as applicable, from an occupied dwelling or a property line; 31406  
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(2) A copy of a deed severing the oil or gas mineral rights, as applicable, from the owner's parcel of land as recorded in the office of the county recorder of the county in which the property is located that expressly provides for the reduction of the distance of the location of a well or a tank battery, as applicable, from an occupied dwelling or a property line; 31408  
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(3) A written statement that consents to the proposed location of a well or a tank battery, as applicable, and that is approved by the chief. For purposes of division (G)(3) of this section, an applicant shall submit a copy of a written statement to the chief. 31414  
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(H) For areas that are not urbanized areas, the surface location of a new well shall not be within one hundred feet of an occupied private dwelling or of a public building that may be used as a place of assembly, education, entertainment, lodging, trade, manufacture, repair, storage, or occupancy by the public. This division does not apply to a building or other structure that is incidental to agricultural use of the land on which the building or other structure is located unless the building or other structure is used as an occupied private dwelling or for retail trade. 31419  
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(I) The surface location of a new well shall not be within one hundred feet of any other well. However, an applicant may submit a written statement to request the chief to authorize a new well to be located at a distance that is less than one hundred feet from another well. If the chief receives such a written statement, the chief may authorize a new well to be located within one hundred feet of another well if the chief determines that the applicant satisfactorily has demonstrated that the location of the new well at a distance that is less than one hundred feet from 31429  
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another well is necessary to reduce impacts to the owner of the 31438  
land on which the well is to be located or to the surface of the 31439  
land on which the well is to be located. 31440

(J) For areas that are not urbanized areas, the location of a 31441  
new tank battery of a well shall not be within one hundred feet of 31442  
an existing inhabited structure. 31443

(K) The location of a new tank battery of a well shall not be 31444  
within fifty feet of any other well. 31445

(L) The location of a new well or a new tank battery of a 31446  
well shall not be within fifty feet of a stream, river, 31447  
watercourse, water well, pond, lake, or other body of water. 31448  
However, the chief may authorize a new well or a new tank battery 31449  
of a well to be located at a distance that is less than fifty feet 31450  
from a stream, river, watercourse, water well, pond, lake, or 31451  
other body of water if the chief determines that the reduction in 31452  
the distance is necessary to reduce impacts to the owner of the 31453  
land on which the well or tank battery of a well is to be located 31454  
or to protect public safety or the environment. 31455

(M) The surface location of a new well or a new tank battery 31456  
of a well shall not be within fifty feet of a railroad track or of 31457  
the traveled portion of a public street, road, or highway. This 31458  
division applies regardless of whether the public street, road, or 31459  
highway has become part of the drilling unit of the well pursuant 31460  
to a mandatory pooling order issued under section 1509.27 of the 31461  
Revised Code. 31462

~~(M)~~(N) A new oil tank shall not be within three feet of 31463  
another oil tank. 31464

~~(N)~~(O) The surface location of a mechanical separator shall 31465  
not be within any of the following: 31466

(1) Fifty feet of a well; 31467

(2) Ten feet of an oil tank;	31468
(3) One hundred feet of an existing inhabited structure.	31469
<del>(O)</del> <u>(P)</u> A vessel that is equipped in such a manner that the contents of the vessel may be heated shall not be within any of the following:	31470
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(1) Fifty feet of an oil production tank;	31473
(2) Fifty feet of a well;	31474
(3) One hundred feet of an existing inhabited structure;	31475
(4) If the contents of the vessel are heated by a direct fire heater, fifty feet of a mechanical separator.	31476
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<u>Sec. 1509.022. Except as provided in section 1509.021 of the Revised Code, the surface location of a new well that will be drilled using directional drilling may be located on a parcel of land that is not in the drilling unit of the well.</u>	31478
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<u>Sec. 1509.03.</u> (A) The chief of the division of <del>mineral oil</del> <u>and gas</u> resources management shall adopt, rescind, and amend, in accordance with Chapter 119. of the Revised Code, rules for the administration, implementation, and enforcement of this chapter. The rules shall include an identification of the subjects that the chief shall address when attaching terms and conditions to a permit with respect to a well and production facilities of a well that are located within an urbanized area. The subjects shall include all of the following:	31482
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(1) Safety concerning the drilling or operation of a well;	31491
(2) Protection of the public and private water supply;	31492
(3) Fencing and screening of surface facilities of a well;	31493
(4) Containment and disposal of drilling and production wastes;	31494
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(5) Construction of access roads for purposes of the drilling and operation of a well;	31496 31497
(6) Noise mitigation for purposes of the drilling of a well and the operation of a well, excluding safety and maintenance operations.	31498 31499 31500
No person shall violate any rule of the chief adopted under this chapter.	31501 31502
(B) Any order issuing, denying, or modifying a permit or notices required to be made by the chief pursuant to this chapter shall be made in compliance with Chapter 119. of the Revised Code, except that personal service may be used in lieu of service by mail. Every order issuing, denying, or modifying a permit under this chapter and described as such shall be considered an adjudication order for purposes of Chapter 119. of the Revised Code.	31503 31504 31505 31506 31507 31508 31509 31510
Where notice to the owners is required by this chapter, the notice shall be given as prescribed by a rule adopted by the chief to govern the giving of notices. The rule shall provide for notice by publication except in those cases where other types of notice are necessary in order to meet the requirements of the law.	31511 31512 31513 31514 31515
(C) The chief or the chief's authorized representative may at any time enter upon lands, public or private, for the purpose of administration or enforcement of this chapter, the rules adopted or orders made thereunder, or terms or conditions of permits or registration certificates issued thereunder and may examine and copy records pertaining to the drilling, conversion, or operation of a well for injection of fluids and logs required by division (C) of section 1509.223 of the Revised Code. No person shall prevent or hinder the chief or the chief's authorized representative in the performance of official duties. If entry is prevented or hindered, the chief or the chief's authorized	31516 31517 31518 31519 31520 31521 31522 31523 31524 31525 31526

representative may apply for, and the court of common pleas may 31527  
issue, an appropriate inspection warrant necessary to achieve the 31528  
purposes of this chapter within the court's territorial 31529  
jurisdiction. 31530

(D) The chief may issue orders to enforce this chapter, rules 31531  
adopted thereunder, and terms or conditions of permits issued 31532  
thereunder. Any such order shall be considered an adjudication 31533  
order for the purposes of Chapter 119. of the Revised Code. No 31534  
person shall violate any order of the chief issued under this 31535  
chapter. No person shall violate a term or condition of a permit 31536  
or registration certificate issued under this chapter. 31537

(E) Orders of the chief denying, suspending, or revoking a 31538  
registration certificate; approving or denying approval of an 31539  
application for revision of a registered transporter's plan for 31540  
disposal; or to implement, administer, or enforce division (A) of 31541  
section 1509.224 and sections 1509.22, 1509.222, 1509.223, 31542  
1509.225, and 1509.226 of the Revised Code pertaining to the 31543  
transportation of brine by vehicle and the disposal of brine so 31544  
transported are not adjudication orders for purposes of Chapter 31545  
119. of the Revised Code. The chief shall issue such orders under 31546  
division (A) or (B) of section 1509.224 of the Revised Code, as 31547  
appropriate. 31548

**Sec. 1509.04.** (A) The chief of the division of mineral oil 31549  
and gas resources management, or the chief's authorized 31550  
representatives, shall enforce this chapter and the rules, terms 31551  
and conditions of permits and registration certificates, and 31552  
orders adopted or issued pursuant thereto, except that any peace 31553  
officer, as defined in section 2935.01 of the Revised Code, may 31554  
arrest for violations of this chapter involving transportation of 31555  
brine by vehicle. The enforcement authority of the chief includes 31556  
the authority to issue compliance notices and to enter into 31557

compliance agreements. 31558

(B)(1) The chief or the chief's authorized representative may 31559  
issue an administrative order to an owner for a violation of this 31560  
chapter or rules adopted under it, terms and conditions of a 31561  
permit issued under it, a registration certificate that is 31562  
required under this chapter, or orders issued under this chapter. 31563

(2) The chief may issue an order finding that an owner has 31564  
committed a material and substantial violation. 31565

(C) The chief, by order, immediately may suspend drilling, 31566  
operating, or plugging activities that are related to a material 31567  
and substantial violation and suspend and revoke an unused permit 31568  
after finding either of the following: 31569

(1) An owner has failed to comply with an order issued under 31570  
division (B)(2) of this section that is final and nonappealable. 31571

(2) An owner is causing, engaging in, or maintaining a 31572  
condition or activity that the chief determines presents an 31573  
imminent danger to the health or safety of the public or that 31574  
results in or is likely to result in immediate substantial damage 31575  
to the natural resources of this state. 31576

(D)(1) The chief may issue an order under division (C) of 31577  
this section without prior notification if reasonable attempts to 31578  
notify the owner have failed or if the owner is currently in 31579  
material breach of a prior order, but in such an event 31580  
notification shall be given as soon thereafter as practical. 31581

(2) Not later than five days after the issuance of an order 31582  
under division (C) of this section, the chief shall provide the 31583  
owner an opportunity to be heard and to present evidence that one 31584  
of the following applies: 31585

(a) The condition or activity does not present an imminent 31586  
danger to the public health or safety or is not likely to result 31587



in immediate substantial damage to natural resources. 31588

(b) Required records, reports, or logs have been submitted. 31589

(3) If the chief, after considering evidence presented by the 31590  
owner under division (D)(2)(a) of this section, determines that 31591  
the activities do not present such a threat or that the required 31592  
records, reports, or logs have been submitted under division 31593  
(D)(2)(b) of this section, the chief shall revoke the order. The 31594  
owner may appeal an order to the court of common pleas of the 31595  
county in which the activity that is the subject of the order is 31596  
located. 31597

(E) The chief may issue a bond forfeiture order pursuant to 31598  
section 1509.071 of the Revised Code for failure to comply with a 31599  
final nonappealable order issued or compliance agreement entered 31600  
into under this section. 31601

(F) The chief may notify drilling contractors, transporters, 31602  
service companies, or other similar entities of the compliance 31603  
status of an owner. 31604

If the owner fails to comply with a prior enforcement action 31605  
of the chief, the chief may issue a suspension order without prior 31606  
notification, but in such an event the chief shall give notice as 31607  
soon thereafter as practical. Not later than five calendar days 31608  
after the issuance of an order, the chief shall provide the owner 31609  
an opportunity to be heard and to present evidence that required 31610  
records, reports, or logs have been submitted. If the chief, after 31611  
considering the evidence presented by the owner, determines that 31612  
the requirements have been satisfied, the chief shall revoke the 31613  
suspension order. The owner may appeal a suspension order to the 31614  
court of common pleas of the county in which the activity that is 31615  
the subject of the suspension order is located. 31616

(G) The prosecuting attorney of the county or the attorney 31617  
general, upon the request of the chief, may apply to the court of 31618

common pleas in the county in which any of the provisions of this 31619  
chapter or any rules, terms or conditions of a permit or 31620  
registration certificate, or orders adopted or issued pursuant to 31621  
this chapter are being violated for a temporary restraining order, 31622  
preliminary injunction, or permanent injunction restraining any 31623  
person from such violation. 31624

**Sec. 1509.041.** The chief of the division of ~~mineral oil and~~ 31625  
~~gas~~ resources management shall maintain a database on the division 31626  
of ~~mineral oil and gas~~ resources management's web site that is 31627  
accessible to the public. The database shall list each final 31628  
nonappealable order issued for a material and substantial 31629  
violation under this chapter. The list shall identify the 31630  
violator, the date on which the violation occurred, and the date 31631  
on which the violation was corrected. 31632

**Sec. 1509.05.** No person shall drill a new well, drill an 31633  
existing well any deeper, reopen a well, convert a well to any use 31634  
other than its original purpose, or plug back a well to a source 31635  
of supply different from the existing pool, without having a 31636  
permit to do so issued by the chief of the division of ~~mineral oil~~ 31637  
~~and gas~~ resources management, and until the original permit or a 31638  
photostatic copy thereof is posted or displayed in a conspicuous 31639  
and easily accessible place at the well site, with the name, 31640  
current address, and telephone number of the permit holder and the 31641  
telephone numbers for fire and emergency medical services 31642  
maintained on the posted permit or copy. The permit or a copy 31643  
shall be continuously displayed in that manner at all times during 31644  
the work authorized by the permit. 31645

**Sec. 1509.06.** (A) An application for a permit to drill a new 31646  
well, drill an existing well deeper, reopen a well, convert a well 31647  
to any use other than its original purpose, or plug back a well to 31648

a different source of supply, including associated production operations, shall be filed with the chief of the division of ~~mineral oil and gas~~ resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:

(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;

(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.

(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;

(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;

(5) Designation of the well by name and number;

(6) The geological formation to be tested or used and the proposed total depth of the well;

(7) The type of drilling equipment to be used;

(8) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected;

(9) For an application for a permit to drill a new well within an urbanized area, a sworn statement that the applicant has provided notice by regular mail of the application to the owner of each parcel of real property that is located within five hundred feet of the surface location of the well and to the executive authority of the municipal corporation or the board of township trustees of the township, as applicable, in which the well is to

be located. In addition, the notice shall contain a statement that 31679  
informs an owner of real property who is required to receive the 31680  
notice under division (A)(9) of this section that within five days 31681  
of receipt of the notice, the owner is required to provide notice 31682  
under section 1509.60 of the Revised Code to each residence in an 31683  
occupied dwelling that is located on the owner's parcel of real 31684  
property. The notice shall contain a statement that an application 31685  
has been filed with the division of ~~mineral~~ oil and gas resources 31686  
management, identify the name of the applicant and the proposed 31687  
well location, include the name and address of the division, and 31688  
contain a statement that comments regarding the application may be 31689  
sent to the division. The notice may be provided by hand delivery 31690  
or regular mail. The identity of the owners of parcels of real 31691  
property shall be determined using the tax records of the 31692  
municipal corporation or county in which a parcel of real property 31693  
is located as of the date of the notice. 31694

(10) A plan for restoration of the land surface disturbed by 31695  
drilling operations. The plan shall provide for compliance with 31696  
the restoration requirements of division (A) of section 1509.072 31697  
of the Revised Code and any rules adopted by the chief pertaining 31698  
to that restoration. 31699

(11) A description by name or number of the county, township, 31700  
and municipal corporation roads, streets, and highways that the 31701  
applicant anticipates will be used for access to and egress from 31702  
the well site; 31703

(12) Such other relevant information as the chief prescribes 31704  
by rule. 31705

Each application shall be accompanied by a map, on a scale 31706  
not smaller than four hundred feet to the inch, prepared by an 31707  
Ohio registered surveyor, showing the location of the well and 31708  
containing such other data as may be prescribed by the chief. If 31709  
the well is or is to be located within the excavations and 31710

workings of a mine, the map also shall include the location of the 31711  
mine, the name of the mine, and the name of the person operating 31712  
the mine. 31713

(B) The chief shall cause a copy of the weekly circular 31714  
prepared by the division to be provided to the county engineer of 31715  
each county that contains active or proposed drilling activity. 31716  
The weekly circular shall contain, in the manner prescribed by the 31717  
chief, the names of all applicants for permits, the location of 31718  
each well or proposed well, the information required by division 31719  
(A)(11) of this section, and any additional information the chief 31720  
prescribes. In addition, the chief promptly shall transfer an 31721  
electronic copy or facsimile, or if those methods are not 31722  
available to a municipal corporation or township, a copy via 31723  
regular mail, of a drilling permit application to the clerk of the 31724  
legislative authority of the municipal corporation or to the clerk 31725  
of the township in which the well or proposed well is or is to be 31726  
located if the legislative authority of the municipal corporation 31727  
or the board of township trustees has asked to receive copies of 31728  
such applications and the appropriate clerk has provided the chief 31729  
an accurate, current electronic mailing address or facsimile 31730  
number, as applicable. 31731

(C)(1) Except as provided in division (C)(2) of this section, 31732  
the chief shall not issue a permit for at least ten days after the 31733  
date of filing of the application for the permit unless, upon 31734  
reasonable cause shown, the chief waives that period or a request 31735  
for expedited review is filed under this section. However, the 31736  
chief shall issue a permit within twenty-one days of the filing of 31737  
the application unless the chief denies the application by order. 31738

(2) If the location of a well or proposed well will be or is 31739  
within an urbanized area, the chief shall not issue a permit for 31740  
at least eighteen days after the date of filing of the application 31741  
for the permit unless, upon reasonable cause shown, the chief 31742

waives that period or the chief at the chief's discretion grants a 31743  
request for an expedited review. However, the chief shall issue a 31744  
permit for a well or proposed well within an urbanized area within 31745  
thirty days of the filing of the application unless the chief 31746  
denies the application by order. 31747

(D) An applicant may file a request with the chief for 31748  
expedited review of a permit application if the well is not or is 31749  
not to be located in a gas storage reservoir or reservoir 31750  
protective area, as "reservoir protective area" is defined in 31751  
section 1571.01 of the Revised Code. If the well is or is to be 31752  
located in a coal bearing township, the application shall be 31753  
accompanied by the affidavit of the landowner prescribed in 31754  
section 1509.08 of the Revised Code. 31755

In addition to a complete application for a permit that meets 31756  
the requirements of this section and the permit fee prescribed by 31757  
this section, a request for expedited review shall be accompanied 31758  
by a separate nonrefundable filing fee of two hundred fifty 31759  
dollars. Upon the filing of a request for expedited review, the 31760  
chief shall cause the county engineer of the county in which the 31761  
well is or is to be located to be notified of the filing of the 31762  
permit application and the request for expedited review by 31763  
telephone or other means that in the judgment of the chief will 31764  
provide timely notice of the application and request. The chief 31765  
shall issue a permit within seven days of the filing of the 31766  
request unless the chief denies the application by order. 31767  
Notwithstanding the provisions of this section governing expedited 31768  
review of permit applications, the chief may refuse to accept 31769  
requests for expedited review if, in the chief's judgment, the 31770  
acceptance of the requests would prevent the issuance, within 31771  
twenty-one days of their filing, of permits for which applications 31772  
are pending. 31773

(E) A well shall be drilled and operated in accordance with 31774

the plans, sworn statements, and other information submitted in 31775  
the approved application. 31776

(F) The chief shall issue an order denying a permit if the 31777  
chief finds that there is a substantial risk that the operation 31778  
will result in violations of this chapter or rules adopted under 31779  
it that will present an imminent danger to public health or safety 31780  
or damage to the environment, provided that where the chief finds 31781  
that terms or conditions to the permit can reasonably be expected 31782  
to prevent such violations, the chief shall issue the permit 31783  
subject to those terms or conditions, including, if applicable, 31784  
terms and conditions regarding subjects identified in rules 31785  
adopted under section 1509.03 of the Revised Code. The issuance of 31786  
a permit shall not be considered an order of the chief. 31787

(G) Each application for a permit required by section 1509.05 31788  
of the Revised Code, except an application to plug back an 31789  
existing well that is required by that section and an application 31790  
for a well drilled or reopened for purposes of section 1509.22 of 31791  
the Revised Code, also shall be accompanied by a nonrefundable fee 31792  
as follows: 31793

(1) Five hundred dollars for a permit to conduct activities 31794  
in a township with a population of fewer than ten thousand; 31795

(2) Seven hundred fifty dollars for a permit to conduct 31796  
activities in a township with a population of ten thousand or 31797  
more, but fewer than fifteen thousand; 31798

(3) One thousand dollars for a permit to conduct activities 31799  
in either of the following: 31800

(a) A township with a population of fifteen thousand or more; 31801

(b) A municipal corporation regardless of population. 31802

(4) If the application is for a permit that requires 31803  
mandatory pooling, an additional five thousand dollars. 31804

For purposes of calculating fee amounts, populations shall be 31805  
determined using the most recent federal decennial census. 31806

Each application for the revision or reissuance of a permit 31807  
shall be accompanied by a nonrefundable fee of two hundred fifty 31808  
dollars. 31809

(H) Prior to the issuance of a permit to drill a proposed 31810  
well that is to be located in an urbanized area, the division 31811  
shall conduct a site review to identify and evaluate any 31812  
site-specific terms and conditions that may be attached to the 31813  
permit. At the site review, a representative of the division shall 31814  
consider fencing, screening, and landscaping requirements, if any, 31815  
for similar structures in the community in which the well is 31816  
proposed to be located. The terms and conditions that are attached 31817  
to the permit shall include the establishment of fencing, 31818  
screening, and landscaping requirements for the surface facilities 31819  
of the proposed well, including a tank battery of the well. 31820

(I) A permit shall be issued by the chief in accordance with 31821  
this chapter. A permit issued under this section for a well that 31822  
is or is to be located in an urbanized area shall be valid for 31823  
twelve months, and all other permits issued under this section 31824  
shall be valid for twenty-four months. 31825

(J) A permittee or a permittee's authorized representative 31826  
shall notify an inspector from the division ~~of mineral resources~~ 31827  
~~management~~ at least twenty-four hours, or another time period 31828  
agreed to by the chief's authorized representative, prior to the 31829  
commencement of drilling, reopening, converting, well stimulation, 31830  
or plugback operations. 31831

**Sec. 1509.061.** An owner of a well who has been issued a 31832  
permit under section 1509.06 of the Revised Code may submit to the 31833  
chief of the division of ~~mineral~~ oil and gas resources management, 31834  
on a form prescribed by the chief, a request to revise an existing 31835



tract upon which exists a producing or idle well. The chief shall 31836  
adopt, and may amend and rescind, rules under section 1509.03 of 31837  
the Revised Code that are necessary for the administration of this 31838  
section. The rules at least shall stipulate the information to be 31839  
included on the request form and shall establish a fee to be paid 31840  
by the person submitting the request, which fee shall not exceed 31841  
two hundred fifty dollars. 31842

The chief shall approve a request submitted under this 31843  
section unless it would result in a violation of this chapter or 31844  
rules adopted under it, including provisions establishing spacing 31845  
or minimum acreage requirements. 31846

**Sec. 1509.062.** (A)(1) The owner of a well that has not been 31847  
completed, a well that has not produced within one year after 31848  
completion, or an existing well that has no reported production 31849  
for two consecutive reporting periods as reported in accordance 31850  
with section 1509.11 of the Revised Code shall plug the well in 31851  
accordance with section 1509.12 of the Revised Code, obtain 31852  
temporary inactive well status for the well in accordance with 31853  
this section, or perform another activity regarding the well that 31854  
is approved by the chief of the division of ~~mineral~~ oil and gas 31855  
resources management. 31856

(2) If a well has a reported annual production that is less 31857  
than one hundred thousand cubic feet of natural gas or fifteen 31858  
barrels of crude oil, or a combination thereof, the chief may 31859  
require the owner of the well to submit an application for 31860  
temporary inactive well status under this section for the well. 31861

(B) In order for the owner of a well to submit an application 31862  
for temporary inactive well status for the well under this 31863  
division, the owner and the well shall be in compliance with this 31864  
chapter and rules adopted under it, any terms and conditions of 31865  
the permit for the well, and applicable orders issued by the 31866

chief. An application for temporary inactive status for a well 31867  
shall be submitted to the chief on a form prescribed and provided 31868  
by the chief and shall contain all of the following: 31869

(1) The owner's name and address and, if the owner is a 31870  
corporation, the name and address of the corporation's statutory 31871  
agent; 31872

(2) The signature of the owner or of the owner's authorized 31873  
agent. When an authorized agent signs an application, the 31874  
application shall be accompanied by a certified copy of the 31875  
appointment as such agent. 31876

(3) The permit number assigned to the well. If the well has 31877  
not been assigned a permit number, the chief shall assign a permit 31878  
number to the well. 31879

(4) A map, on a scale not smaller than four hundred feet to 31880  
the inch, that shows the location of the well and the tank 31881  
battery, that includes the latitude and longitude of the well, and 31882  
that contains all other data that are required by the chief; 31883

(5) A demonstration that the well is of future utility and 31884  
that the applicant has a viable plan to utilize the well within a 31885  
reasonable period of time; 31886

(6) A demonstration that the well poses no threat to the 31887  
health or safety of persons, property, or the environment; 31888

(7) Any other relevant information that the chief prescribes 31889  
by rule. 31890

The chief may waive any of the requirements established in 31891  
divisions (B)(1) to (6) of this section if the division of ~~mineral~~ 31892  
oil and gas resources management possesses a current copy of the 31893  
information or document that is required in the applicable 31894  
division. 31895

(C) Upon receipt of an application for temporary inactive 31896

well status, the chief shall review the application and shall 31897  
either deny the application by issuing an order or approve the 31898  
application. The chief shall approve the application only if the 31899  
chief determines that the well that is the subject of the 31900  
application poses no threat to the health or safety of persons, 31901  
property, or the environment. If the chief approves the 31902  
application, the chief shall notify the applicant of the chief's 31903  
approval. Upon receipt of the chief's approval, the owner shall 31904  
shut in the well and empty all liquids and gases from all storage 31905  
tanks, pipelines, and other equipment associated with the well. In 31906  
addition, the owner shall maintain the well, other equipment 31907  
associated with the well, and the surface location of the well in 31908  
a manner that prevents hazards to the health and safety of people 31909  
and the environment. The owner shall inspect the well at least 31910  
every six months and submit to the chief within fourteen days 31911  
after the inspection a record of inspection on a form prescribed 31912  
and provided by the chief. 31913

(D) Not later than thirty days prior to the expiration of 31914  
temporary inactive well status or a renewal of temporary inactive 31915  
well status approved by the chief for a well, the owner of the 31916  
well may submit to the chief an application for renewal of the 31917  
temporary inactive well status on a form prescribed and provided 31918  
by the chief. The application shall include a detailed plan that 31919  
describes the ultimate disposition of the well, the time frames 31920  
for that disposition, and any other information that the chief 31921  
determines is necessary. The chief shall either deny an 31922  
application by order or approve the application. If the chief 31923  
approves the application, the chief shall notify the owner of the 31924  
well of the chief's approval. 31925

(E) An application for temporary inactive well status shall 31926  
be accompanied by a nonrefundable fee of one hundred dollars. An 31927  
application for a renewal of temporary inactive well status shall 31928

be accompanied by a nonrefundable fee of two hundred fifty dollars 31929  
for the first renewal and five hundred dollars for each subsequent 31930  
renewal. 31931

(F) After a third renewal, the chief may require an owner to 31932  
provide a surety bond in an amount not to exceed ten thousand 31933  
dollars for each of the owner's wells that has been approved by 31934  
the chief for temporary inactive well status. 31935

(G) Temporary inactive well status approved by the chief 31936  
expires one year after the date of approval of the application for 31937  
temporary inactive well status or production from the well 31938  
commences, whichever occurs sooner. In addition, a renewal of a 31939  
temporary inactive well status expires one year after the 31940  
expiration date of the initial temporary inactive well status or 31941  
one year after the expiration date of the previous renewal of the 31942  
temporary inactive well status, as applicable, or production from 31943  
the well commences, whichever occurs sooner. 31944

(H) The owner of a well that has been approved by the chief 31945  
for temporary inactive well status may commence production from 31946  
the well at any time. Not later than sixty days after the 31947  
commencement of production from such a well, the owner shall 31948  
notify the chief of the commencement of production. 31949

(I) This chapter and rules adopted under it, any terms and 31950  
conditions of the permit for a well, and applicable orders issued 31951  
by the chief apply to a well that has been approved by the chief 31952  
for temporary inactive well status or renewal of that status. 31953

**Sec. 1509.07.** An owner of any well, except an exempt 31954  
Mississippian well or an exempt domestic well, shall obtain 31955  
liability insurance coverage from a company authorized to do 31956  
business in this state in an amount of not less than one million 31957  
dollars bodily injury coverage and property damage coverage to pay 31958  
damages for injury to persons or damage to property caused by the 31959

drilling, operation, or plugging of all the owner's wells in this 31960  
state. However, if any well is located within an urbanized area, 31961  
the owner shall obtain liability insurance coverage in an amount 31962  
of not less than three million dollars for bodily injury coverage 31963  
and property damage coverage to pay damages for injury to persons 31964  
or damage to property caused by the drilling, operation, or 31965  
plugging of all of the owner's wells in this state. The owner 31966  
shall maintain the coverage until all the owner's wells are 31967  
plugged and abandoned or are transferred to an owner who has 31968  
obtained insurance as required under this section and who is not 31969  
under a notice of material and substantial violation or under a 31970  
suspension order. The owner shall provide proof of liability 31971  
insurance coverage to the chief of the division of ~~mineral oil and~~ 31972  
gas resources management upon request. Upon failure of the owner 31973  
to provide that proof when requested, the chief may order the 31974  
suspension of any outstanding permits and operations of the owner 31975  
until the owner provides proof of the required insurance coverage. 31976

Except as otherwise provided in this section, an owner of any 31977  
well, before being issued a permit under section 1509.06 of the 31978  
Revised Code or before operating or producing from a well, shall 31979  
execute and file with the division of ~~mineral oil and gas~~ 31980  
resources management a surety bond conditioned on compliance with 31981  
the restoration requirements of section 1509.072, the plugging 31982  
requirements of section 1509.12, the permit provisions of section 31983  
1509.13 of the Revised Code, and all rules and orders of the chief 31984  
relating thereto, in an amount set by rule of the chief. 31985

The owner may deposit with the chief, instead of a surety 31986  
bond, cash in an amount equal to the surety bond as prescribed 31987  
pursuant to this section or negotiable certificates of deposit or 31988  
irrevocable letters of credit, issued by any bank organized or 31989  
transacting business in this state or by any savings and loan 31990  
association as defined in section 1151.01 of the Revised Code, 31991

having a cash value equal to or greater than the amount of the 31992  
surety bond as prescribed pursuant to this section. Cash or 31993  
certificates of deposit shall be deposited upon the same terms as 31994  
those upon which surety bonds may be deposited. If certificates of 31995  
deposit are deposited with the chief instead of a surety bond, the 31996  
chief shall require the bank or savings and loan association that 31997  
issued any such certificate to pledge securities of a cash value 31998  
equal to the amount of the certificate that is in excess of the 31999  
amount insured by any of the agencies and instrumentalities 32000  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 32001  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 32002  
it, including at least the federal deposit insurance corporation, 32003  
bank insurance fund, and savings association insurance fund. The 32004  
securities shall be security for the repayment of the certificate 32005  
of deposit. 32006

Immediately upon a deposit of cash, certificates of deposit, 32007  
or letters of credit with the chief, the chief shall deliver them 32008  
to the treasurer of state who shall hold them in trust for the 32009  
purposes for which they have been deposited. 32010

Instead of a surety bond, the chief may accept proof of 32011  
financial responsibility consisting of a sworn financial statement 32012  
showing a net financial worth within this state equal to twice the 32013  
amount of the bond for which it substitutes and, as may be 32014  
required by the chief, a list of producing properties of the owner 32015  
within this state or other evidence showing ability and intent to 32016  
comply with the law and rules concerning restoration and plugging 32017  
that may be required by rule of the chief. The owner of an exempt 32018  
Mississippian well is not required to file scheduled updates of 32019  
the financial documents, but shall file updates of those documents 32020  
if requested to do so by the chief. The owner of a nonexempt 32021  
Mississippian well shall file updates of the financial documents 32022  
in accordance with a schedule established by rule of the chief. 32023

The chief, upon determining that an owner for whom the chief has accepted proof of financial responsibility instead of bond cannot demonstrate financial responsibility, shall order that the owner execute and file a bond or deposit cash, certificates of deposit, or irrevocable letters of credit as required by this section for the wells specified in the order within ten days of receipt of the order. If the order is not complied with, all wells of the owner that are specified in the order and for which no bond is filed or cash, certificates of deposit, or letters of credit are deposited shall be plugged. No owner shall fail or refuse to plug such a well. Each day on which such a well remains unplugged thereafter constitutes a separate offense.

The surety bond provided for in this section shall be executed by a surety company authorized to do business in this state.

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the principal's or surety's attorney in fact, with a certified copy of the power of attorney attached thereto. The chief shall not approve a bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

All bonds shall be given in a form to be prescribed by the chief and shall run to the state as obligee.

An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas well plugging fund created in section 1509.071 of the Revised Code.

An owner, operator, producer, or other person shall not 32056  
operate a well or produce from a well at any time if the owner, 32057  
operator, producer, or other person has not satisfied the 32058  
requirements established in this section. 32059

**Sec. 1509.071.** (A) When the chief of the division of ~~mineral~~ 32060  
oil and gas resources management finds that an owner has failed to 32061  
comply with a final nonappealable order issued or compliance 32062  
agreement entered into under section 1509.04, the restoration 32063  
requirements of section 1509.072, plugging requirements of section 32064  
1509.12, or permit provisions of section 1509.13 of the Revised 32065  
Code, or rules and orders relating thereto, the chief shall make a 32066  
finding of that fact and declare any surety bond filed to ensure 32067  
compliance with those sections and rules forfeited in the amount 32068  
set by rule of the chief. The chief thereupon shall certify the 32069  
total forfeiture to the attorney general, who shall proceed to 32070  
collect the amount of the forfeiture. In addition, the chief may 32071  
require an owner, operator, producer, or other person who 32072  
forfeited a surety bond to post a new surety bond in the amount of 32073  
fifteen thousand dollars for a single well, thirty thousand 32074  
dollars for two wells, or fifty thousand dollars for three or more 32075  
wells. 32076

In lieu of total forfeiture, the surety or owner, at the 32077  
surety's or owner's option, may cause the well to be properly 32078  
plugged and abandoned and the area properly restored or pay to the 32079  
treasurer of state the cost of plugging and abandonment. 32080

(B) All moneys collected because of forfeitures of bonds as 32081  
provided in this section shall be deposited in the state treasury 32082  
to the credit of the oil and gas well fund created in section 32083  
1509.02 of the Revised Code. 32084

The chief annually shall spend not less than fourteen per 32085  
cent of the revenue credited to the fund during the previous 32086



fiscal year for the following purposes: 32087

(1) In accordance with division (D) of this section, to plug 32088  
idle and orphaned wells or to restore the land surface properly as 32089  
required in section 1509.072 of the Revised Code; 32090

(2) In accordance with division (E) of this section, to 32091  
correct conditions that the chief reasonably has determined are 32092  
causing imminent health or safety risks at an idle and orphaned 32093  
well or a well for which the owner cannot be contacted in order to 32094  
initiate a corrective action within a reasonable period of time as 32095  
determined by the chief. 32096

Expenditures from the fund shall be made only for lawful 32097  
purposes. In addition, expenditures from the fund shall not be 32098  
made to purchase real property or to remove a dwelling in order to 32099  
access a well. 32100

(C)(1) Upon determining that the owner of a well has failed 32101  
to properly plug and abandon it or to properly restore the land 32102  
surface at the well site in compliance with the applicable 32103  
requirements of this chapter and applicable rules adopted and 32104  
orders issued under it or that a well is an abandoned well for 32105  
which no funds are available to plug the well in accordance with 32106  
this chapter, the chief shall do all of the following: 32107

(a) Determine from the records in the office of the county 32108  
recorder of the county in which the well is located the identity 32109  
of the owner of the land on which the well is located, the 32110  
identity of the owner of the oil or gas lease under which the well 32111  
was drilled or the identity of each person owning an interest in 32112  
the lease, and the identities of the persons having legal title 32113  
to, or a lien upon, any of the equipment appurtenant to the well; 32114

(b) Mail notice to the owner of the land on which the well is 32115  
located informing the landowner that the well is to be plugged. If 32116  
the owner of the oil or gas lease under which the well was drilled 32117

is different from the owner of the well or if any persons other 32118  
than the owner of the well own interests in the lease, the chief 32119  
also shall mail notice that the well is to be plugged to the owner 32120  
of the lease or to each person owning an interest in the lease, as 32121  
appropriate. 32122

(c) Mail notice to each person having legal title to, or a 32123  
lien upon, any equipment appurtenant to the well, informing the 32124  
person that the well is to be plugged and offering the person the 32125  
opportunity to plug the well and restore the land surface at the 32126  
well site at the person's own expense in order to avoid forfeiture 32127  
of the equipment to this state. 32128

(2) If none of the persons described in division (C)(1)(c) of 32129  
this section plugs the well within sixty days after the mailing of 32130  
the notice required by that division, all equipment appurtenant to 32131  
the well is hereby declared to be forfeited to this state without 32132  
compensation and without the necessity for any action by the state 32133  
for use to defray the cost of plugging and abandoning the well and 32134  
restoring the land surface at the well site. 32135

(D) Expenditures from the fund for the purpose of division 32136  
(B)(1) of this section shall be made in accordance with either of 32137  
the following: 32138

(1) The expenditures may be made pursuant to contracts 32139  
entered into by the chief with persons who agree to furnish all of 32140  
the materials, equipment, work, and labor as specified and 32141  
provided in such a contract for activities associated with the 32142  
restoration or plugging of a well as determined by the chief. The 32143  
activities may include excavation to uncover a well, geophysical 32144  
methods to locate a buried well when clear evidence of leakage 32145  
from the well exists, cleanout of wellbores to remove material 32146  
from a failed plugging of a well, plugging operations, 32147  
installation of vault and vent systems, including associated 32148  
engineering certifications and permits, restoration of property, 32149

and repair of damage to property that is caused by such 32150  
activities. Expenditures shall not be used for salaries, 32151  
maintenance, equipment, or other administrative purposes, except 32152  
for costs directly attributed to the plugging of an idle and 32153  
orphaned well. Agents or employees of persons contracting with the 32154  
chief for a restoration or plugging project may enter upon any 32155  
land, public or private, on which the well is located for the 32156  
purpose of performing the work. Prior to such entry, the chief 32157  
shall give to the following persons written notice of the 32158  
existence of a contract for a project to restore or plug a well, 32159  
the names of the persons with whom the contract is made, and the 32160  
date that the project will commence: the owner of the well, the 32161  
owner of the land upon which the well is located, the owner or 32162  
agents of adjoining land, and, if the well is located in the same 32163  
township as or in a township adjacent to the excavations and 32164  
workings of a mine and the owner or lessee of that mine has 32165  
provided written notice identifying those townships to the chief 32166  
at any time during the immediately preceding three years, the 32167  
owner or lessee of the mine. 32168

(2)(a) The owner of the land on which a well is located who 32169  
has received notice under division (C)(1)(b) of this section may 32170  
plug the well and be reimbursed by the division of oil and gas 32171  
resources management for the reasonable cost of plugging the well. 32172  
In order to plug the well, the landowner shall submit an 32173  
application to the chief on a form prescribed by the chief and 32174  
approved by the technical advisory council on oil and gas created 32175  
in section 1509.38 of the Revised Code. The application, at a 32176  
minimum, shall require the landowner to provide the same 32177  
information as is required to be included in the application for a 32178  
permit to plug and abandon under section 1509.13 of the Revised 32179  
Code. The application shall be accompanied by a copy of a proposed 32180  
contract to plug the well prepared by a contractor regularly 32181  
engaged in the business of plugging oil and gas wells. The 32182

proposed contract shall require the contractor to furnish all of 32183  
the materials, equipment, work, and labor necessary to plug the 32184  
well properly and shall specify the price for doing the work, 32185  
including a credit for the equipment appurtenant to the well that 32186  
was forfeited to the state through the operation of division 32187  
(C)(2) of this section. Expenditures under division (D)(2)(a) of 32188  
this section shall be consistent with the expenditures for 32189  
activities described in division (D)(1) of this section. The 32190  
application also shall be accompanied by the permit fee required 32191  
by section 1509.13 of the Revised Code unless the chief, in the 32192  
chief's discretion, waives payment of the permit fee. The 32193  
application constitutes an application for a permit to plug and 32194  
abandon the well for the purposes of section 1509.13 of the 32195  
Revised Code. 32196

(b) Within thirty days after receiving an application and 32197  
accompanying proposed contract under division (D)(2)(a) of this 32198  
section, the chief shall determine whether the plugging would 32199  
comply with the applicable requirements of this chapter and 32200  
applicable rules adopted and orders issued under it and whether 32201  
the cost of the plugging under the proposed contract is 32202  
reasonable. If the chief determines that the proposed plugging 32203  
would comply with those requirements and that the proposed cost of 32204  
the plugging is reasonable, the chief shall notify the landowner 32205  
of that determination and issue to the landowner a permit to plug 32206  
and abandon the well under section 1509.13 of the Revised Code. 32207  
Upon approval of the application and proposed contract, the chief 32208  
shall transfer ownership of the equipment appurtenant to the well 32209  
to the landowner. The chief may disapprove an application 32210  
submitted under division (D)(2)(a) of this section if the chief 32211  
determines that the proposed plugging would not comply with the 32212  
applicable requirements of this chapter and applicable rules 32213  
adopted and orders issued under it, that the cost of the plugging 32214  
under the proposed contract is unreasonable, or that the proposed 32215

contract is not a bona fide, ~~arms~~ arm's length contract. 32216

(c) After receiving the chief's notice of the approval of the 32217  
application and permit to plug and abandon a well under division 32218  
(D)(2)(b) of this section, the landowner shall enter into the 32219  
proposed contract to plug the well. 32220

(d) Upon determining that the plugging has been completed in 32221  
compliance with the applicable requirements of this chapter and 32222  
applicable rules adopted and orders issued under it, the chief 32223  
shall reimburse the landowner for the cost of the plugging as set 32224  
forth in the proposed contract approved by the chief. The 32225  
reimbursement shall be paid from the oil and gas well fund. If the 32226  
chief determines that the plugging was not completed in accordance 32227  
with the applicable requirements, the chief shall not reimburse 32228  
the landowner for the cost of the plugging, and the landowner or 32229  
the contractor, as applicable, promptly shall transfer back to 32230  
this state title to and possession of the equipment appurtenant to 32231  
the well that previously was transferred to the landowner under 32232  
division (D)(2)(b) of this section. If any such equipment was 32233  
removed from the well during the plugging and sold, the landowner 32234  
shall pay to the chief the proceeds from the sale of the 32235  
equipment, and the chief promptly shall pay the moneys so received 32236  
to the treasurer of state for deposit into the oil and gas well 32237  
fund. 32238

The chief may establish an annual limit on the number of 32239  
wells that may be plugged under division (D)(2) of this section or 32240  
an annual limit on the expenditures to be made under that 32241  
division. 32242

As used in division (D)(2) of this section, "plug" and 32243  
"plugging" include the plugging of the well and the restoration of 32244  
the land surface disturbed by the plugging. 32245

(E) Expenditures from the oil and gas well fund for the 32246

purpose of division (B)(2) of this section may be made pursuant to 32247  
contracts entered into by the chief with persons who agree to 32248  
furnish all of the materials, equipment, work, and labor as 32249  
specified and provided in such a contract. The competitive bidding 32250  
requirements of Chapter 153. of the Revised Code do not apply if 32251  
the chief reasonably determines that correction of the applicable 32252  
health or safety risk requires immediate action. The chief, 32253  
designated representatives of the chief, and agents or employees 32254  
of persons contracting with the chief under this division may 32255  
enter upon any land, public or private, for the purpose of 32256  
performing the work. 32257

(F) Contracts entered into by the chief under this section 32258  
are not subject to either of the following: 32259

(1) Chapter 4115. of the Revised Code; 32260

(2) Section 153.54 of the Revised Code, except that the 32261  
contractor shall obtain and provide to the chief as a bid guaranty 32262  
a surety bond or letter of credit in an amount equal to ten per 32263  
cent of the amount of the contract. 32264

(G) The owner of land on which a well is located who has 32265  
received notice under division (C)(1)(b) of this section, in lieu 32266  
of plugging the well in accordance with division (D)(2) of this 32267  
section, may cause ownership of the well to be transferred to an 32268  
owner who is lawfully doing business in this state and who has met 32269  
the financial responsibility requirements established under 32270  
section 1509.07 of the Revised Code, subject to the approval of 32271  
the chief. The transfer of ownership also shall be subject to the 32272  
landowner's filing the appropriate forms required under section 32273  
1509.31 of the Revised Code and providing to the chief sufficient 32274  
information to demonstrate the landowner's or owner's right to 32275  
produce a formation or formations. That information may include a 32276  
deed, a lease, or other documentation of ownership or property 32277  
rights. 32278

The chief shall approve or disapprove the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:

(1) Filing an application with the chief under section 1509.06 of the Revised Code if the owner intends to drill deeper or produce a formation that is not listed in the records of the division for that well;

(2) Taking title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner;

(3) Complying with all applicable requirements that are necessary to drill deeper, plug the well, or plug back the well.

(H) The chief shall issue an order that requires the owner of a well to pay the actual documented costs of a corrective action that is described in division (B)(2) of this section concerning the well. The chief shall transmit the money so recovered to the treasurer of state who shall deposit the money in the state treasury to the credit of the oil and gas well fund.

**Sec. 1509.072.** No oil or gas well owner or agent of an oil or gas well owner shall fail to restore the land surface within the area disturbed in siting, drilling, completing, and producing the well as required in this section.

(A) Within fourteen days after the date upon which the drilling of a well is completed to total depth in an urbanized area and within two months after the date upon which the drilling of a well is completed in all other areas, the owner or the owner's agent, in accordance with the restoration plan filed under division (A)(10) of section 1509.06 of the Revised Code, shall

fill all the pits for containing brine and other waste substances 32309  
resulting, obtained, or produced in connection with exploration or 32310  
drilling for oil or gas that are not required by other state or 32311  
federal law or regulation, and remove all drilling supplies and 32312  
drilling equipment. Unless the chief of the division of ~~mineral~~ 32313  
oil and gas resources management approves a longer time period, 32314  
within three months after the date upon which the surface drilling 32315  
of a well is commenced in an urbanized area and within six months 32316  
after the date upon which the surface drilling of a well is 32317  
commenced in all other areas, the owner or the owner's agent shall 32318  
grade or terrace and plant, seed, or sod the area disturbed that 32319  
is not required in production of the well where necessary to bind 32320  
the soil and prevent substantial erosion and sedimentation. If the 32321  
chief finds that a pit used for containing brine, other waste 32322  
substances, or oil is in violation of section 1509.22 of the 32323  
Revised Code or rules adopted or orders issued under it, the chief 32324  
may require the pit to be emptied and closed before expiration of 32325  
the fourteen-day or three-month restoration period. 32326

(B) Within three months after a well that has produced oil or 32327  
gas is plugged in an urbanized area and within six months after a 32328  
well that has produced oil or gas is plugged in all other areas, 32329  
or after the plugging of a dry hole, unless the chief approves a 32330  
longer time period, the owner or the owner's agent shall remove 32331  
all production and storage structures, supplies, and equipment, 32332  
and any oil, salt water, and debris, and fill any remaining 32333  
excavations. Within that period the owner or the owner's agent 32334  
shall grade or terrace and plant, seed, or sod the area disturbed 32335  
where necessary to bind the soil and prevent substantial erosion 32336  
and sedimentation. 32337

The owner shall be released from responsibility to perform 32338  
any or all restoration requirements of this section on any part or 32339  
all of the area disturbed upon the filing of a request for a 32340



waiver with and obtaining the written approval of the chief, which 32341  
request shall be signed by the surface owner to certify the 32342  
approval of the surface owner of the release sought. The chief 32343  
shall approve the request unless the chief finds upon inspection 32344  
that the waiver would be likely to result in substantial damage to 32345  
adjoining property, substantial contamination of surface or 32346  
underground water, or substantial erosion or sedimentation. 32347

The chief, by order, may shorten the time periods provided 32348  
for under division (A) or (B) of this section if failure to 32349  
shorten the periods would be likely to result in damage to public 32350  
health or the waters or natural resources of the state. 32351

The chief, upon written application by an owner or an owner's 32352  
agent showing reasonable cause, may extend the period within which 32353  
restoration shall be completed under divisions (A) and (B) of this 32354  
section, but not to exceed a further six-month period, except 32355  
under extraordinarily adverse weather conditions or when essential 32356  
equipment, fuel, or labor is unavailable to the owner or the 32357  
owner's agent. 32358

If the chief refuses to approve a request for waiver or 32359  
extension, the chief shall do so by order. 32360

**Sec. 1509.073.** A person that is issued a permit under this 32361  
chapter to drill a new well or drill an existing well deeper in an 32362  
urbanized area shall establish fluid drilling conditions prior to 32363  
penetration of the Onondaga limestone and continue to use fluid 32364  
drilling until total depth of the well is achieved unless the 32365  
chief of the division of ~~mineral~~ oil and gas resources management 32366  
authorizes such drilling without using fluid. 32367

**Sec. 1509.08.** Upon receipt of an application for a permit 32368  
required by section 1509.05 of the Revised Code, or upon receipt 32369  
of an application for a permit to plug and abandon under section 32370

1509.13 of the Revised Code, the chief of the division of ~~mineral~~ 32371  
oil and gas resources management shall determine whether the well 32372  
is or is to be located in a coal bearing township. 32373

Whether or not the well is or is to be located in a coal 32374  
bearing township, the chief, by order, may refuse to issue a 32375  
permit required by section 1509.05 of the Revised Code to any 32376  
applicant who at the time of applying for the permit is in 32377  
material or substantial violation of this chapter or rules adopted 32378  
or orders issued under it. The chief shall refuse to issue a 32379  
permit to any applicant who at the time of applying for the permit 32380  
has been found liable by a final nonappealable order of a court of 32381  
competent jurisdiction for damage to streets, roads, highways, 32382  
bridges, culverts, or drainways pursuant to section 4513.34 or 32383  
5577.12 of the Revised Code until the applicant provides the chief 32384  
with evidence of compliance with the order. No applicant shall 32385  
attempt to circumvent this provision by applying for a permit 32386  
under a different name or business organization name, by 32387  
transferring responsibility to another person or entity, by 32388  
abandoning the well or lease, or by any other similar act. 32389

If the well is not or is not to be located in a coal bearing 32390  
township, or if it is to be located in a coal bearing township, 32391  
but the landowner submits an affidavit attesting to ownership of 32392  
the property in fee simple, including the coal, and has no 32393  
objection to the well, the chief shall issue the permit. 32394

If the application to drill, reopen, or convert concerns a 32395  
well that is or is to be located in a coal bearing township, the 32396  
chief shall transmit to the chief of the division of mineral 32397  
resources management two copies of the application and three 32398  
copies of the map required in section 1509.06 of the Revised Code, 32399  
except that, when the affidavit with the waiver of objection 32400  
described above is submitted, the chief of the division of oil and 32401  
gas resources management shall not transmit the copies. 32402

The chief of the division of mineral resources management 32403  
immediately shall notify the owner or lessee of any affected mine 32404  
that the application has been filed and send to the owner or 32405  
lessee two copies of the map accompanying the application setting 32406  
forth the location of the well. 32407

If the owner or lessee objects to the location of the well or 32408  
objects to any location within fifty feet of the original location 32409  
as a possible site for relocation of the well, the owner or lessee 32410  
shall notify the chief of the division of mineral resources 32411  
management of the objection, giving the reasons for the objection 32412  
and, if applicable, indicating on a copy of the map the particular 32413  
location or locations within fifty feet of the original location 32414  
to which the owner or lessee objects as a site for possible 32415  
relocation of the well, within six days after the receipt of the 32416  
notice. If the chief receives no objections from the owner or 32417  
lessee of the mine within ten days after the receipt of the notice 32418  
by the owner or lessee, or if in the opinion of the chief the 32419  
objections offered by the owner or lessee are not sufficiently 32420  
well founded, the chief immediately shall notify the owner or 32421  
lessee of those findings. The owner or lessee may appeal the 32422  
decision of the chief to the reclamation commission under section 32423  
1513.13 of the Revised Code. The appeal shall be filed within 32424  
fifteen days, notwithstanding provisions in divisions (A)(1) of 32425  
section 1513.13 of the Revised Code, to the contrary, from the 32426  
date on which the owner or lessee receives the notice. If the 32427  
appeal is not filed within that time, the chief immediately shall 32428  
approve the application and, retain a copy of the application and 32429  
map, and return a copy of the application to the chief of the 32430  
division of oil and gas resources management with the approval 32431  
noted on it. The chief of the division of oil and gas resources 32432  
management then shall issue the permit if the provisions of this 32433  
chapter pertaining to the issuance of such a permit have been 32434  
complied with. 32435

If the chief of the division of mineral resources management 32436  
receives an objection from the owner or lessee of the mine as to 32437  
the location of the well within ten days after receipt of the 32438  
notice by the owner or lessee, and if in the opinion of the chief 32439  
the objection is well founded, the chief shall disapprove the 32440  
application and ~~suggest~~ immediately return it to the chief of the 32441  
division of oil and gas resources management together with the 32442  
reasons for disapproval and a suggestion for a new location for 32443  
the well, provided that the suggested new location shall not be a 32444  
location within fifty feet of the original location to which the 32445  
owner or lessee has objected as a site for possible relocation of 32446  
the well if the chief of the division of mineral resources 32447  
management has determined that the objection is well founded. The 32448  
chief of the division of oil and gas resources management 32449  
immediately shall notify the applicant for the permit of the 32450  
disapproval and any suggestion made by the chief of the division 32451  
of mineral resources management as to a new location for the well. 32452  
The applicant may withdraw the application or amend the 32453  
application to drill the well at the location suggested by the 32454  
chief, or the applicant may appeal the disapproval of the 32455  
application by the chief to the reclamation commission. 32456

If the chief of the division of mineral resources management 32457  
receives no objection from the owner or lessee of a mine as to the 32458  
location of the well, but does receive an objection from the owner 32459  
or lessee as to one or more locations within fifty feet of the 32460  
original location as possible sites for relocation of the well 32461  
within ten days after receipt of the notice by the owner or 32462  
lessee, and if in the opinion of the chief the objection is well 32463  
founded, the chief nevertheless shall approve the application and 32464  
shall return it immediately to the chief of the division of oil 32465  
and gas resources management together with the reasons for 32466  
disapproving any of the locations to which the owner or lessee 32467  
objects as possible sites for the relocation of the well. The 32468

chief of the division of oil and gas resources management then 32469  
shall issue a permit if the provisions of this chapter pertaining 32470  
to the issuance of such a permit have been complied with, 32471  
incorporating as a term or condition of the permit that the 32472  
applicant is prohibited from commencing drilling at any location 32473  
within fifty feet of the original location that has been 32474  
disapproved by the chief of the division of mineral resources 32475  
management. The applicant may appeal to the reclamation commission 32476  
the terms and conditions of the permit prohibiting the 32477  
commencement of drilling at any such location disapproved by the 32478  
chief of the division of mineral resources management. 32479

Any such appeal shall be filed within fifteen days, 32480  
notwithstanding provisions in division (A)(1) of section 1513.13 32481  
of the Revised Code to the contrary, from the date the applicant 32482  
receives notice of the disapproval of the application, any other 32483  
location within fifty feet of the original location, or terms or 32484  
conditions of the permit, or the owner or lessee receives notice 32485  
of the chief's decision. No approval or disapproval of an 32486  
application shall be delayed by the chief of the division of 32487  
mineral resources management for more than fifteen days from the 32488  
date of sending the notice of the application to the mine owner or 32489  
lessee as required by this section. 32490

All appeals provided for in this section shall be treated as 32491  
expedited appeals. The reclamation commission shall hear any such 32492  
appeal in accordance with section 1513.13 of the Revised Code and 32493  
issue a decision within thirty days of the filing of the notice of 32494  
appeal. 32495

The chief of the division of oil and gas resources management 32496  
shall not issue a permit to drill a new well or reopen a well that 32497  
is or is to be located within three hundred feet of any opening of 32498  
any mine used as a means of ingress, egress, or ventilation for 32499  
persons employed in the mine, nor within one hundred feet of any 32500

building or inflammable structure connected with the mine and 32501  
actually used as a part of the operating equipment of the mine, 32502  
unless the chief of the division of mineral resources management 32503  
determines that life or property will not be endangered by 32504  
drilling and operating the well in that location. 32505

The chief of the division of mineral resources management may 32506  
suspend the drilling or reopening of a well in a coal bearing 32507  
township after determining that the drilling or reopening 32508  
activities present an imminent and substantial threat to public 32509  
health or safety or to miners' health or safety and having been 32510  
unable to contact the chief of the division of oil and gas 32511  
resources management to request an order of suspension under 32512  
section 1509.06 of the Revised Code. Before issuing a suspension 32513  
order for that purpose, the chief of the division of mineral 32514  
resources management shall notify the owner in a manner that in 32515  
the chief's judgment would provide reasonable notification that 32516  
the chief intends to issue a suspension order. The chief may issue 32517  
such an order without prior notification if reasonable attempts to 32518  
notify the owner have failed, but in that event notification shall 32519  
be given as soon thereafter as practical. Within five calendar 32520  
days after the issuance of the order, the chief shall provide the 32521  
owner an opportunity to be heard and to present evidence that the 32522  
activities do not present an imminent and substantial threat to 32523  
public health or safety or to miners' health or safety. If, after 32524  
considering the evidence presented by the owner, the chief 32525  
determines that the activities do not present such a threat, the 32526  
chief shall revoke the suspension order. An owner may appeal a 32527  
suspension order issued by the chief of the division of mineral 32528  
resources management under this section to the reclamation 32529  
commission in accordance with section 1513.13 of the Revised Code 32530  
or may appeal the order directly to the court of common pleas of 32531  
the county in which the well is located. 32532

Sec. 1509.09. A well may be drilled under a permit only at 32533  
the location designated on the map required in section 1509.06 of 32534  
the Revised Code. The location of a well may be changed after the 32535  
issuance of a permit only with the approval of the chief of the 32536  
division of ~~mineral~~ oil and gas resources management and, if the 32537  
well is located in a coal bearing township, with the approval of 32538  
the chief of the division of mineral resources management using 32539  
the procedures required in section 1509.08 of the Revised Code for 32540  
a permit to drill a well unless the permit holder requests the 32541  
issuance of an emergency drilling permit under this section due to 32542  
a lost hole under such circumstances that completion of the well 32543  
is not feasible at the original location. If a permit holder 32544  
requests a change of location, the permit holder shall return the 32545  
original permit and file an amended map indicating the proposed 32546  
new location. 32547

Drilling shall not be commenced at a new location until the 32548  
original permit bearing a notation of approval by the chief or 32549  
chiefs is posted at the well site. However, a permit holder may 32550  
commence drilling at a new location without first receiving the 32551  
prior approval required by this section, if all of the following 32552  
conditions are met: 32553

(A) Within one working day after spudding the new well, the 32554  
permit holder files a request for an emergency drilling permit and 32555  
submits to the chief of the division of oil and gas resources 32556  
management an application for a permit that meets the requirements 32557  
of section 1509.06 of the Revised Code, including the permit fee 32558  
required by that section, with an amended map showing the new 32559  
location~~+~~. 32560

(B) ~~A mineral~~ An oil and gas resources inspector is present 32561  
before spudding operations are commenced at the location~~+~~. 32562

(C) The original well is plugged prior to the skidding of the 32563

drilling rig to the new location, and the plugging is witnessed or 32564  
verified by ~~a mineral~~ an oil and gas resources inspector or, if 32565  
the well is located in a coal bearing township, both a deputy mine 32566  
inspector and ~~a mineral~~ an oil and gas resources inspector unless 32567  
the chief or the chief's authorized representative temporarily 32568  
waives the requirement, but in any event the original well shall 32569  
be plugged before the drilling rig is moved from the location~~;~~. 32570

(D) The new location is within fifty feet of the original 32571  
location unless, upon request of the permit holder, the chief~~,~~, 32572  
with the approval of the chief of the division of mineral 32573  
resources management if the well is located in a coal bearing 32574  
township, agrees to a new location farther than fifty feet from 32575  
the original location~~;~~. 32576

(E) The new location meets all the distance and spacing 32577  
requirements prescribed by rules adopted under sections 1509.23 32578  
and 1509.24 of the Revised Code~~;~~. 32579

(F) If the well is located in a coal bearing township, use of 32580  
the new well location has not been disapproved by the chief of the 32581  
division of mineral resources management and has not been 32582  
prohibited as a term or condition of the permit under section 32583  
1509.08 of the Revised Code. 32584

If the chief of the division of oil and gas resources 32585  
management approves the change of location, the chief shall issue 32586  
an emergency permit within two working days after the filing of 32587  
the request for the emergency permit. If the chief disapproves the 32588  
change of location, the chief shall, by order, deny the request 32589  
and may issue an appropriate enforcement order under section 32590  
1509.03 of the Revised Code. 32591

**Sec. 1509.10.** (A) Any person drilling within the state shall, 32592  
within sixty days after the completion of drilling operations to 32593  
the proposed total depth or after a determination that a well is a 32594



dry or lost hole, file with the division of ~~mineral~~ oil and gas 32595  
resources management all wireline electric logs and an accurate 32596  
well completion record on a form that is approved by the chief of 32597  
the division of ~~mineral~~ oil and gas resources management that 32598  
designates: 32599

(1) The purpose for which the well was drilled; 32600

(2) The character, depth, and thickness of geological units 32601  
encountered, including coal seams, mineral beds, associated fluids 32602  
such as fresh water, brine, and crude oil, natural gas, and sour 32603  
gas, if such seams, beds, fluids, or gases are known; 32604

(3) The dates on which drilling operations were commenced and 32605  
completed; 32606

(4) The types of drilling tools used and the name of the 32607  
person that drilled the well; 32608

(5) The length in feet of the various sizes of casing and 32609  
tubing used in drilling the well, the amount removed after 32610  
completion, the type and setting depth of each packer, all other 32611  
data relating to cementing in the annular space behind such casing 32612  
or tubing, and data indicating completion as a dry, gas, oil, 32613  
combination oil and gas, brine injection, or artificial brine well 32614  
or a stratigraphic test; 32615

(6) The number of perforations in the casing and the 32616  
intervals of the perforations; 32617

(7) The elevation above mean sea level of the point from 32618  
which the depth measurements were made, stating also the height of 32619  
the point above ground level at the well, the total depth of the 32620  
well, and the deepest geological unit that was penetrated in the 32621  
drilling of the well; 32622

(8) If applicable, the type, volume, and concentration of 32623  
acid, and the date on which acid was used in acidizing the well; 32624

(9) If applicable, the type and volume of fluid used to stimulate the reservoir of the well, the reservoir breakdown pressure, the method used for the containment of fluids recovered from the fracturing of the well, the methods used for the containment of fluids when pulled from the wellbore from swabbing the well, the average pumping rate of the well, and the name of the person that performed the well stimulation. In addition, the owner shall include a copy of the log from the stimulation of the well, a copy of the invoice for each of the procedures and methods described in division (A)(9) of this section that were used on a well, and a copy of the pumping pressure and rate graphs. However, the owner may redact from the copy of each invoice that is required to be included under division (A)(9) of this section the costs of and charges for the procedures and methods described in division (A)(9) of this section that were used on a well.

(10) The name of the company that performed the logging of the well and the types of wireline electric logs performed on the well.

The well completion record shall be submitted in duplicate. The first copy shall be retained as a permanent record in the files of the division, and the second copy shall be transmitted by the chief to the division of geological survey.

(B)(1) Not later than sixty days after the completion of the drilling operations to the proposed total depth, the owner shall file all wireline electric logs with the division of ~~mineral oil~~ and gas resources management and the chief shall transmit such logs electronically, if available, to the division of geological survey. Such logs may be retained by the owner for a period of not more than six months, or such additional time as may be granted by the chief in writing, after the completion of the well substantially to the depth shown in the application required by section 1509.06 of the Revised Code.

(2) If a well is not completed within sixty days after the completion of drilling operations, the owner shall file with the division of oil and gas resources management a supplemental well completion record that includes all of the information required under this section within sixty days after the completion of the well.

(C) Upon request in writing by the chief of the division of geological survey prior to the beginning of drilling of the well, the person drilling the well shall make available a complete set of cuttings accurately identified as to depth.

(D) The form of the well completion record required by this section shall be one that has been approved by the chief of the division of ~~mineral~~ oil and gas resources management and the chief of the division of geological survey. The filing of a log as required by this section fulfills the requirement of filing a log with the chief of the division of geological survey in section 1505.04 of the Revised Code.

(E) If there is a material listed on the invoice that is required by division (A)(9) of this section for which the division of ~~mineral~~ oil and gas resources management does not have a material safety data sheet, the chief shall obtain a copy of the material safety data sheet for the material and post a copy of the material safety data sheet on the division's web site.

**Sec. 1509.11.** The owner of any well producing or capable of producing oil or gas shall file with the chief of the division of ~~mineral~~ oil and gas resources management, on or before the thirty-first day of March, a statement of production of oil, gas, and brine for the last preceding calendar year in such form as the chief may prescribe. An owner that has more than one hundred wells in this state shall submit electronically the statement of production in a format that is approved by the chief. The chief

shall include on the form, at the minimum, a request for the 32688  
submittal of the information that a person who is regulated under 32689  
this chapter is required to submit under the "Emergency Planning 32690  
and Community Right-To-Know Act of 1986," 100 Stat. 1728, 42 32691  
U.S.C.A. 11001, and regulations adopted under it, and that the 32692  
division does not obtain through other reporting mechanisms. 32693

**Sec. 1509.12.** (A) No owner of any well shall construct a 32694  
well, or permit defective casing in a well to leak fluids or 32695  
gases, that causes damage to other permeable strata, underground 32696  
sources of drinking water, or the surface of the land or that 32697  
threatens the public health and safety or the environment. Upon 32698  
the discovery that the casing in a well is defective or that a 32699  
well was not adequately constructed, the owner of the well shall 32700  
notify the chief of the division of ~~mineral~~ oil and gas resources 32701  
management within twenty-four hours of the discovery, and the 32702  
owner shall immediately repair the casing, correct the 32703  
construction inadequacies, or plug and abandon the well. 32704

(B) When the chief finds that a well should be plugged, the 32705  
chief shall notify the owner to that effect by order in writing 32706  
and shall specify in the order a reasonable time within which to 32707  
comply. No owner shall fail or refuse to plug a well within the 32708  
time specified in the order. Each day on which such a well remains 32709  
unplugged thereafter constitutes a separate offense. 32710

Where the plugging method prescribed by rules adopted 32711  
pursuant to section 1509.15 of the Revised Code cannot be applied 32712  
or if applied would be ineffective in carrying out the protection 32713  
that the law is meant to give, the chief may designate a different 32714  
method of plugging. The abandonment report shall show the manner 32715  
in which the well was plugged. 32716

(C) In case of oil or gas wells abandoned prior to September 32717  
1, 1978, the board of county commissioners of the county in which 32718

the wells are located may submit to the electors of the county the 32719  
question of establishing a special fund, by general levy, by 32720  
general bond issue, or out of current funds, which shall be 32721  
approved by a majority of the electors voting upon that question 32722  
for the purpose of plugging the wells. The fund shall be 32723  
administered by the board and the plugging of oil and gas wells 32724  
shall be under the supervision of the chief, and the board shall 32725  
let contracts for that purpose, provided that the fund shall not 32726  
be used for the purpose of plugging oil and gas wells that were 32727  
abandoned subsequent to September 1, 1978. 32728

**Sec. 1509.13.** (A) No person shall plug and abandon a well 32729  
without having a permit to do so issued by the chief of the 32730  
division of ~~mineral~~ oil and gas resources management. The permit 32731  
shall be issued by the chief in accordance with this chapter and 32732  
shall be valid for a period of twenty-four months from the date of 32733  
issue. 32734

(B) Application by the owner for a permit to plug and abandon 32735  
shall be filed as many days in advance as will be necessary for a 32736  
~~mineral~~ an oil and gas resources inspector or, if the well is 32737  
located in a coal bearing township, both a deputy mine inspector 32738  
and a ~~mineral~~ an oil and gas resources inspector to be present at 32739  
the plugging. The application shall be filed with the chief upon a 32740  
form that the chief prescribes and shall contain the following 32741  
information: 32742

(1) The name and address of the owner; 32743

(2) The signature of the owner or the owner's authorized 32744  
agent. When an authorized agent signs an application, it shall be 32745  
accompanied by a certified copy of the appointment as that agent. 32746

(3) The location of the well identified by section or lot 32747  
number, city, village, township, and county; 32748

(4) Designation of well by name and number;	32749
(5) The total depth of the well to be plugged;	32750
(6) The date and amount of last production from the well;	32751
(7) Other data that the chief may require.	32752
(C) If oil or gas has been produced from the well, the	32753
application shall be accompanied by a fee of two hundred fifty	32754
dollars. If a well has been drilled in accordance with law and the	32755
permit is still valid, the permit holder may receive approval to	32756
plug the well from <del>a mineral</del> <u>an oil and gas</u> resources inspector so	32757
that the well can be plugged and abandoned without undue delay.	32758
Unless waived by <del>a mineral</del> <u>an oil and gas</u> resources inspector, the	32759
owner of a well or the owner's authorized representative shall	32760
notify <del>a mineral</del> <u>an oil and gas</u> resources inspector at least	32761
twenty-four hours prior to the commencement of the plugging of a	32762
well. No well shall be plugged and abandoned without <del>a mineral</del> <u>an</u>	32763
<u>oil and gas</u> resources inspector present unless permission has been	32764
granted by the chief. The owner of a well that has produced oil or	32765
gas shall give written notice at the same time to the owner of the	32766
land upon which the well is located and to all lessors that	32767
receive gas from the well pursuant to a lease agreement. If the	32768
well penetrates or passes within one hundred feet of the	32769
excavations and workings of a mine, the owner of the well shall	32770
give written notice to the owner or lessee of that mine, of the	32771
well owner's intention to abandon the well and of the time when	32772
the well owner will be prepared to commence plugging it.	32773
(D) An applicant may file a request with the chief for	32774
expedited review of an application for a permit to plug and	32775
abandon a well. The chief may refuse to accept a request for	32776
expedited review if, in the chief's judgment, acceptance of the	32777
request will prevent the issuance, within twenty-one days of	32778
filing, of permits for which applications filed under section	32779

1509.06 of the Revised Code are pending. In addition to a complete application for a permit that meets the requirements of this section and the permit fee prescribed by this section, if applicable, a request shall be accompanied by a nonrefundable filing fee of five hundred dollars unless the chief has ordered the applicant to plug and abandon the well. When a request for expedited review is filed, the chief shall immediately begin to process the application and shall issue a permit within seven days of the filing of the request unless the chief, by order, denies the application.

(E) This section does not apply to a well plugged or abandoned in compliance with section 1571.05 of the Revised Code.

**Sec. 1509.14.** Any person who abandons a well, when written permission has been granted by the chief of the division of ~~mineral oil and gas~~ resources management to abandon and plug the well without an inspector being present to supervise the plugging, shall make a written report of the abandonment to the chief. The report shall be submitted not later than thirty days after the date of abandonment and shall include all of the following:

(A) The date of abandonment;

(B) The name of the owner or operator of the well at the time of abandonment and the post-office address of the owner or operator;

(C) The location of the well as to township and county and the name of the owner of the surface upon which the well is drilled, with the address thereof;

(D) The date of the permit to drill;

(E) The date when drilled;

(F) The depth of the well;

(G) The depth of the top of the formation to which the well

was drilled; 32810

(H) The depth of each seam of coal drilled through, if known; 32811

(I) A detailed report as to how the well was plugged, giving 32812  
in particular the manner in which the coal and various formations 32813  
were plugged, and the date of the plugging of the well, including 32814  
the names of those who witnessed the plugging of the well. 32815

The report shall be signed by the owner or operator, or the 32816  
agent of the owner or operator, who abandons and plugs the well 32817  
and verified by the oath of the party so signing. For the purposes 32818  
of this section, the ~~mineral oil and gas~~ resources inspectors may 32819  
take acknowledgments and administer oaths to the parties signing 32820  
the report. 32821

**Sec. 1509.15.** When any well is to be abandoned, it shall 32822  
first be plugged in accordance with a method of plugging adopted 32823  
by rule by the chief of the division of ~~mineral oil and gas~~ 32824  
resources management. The abandonment report shall show the manner 32825  
in which the well was plugged. 32826

**Sec. 1509.17.** (A) A well shall be constructed in a manner 32827  
that is approved by the chief of the division of ~~mineral oil and~~ 32828  
~~gas~~ resources management as specified in the permit using 32829  
materials that comply with industry standards for the type and 32830  
depth of the well and the anticipated fluid pressures that are 32831  
associated with the well. In addition, a well shall be constructed 32832  
using sufficient steel or conductor casing in a manner that 32833  
supports unconsolidated sediments, that protects and isolates all 32834  
underground sources of drinking water as defined by the Safe 32835  
Drinking Water Act, and that provides a base for a blowout 32836  
preventer or other well control equipment that is necessary to 32837  
control formation pressures and fluids during the drilling of the 32838  
well and other operations to complete the well. Using steel 32839



production casing with sufficient cement, an oil and gas reservoir 32840  
shall be isolated during well stimulation and during the 32841  
productive life of the well. In addition, sour gas zones and gas 32842  
bearing zones that have sufficient pressure and volume to 32843  
over-pressurize the surface production casing annulus resulting in 32844  
annular overpressurization shall be isolated using approved 32845  
cementing, casing, and well construction practices. However, 32846  
isolating an oil and gas reservoir shall not exclude open-hole 32847  
completion. A well shall not be perforated for purposes of well 32848  
stimulation in any zone that is located around casing that 32849  
protects underground sources of drinking water without written 32850  
authorization from the chief in accordance with division (D) of 32851  
this section. When the well penetrates the excavations of a mine, 32852  
the casing shall remain intact as provided in section 1509.18 of 32853  
the Revised Code and be plugged and abandoned in accordance with 32854  
section 1509.15 of the Revised Code. 32855

(B) The chief may adopt rules in accordance with Chapter 119. 32856  
of the Revised Code that are consistent with division (A) of this 32857  
section and that establish standards for constructing a well, for 32858  
evaluating the quality of well construction materials, and for 32859  
completing remedial cementing. In addition, the standards 32860  
established in the rules shall consider local geology and various 32861  
drilling conditions and shall require the use of reasonable 32862  
methods that are based on sound engineering principles. 32863

(C) An owner or an owner's authorized representative shall 32864  
notify ~~a mineral~~ an oil and gas resources inspector each time that 32865  
the owner or the authorized representative notifies a person to 32866  
perform the cementing of the conductor casing, the surface casing, 32867  
or the production casing. In addition, not later than sixty days 32868  
after the completion of the cementing of the production casing, an 32869  
owner shall submit to the chief a copy of the cement tickets for 32870  
each cemented string of casing and a copy of all logs that were 32871

used to evaluate the quality of the cementing. 32872

(D) The chief shall grant an exemption from this section and 32873  
rules adopted under it for a well if the chief determines that a 32874  
cement bond log confirms zonal isolation and there is a minimum of 32875  
five hundred feet between the uppermost perforation of the casing 32876  
and the lowest depth of an underground source of drinking water. 32877

**Sec. 1509.181.** (A) The chief of the division of mineral 32878  
resources management may order the immediate suspension of the 32879  
drilling or reopening of a well in a coal bearing township after 32880  
determining that the drilling or reopening activities present an 32881  
imminent and substantial threat to public health or safety or to a 32882  
miner's health or safety. 32883

(B) Before issuing an order under division (A) of this 32884  
section, the chief shall notify the chief of the division of oil 32885  
and gas resources management and the owner in any manner that the 32886  
chief of the division of mineral resources management determines 32887  
would provide reasonable notification of the chief's intent to 32888  
issue a suspension order. However, the chief may order the 32889  
immediate suspension of the drilling or reopening of a well in a 32890  
coal bearing township without prior notification to the owner if 32891  
the chief has made reasonable attempts to notify the owner and the 32892  
attempts have failed. If the chief orders the immediate suspension 32893  
of such drilling or reopening, the chief shall provide the chief 32894  
of the division of oil and gas resources management and the owner 32895  
notice of the order as soon as practical. 32896

(C) Not later than five days after the issuance of an order 32897  
under division (A) of this section to immediately suspend the 32898  
drilling or reopening of a well in a coal bearing township, the 32899  
chief of the division of mineral resources management shall 32900  
provide the owner an opportunity to be heard and to present 32901  
evidence that the drilling or reopening activities will not likely 32902

result in an imminent and substantial threat to public health or 32903  
safety or to a miner's health or safety, as applicable. If the 32904  
chief, after considering all evidence presented by the owner, 32905  
determines that the activities do not present such a threat, the 32906  
chief shall revoke the suspension order. 32907

(D) Notwithstanding any other provision of this chapter, an 32908  
owner may appeal a suspension order issued under this section to 32909  
the reclamation commission in accordance with section 1513.13 of 32910  
the Revised Code. 32911

**Sec. 1509.19.** An owner who elects to stimulate a well shall 32912  
stimulate the well in a manner that will not endanger underground 32913  
sources of drinking water. Not later than twenty-four hours before 32914  
commencing the stimulation of a well, the owner or the owner's 32915  
authorized representative shall notify ~~a mineral~~ an oil and gas 32916  
resources inspector. If during the stimulation of a well damage to 32917  
the production casing or cement occurs and results in the 32918  
circulation of fluids from the annulus of the surface production 32919  
casing, the owner shall immediately terminate the stimulation of 32920  
the well and notify the chief of the division of ~~mineral~~ oil and 32921  
gas resources management. If the chief determines that the casing 32922  
and the cement may be remediated in a manner that isolates the oil 32923  
and gas bearing zones of the well, the chief may authorize the 32924  
completion of the stimulation of the well. If the chief determines 32925  
that the stimulation of a well resulted in irreparable damage to 32926  
the well, the chief shall order that the well be plugged and 32927  
abandoned within thirty days of the issuance of the order. 32928

For purposes of determining the integrity of the remediation 32929  
of the casing or cement of a well that was damaged during the 32930  
stimulation of the well, the chief may require the owner of the 32931  
well to submit cement evaluation logs, temperature surveys, 32932  
pressure tests, or a combination of such logs, surveys, and tests. 32933

**Sec. 1509.21.** No person shall, without first having obtained 32934  
a permit from the chief of the division of ~~mineral~~ oil and gas 32935  
resources management, conduct secondary or additional recovery 32936  
operations, including any underground injection of fluids or 32937  
carbon dioxide for the secondary or tertiary recovery of oil or 32938  
natural gas or for the storage of hydrocarbons that are liquid at 32939  
standard temperature or pressure, unless a rule of the chief 32940  
expressly authorizes such operations without a permit. The permit 32941  
shall be in addition to any permit required by section 1509.05 of 32942  
the Revised Code. Secondary or additional recovery operations 32943  
shall be conducted in accordance with rules and orders of the 32944  
chief and any terms or conditions of the permit authorizing such 32945  
operations. In addition, the chief may authorize tests to evaluate 32946  
whether fluids or carbon dioxide may be injected in a reservoir 32947  
and to determine the maximum allowable injection pressure. The 32948  
tests shall be conducted in accordance with methods prescribed in 32949  
rules of the chief or conditions of the permit. Rules adopted 32950  
under this section shall include provisions regarding applications 32951  
for and the issuance of permits; the terms and conditions of 32952  
permits; entry to conduct inspections and to examine records to 32953  
ascertain compliance with this section and rules, orders, and 32954  
terms and conditions of permits adopted or issued thereunder; the 32955  
provision and maintenance of information through monitoring, 32956  
recordkeeping, and reporting; and other provisions in furtherance 32957  
of the goals of this section and the Safe Drinking Water Act. To 32958  
implement the goals of the Safe Drinking Water Act, the chief 32959  
shall not issue a permit for the underground injection of fluids 32960  
for the secondary or tertiary recovery of oil or natural gas or 32961  
for the storage of hydrocarbons that are liquid at standard 32962  
temperature and pressure, unless the chief concludes that the 32963  
applicant has demonstrated that the injection will not result in 32964  
the presence of any contaminant in underground water that supplies 32965

or can be reasonably expected to supply any public water system, 32966  
such that the presence of any such contaminant may result in the 32967  
system's not complying with any national primary drinking water 32968  
regulation or may otherwise adversely affect the health of 32969  
persons. Rules, orders, and terms or conditions of permits adopted 32970  
or issued under this section shall be construed to be no more 32971  
stringent than required for compliance with the Safe Drinking 32972  
Water Act, unless essential to ensure that underground sources of 32973  
drinking water will not be endangered. 32974

**Sec. 1509.22.** (A) Except when acting in accordance with 32975  
section 1509.226 of the Revised Code, no person shall place or 32976  
cause to be placed brine, crude oil, natural gas, or other fluids 32977  
associated with the exploration or development of oil and gas 32978  
resources in surface or ground water or in or on the land in such 32979  
quantities or in such manner as actually causes or could 32980  
reasonably be anticipated to cause either of the following: 32981

(1) Water used for consumption by humans or domestic animals 32982  
to exceed the standards of the Safe Drinking Water Act; 32983

(2) Damage or injury to public health or safety or the 32984  
environment. 32985

(B) No person shall store or dispose of brine in violation of 32986  
a plan approved under division (A) of section 1509.222 or section 32987  
1509.226 of the Revised Code, in violation of a resolution 32988  
submitted under section 1509.226 of the Revised Code, or in 32989  
violation of rules or orders applicable to those plans or 32990  
resolutions. 32991

(C) The chief of the division of ~~mineral~~ oil and gas 32992  
resources management shall adopt rules and issue orders regarding 32993  
storage and disposal of brine and other waste substances; however, 32994  
the storage and disposal of brine and other waste substances and 32995  
the chief's rules relating to storage and disposal are subject to 32996

all of the following standards: 32997

(1) Brine from any well except an exempt Mississippian well 32998  
shall be disposed of only by injection into an underground 32999  
formation, including annular disposal if approved by rule of the 33000  
chief, which injection shall be subject to division (D) of this 33001  
section; by surface application in accordance with section 33002  
1509.226 of the Revised Code; in association with a method of 33003  
enhanced recovery as provided in section 1509.21 of the Revised 33004  
Code; or by other methods approved by the chief for testing or 33005  
implementing a new technology or method of disposal. Brine from 33006  
exempt Mississippian wells shall not be discharged directly into 33007  
the waters of the state. 33008

(2) Muds, cuttings, and other waste substances shall not be 33009  
disposed of in violation of any rule. 33010

(3) Pits or steel tanks shall be used as authorized by the 33011  
chief for containing brine and other waste substances resulting 33012  
from, obtained from, or produced in connection with drilling, well 33013  
stimulation, reworking, reconditioning, plugging back, or plugging 33014  
operations. The pits and steel tanks shall be constructed and 33015  
maintained to prevent the escape of brine and other waste 33016  
substances. 33017

(4) A dike or pit may be used for spill prevention and 33018  
control. A dike or pit so used shall be constructed and maintained 33019  
to prevent the escape of brine and crude oil, and the reservoir 33020  
within such a dike or pit shall be kept reasonably free of brine, 33021  
crude oil, and other waste substances. 33022

(5) Earthen impoundments constructed pursuant to the 33023  
division's specifications may be used for the temporary storage of 33024  
fluids used in the stimulation of a well. 33025

(6) No pit, earthen impoundment, or dike shall be used for 33026  
the temporary storage of brine or other substances except in 33027

accordance with divisions (C)(3) to (5) of this section. 33028

(7) No pit or dike shall be used for the ultimate disposal of 33029  
brine or other liquid waste substances. 33030

(D) No person, without first having obtained a permit from 33031  
the chief, shall inject brine or other waste substances resulting 33032  
from, obtained from, or produced in connection with oil or gas 33033  
drilling, exploration, or production into an underground formation 33034  
unless a rule of the chief expressly authorizes the injection 33035  
without a permit. The permit shall be in addition to any permit 33036  
required by section 1509.05 of the Revised Code, and the permit 33037  
application shall be accompanied by a permit fee of one thousand 33038  
dollars. The chief shall adopt rules in accordance with Chapter 33039  
119. of the Revised Code regarding the injection into wells of 33040  
brine and other waste substances resulting from, obtained from, or 33041  
produced in connection with oil or gas drilling, exploration, or 33042  
production. The rules may authorize tests to evaluate whether 33043  
fluids or carbon dioxide may be injected in a reservoir and to 33044  
determine the maximum allowable injection pressure, which shall be 33045  
conducted in accordance with methods prescribed in the rules or in 33046  
accordance with conditions of the permit. In addition, the rules 33047  
shall include provisions regarding applications for and issuance 33048  
of the permits required by this division; entry to conduct 33049  
inspections and to examine and copy records to ascertain 33050  
compliance with this division and rules, orders, and terms and 33051  
conditions of permits adopted or issued under it; the provision 33052  
and maintenance of information through monitoring, recordkeeping, 33053  
and reporting; and other provisions in furtherance of the goals of 33054  
this section and the Safe Drinking Water Act. To implement the 33055  
goals of the Safe Drinking Water Act, the chief shall not issue a 33056  
permit for the injection of brine or other waste substances 33057  
resulting from, obtained from, or produced in connection with oil 33058  
or gas drilling, exploration, or production unless the chief 33059

concludes that the applicant has demonstrated that the injection 33060  
will not result in the presence of any contaminant in ground water 33061  
that supplies or can reasonably be expected to supply any public 33062  
water system, such that the presence of the contaminant may result 33063  
in the system's not complying with any national primary drinking 33064  
water regulation or may otherwise adversely affect the health of 33065  
persons. This division and rules, orders, and terms and conditions 33066  
of permits adopted or issued under it shall be construed to be no 33067  
more stringent than required for compliance with the Safe Drinking 33068  
Water Act unless essential to ensure that underground sources of 33069  
drinking water will not be endangered. 33070

(E) The owner holding a permit, or an assignee or transferee 33071  
who has assumed the obligations and liabilities imposed by this 33072  
chapter and any rules adopted or orders issued under it pursuant 33073  
to section 1509.31 of the Revised Code, and the operator of a well 33074  
shall be liable for a violation of this section or any rules 33075  
adopted or orders or terms or conditions of a permit issued under 33076  
it. 33077

(F) An owner shall replace the water supply of the holder of 33078  
an interest in real property who obtains all or part of the 33079  
holder's supply of water for domestic, agricultural, industrial, 33080  
or other legitimate use from an underground or surface source 33081  
where the supply has been substantially disrupted by 33082  
contamination, diminution, or interruption proximately resulting 33083  
from the owner's oil or gas operation, or the owner may elect to 33084  
compensate the holder of the interest in real property for the 33085  
difference between the fair market value of the interest before 33086  
the damage occurred to the water supply and the fair market value 33087  
after the damage occurred if the cost of replacing the water 33088  
supply exceeds this difference in fair market values. However, 33089  
during the pendency of any order issued under this division, the 33090  
owner shall obtain for the holder or shall reimburse the holder 33091



for the reasonable cost of obtaining a water supply from the time 33092  
of the contamination, diminution, or interruption by the operation 33093  
until the owner has complied with an order of the chief for 33094  
compliance with this division or such an order has been revoked or 33095  
otherwise becomes not effective. If the owner elects to pay the 33096  
difference in fair market values, but the owner and the holder 33097  
have not agreed on the difference within thirty days after the 33098  
chief issues an order for compliance with this division, within 33099  
ten days after the expiration of that thirty-day period, the owner 33100  
and the chief each shall appoint an appraiser to determine the 33101  
difference in fair market values, except that the holder of the 33102  
interest in real property may elect to appoint and compensate the 33103  
holder's own appraiser, in which case the chief shall not appoint 33104  
an appraiser. The two appraisers appointed shall appoint a third 33105  
appraiser, and within thirty days after the appointment of the 33106  
third appraiser, the three appraisers shall hold a hearing to 33107  
determine the difference in fair market values. Within ten days 33108  
after the hearing, the appraisers shall make their determination 33109  
by majority vote and issue their final determination of the 33110  
difference in fair market values. The chief shall accept a 33111  
determination of the difference in fair market values made by 33112  
agreement of the owner and holder or by appraisers under this 33113  
division and shall make and dissolve orders accordingly. This 33114  
division does not affect in any way the right of any person to 33115  
enforce or protect, under applicable law, the person's interest in 33116  
water resources affected by an oil or gas operation. 33117

(G) In any action brought by the state for a violation of 33118  
division (A) of this section involving any well at which annular 33119  
disposal is used, there shall be a rebuttable presumption 33120  
available to the state that the annular disposal caused the 33121  
violation if the well is located within a one-quarter-mile radius 33122  
of the site of the violation. 33123

Sec. 1509.221. (A) No person, without first having obtained a 33124  
permit from the chief of the division of ~~mineral oil and gas~~ 33125  
resources management, shall drill a well or inject a substance 33126  
into a well for the exploration for or extraction of minerals or 33127  
energy, other than oil or natural gas, including, but not limited 33128  
to, the mining of sulfur by the Frasch process, the solution 33129  
mining of minerals, the in situ combustion of fossil fuel, or the 33130  
recovery of geothermal energy to produce electric power, unless a 33131  
rule of the chief expressly authorizes the activity without a 33132  
permit. The permit shall be in addition to any permit required by 33133  
section 1509.05 of the Revised Code. The chief shall adopt rules 33134  
in accordance with Chapter 119. of the Revised Code governing the 33135  
issuance of permits under this section. The rules shall include 33136  
provisions regarding the matters the applicant for a permit shall 33137  
demonstrate to establish eligibility for a permit; the form and 33138  
content of applications for permits; the terms and conditions of 33139  
permits; entry to conduct inspections and to examine and copy 33140  
records to ascertain compliance with this section and rules, 33141  
orders, and terms and conditions of permits adopted or issued 33142  
thereunder; provision and maintenance of information through 33143  
monitoring, recordkeeping, and reporting; and other provisions in 33144  
furtherance of the goals of this section and the Safe Drinking 33145  
Water Act. To implement the goals of the Safe Drinking Water Act, 33146  
the chief shall not issue a permit under this section, unless the 33147  
chief concludes that the applicant has demonstrated that the 33148  
drilling, injection of a substance, and extraction of minerals or 33149  
energy will not result in the presence of any contaminant in 33150  
underground water that supplies or can reasonably be expected to 33151  
supply any public water system, such that the presence of the 33152  
contaminant may result in the system's not complying with any 33153  
national primary drinking water regulation or may otherwise 33154  
adversely affect the health of persons. The chief may issue, 33155

without a prior adjudication hearing, orders requiring compliance 33156  
with this section and rules, orders, and terms and conditions of 33157  
permits adopted or issued thereunder. This section and rules, 33158  
orders, and terms and conditions of permits adopted or issued 33159  
thereunder shall be construed to be no more stringent than 33160  
required for compliance with the Safe Drinking Water Act, unless 33161  
essential to ensure that underground sources of drinking water 33162  
will not be endangered. 33163

(B)(1) There is levied on the owner of an injection well who 33164  
has been issued a permit under division (D) of section 1509.22 of 33165  
the Revised Code the following fees: 33166

(a) Five cents per barrel of each substance that is delivered 33167  
to a well to be injected in the well when the substance is 33168  
produced within the division of ~~mineral~~ oil and gas resources 33169  
management regulatory district in which the well is located or 33170  
within an adjoining ~~mineral~~ oil and gas resources management 33171  
regulatory district; 33172

(b) Twenty cents per barrel of each substance that is 33173  
delivered to a well to be injected in the well when the substance 33174  
is not produced within the division of ~~mineral~~ oil and gas 33175  
resources management regulatory district in which the well is 33176  
located or within an adjoining ~~mineral~~ oil and gas resources 33177  
management regulatory district. 33178

(2) The maximum number of barrels of substance per injection 33179  
well in a calendar year on which a fee may be levied under 33180  
division (B) of this section is five hundred thousand. If in a 33181  
calendar year the owner of an injection well receives more than 33182  
five hundred thousand barrels of substance to be injected in the 33183  
owner's well and if the owner receives at least one substance that 33184  
is produced within the division's regulatory district in which the 33185  
well is located or within an adjoining regulatory district and at 33186  
least one substance that is not produced within the division's 33187

regulatory district in which the well is located or within an 33188  
adjoining regulatory district, the fee shall be calculated first 33189  
on all of the barrels of substance that are not produced within 33190  
the division's regulatory district in which the well is located or 33191  
within an adjoining district at the rate established in division 33192  
(B)(2) of this section. The fee then shall be calculated on the 33193  
barrels of substance that are produced within the division's 33194  
regulatory district in which the well is located or within an 33195  
adjoining district at the rate established in division (B)(1) of 33196  
this section until the maximum number of barrels established in 33197  
division (B)(2) of this section has been attained. 33198

(3) The owner of an injection well who is issued a permit 33199  
under division (D) of section 1509.22 of the Revised Code shall 33200  
collect the fee levied by division (B) of this section on behalf 33201  
of the division of ~~mineral~~ oil and gas resources management and 33202  
forward the fee to the division. The chief shall transmit all 33203  
money received under division (B) of this section to the treasurer 33204  
of state who shall deposit the money in the state treasury to the 33205  
credit of the oil and gas well fund created in section 1509.02 of 33206  
the Revised Code. The owner of an injection well who collects the 33207  
fee levied by this division may retain up to three per cent of the 33208  
amount that is collected. 33209

(4) The chief shall adopt rules in accordance with Chapter 33210  
119. of the Revised Code establishing requirements and procedures 33211  
for collection of the fee levied by division (B) of this section. 33212

(C) In an action under section 1509.04 or 1509.33 of the 33213  
Revised Code to enforce this section, the court shall grant 33214  
preliminary and permanent injunctive relief and impose a civil 33215  
penalty upon the showing that the person against whom the action 33216  
is brought has violated, is violating, or will violate this 33217  
section or rules, orders, or terms or conditions of permits 33218  
adopted or issued thereunder. The court shall not require, prior 33219

to granting such preliminary and permanent injunctive relief or 33220  
imposing a civil penalty, proof that the violation was, is, or 33221  
will be the result of intentional conduct or negligence. In any 33222  
such action, any person may intervene as a plaintiff upon the 33223  
demonstration that the person has an interest that is or may be 33224  
adversely affected by the activity for which injunctive relief or 33225  
a civil penalty is sought. 33226

**Sec. 1509.222.** (A)(1) Except as provided in section 1509.226 33227  
of the Revised Code, no person shall transport brine by vehicle in 33228  
this state unless the business entity that employs the person 33229  
first registers with and obtains a registration certificate and 33230  
identification number from the chief of the division of ~~mineral~~ 33231  
oil and gas resources management. 33232

(2) No more than one registration certificate shall be 33233  
required of any business entity. Registration certificates issued 33234  
under this section are not transferable. An applicant shall file 33235  
an application with the chief, containing such information in such 33236  
form as the chief prescribes, but including a plan for disposal 33237  
that provides for compliance with the requirements of this chapter 33238  
and rules of the chief pertaining to the transportation of brine 33239  
by vehicle and the disposal of brine so transported and that lists 33240  
all disposal sites that the applicant intends to use, the bond 33241  
required by section 1509.225 of the Revised Code, and a 33242  
certificate issued by an insurance company authorized to do 33243  
business in this state certifying that the applicant has in force 33244  
a liability insurance policy in an amount not less than three 33245  
hundred thousand dollars bodily injury coverage and three hundred 33246  
thousand dollars property damage coverage to pay damages for 33247  
injury to persons or property caused by the collecting, handling, 33248  
transportation, or disposal of brine. The policy shall be 33249  
maintained in effect during the term of the registration 33250  
certificate. The policy or policies providing the coverage shall 33251

require the insurance company to give notice to the chief if the 33252  
policy or policies lapse for any reason. Upon such termination of 33253  
the policy, the chief may suspend the registration certificate 33254  
until proper insurance coverage is obtained. Each application for 33255  
a registration certificate shall be accompanied by a nonrefundable 33256  
fee of five hundred dollars. 33257

(3) If a business entity that has been issued a registration 33258  
certificate under this section changes its name due to a business 33259  
reorganization or merger, the business entity shall revise the 33260  
bond or certificates of deposit required by section 1509.225 of 33261  
the Revised Code and obtain a new certificate from an insurance 33262  
company in accordance with division (A)(2) of this section to 33263  
reflect the change in the name of the business entity. 33264

(B) The chief shall issue an order denying an application for 33265  
a registration certificate if the chief finds that either of the 33266  
following applies: 33267

(1) The applicant, at the time of applying for the 33268  
registration certificate, has been found liable by a final 33269  
nonappealable order of a court of competent jurisdiction for 33270  
damage to streets, roads, highways, bridges, culverts, or 33271  
drainways pursuant to section 4513.34 or 5577.12 of the Revised 33272  
Code until the applicant provides the chief with evidence of 33273  
compliance with the order. 33274

(2) The applicant's plan for disposal does not provide for 33275  
compliance with the requirements of this chapter and rules of the 33276  
chief pertaining to the transportation of brine by vehicle and the 33277  
disposal of brine so transported. 33278

(C) No applicant shall attempt to circumvent division (B) of 33279  
this section by applying for a registration certificate under a 33280  
different name or business organization name, by transferring 33281  
responsibility to another person or entity, or by any similar act. 33282

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

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

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

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

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

(1) The name of the owner or owners of the well or wells producing the brine to be transported; 33314  
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(2) The date and time the brine is loaded; 33316

(3) The name of the driver; 33317

(4) The amount of brine loaded at each collection point; 33318

(5) The disposal location; 33319

(6) The date and time the brine is disposed of and the amount of brine disposed of at each location. 33320  
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No registered transporter shall falsify or fail to keep or submit the log required by this division. 33322  
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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. 33324  
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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. 33330  
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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 33338  
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certificate issued thereunder exists or has existed, and the 33344  
violations are caused by the transporter's indifference, lack of 33345  
diligence, or lack of reasonable care, or are willfully caused by 33346  
the transporter, the chief shall immediately issue an order to the 33347  
transporter to show cause why the certificate should not be 33348  
suspended or revoked. After the issuance of the order, the chief 33349  
shall provide the transporter an opportunity to be heard and to 33350  
present evidence at an informal hearing conducted by the chief. 33351  
If, at the conclusion of the hearing, the chief finds that such a 33352  
pattern of violations exists or has existed, the chief shall issue 33353  
an order suspending or revoking the transporter's registration 33354  
certificate. An order suspending or revoking a certificate under 33355  
this section may be appealed under sections 1509.36 and 1509.37 of 33356  
the Revised Code, or notwithstanding any other provision of this 33357  
chapter, may be appealed directly to the court of common pleas of 33358  
Franklin county. 33359

(B) Before issuing an order denying a registration 33360  
certificate; approving or denying approval of an application for 33361  
revision of a registered transporter's plan for disposal; or to 33362  
implement, administer, or enforce section 1509.22, 1509.222, 33363  
1509.223, 1509.225, or 1509.226 of the Revised Code and rules and 33364  
terms and conditions of registration certificates adopted or 33365  
issued thereunder pertaining to the transportation of brine by 33366  
vehicle and the disposal of brine so transported, the chief shall 33367  
issue a preliminary order indicating the chief's intent to issue a 33368  
final order. The preliminary order shall clearly state the nature 33369  
of the chief's proposed action and the findings on which it is 33370  
based and shall state that the preliminary order becomes a final 33371  
order thirty days after its issuance unless the person to whom the 33372  
preliminary order is directed submits to the chief a written 33373  
request for an informal hearing before the chief within that 33374  
thirty-day period. At the hearing the person may present evidence 33375  
as to why the preliminary order should be revoked or modified. 33376

Based upon the findings from the informal hearing, the chief shall 33377  
revoke, issue, or modify and issue the preliminary order as a 33378  
final order. A final order may be appealed under sections 1509.36 33379  
and 1509.37 of the Revised Code. 33380

**Sec. 1509.225.** (A) Before being issued a registration 33381  
certificate under section 1509.222 of the Revised Code, an 33382  
applicant shall execute and file with the division of ~~mineral oil~~ 33383  
and gas resources management a surety bond for fifteen thousand 33384  
dollars to provide compensation for damage and injury resulting 33385  
from transporters' violations of sections 1509.22, 1509.222, and 33386  
1509.223 of the Revised Code, all rules and orders of the chief of 33387  
the division of ~~mineral resource~~ oil and gas resources management 33388  
relating thereto, and all terms and conditions of the registration 33389  
certificate imposed thereunder. The applicant may deposit with the 33390  
chief, in lieu of a surety bond, cash in an amount equal to the 33391  
surety bond as prescribed in this section, or negotiable 33392  
certificates of deposit issued by any bank organized or 33393  
transacting business in this state, or certificates of deposit 33394  
issued by any building and loan association as defined in section 33395  
1151.01 of the Revised Code, having a cash value equal to or 33396  
greater than the amount of the surety bond as prescribed in this 33397  
section. Cash or certificates of deposit shall be deposited upon 33398  
the same terms as those upon which surety bonds may be deposited. 33399  
If certificates of deposit are deposited with the chief in lieu of 33400  
a surety bond, the chief shall require the bank or building and 33401  
loan association that issued any such certificate to pledge 33402  
securities of a cash value equal to the amount of the certificate 33403  
that is in excess of the amount insured by any of the agencies and 33404  
instrumentalities created under the "Federal Deposit Insurance 33405  
Act," 64 Stat. 873 (1950), 12 U.S.C. 1811, as amended, and 33406  
regulations adopted under it, including at least the federal 33407  
deposit insurance corporation, bank insurance fund, and savings 33408

association insurance fund. 33409

Such securities shall be security for the repayment of the 33410  
certificate of deposit. Immediately upon a deposit of cash or 33411  
certificates with the chief, the chief shall deliver it to the 33412  
treasurer of state who shall hold it in trust for the purposes for 33413  
which it has been deposited. 33414

(B) The surety bond provided for in this section shall be 33415  
executed by a surety company authorized to do business in this 33416  
state. The chief shall not approve any bond until it is personally 33417  
signed and acknowledged by both principal and surety, or as to 33418  
either by an attorney in fact, with a certified copy of the power 33419  
of attorney attached thereto. The chief shall not approve the bond 33420  
unless there is attached a certificate of the superintendent of 33421  
insurance that the company is authorized to transact a fidelity 33422  
and surety business in this state. All bonds shall be given in a 33423  
form to be prescribed by the chief. 33424

(C) If a registered transporter is found liable for a 33425  
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 33426  
Code or a rule, order, or term or condition of a certificate 33427  
involving, in any case, damage or injury to persons or property, 33428  
or both, the court may order the forfeiture of any portion of the 33429  
bond, cash, or other securities required by this section in full 33430  
or partial payment of damages to the person to whom the damages 33431  
are due. The treasurer of state and the chief shall deliver the 33432  
bond or any cash or other securities deposited in lieu of bond, as 33433  
specified in the court's order, to the person to whom the damages 33434  
are due; however, execution against the bond, cash, or other 33435  
securities, if necessary, is the responsibility of the person to 33436  
whom the damages are due. The chief shall not release the bond, 33437  
cash, or securities required by this section except by court order 33438  
or until the registration is terminated. 33439

Sec. 1509.226. (A) If a board of county commissioners, a 33440  
board of township trustees, or the legislative authority of a 33441  
municipal corporation wishes to permit the surface application of 33442  
brine to roads, streets, highways, and other similar land surfaces 33443  
it owns or has the right to control for control of dust or ice, it 33444  
may adopt a resolution permitting such application as provided in 33445  
this section. If a board or legislative authority does not adopt 33446  
such a resolution, then no such surface application of brine is 33447  
permitted on such roads, streets, highways, and other similar 33448  
surfaces. If a board or legislative authority votes on a proposed 33449  
resolution to permit such surface application of brine, but the 33450  
resolution fails to receive the affirmative vote of a majority of 33451  
the board or legislative authority, the board or legislative 33452  
authority shall not adopt such a resolution for one year following 33453  
the date on which the vote was taken. A board or legislative 33454  
authority shall hold at least one public hearing on any proposal 33455  
to permit surface application of brine under this division and may 33456  
hold additional hearings. The board or legislative authority shall 33457  
publish notice of the time and place of each such public hearing 33458  
in a newspaper of general circulation in the political subdivision 33459  
at least five days before the day on which the hearing is to be 33460  
held. 33461

(B) If a board or legislative authority adopts a resolution 33462  
permitting the surface application of brine to roads, streets, 33463  
highways, and other similar land surfaces under division (A) of 33464  
this section, the board or legislative authority shall, within 33465  
thirty days after the adoption of the resolution, prepare and 33466  
submit to the chief of the division of ~~mineral~~ oil and gas 33467  
resources management a copy of the resolution. Any department, 33468  
agency, or instrumentality of this state or the United States that 33469  
wishes to permit the surface application of brine to roads, 33470  
streets, highways, and other similar land surfaces it owns or has 33471

a right to control shall prepare and submit guidelines for such application, but need not adopt a resolution under division (A) of this section permitting such surface application.

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

(1) Brine shall not be applied:

(a) To a water-saturated surface;

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

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

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

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

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

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

(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.

(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.

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

(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. 33501

(9) Only the last twenty-five per cent of an applicator 33502  
vehicle's contents shall be allowed to have a pressure greater 33503  
than atmospheric pressure; therefore, the first seventy-five per 33504  
cent of the applicator vehicle's contents shall be discharged 33505  
under atmospheric pressure. 33506

(10) Only brine that is produced from a well shall be allowed 33507  
to be spread on a road. Fluids from the drilling of a well, 33508  
flowback from the stimulation of a well, and other fluids used to 33509  
treat a well shall not be spread on a road. 33510

If a resolution or guidelines contain only the standards 33511  
listed in ~~division~~ divisions (B)(1) to (10) of this section, 33512  
without addition or qualification, the resolution or guidelines 33513  
shall be deemed effective when submitted to the chief without 33514  
further action by the chief. All other resolutions and guidelines 33515  
shall comply with and be no less stringent than this chapter, 33516  
rules concerning surface application that the chief shall adopt 33517  
under division (C) of section 1509.22 of the Revised Code, and 33518  
other rules of the chief. Within fifteen days after receiving such 33519  
other resolutions and guidelines, the chief shall review them for 33520  
compliance with the law and rules and disapprove them if they do 33521  
not comply. 33522

The board, legislative authority, or department, agency, or 33523  
instrumentality may revise and resubmit any resolutions or 33524  
guidelines that the chief disapproves after each disapproval, and 33525  
the chief shall again review and approve or disapprove them within 33526  
fifteen days after receiving them. The board, legislative 33527  
authority, or department, agency, or instrumentality may amend any 33528  
resolutions or guidelines previously approved by the chief and 33529  
submit them, as amended, to the chief. The chief shall receive, 33530  
review, and approve or disapprove the amended resolutions or 33531  
guidelines on the same basis and in the same time as original 33532

resolutions or guidelines. The board, legislative authority, or 33533  
department, agency, or instrumentality shall not implement amended 33534  
resolutions or guidelines until they are approved by the chief 33535  
under this division. 33536

(C) Any person, other than a political subdivision required 33537  
to adopt a resolution under division (A) of this section or a 33538  
department, agency, or instrumentality of this state or the United 33539  
States, who owns or has a legal right or obligation to maintain a 33540  
road, street, highway, or other similar land surface may file with 33541  
the board of county commissioners a written plan for the 33542  
application of brine to the road, street, highway, or other 33543  
surface. The board need not approve any such plans, but if it 33544  
approves a plan, the plan shall comply with this chapter, rules 33545  
adopted thereunder, and the board's resolutions, if any. 33546  
Disapproved plans may be revised and resubmitted for the board's 33547  
approval. Approved plans may also be revised and submitted to the 33548  
board. A plan or revised plan shall do all of the following: 33549

(1) Identify the sources of brine to be used under the plan; 33550

(2) Identify by name, address, and registration certificate, 33551  
if applicable, any transporters of the brine; 33552

(3) Specifically identify the places to which the brine will 33553  
be applied; 33554

(4) Specifically describe the method, rate, and frequency of 33555  
application. 33556

(D) The board may attach terms and conditions to approval of 33557  
a plan, or revised plan, and may revoke approval for any violation 33558  
of this chapter, rules adopted thereunder, resolutions adopted by 33559  
the board, or terms or conditions attached by the board. The board 33560  
shall conduct at least one public hearing before approving a plan 33561  
or revised plan, publishing notice of the time and place of each 33562  
such public hearing in a newspaper of general circulation in the 33563

county at least five days before the day on which the hearing is 33564  
to be held. The board shall record the filings of all plans and 33565  
revised plans in its journal. The board shall approve, disapprove, 33566  
or revoke approval of a plan or revised plan by the adoption of a 33567  
resolution. Upon approval of a plan or revised plan, the board 33568  
shall send a copy of the plan to the chief. Upon revoking approval 33569  
of a plan or revised plan, the board shall notify the chief of the 33570  
revocation. 33571

(E) No person shall: 33572

(1) Apply brine to a water-saturated surface; 33573

(2) Apply brine directly to vegetation adjacent to the 33574  
surface of roads, streets, highways, and other surfaces to which 33575  
brine may be applied. 33576

(F) Each political subdivision that adopts a resolution under 33577  
divisions (A) and (B) of this section, each department, agency, or 33578  
instrumentality of this state or the United States that submits 33579  
guidelines under division (B) of this section, and each person who 33580  
files a plan under divisions (C) and (D) of this section shall, on 33581  
or before the fifteenth day of April of each year, file a report 33582  
with the chief concerning brine applied within the person's or 33583  
governmental entity's jurisdiction, including the quantities 33584  
transported and the sources and application points during the last 33585  
preceding calendar year and such other information in such form as 33586  
the chief requires. 33587

(G) Any political subdivision or department, agency, or 33588  
instrumentality of this state or the United States that applies 33589  
brine under this section may do so with its own personnel, 33590  
vehicles, and equipment without registration under or compliance 33591  
with section 1509.222 or 1509.223 of the Revised Code and without 33592  
the necessity for filing the surety bond or other security 33593  
required by section 1509.225 of the Revised Code. However, each 33594



such entity shall legibly identify vehicles used to apply brine 33595  
with reflective paint in letters no less than four inches in 33596  
height, indicating the word "brine" and that the vehicle is a 33597  
vehicle of the political subdivision, department, agency, or 33598  
instrumentality. Except as stated in this division, such entities 33599  
shall transport brine in accordance with sections 1509.22 to 33600  
1509.226 of the Revised Code. 33601

(H) A surface application plan filed for approval under 33602  
division (C) of this section shall be accompanied by a 33603  
nonrefundable fee of fifty dollars, which shall be credited to the 33604  
general fund of the county. An approved plan is valid for one year 33605  
from the date of its approval unless it is revoked before that 33606  
time. An approved revised plan is valid for the remainder of the 33607  
term of the plan it supersedes unless it is revoked before that 33608  
time. Any person who has filed such a plan or revised plan and had 33609  
it approved may renew it by refileing it in accordance with 33610  
divisions (C) and (D) of this section within thirty days before 33611  
any anniversary of the date on which the original plan was 33612  
approved. The board shall notify the chief of renewals and 33613  
nonrenewals of plans. Even if a renewed plan is approved under 33614  
those divisions, the plan is not effective until notice is 33615  
received by the chief, and until notice is received, the chief 33616  
shall enforce this chapter and rules adopted thereunder with 33617  
regard to the affected roads, streets, highways, and other similar 33618  
land surfaces as if the plan had not been renewed. 33619

(I) A resolution adopted under division (A) of this section 33620  
by a board or legislative authority shall be effective for one 33621  
year following the date of its adoption and from month to month 33622  
thereafter until the board or legislative authority, by 33623  
resolution, terminates the authority granted in the original 33624  
resolution. The termination shall be effective not less than seven 33625  
days after enactment of the resolution, and a copy of the 33626

resolution shall be sent to the chief. 33627

**Sec. 1509.23.** (A) Rules of the chief of the division of 33628  
~~mineral oil and gas~~ resources management may specify practices to 33629  
be followed in the drilling and treatment of wells, production of 33630  
oil and gas, and plugging of wells for protection of public health 33631  
or safety or to prevent damage to natural resources, including 33632  
specification of the following: 33633

(1) Appropriate devices; 33634

(2) Minimum distances that wells and other excavations, 33635  
structures, and equipment shall be located from water wells, 33636  
streets, roads, highways, rivers, lakes, streams, ponds, other 33637  
bodies of water, railroad tracks, public or private recreational 33638  
areas, zoning districts, and buildings or other structures. Rules 33639  
adopted under division (A)(2) of this section shall not conflict 33640  
with section 1509.021 of the Revised Code. 33641

(3) Other methods of operation; 33642

(4) Procedures, methods, and equipment and other requirements 33643  
for equipment to prevent and contain discharges of oil and brine 33644  
from oil production facilities and oil drilling and workover 33645  
facilities consistent with and equivalent in scope, content, and 33646  
coverage to section 311(j)(1)(c) of the "Federal Water Pollution 33647  
Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 33648  
as amended, and regulations adopted under it. In addition, the 33649  
rules may specify procedures, methods, and equipment and other 33650  
requirements for equipment to prevent and contain surface and 33651  
subsurface discharges of fluids, condensates, and gases. 33652

(5) Notifications. 33653

(B) The chief, in consultation with the emergency response 33654  
commission created in section 3750.02 of the Revised Code, shall 33655  
adopt rules in accordance with Chapter 119. of the Revised Code 33656

that specify the information that shall be included in an 33657  
electronic database that the chief shall create and host. The 33658  
information shall be that which the chief considers to be 33659  
appropriate for the purpose of responding to emergency situations 33660  
that pose a threat to public health or safety or the environment. 33661  
At the minimum, the information shall include that which a person 33662  
who is regulated under this chapter is required to submit under 33663  
the "Emergency Planning and Community Right-To-Know Act of 1986," 33664  
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 33665  
it. 33666

In addition, the rules shall specify whether and to what 33667  
extent the database and the information that it contains will be 33668  
made accessible to the public. The rules shall ensure that the 33669  
database will be made available via the internet or a system of 33670  
computer disks to the emergency response commission and to every 33671  
local emergency planning committee and fire department in this 33672  
state. 33673

**Sec. 1509.24.** (A) The chief of the division of ~~mineral oil~~ and gas 33674  
resources management, with the approval of the technical 33675  
advisory council on oil and gas created in section 1509.38 of the 33676  
Revised Code, may adopt, amend, or rescind rules relative to 33677  
minimum acreage requirements for drilling units and minimum 33678  
distances from which a new well may be drilled or an existing well 33679  
deepened, plugged back, or reopened to a source of supply 33680  
different from the existing pool from boundaries of tracts, 33681  
drilling units, and other wells for the purpose of conserving oil 33682  
and gas reserves. The rules relative to minimum acreage 33683  
requirements for drilling units shall require a drilling unit to 33684  
be compact and composed of contiguous land. 33685

(B) Rules adopted under this section and special orders made 33686  
under section 1509.25 of the Revised Code shall apply only to new 33687

wells to be drilled or existing wells to be deepened, plugged 33688  
back, or reopened to a source of supply different from the 33689  
existing pool for the purpose of extracting oil or gas in their 33690  
natural state. 33691

**Sec. 1509.25.** The chief of the division of ~~mineral oil and~~ 33692  
gas resources management, upon the chief's own motion or upon 33693  
application of an owner, may hold a hearing to consider the need 33694  
or desirability of adopting a special order for drilling unit 33695  
requirements in a particular pool different from those established 33696  
under section 1509.24 of the Revised Code. The chief shall notify 33697  
every owner of land within the area proposed to be included within 33698  
the order, of the date, time, and place of the hearing and the 33699  
nature of the order being considered at least thirty days prior to 33700  
the date of the hearing. Each application for such an order shall 33701  
be accompanied by such information as the chief may request. If 33702  
the chief finds that the pool can be defined with reasonable 33703  
certainty, that the pool is in the initial state of development, 33704  
and that the establishment of such different requirements for 33705  
drilling a well on a tract or drilling unit in ~~such the~~ pool is 33706  
reasonably necessary to protect correlative rights or to provide 33707  
effective development, use, or conservation of oil and gas, the 33708  
chief, with the written approval of the technical advisory council 33709  
on oil and gas created in section 1509.38 of the Revised Code, 33710  
shall make a special order designating the area covered by the 33711  
order, and specifying the acreage requirements for drilling a well 33712  
on a tract or drilling unit in ~~such the~~ area, which acreage 33713  
requirements shall be uniform for the entire pool. The order shall 33714  
specify minimum distances from the boundary of the tract or 33715  
drilling unit for the drilling of wells and minimum distances from 33716  
other wells and allow exceptions for wells drilled or drilling in 33717  
a particular pool at the time of the filing of the application. 33718  
The chief may exempt the discovery well from minimum acreage and 33719

distance requirements in the order. After the date of the notice 33720  
for a hearing called to make ~~such~~ the order, no additional well 33721  
shall be commenced in the pool for a period of sixty days or until 33722  
an order has been made pursuant to the application, whichever is 33723  
earlier. The chief, upon the chief's own motion or upon 33724  
application of an owner, after a hearing and with the approval of 33725  
the technical advisory council on oil and gas, may include 33726  
additional lands determined to be underlaid by a particular pool 33727  
or to exclude lands determined not to be underlaid by a particular 33728  
pool, and may modify the spacing and acreage requirements of the 33729  
order. 33730

Nothing in this section permits the chief to establish 33731  
drilling units in a pool by requiring the use of a survey grid 33732  
coordinate system with fixed or established unit boundaries. 33733

**Sec. 1509.26.** The owners of adjoining tracts may agree to 33734  
pool ~~such~~ the tracts to form a drilling unit that conforms to the 33735  
minimum acreage and distance requirements of the division of 33736  
~~mineral oil and gas~~ resources management under section 1509.24 or 33737  
1509.25 of the Revised Code. ~~Such~~ The agreement shall be in 33738  
writing, a copy of which shall be submitted to the division with 33739  
the application for a permit required by section 1509.05 of the 33740  
Revised Code. Parties to the agreement shall designate one of 33741  
their number as the applicant for ~~such~~ the permit. 33742

**Sec. 1509.27.** If a tract of land is of insufficient size or 33743  
shape to meet the requirements for drilling a well thereon as 33744  
provided in section 1509.24 or 1509.25 of the Revised Code, 33745  
whichever is applicable, and the owner of the tract who also is 33746  
the owner of the mineral interest has been unable to form a 33747  
drilling unit under agreement as provided in section 1509.26 of 33748  
the Revised Code, on a just and equitable basis, such an owner may 33749  
make application to the division of ~~mineral~~ oil and gas resources 33750

management for a mandatory pooling order. 33751

The application shall include information as shall be 33752  
reasonably required by the chief of the division of ~~mineral oil~~ 33753  
and gas resources management and shall be accompanied by an 33754  
application for a permit as required by section 1509.05 of the 33755  
Revised Code. The chief shall notify all owners of land within the 33756  
area proposed to be included within the drilling unit of the 33757  
filing of the application and of their right to a hearing. After 33758  
the hearing or after the expiration of thirty days from the date 33759  
notice of application was mailed to such owners, the chief, if 33760  
satisfied that the application is proper in form and that 33761  
mandatory pooling is necessary to protect correlative rights and 33762  
to provide effective development, use, and conservation of oil and 33763  
gas, shall issue a drilling permit and a mandatory pooling order 33764  
complying with the requirements for drilling a well as provided in 33765  
section 1509.24 or 1509.25 of the Revised Code, whichever is 33766  
applicable. The mandatory pooling order shall: 33767

(A) Designate the boundaries of the drilling unit within 33768  
which the well shall be drilled; 33769

(B) Designate the proposed production site; 33770

(C) Describe each separately owned tract or part thereof 33771  
pooled by the order; 33772

(D) Allocate on a surface acreage basis a pro rata portion of 33773  
the production to the owner of each tract pooled by the order. The 33774  
pro rata portion shall be in the same proportion that the 33775  
percentage of the owner's acreage is to the state minimum acreage 33776  
requirements established in rules adopted under this chapter for a 33777  
drilling unit unless the applicant demonstrates to the chief using 33778  
geological evidence that the geologic structure containing the oil 33779  
or gas is larger than the minimum acreage requirement in which 33780  
case the pro rata portion shall be in the same proportion that the 33781

percentage of the owner's acreage is to the geologic structure. 33782

(E) Specify the basis upon which each owner of a tract pooled 33783  
by the order shall share all reasonable costs and expenses of 33784  
drilling and producing if the owner elects to participate in the 33785  
drilling and operation of the well; 33786

(F) Designate the person to whom the permit shall be issued. 33787

A person shall not submit more than five applications for 33788  
mandatory pooling orders per year under this section unless 33789  
otherwise approved by the chief. 33790

No surface operations or disturbances to the surface of the 33791  
land shall occur on a tract pooled by an order without the written 33792  
consent of or a written agreement with the owner of the tract that 33793  
approves the operations or disturbances. 33794

If an owner of a tract pooled by the order does not elect to 33795  
participate in the risk and cost of the drilling and operation of 33796  
a well, the owner shall be designated as a nonparticipating owner 33797  
in the drilling and operation of the well on a limited or carried 33798  
basis and is subject to terms and conditions determined by the 33799  
chief to be just and reasonable. In addition, if an owner is 33800  
designated as a nonparticipating owner, the owner is not liable 33801  
for actions or conditions associated with the drilling or 33802  
operation of the well. If the applicant bears the costs of 33803  
drilling, equipping, and operating a well for the benefit of a 33804  
nonparticipating owner, as provided for in the pooling order, then 33805  
the applicant shall be entitled to the share of production from 33806  
the drilling unit accruing to the interest of that 33807  
nonparticipating owner, exclusive of the nonparticipating owner's 33808  
proportionate share of the royalty interest until there has been 33809  
received the share of costs charged to that nonparticipating owner 33810  
plus such additional percentage of the share of costs as the chief 33811  
shall determine. The total amount receivable hereunder shall in no 33812

event exceed two hundred per cent of the share of costs charged to 33813  
that nonparticipating owner. After receipt of that share of costs 33814  
by such an applicant, a nonparticipating owner shall receive a 33815  
proportionate share of the working interest in the well in 33816  
addition to a proportionate share of the royalty interest, if any. 33817

If there is a dispute as to costs of drilling, equipping, or 33818  
operating a well, the chief shall determine those costs. 33819

**Sec. 1509.28.** (A) The chief of the division of ~~mineral oil~~ oil 33820  
and gas resources management, upon the chief's own motion or upon 33821  
application by the owners of sixty-five per cent of the land area 33822  
overlying the pool, shall hold a hearing to consider the need for 33823  
the operation as a unit of an entire pool or part thereof. An 33824  
application by owners shall be accompanied by such information as 33825  
the chief may request. 33826

The chief shall make an order providing for the unit 33827  
operation of a pool or part thereof if the chief finds that such 33828  
operation is reasonably necessary to increase substantially the 33829  
ultimate recovery of oil and gas, and the value of the estimated 33830  
additional recovery of oil or gas exceeds the estimated additional 33831  
cost incident to conducting ~~such~~ the operation. The order shall be 33832  
upon terms and conditions that are just and reasonable and shall 33833  
prescribe a plan for unit operations that shall include: 33834

(1) A description of the unitized area, termed the unit area; 33835

(2) A statement of the nature of the operations contemplated; 33836

(3) An allocation to the separately owned tracts in the unit 33837  
area of all the oil and gas that is produced from the unit area 33838  
and is saved, being the production that is not used in the conduct 33839  
of operations on the unit area or not unavoidably lost. The 33840  
allocation shall be in accord with the agreement, if any, of the 33841  
interested parties. If there is no such agreement, the chief shall 33842



determine the value, from the evidence introduced at the hearing, 33843  
of each separately owned tract in the unit area, exclusive of 33844  
physical equipment, for development of oil and gas by unit 33845  
operations, and the production allocated to each tract shall be 33846  
the proportion that the value of each tract so determined bears to 33847  
the value of all tracts in the unit area. 33848

(4) A provision for the credits and charges to be made in the 33849  
adjustment among the owners in the unit area for their respective 33850  
investments in wells, tanks, pumps, machinery, materials, and 33851  
equipment contributed to the unit operations; 33852

(5) A provision providing how the expenses of unit 33853  
operations, including capital investment, shall be determined and 33854  
charged to the separately owned tracts and how the expenses shall 33855  
be paid; 33856

(6) A provision, if necessary, for carrying or otherwise 33857  
financing any person who is unable to meet the person's financial 33858  
obligations in connection with the unit, allowing a reasonable 33859  
interest charge for such service; 33860

(7) A provision for the supervision and conduct of the unit 33861  
operations, in respect to which each person shall have a vote with 33862  
a value corresponding to the percentage of the expenses of unit 33863  
operations chargeable against the interest of ~~such~~ that person; 33864

(8) The time when the unit operations shall commence, and the 33865  
manner in which, and the circumstances under which, the unit 33866  
operations shall terminate; 33867

(9) Such additional provisions as are found to be appropriate 33868  
for carrying on the unit operations, and for the protection or 33869  
adjustment of correlative rights. 33870

(B) No order of the chief providing for unit operations shall 33871  
become effective unless and until the plan for unit operations 33872  
prescribed by the chief has been approved in writing by those 33873

owners who, under the chief's order, will be required to pay at 33874  
least sixty-five per cent of the costs of the unit operation, and 33875  
also by the royalty or, with respect to unleased acreage, fee 33876  
owners of sixty-five per cent of the acreage to be included in the 33877  
unit. If the plan for unit operations has not been so approved by 33878  
owners and royalty owners at the time the order providing for unit 33879  
operations is made, the chief shall upon application and notice 33880  
hold such supplemental hearings as may be required to determine if 33881  
and when the plan for unit operations has been so approved. If the 33882  
owners and royalty owners, or either, owning the required 33883  
percentage of interest in the unit area do not approve the plan 33884  
for unit operations within a period of six months from the date on 33885  
which the order providing for unit operations is made, ~~such~~ the 33886  
order shall cease to be of force and shall be revoked by the 33887  
chief. 33888

An order providing for unit operations may be amended by an 33889  
order made by the chief, in the same manner and subject to the 33890  
same conditions as an original order providing for unit 33891  
operations, provided that: 33892

(1) If such an amendment affects only the rights and 33893  
interests of the owners, the approval of the amendment by the 33894  
royalty owners shall not be required. 33895

(2) No such order of amendment shall change the percentage 33896  
for allocation of oil and gas as established for any separately 33897  
owned tract by the original order, except with the consent of all 33898  
persons owning interest in ~~such~~ the tract. 33899

The chief, by an order, may provide for the unit operation of 33900  
a pool or a part thereof that embraces a unit area established by 33901  
a previous order of the chief. Such an order, in providing for the 33902  
allocation of unit production, shall first treat the unit area 33903  
previously established as a single tract, and the portion of the 33904  
unit production so allocated thereto shall then be allocated among 33905

the separately owned tracts included in ~~such~~ the previously 33906  
established unit area in the same proportions as those specified 33907  
in the previous order. 33908

Oil and gas allocated to a separately owned tract shall be 33909  
deemed, for all purposes, to have been actually produced from ~~such~~ 33910  
the tract, and all operations, including, but not limited to, the 33911  
commencement, drilling, operation of, or production from a well 33912  
upon any portion of the unit area shall be deemed for all purposes 33913  
the conduct of such operations and production from any lease or 33914  
contract for lands any portion of which is included in the unit 33915  
area. The operations conducted pursuant to the order of the chief 33916  
shall constitute a fulfillment of all the express or implied 33917  
obligations of each lease or contract covering lands in the unit 33918  
area to the extent that compliance with such obligations cannot be 33919  
had because of the order of the chief. 33920

Oil and gas allocated to any tract, and the proceeds from the 33921  
sale thereof, shall be the property and income of the several 33922  
persons to whom, or to whose credit, the same are allocated or 33923  
payable under the order providing for unit operations. 33924

No order of the chief or other contract relating to the sale 33925  
or purchase of production from a separately owned tract shall be 33926  
terminated by the order providing for unit operations, but shall 33927  
remain in force and apply to oil and gas allocated to ~~such~~ the 33928  
tract until terminated in accordance with the provisions thereof. 33929

Except to the extent that the parties affected so agree, no 33930  
order providing for unit operations shall be construed to result 33931  
in a transfer of all or any part of the title of any person to the 33932  
oil and gas rights in any tract in the unit area. All property, 33933  
whether real or personal, that may be acquired for the account of 33934  
the owners within the unit area shall be the property of such 33935  
owners in the proportion that the expenses of unit operations are 33936  
charged. 33937

**Sec. 1509.29.** Upon application by an owner of a tract for 33938  
which a drilling permit may not be issued, and a showing by the 33939  
owner that the owner is unable to enter a voluntary pooling 33940  
agreement and that the owner would be unable to participate under 33941  
a mandatory pooling order, the chief of the division of ~~mineral~~ 33942  
oil and gas resources management shall issue a permit and order 33943  
establishing the tract as an exception tract if the chief finds 33944  
that ~~such~~ the owner would otherwise be precluded from producing 33945  
oil or gas from the owner's tract because of minimum acreage or 33946  
distance requirements. The order shall set a percentage of the 33947  
maximum daily potential production at which the well may be 33948  
produced. The percentage shall be the same as the percentage that 33949  
the number of acres in the tract bears to the number of acres in 33950  
the minimum acreage requirement that has been established under 33951  
section 1509.24 or 1509.25 of the Revised Code, whichever is 33952  
applicable, but if the well drilled on ~~such~~ the tract is located 33953  
nearer to the boundary of the tract than the required minimum 33954  
distance, the percentage may not exceed the percentage determined 33955  
by dividing the distance from the well to the boundary by the 33956  
minimum distance requirement. Within ten days after completion of 33957  
the well, the maximum daily potential production of the well shall 33958  
be determined by such drill stem, open flow, or other tests as may 33959  
be required by the chief. The chief shall require such tests, at 33960  
least once every three months, as are necessary to determine the 33961  
maximum daily potential production at that time. 33962

**Sec. 1509.31.** (A) Whenever the entire interest of an oil and 33963  
gas lease is assigned or otherwise transferred, the assignor or 33964  
transferor shall notify the holders of the royalty interests, and, 33965  
if a well or wells exist on the lease, the division of ~~mineral~~ oil 33966  
and gas resources management, of the name and address of the 33967  
assignee or transferee by certified mail, return receipt 33968

requested, not later than thirty days after the date of the 33969  
assignment or transfer. When notice of any such assignment or 33970  
transfer is required to be provided to the division, it shall be 33971  
provided on a form prescribed and provided by the division and 33972  
verified by both the assignor or transferor and by the assignee or 33973  
transferee and shall be accompanied by a nonrefundable fee of one 33974  
hundred dollars for each well. The notice form applicable to 33975  
assignments or transfers of a well to the owner of the surface 33976  
estate of the tract on which the well is located shall contain a 33977  
statement informing the landowner that the well may require 33978  
periodic servicing to maintain its productivity; that, upon 33979  
assignment or transfer of the well to the landowner, the landowner 33980  
becomes responsible for compliance with the requirements of this 33981  
chapter and rules adopted under it, including, without limitation, 33982  
the proper disposal of brine obtained from the well, the plugging 33983  
of the well when it becomes incapable of producing oil or gas, and 33984  
the restoration of the well site; and that, upon assignment or 33985  
transfer of the well to the landowner, the landowner becomes 33986  
responsible for the costs of compliance with the requirements of 33987  
this chapter and rules adopted under it and the costs for 33988  
operating and servicing the well. 33989

(B) When the entire interest of a well is proposed to be 33990  
assigned or otherwise transferred to the landowner for use as an 33991  
exempt domestic well, the owner who has been issued a permit under 33992  
this chapter for the well shall submit to the chief of the 33993  
division of oil and gas resources management an application for 33994  
the assignment or transfer that contains all documents that the 33995  
chief requires and a nonrefundable fee of one hundred dollars. The 33996  
application for such an assignment or transfer shall be prescribed 33997  
and provided by the chief. The chief may approve the application 33998  
if the application is accompanied by a release of all of the oil 33999  
and gas leases that are included in the applicable formation of 34000  
the drilling unit, the release is in a form such that the well 34001

ownership merges with the fee simple interest of the surface 34002  
tract, and the release is in a form that may be recorded. However, 34003  
if the owner of the well does not release the oil and gas leases 34004  
associated with the well that is proposed to be assigned or 34005  
otherwise transferred or if the fee simple tract that results from 34006  
the merger of the well ownership with the fee simple interest of 34007  
the surface tract is less than five acres, the proposed exempt 34008  
domestic well owner shall post a five thousand dollar bond with 34009  
the division ~~of mineral resources management~~ prior to the 34010  
assignment or transfer of the well to ensure that the well will be 34011  
properly plugged. The chief, for good cause, may modify the 34012  
requirements of this section governing the assignment or transfer 34013  
of the interests of a well to the landowner. Upon the assignment 34014  
or transfer of the well, the owner of an exempt domestic well is 34015  
not subject to the severance tax levied under section 5749.02 of 34016  
the Revised Code, but is subject to all applicable fees 34017  
established in this chapter. 34018

(C) The owner holding a permit under section 1509.05 of the 34019  
Revised Code is responsible for all obligations and liabilities 34020  
imposed by this chapter and any rules, orders, and terms and 34021  
conditions of a permit adopted or issued under it, and no 34022  
assignment or transfer by the owner relieves the owner of the 34023  
obligations and liabilities until and unless the assignee or 34024  
transferee files with the division the information described in 34025  
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 34026  
section 1509.06 of the Revised Code; obtains liability insurance 34027  
coverage required by section 1509.07 of the Revised Code, except 34028  
when none is required by that section; and executes and files a 34029  
surety bond, negotiable certificates of deposit or irrevocable 34030  
letters of credit, or cash, as described in that section. Instead 34031  
of a bond, but only upon acceptance by the chief ~~of the division~~ 34032  
~~of mineral resources management~~, the assignee or transferee may 34033  
file proof of financial responsibility, described in section 34034

1509.07 of the Revised Code. Section 1509.071 of the Revised Code 34035  
applies to the surety bond, cash, and negotiable certificates of 34036  
deposit and irrevocable letters of credit described in this 34037  
section. Unless the chief approves a modification, each assignee 34038  
or transferee shall operate in accordance with the plans and 34039  
information filed by the permit holder pursuant to section 1509.06 34040  
of the Revised Code. 34041

(D) If a mortgaged property that is being foreclosed is 34042  
subject to an oil or gas lease, pipeline agreement, or other 34043  
instrument related to the production or sale of oil or natural gas 34044  
and the lease, agreement, or other instrument was recorded 34045  
subsequent to the mortgage, and if the lease, agreement, or other 34046  
instrument is not in default, the oil or gas lease, pipeline 34047  
agreement, or other instrument, as applicable, has priority over 34048  
all other liens, claims, or encumbrances on the property so that 34049  
the oil or gas lease, pipeline agreement, or other instrument is 34050  
not terminated or extinguished upon the foreclosure sale of the 34051  
mortgaged property. If the owner of the mortgaged property was 34052  
entitled to oil and gas royalties before the foreclosure sale, the 34053  
oil or gas royalties shall be paid to the purchaser of the 34054  
foreclosed property. 34055

**Sec. 1509.32.** Any person adversely affected may file with the 34056  
chief of the division of ~~mineral~~ oil and gas resources management 34057  
a written complaint alleging failure to restore disturbed land 34058  
surfaces in violation of section 1509.072 or 1509.22 of the 34059  
Revised Code or a rule adopted thereunder. 34060

Upon receipt of a complaint, the chief shall cause an 34061  
investigation to be made of the lands where the alleged violation 34062  
has occurred and send copies of the investigation report to the 34063  
person who filed the complaint and to the owner. Upon finding a 34064  
violation the chief shall order the owner to eliminate the 34065

violation within a specified time. If the owner fails to eliminate 34066  
the violation within the time specified, the chief may request the 34067  
prosecuting attorney of the county in which the violation occurs 34068  
or the attorney general to bring appropriate action to secure 34069  
compliance with ~~such~~ those sections. If the chief fails to bring 34070  
an appropriate action to secure compliance with ~~such~~ those 34071  
sections within twenty days after the time specified, the person 34072  
filing the complaint may request the prosecuting attorney of the 34073  
county in which the violation occurs to bring an appropriate 34074  
action to secure compliance with ~~such~~ those sections. The division 34075  
of ~~mineral~~ oil and gas resources management may cooperate with any 34076  
state or local agency to provide technical advice or minimum 34077  
standards for the restoration of various soils and land surfaces 34078  
or to assist in any investigation. 34079

**Sec. 1509.33.** (A) Whoever violates sections 1509.01 to 34080  
1509.31 of the Revised Code, or any rules adopted or orders or 34081  
terms or conditions of a permit or registration certificate issued 34082  
pursuant to these sections for which no specific penalty is 34083  
provided in this section, shall pay a civil penalty of not more 34084  
than four thousand dollars for each offense. 34085

(B) Whoever violates section 1509.221 of the Revised Code or 34086  
any rules adopted or orders or terms or conditions of a permit 34087  
issued thereunder shall pay a civil penalty of not more than two 34088  
thousand five hundred dollars for each violation. 34089

(C) Whoever violates division (D) of section 1509.22 or 34090  
division (A)(1) of section 1509.222 of the Revised Code shall pay 34091  
a civil penalty of not less than two thousand five hundred dollars 34092  
nor more than twenty thousand dollars for each violation. 34093

(D) Whoever violates division (A) of section 1509.22 of the 34094  
Revised Code shall pay a civil penalty of not less than two 34095  
thousand five hundred dollars nor more than ten thousand dollars 34096



for each violation. 34097

(E) Whoever violates division (A) of section 1509.223 of the Revised Code shall pay a civil penalty of not more than ten thousand dollars for each violation. 34098  
34099  
34100

(F) Whoever violates section 1509.072 of the Revised Code or any rules adopted or orders issued to administer, implement, or enforce that section shall pay a civil penalty of not more than five thousand dollars for each violation. 34101  
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(G) In addition to any other penalties provided in this chapter, whoever violates division (B) of section 1509.22 or division (A)(1) of section 1509.222 or knowingly violates division (A) of section 1509.223 of the Revised Code is liable for any damage or injury caused by the violation and for the cost of rectifying the violation and conditions caused by the violation. 34105  
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If two or more persons knowingly violate one or more of ~~such~~ those divisions in connection with the same event, activity, or transaction, they are jointly and severally liable under this division. 34111  
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(H) The attorney general, upon the request of the chief of the division of ~~mineral~~ oil and gas resources management, shall commence an action under this section against any person who violates sections 1509.01 to 1509.31 of the Revised Code, or any rules adopted or orders or terms or conditions of a permit or registration certificate issued pursuant to these sections. Any action under this section is a civil action, governed by the Rules of Civil Procedure and other rules of practice and procedure applicable to civil actions. The remedy provided in this division is cumulative and concurrent with any other remedy provided in this chapter, and the existence or exercise of one remedy does not prevent the exercise of any other, except that no person shall be subject to both a civil penalty under division (A), (B), (C), or (D) of this section and a criminal penalty under section 1509.99 34115  
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of the Revised Code for the same offense. 34129

**Sec. 1509.34.** (A)(1) If an owner fails to pay the fees 34130  
imposed by this chapter, or if the chief of the division of 34131  
~~mineral oil and gas~~ resources management incurs costs under 34132  
division (E) of section 1509.071 of the Revised Code to correct 34133  
conditions associated with the owner's well that the chief 34134  
reasonably has determined are causing imminent health or safety 34135  
risks, the division of ~~mineral oil and gas~~ resources management 34136  
shall have a priority lien against that owner's interest in the 34137  
applicable well in front of all other creditors for the amount of 34138  
any such unpaid fees and costs incurred. The chief shall file a 34139  
statement in the office of the county recorder of the county in 34140  
which the applicable well is located of the amount of the unpaid 34141  
fees and costs incurred as described in this division. The 34142  
statement shall constitute a lien on the owner's interest in the 34143  
well as of the date of the filing. The lien shall remain in force 34144  
so long as any portion of the lien remains unpaid or until the 34145  
chief issues a certificate of release of the lien. If the chief 34146  
issues a certificate of release of the lien, the chief shall file 34147  
the certificate of release in the office of the applicable county 34148  
recorder. 34149

(2) A lien imposed under division (A)(1) of this section 34150  
shall be in addition to any lien imposed by the attorney general 34151  
for failure to pay the assessment imposed by section 1509.50 of 34152  
the Revised Code or the tax levied under division (A)(5) or (6) of 34153  
section 5749.02 of the Revised Code, as applicable. 34154

(3) If the attorney general cannot collect from a severer or 34155  
an owner for an outstanding balance of amounts due under section 34156  
1509.50 of the Revised Code or of unpaid taxes levied under 34157  
division (A)(5) or (6) of section 5749.02 of the Revised Code, as 34158  
applicable, the tax commissioner may request the chief to impose a 34159

priority lien against the owner's interest in the applicable well. 34160  
Such a lien has priority in front of all other creditors. 34161

(B) The chief promptly shall issue a certificate of release 34162  
of a lien under either of the following circumstances: 34163

(1) Upon the repayment in full of the amount of unpaid fees 34164  
imposed by this chapter or costs incurred by the chief under 34165  
division (E) of section 1509.071 of the Revised Code to correct 34166  
conditions associated with the owner's well that the chief 34167  
reasonably has determined are causing imminent health or safety 34168  
risks; 34169

(2) Any other circumstance that the chief determines to be in 34170  
the best interests of the state. 34171

(C) The chief may modify the amount of a lien under this 34172  
section. If the chief modifies a lien, the chief shall file a 34173  
statement in the office of the county recorder of the applicable 34174  
county of the new amount of the lien. 34175

(D) An owner regarding which the division has recorded a lien 34176  
against the owner's interest in a well in accordance with this 34177  
section shall not transfer a well, lease, or mineral rights to 34178  
another owner or person until the chief issues a certificate of 34179  
release for each lien against the owner's interest in the well. 34180

(E) All money from the collection of liens under this section 34181  
shall be deposited in the state treasury to the credit of the oil 34182  
and gas well fund created in section 1509.02 of the Revised Code. 34183

**Sec. 1509.36.** Any person adversely affected by an order by 34184  
the chief of the division of ~~mineral oil and gas~~ resources 34185  
management may appeal to the oil and gas commission for an order 34186  
vacating or modifying the order. 34187

The person so appealing to the commission shall be known as 34188  
appellant and the chief shall be known as appellee. Appellant and 34189

appellee shall be deemed to be parties to the appeal. 34190

The appeal shall be in writing and shall set forth the order 34191  
complained of and the grounds upon which the appeal is based. The 34192  
appeal shall be filed with the commission within thirty days after 34193  
the date upon which the appellant received notice by certified 34194  
mail and, for all other persons adversely affected by the order, 34195  
within thirty days after the date of the order complained of. 34196  
Notice of the filing of the appeal shall be filed with the chief 34197  
within three days after the appeal is filed with the commission. 34198

Upon the filing of the appeal the commission promptly shall 34199  
fix the time and place at which the hearing on the appeal will be 34200  
held, and shall give the appellant and the chief at least ten 34201  
days' written notice thereof by mail. The commission may postpone 34202  
or continue any hearing upon its own motion or upon application of 34203  
the appellant or of the chief. 34204

The filing of an appeal provided for in this section does not 34205  
automatically suspend or stay execution of the order appealed 34206  
from, but upon application by the appellant the commission may 34207  
suspend or stay the execution pending determination of the appeal 34208  
upon such terms as the commission considers proper. 34209

Either party to the appeal or any interested person who, 34210  
pursuant to commission rules has been granted permission to 34211  
appear, may submit such evidence as the commission considers 34212  
admissible. 34213

For the purpose of conducting a hearing on an appeal, the 34214  
commission may require the attendance of witnesses and the 34215  
production of books, records, and papers, and it may, and at the 34216  
request of any party it shall, issue subpoenas for witnesses or 34217  
subpoenas duces tecum to compel the production of any books, 34218  
records, or papers, directed to the sheriffs of the counties where 34219  
the witnesses are found. The subpoenas shall be served and 34220

returned in the same manner as subpoenas in criminal cases are 34221  
served and returned. The fees of sheriffs shall be the same as 34222  
those allowed by the court of common pleas in criminal cases. 34223  
Witnesses shall be paid the fees and mileage provided for under 34224  
section 119.094 of the Revised Code. Such fees and mileage 34225  
expenses incurred at the request of appellant shall be paid in 34226  
advance by the appellant, and the remainder of those expenses 34227  
shall be paid out of funds appropriated for the expenses of the 34228  
division of ~~mineral~~ oil and gas resources management. 34229

In case of disobedience or neglect of any subpoena served on 34230  
any person, or the refusal of any witness to testify to any matter 34231  
regarding which the witness may be lawfully interrogated, the 34232  
court of common pleas of the county in which the disobedience, 34233  
neglect, or refusal occurs, or any judge thereof, on application 34234  
of the commission or any member thereof, shall compel obedience by 34235  
attachment proceedings for contempt as in the case of disobedience 34236  
of the requirements of a subpoena issued from that court or a 34237  
refusal to testify therein. Witnesses at such hearings shall 34238  
testify under oath, and any member of the commission may 34239  
administer oaths or affirmations to persons who so testify. 34240

At the request of any party to the appeal, a stenographic 34241  
record of the testimony and other evidence submitted shall be 34242  
taken by an official court shorthand reporter at the expense of 34243  
the party making the request therefor. The record shall include 34244  
all of the testimony and other evidence and the rulings on the 34245  
admissibility thereof presented at the hearing. The commission 34246  
shall pass upon the admissibility of evidence, but any party may 34247  
at the time object to the admission of any evidence and except to 34248  
the rulings of the commission thereon, and if the commission 34249  
refuses to admit evidence the party offering same may make a 34250  
proffer thereof, and such proffer shall be made a part of the 34251  
record of the hearing. 34252

If upon completion of the hearing the commission finds that 34253  
the order appealed from was lawful and reasonable, it shall make a 34254  
written order affirming the order appealed from; if the commission 34255  
finds that the order was unreasonable or unlawful, it shall make a 34256  
written order vacating the order appealed from and making the 34257  
order that it finds the chief should have made. Every order made 34258  
by the commission shall contain a written finding by the 34259  
commission of the facts upon which the order is based. 34260

Notice of the making of the order shall be given forthwith to 34261  
each party to the appeal by mailing a certified copy thereof to 34262  
each such party by certified mail. 34263

The order of the commission is final unless vacated by the 34264  
court of common pleas of Franklin county in an appeal as provided 34265  
for in section 1509.37 of the Revised Code. Sections 1509.01 to 34266  
1509.37 of the Revised Code, providing for appeals relating to 34267  
orders by the chief or by the commission, or relating to rules 34268  
adopted by the chief, do not constitute the exclusive procedure 34269  
that any person who believes the person's rights to be unlawfully 34270  
affected by those sections or any official action taken thereunder 34271  
must pursue in order to protect and preserve those rights, nor do 34272  
those sections constitute a procedure that that person must pursue 34273  
before that person may lawfully appeal to the courts to protect 34274  
and preserve those rights. 34275

**Sec. 1509.38.** There is hereby created in the division of 34276  
~~mineral oil and gas~~ resources management a technical advisory 34277  
council on oil and gas, which shall consist of eight members to be 34278  
appointed by the governor with the advice and consent of the 34279  
senate. Three members shall be independent oil or gas producers, 34280  
operators, or their representatives, operating and producing 34281  
primarily in this state, three members shall be oil or gas 34282  
producers, operators, or their representatives having substantial 34283

oil and gas producing operations in this state and at least one 34284  
other state, one member shall represent the public, and one member 34285  
shall represent persons having landowners' royalty interests in 34286  
oil and gas production. All members shall be residents of this 34287  
state, and all members, except the members representing the public 34288  
and persons having landowners' royalty interests, shall have at 34289  
least five years of practical or technical experience in oil or 34290  
gas drilling and production. Not more than one member may 34291  
represent any one company, producer, or operator. 34292

Terms of office shall be for three years, commencing on the 34293  
first day of February and ending on the thirty-first day of 34294  
January. Each member shall hold office from the date of 34295  
appointment until the end of the term for which the member was 34296  
appointed. A vacancy in the office of a member shall be filled by 34297  
the governor, with the advice and consent of the senate. Any 34298  
member appointed to fill a vacancy occurring prior to the 34299  
expiration of the term for which the member's predecessor was 34300  
appointed shall hold office for the remainder of that term. Any 34301  
member shall continue in office subsequent to the expiration date 34302  
of the member's term until the member's successor takes office, or 34303  
until a period of sixty days has elapsed, whichever occurs first. 34304

The council shall select from among its members a 34305  
chairperson, a vice-chairperson, and a secretary. All members are 34306  
entitled to their actual and necessary expenses incurred in the 34307  
performance of their duties as members, payable from the 34308  
appropriations for the division. 34309

The governor may remove any member for inefficiency, neglect 34310  
of duty, or malfeasance in office. 34311

The council shall hold at least one regular meeting in each 34312  
quarter of a calendar year and shall keep a record of its 34313  
proceedings. Special meetings may be called by the chairperson and 34314  
shall be called by the chairperson upon receipt of a written 34315

request signed by two or more members of the council. A written 34316  
notice of the time and place of each meeting shall be sent to each 34317  
member of the council. Five members constitute a quorum, and no 34318  
action of the council is valid unless five members concur. 34319

The council, when requested by the chief of the division of 34320  
~~mineral oil and gas~~ resources management, shall consult with and 34321  
advise the chief and perform other duties that may be lawfully 34322  
delegated to it by the chief. The council may participate in 34323  
hearings held by the chief under this chapter and has powers of 34324  
approval as provided in sections 1509.24 and 1509.25 of the 34325  
Revised Code. The council shall conduct the activities required, 34326  
and exercise the authority granted, under Chapter 1510. of the 34327  
Revised Code. 34328

The council, upon receiving a request from the chairperson of 34329  
the oil and gas commission under division (C) of section 1509.35 34330  
of the Revised Code, immediately shall prepare and provide to the 34331  
chairperson a list of its members who may serve as temporary 34332  
members of the oil and gas commission as provided in that 34333  
division. 34334

**Sec. 1509.40.** Except as provided in section 1509.29 of the 34335  
Revised Code, no authority granted in this chapter shall be 34336  
construed as authorizing a limitation on the amount that any well, 34337  
leasehold, or field is permitted to produce under proration orders 34338  
of the division of ~~mineral oil and gas~~ resources management. 34339

**Sec. 1509.50.** (A) An oil and gas regulatory cost recovery 34340  
assessment is hereby imposed by this section on an owner. An owner 34341  
shall pay the assessment in the same manner as a severer who is 34342  
required to file a return under section 5749.06 of the Revised 34343  
Code. However, an owner may designate a severer who shall pay the 34344  
owner's assessment on behalf of the owner on the return that the 34345



severer is required to file under that section. If a severer so 34346  
pays an owner's assessment, the severer may recoup from the owner 34347  
the amount of the assessment. Except for an exempt domestic well, 34348  
the assessment imposed shall be in addition to the taxes levied on 34349  
the severance of oil and gas under section 5749.02 of the Revised 34350  
Code. 34351

(B)(1) Except for an exempt domestic well, the oil and gas 34352  
regulatory cost recovery assessment shall be calculated on a 34353  
quarterly basis and shall be one of the following: 34354

(a) If the sum of ten cents per barrel of oil for all of the 34355  
wells of the owner, one-half of one cent per one thousand cubic 34356  
feet of natural gas for all of the wells of the owner, and the 34357  
amount of the severance tax levied on each severer for all of the 34358  
wells of the owner under divisions (A)(5) and (6) of section 34359  
5749.02 of the Revised Code, as applicable, is greater than the 34360  
sum of fifteen dollars for each well owned by the owner, the 34361  
amount of the assessment is the sum of ten cents per barrel of oil 34362  
for all of the wells of the owner and one-half of one cent per one 34363  
thousand cubic feet of natural gas for all of the wells of the 34364  
owner. 34365

(b) If the sum of ten cents per barrel of oil for all of the 34366  
wells of the owner, one-half of one cent per one thousand cubic 34367  
feet of natural gas for all of the wells of the owner, and the 34368  
amount of the severance tax levied on each severer for all of the 34369  
wells of the owner under divisions (A)(5) and (6) of section 34370  
5749.02 of the Revised Code, as applicable, is less than the sum 34371  
of fifteen dollars for each well owned by the owner, the amount of 34372  
the assessment is the sum of fifteen dollars for each well owned 34373  
by the owner less the amount of the tax levied on each severer for 34374  
all of the wells of the owner under divisions (A)(5) and (6) of 34375  
section 5749.02 of the Revised Code, as applicable. 34376

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

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

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

**Sec. 1510.01.** As used in this chapter:

(A) "First purchaser" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

that the first purchaser owes the independent producer. 34436

(C) A marketing program shall require a refund of assessments 34437  
collected under this section after receiving an application for a 34438  
refund from an independent producer. An application for a refund 34439  
shall be made on a form furnished by the council. The operating 34440  
committee shall ensure that refund forms are available where 34441  
assessments for its program are withheld. 34442

An independent producer who desires a refund shall submit a 34443  
request for a refund not later than the thirty-first day of March 34444  
of the year in which the request is submitted. The council shall 34445  
refund the assessment to the independent producer not later than 34446  
the thirtieth day of June of the year in which the request for the 34447  
refund is submitted. 34448

(D) An operating committee shall not use moneys from any 34449  
assessments that it levies for any political or legislative 34450  
purpose or for preferential treatment of one person to the 34451  
detriment of another person who is affected by the marketing 34452  
program that the operating committee administers. 34453

**Sec. 1515.08.** The supervisors of a soil and water 34454  
conservation district have the following powers in addition to 34455  
their other powers: 34456

(A) To conduct surveys, investigations, and research relating 34457  
to the character of soil erosion, floodwater and sediment damages, 34458  
and the preventive and control measures and works of improvement 34459  
for flood prevention and the conservation, development, 34460  
utilization, and disposal of water needed within the district, and 34461  
to publish the results of those surveys, investigations, or 34462  
research, provided that no district shall initiate any research 34463  
program except in cooperation or after consultation with the Ohio 34464  
agricultural research and development center; 34465

(B) To develop plans for the conservation of soil resources, 34466  
for the control and prevention of soil erosion, and for works of 34467  
improvement for flood prevention and the conservation, 34468  
development, utilization, and disposal of water within the 34469  
district, and to publish those plans and information; 34470

(C) To implement, construct, repair, maintain, and operate 34471  
preventive and control measures and other works of improvement for 34472  
natural resource conservation and development and flood 34473  
prevention, and the conservation, development, utilization, and 34474  
disposal of water within the district on lands owned or controlled 34475  
by this state or any of its agencies and on any other lands within 34476  
the district, which works may include any facilities authorized 34477  
under state or federal programs, and to acquire, by purchase or 34478  
gift, to hold, encumber, or dispose of, and to lease real and 34479  
personal property or interests in such property for those 34480  
purposes; 34481

(D) To cooperate or enter into agreements with any occupier 34482  
of lands within the district in the carrying on of natural 34483  
resource conservation operations and works of improvement for 34484  
flood prevention and the conservation, development, utilization, 34485  
and management of natural resources within the district, subject 34486  
to such conditions as the supervisors consider necessary; 34487

(E) To accept donations, gifts, grants, and contributions in 34488  
money, service, materials, or otherwise, and to use or expend them 34489  
according to their terms; 34490

(F) To adopt, amend, and rescind rules to carry into effect 34491  
the purposes and powers of the district; 34492

(G) To sue and plead in the name of the district, and be sued 34493  
and impleaded in the name of the district, with respect to its 34494  
contracts and, as indicated in section 1515.081 of the Revised 34495  
Code, certain torts of its officers, employees, or agents acting 34496

within the scope of their employment or official responsibilities, 34497  
or with respect to the enforcement of its obligations and 34498  
covenants made under this chapter; 34499

(H) To make and enter into all contracts, leases, and 34500  
agreements and execute all instruments necessary or incidental to 34501  
the performance of the duties and the execution of the powers of 34502  
the district under this chapter, provided that all of the 34503  
following apply: 34504

(1) Except as provided in section 307.86 of the Revised Code 34505  
regarding expenditures by boards of county commissioners, when the 34506  
cost under any such contract, lease, or agreement, other than 34507  
compensation for personal services or rental of office space, 34508  
involves an expenditure of more than the amount established in 34509  
that section regarding expenditures by boards of county 34510  
commissioners, the supervisors shall make a written contract with 34511  
the lowest and best bidder after advertisement, for not less than 34512  
two nor more than four consecutive weeks preceding the day of the 34513  
opening of bids, in a newspaper of general circulation within the 34514  
district or as provided in section 7.16 of the Revised Code and in 34515  
such other publications as the supervisors determine. The notice 34516  
shall state the general character of the work and materials to be 34517  
furnished, the place where plans and specifications may be 34518  
examined, and the time and place of receiving bids. 34519

(2) Each bid for a contract shall contain the full name of 34520  
every person interested in it. 34521

(3) Each bid for a contract for the construction, demolition, 34522  
alteration, repair, or reconstruction of an improvement shall meet 34523  
the requirements of section 153.54 of the Revised Code. 34524

(4) Each bid for a contract, other than a contract for the 34525  
construction, demolition, alteration, repair, or reconstruction of 34526  
an improvement, at the discretion of the supervisors, may be 34527

accompanied by a bond or certified check on a solvent bank in an amount not to exceed five per cent of the bid, conditioned that, if the bid is accepted, a contract shall be entered into.

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

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

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

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

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

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

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

(O) To develop operation and management plans, as defined in

section 1511.01 of the Revised Code, as necessary; 34558

(P) To determine whether operation and management plans 34559  
developed under division (A) of section 1511.021 of the Revised 34560  
Code comply with the standards established under division (E)(1) 34561  
of section 1511.02 of the Revised Code and to approve or 34562  
disapprove the plans, based on such compliance. If an operation 34563  
and management plan is disapproved, the board shall provide a 34564  
written explanation to the person who submitted the plan. The 34565  
person may appeal the plan disapproval to the chief, who shall 34566  
afford the person a hearing. Following the hearing, the chief 34567  
shall uphold the plan disapproval or reverse it. If the chief 34568  
reverses the plan disapproval, the plan shall be deemed approved 34569  
under this division. In the event that any person operating or 34570  
owning agricultural land or a concentrated animal feeding 34571  
operation in accordance with an approved operation and management 34572  
plan who, in good faith, is following that plan, causes 34573  
agricultural pollution, the plan shall be revised in a fashion 34574  
necessary to mitigate the agricultural pollution, as determined 34575  
and approved by the board of supervisors of the soil and water 34576  
conservation district. 34577

(Q) With regard to composting conducted in conjunction with 34578  
agricultural operations, to do all of the following: 34579

(1) Upon request or upon their own initiative, inspect 34580  
composting at any such operation to determine whether the 34581  
composting is being conducted in accordance with section 1511.022 34582  
of the Revised Code; 34583

(2) If the board determines that composting is not being so 34584  
conducted, request the chief to issue an order under division (G) 34585  
of section 1511.02 of the Revised Code requiring the person who is 34586  
conducting the composting to prepare a composting plan in 34587  
accordance with rules adopted under division (E)(8)(c) of that 34588  
section and to operate in accordance with that plan or to operate 34589



in accordance with a previously prepared plan, as applicable; 34590

(3) In accordance with rules adopted under division (E)(8)(c) 34591  
of section 1511.02 of the Revised Code, review and approve or 34592  
disapprove any such composting plan. If a plan is disapproved, the 34593  
board shall provide a written explanation to the person who 34594  
submitted the plan. 34595

As used in division (Q) of this section, "composting" has the 34596  
same meaning as in section 1511.01 of the Revised Code. 34597

(R) With regard to conservation activities that are conducted 34598  
in conjunction with agricultural operations, to assist the county 34599  
auditor, upon request, in determining whether a conservation 34600  
activity is a conservation practice for purposes of Chapter 929. 34601  
or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code. 34602

As used in this division, "conservation practice" has the 34603  
same meaning as in section 5713.30 of the Revised Code. 34604

(S) To do all acts necessary or proper to carry out the 34605  
powers granted in this chapter. 34606

The director of natural resources shall make recommendations 34607  
to reduce the adverse environmental effects of each project that a 34608  
soil and water conservation district plans to undertake under 34609  
division (A), (B), (C), or (D) of this section and that will be 34610  
funded in whole or in part by moneys authorized under section 34611  
1515.16 of the Revised Code and shall disapprove any such project 34612  
that the director finds will adversely affect the environment 34613  
without equal or greater benefit to the public. The director's 34614  
disapproval or recommendations, upon the request of the district 34615  
filed in accordance with rules adopted by the Ohio soil and water 34616  
conservation commission, shall be reviewed by the commission, 34617  
which may confirm the director's decision, modify it, or add 34618  
recommendations to or approve a project the director has 34619  
disapproved. 34620

Any instrument by which real property is acquired pursuant to 34621  
this section shall identify the agency of the state that has the 34622  
use and benefit of the real property as specified in section 34623  
5301.012 of the Revised Code. 34624

**Sec. 1515.14.** Within the limits of funds appropriated to the 34625  
department of natural resources and the soil and water 34626  
conservation district assistance fund created in this section, 34627  
there shall be paid in each calendar year to each local soil and 34628  
water conservation district an amount not to exceed one dollar for 34629  
each one dollar received in accordance with section 1515.10 of the 34630  
Revised Code, received from tax levies in excess of the ten-mill 34631  
levy limitation approved for the benefit of local soil and water 34632  
conservation districts, or received from an appropriation by a 34633  
municipal corporation or a township to a maximum of eight thousand 34634  
dollars, provided that the Ohio soil and water conservation 34635  
commission may approve payment to a district in an amount in 34636  
excess of eight thousand dollars in any calendar year upon receipt 34637  
of a request and justification from the district. The county 34638  
auditor shall credit such payments to the special fund established 34639  
pursuant to section 1515.10 of the Revised Code for the local soil 34640  
and water conservation district. The department may make advances 34641  
at least quarterly to each district on the basis of the estimated 34642  
contribution of the state to each district. Moneys received by 34643  
each district shall be expended for the purposes of the district. 34644

For the purpose of providing money to soil and water 34645  
conservation districts under this section, there is hereby created 34646  
in the state treasury the soil and water conservation district 34647  
assistance fund consisting of money credited to it under sections 34648  
3714.073 and 3734.901 and division (A)~~(5)~~(4) of section 3734.57 of 34649  
the Revised Code. 34650

**Sec. 1515.24.** (A) Following receipt of a certification made 34651

by the supervisors of a soil and water conservation district 34652  
pursuant to section 1515.19 of the Revised Code together with 34653  
receipt of all plans, specifications, and estimates submitted 34654  
under that section and upon completion of a schedule of estimated 34655  
assessments in accordance with section 1515.211 of the Revised 34656  
Code, the board of county commissioners may adopt a resolution 34657  
levying upon the property within the project area an assessment at 34658  
a uniform or varied rate based upon the benefit to the area 34659  
certified by the supervisors, as necessary to pay the cost of 34660  
construction of the improvement not otherwise funded and to repay 34661  
advances made for purposes of the improvement from the fund 34662  
created by section 1515.15 of the Revised Code. The board of 34663  
county commissioners shall direct the person or authority 34664  
preparing assessments to give primary consideration, in 34665  
determining a parcel's estimated assessments relating to the 34666  
disposal of water, to the potential increase in productivity that 34667  
the parcel may experience as a result of the improvement and also 34668  
to give consideration to the amount of water disposed of, the 34669  
location of the property relative to the project, the value of the 34670  
project to the watershed, and benefits. The part of the assessment 34671  
that is found to benefit state, county, or township roads or 34672  
highways or municipal streets shall be assessed against the state, 34673  
county, township, or municipal corporation, respectively, payable 34674  
from motor vehicle revenues. The part of the assessment that is 34675  
found to benefit property owned by any public corporation, any 34676  
political subdivision of the state, or the state shall be assessed 34677  
against the public corporation, the political subdivision, or the 34678  
state and shall be paid out of the general funds or motor vehicle 34679  
revenues of the public corporation, the political subdivision of 34680  
the state, or the state, except as otherwise provided by law. 34681

(B) The assessment shall be certified to the county auditor 34682  
and by the county auditor to the county treasurer. The collection 34683

of the assessment shall conform in all matters to Chapter 323. of 34684  
the Revised Code. 34685

(C) Any land owned and managed by the department of natural 34686  
resources for wildlife, recreation, nature preserve, or forestry 34687  
purposes is exempt from assessments if the director of natural 34688  
resources determines that the land derives no benefit from the 34689  
improvement. In making such a determination, the director shall 34690  
consider the purposes for which the land is owned and managed and 34691  
any relevant articles of dedication or existing management plans 34692  
for the land. If the director determines that the land derives no 34693  
benefit from the improvement, the director shall notify the board 34694  
of county commissioners, within thirty days after receiving the 34695  
assessment notification required by this section, indicating that 34696  
the director has determined that the land is to be exempt and 34697  
explaining the specific reason for making this determination. The 34698  
board of county commissioners, within thirty days after receiving 34699  
the director's exemption notification, may appeal the 34700  
determination to the court of common pleas. If the court of common 34701  
pleas finds in favor of the board of county commissioners, the 34702  
department of natural resources shall pay all court costs and 34703  
legal fees. 34704

(D)(1) The board shall give notice by first class mail to 34705  
every public and private property owner whose property is subject 34706  
to assessment, at the tax mailing or other known address of the 34707  
owner. The notice shall contain a statement of the amount to be 34708  
assessed against the property of the addressee, a description of 34709  
the method used to determine the necessity for and the amount of 34710  
the proposed assessment, a description of any easement on the 34711  
property that is necessary for purposes of the improvement, and a 34712  
statement that the addressee may file an objection in writing at 34713  
the office of the board of county commissioners within thirty days 34714  
after the mailing of notice. If the residence of any owner cannot 34715

be ascertained, or if any mailed notice is returned undelivered, 34716  
the board shall publish the notice to all such owners in a 34717  
newspaper of general circulation within the project area, ~~at least~~ 34718  
once each week for three weeks, ~~which~~ or as provided in section 34719  
7.16 of the Revised Code. The notice shall include the information 34720  
contained in the mailed notice, but shall state that the owner may 34721  
file an objection in writing at the office of the board of county 34722  
commissioners within thirty days after the last publication of the 34723  
notice. 34724

(2) Upon receipt of objections as provided in this section, 34725  
the board shall proceed within thirty days to hold a final hearing 34726  
on the objections by fixing a date and giving notice by first 34727  
class mail to the objectors at the address provided in filing the 34728  
objection. If any mailed notice is returned undelivered, the board 34729  
shall give due notice to the objectors in a newspaper of general 34730  
circulation in the project area or as provided in section 7.16 of 34731  
the Revised Code, stating the time, place, and purpose of the 34732  
hearing. Upon hearing the objectors, the board may adopt a 34733  
resolution amending and approving the final schedule of 34734  
assessments and shall enter it in the journal. 34735

(3) Any owner whose objection is not allowed may appeal 34736  
within thirty days to the court of common pleas of the county in 34737  
which the property is located. 34738

(4) The board of county commissioners shall make an order 34739  
approving the levying of the assessment and shall proceed under 34740  
section 6131.23 of the Revised Code after one of the following has 34741  
occurred, as applicable: 34742

(a) Final notice is provided by mail or publication. 34743

(b) The imposition of assessments is upheld in the final 34744  
disposition of an appeal that is filed pursuant to division (D)(3) 34745  
of this section. 34746

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

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

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

For the purpose of levying an assessment for maintenance of an improvement, a board may use the procedures established in Chapter 6137. of the Revised Code regarding maintenance of improvements as defined in section 6131.01 of the Revised Code in

lieu of using the procedures established under this section. 34779

(F) The board of county commissioners may issue bonds and 34780  
notes as authorized by section 131.23 or 133.17 of the Revised 34781  
Code. 34782

**Sec. 1517.02.** There is hereby created in the department of 34783  
natural resources the division of natural areas and preserves, 34784  
which shall be administered by the chief of the division of 34785  
natural areas and preserves. The chief shall take an oath of 34786  
office and shall file in the office of the secretary of state a 34787  
bond signed by the chief and by a surety approved by the governor 34788  
for a sum fixed pursuant to section 121.11 of the Revised Code. 34789

The chief shall administer a system of nature preserves. The 34790  
chief shall establish a system of nature preserves through 34791  
acquisition and dedication of natural areas of state or national 34792  
significance, which shall include, but not be limited to, areas 34793  
that represent characteristic examples of Ohio's natural landscape 34794  
types and its natural vegetation and geological history. The chief 34795  
shall encourage landowners to dedicate areas of unusual 34796  
significance as nature preserves, and shall establish and maintain 34797  
a registry of natural areas of unusual significance. 34798

The chief may participate in watershed planning activities 34799  
with other states or federal agencies. 34800

The chief shall do the following: 34801

(A) Formulate policies and plans for the acquisition, use, 34802  
management, and protection of nature preserves; 34803

(B) Formulate policies for the selection of areas suitable 34804  
for registration; 34805

(C) Formulate policies for the dedication of areas as nature 34806  
preserves; 34807

(D) Prepare and maintain surveys and inventories of natural 34808

areas, rare and endangered species of plants and animals, and 34809  
other unique natural features. The information shall be ~~stored~~ 34810  
entered in the Ohio natural heritage database, established 34811  
~~pursuant to this division, and may be made available to any~~ 34812  
~~individual or private or public agency for research, educational,~~ 34813  
~~environmental, land management, or other similar purposes that are~~ 34814  
~~not detrimental to the conservation of a species or feature.~~ 34815  
~~Information regarding sensitive site locations of species that are~~ 34816  
~~listed pursuant to section 1518.01 of the Revised Code and of~~ 34817  
~~unique natural features that are included in the Ohio natural~~ 34818  
~~heritage database is not subject to section 149.43 of the Revised~~ 34819  
~~Code if the chief determines that the release of the information~~ 34820  
~~could be detrimental to the conservation of a species or unique~~ 34821  
~~natural feature under section 1531.04 of the Revised Code.~~ 34822

(E) Adopt rules for the use, visitation, and protection of 34823  
nature preserves and natural areas owned or managed through 34824  
easement, license, or lease by the department and administered by 34825  
the division in accordance with Chapter 119. of the Revised Code; 34826

(F) Provide facilities and improvements within the state 34827  
system of nature preserves that are necessary for their 34828  
visitation, use, restoration, and protection and do not impair 34829  
their natural character; 34830

(G) Provide interpretive programs and publish and disseminate 34831  
information pertaining to nature preserves and natural areas for 34832  
their visitation and use; 34833

(H) Conduct and grant permits to qualified persons for the 34834  
conduct of scientific research and investigations within nature 34835  
preserves; 34836

(I) Establish an appropriate system for marking nature 34837  
preserves; 34838

(J) Publish and submit to the governor and the general 34839



assembly a biennial report of the status and condition of each 34840  
nature preserve, activities conducted within each preserve, and 34841  
plans and recommendations for natural area preservation. 34842

**Sec. 1517.03.** (A) There is hereby created the Ohio natural 34843  
areas council to advise the ~~chief of the division~~ director of 34844  
~~natural areas and preserves~~ resources or the director's designee 34845  
on the administration of nature preserves and the preservation of 34846  
natural areas. 34847

(B) The council shall ~~have no fewer than five members as~~ 34848  
~~determined by the director of natural resources. The members shall~~ 34849  
~~be appointed by the director.~~ 34850

~~Not later than thirty days after the effective date of this~~ 34851  
~~section, the director shall make initial appointments to the~~ 34852  
~~council. The director shall establish the terms of office of the~~ 34853  
~~members of the council~~ be composed of the following members 34854  
appointed by the governor with the advice and consent of the 34855  
senate: 34856

(1) One member representing natural history museums; 34857

(2) One member representing metropolitan park districts; 34858

(3) One member representing colleges and universities; 34859

(4) One member representing outdoor education programs in 34860  
primary and secondary education; 34861

(5) One member representing nature centers; 34862

(6) Two members representing the public. 34863

Each appointed member shall be active or interested in 34864  
natural area preservation. Not more than four of the appointed 34865  
members shall belong to the same political party. 34866

The director or the director's designee shall be a nonvoting 34867  
ex officio member of the council. 34868

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

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

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

(E) The council shall hold at least one regular meeting in each calendar year every three months. Special meetings may be called by the chairperson and shall be called by the chairperson upon written request by two or more members of the council. A written notice of the time and place of each meeting shall be sent to each member and to the director. A majority of the members of

the council constitutes a quorum. The council shall keep a record 34901  
of its proceedings at each meeting and shall send a copy of the 34902  
record to the director. The record shall be open to the public for 34903  
inspection. 34904

**Sec. 1531.04.** The division of wildlife, at the direction of 34905  
the chief of the division, shall do all of the following: 34906

(A) Plan, develop, and institute programs and policies based 34907  
on the best available information, including biological 34908  
information derived from professionally accepted practices in 34909  
wildlife and fisheries management, with the approval of the 34910  
director of natural resources; 34911

(B) Have and take the general care, protection, and 34912  
supervision of the wildlife in the state parks known as Lake St. 34913  
Marys, The Portage Lakes, Lake Loramie, Indian Lake, Buckeye Lake, 34914  
Guilford Lake, such part of Pymatuning reservoir as lies in this 34915  
state, and all other state parks and lands owned by the state or 34916  
in which it is interested or may acquire or become interested, 34917  
except lands and lakes the care and supervision of which are 34918  
vested in some other officer, body, board, association, or 34919  
organization; 34920

(C) Enforce by proper legal action or proceeding the laws of 34921  
the state and division rules for the protection, preservation, 34922  
propagation, and management of wild animals and sanctuaries and 34923  
refuges for the propagation of those wild animals, and adopt and 34924  
carry into effect such measures as it considers necessary in the 34925  
performance of its duties; 34926

(D) Promote, educate, and inform the citizens of the state 34927  
about conservation and the values of fishing, hunting, and 34928  
trapping, with the approval of the director; 34929

(E) Prepare and maintain surveys and inventories of rare and 34930

endangered species of plants and animals and other unique natural 34931  
features. The information shall be stored in the Ohio natural 34932  
heritage database, established pursuant to this division, and may 34933  
be made available to any individual or private or public agency 34934  
for research, educational, environmental, land management, or 34935  
other similar purposes that are not detrimental to the 34936  
conservation of a species or feature. Information regarding 34937  
sensitive site locations of species that are listed pursuant to 34938  
section 1518.01 of the Revised Code and of unique natural features 34939  
that are included in the Ohio natural heritage database is not 34940  
subject to section 149.43 of the Revised Code if the chief 34941  
determines that the release of the information could be 34942  
detrimental to the conservation of a species or unique natural 34943  
feature. 34944

**Sec. 1533.10.** Except as provided in this section or division 34945  
(A)(2) of section 1533.12 of the Revised Code, no person shall 34946  
hunt any wild bird or wild quadruped without a hunting license. 34947  
Each day that any person hunts within the state without procuring 34948  
such a license constitutes a separate offense. Except as otherwise 34949  
provided in this section, every applicant for a hunting license 34950  
who is a resident of the state and eighteen years of age or more 34951  
shall procure a resident hunting license or an apprentice resident 34952  
hunting license, the fee for which shall be eighteen dollars 34953  
unless the rules adopted under division (B) of section 1533.12 of 34954  
the Revised Code provide for issuance of a resident hunting 34955  
license to the applicant free of charge. Except as provided in 34956  
rules adopted under division (B)(2) of that section, each 34957  
applicant who is a resident of this state and who at the time of 34958  
application is sixty-six years of age or older shall procure a 34959  
special senior hunting license, the fee for which shall be 34960  
one-half of the regular hunting license fee. Every applicant who 34961  
is under the age of eighteen years shall procure a special youth 34962

hunting license or an apprentice youth hunting license, the fee 34963  
for which shall be one-half of the regular hunting license fee. 34964

~~The owner of~~ 34965

A resident of this state who owns lands in the state and the 34966  
owner's children of any age and grandchildren under eighteen years 34967  
of age may hunt on the lands without a hunting license. If the 34968  
owner of land in this state is a limited liability company or a 34969  
limited liability partnership that consists of three or fewer 34970  
individual members or partners, as applicable, an individual 34971  
member or partner who is a resident of this state and the member's 34972  
or partner's children of any age and grandchildren under eighteen 34973  
years of age may hunt on the land owned by the limited liability 34974  
company or limited liability partnership without a hunting 34975  
license. In addition, if the owner of land in this state is a 34976  
trust that has a total of three or fewer trustees and 34977  
beneficiaries, an individual who is a trustee or beneficiary and 34978  
who is a resident of this state and the individual's children of 34979  
any age and grandchildren under eighteen years of age may hunt on 34980  
the land owned by the trust without a hunting license. The tenant 34981  
and children of the tenant, residing on lands in the state, may 34982  
hunt on them without a hunting license. ~~Except~~ 34983

Except as otherwise provided in division (A)(1) of section 34984  
1533.12 of the Revised Code, every applicant for a hunting license 34985  
who is a nonresident of the state and who is eighteen years of age 34986  
or older shall procure a nonresident hunting license or an 34987  
apprentice nonresident hunting license, the fee for which shall be 34988  
one hundred twenty-four dollars unless the applicant is a resident 34989  
of a state that is a party to an agreement under section 1533.91 34990  
of the Revised Code, in which case the fee shall be eighteen 34991  
dollars. Apprentice resident hunting licenses, apprentice youth 34992  
hunting licenses, and apprentice nonresident hunting licenses are 34993  
subject to the requirements established under section 1533.102 of 34994

the Revised Code and rules adopted pursuant to it. 34995

The chief of the division of wildlife may issue a small game 34996  
hunting license expiring three days from the effective date of the 34997  
license to a nonresident of the state, the fee for which shall be 34998  
thirty-nine dollars. No person shall take or possess deer, wild 34999  
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 35000  
animal while possessing only a small game hunting license. A small 35001  
game hunting license or an apprentice nonresident hunting license 35002  
does not authorize the taking or possessing of ducks, geese, or 35003  
brant without having obtained, in addition to the small game 35004  
hunting license or the apprentice nonresident hunting license, a 35005  
wetlands habitat stamp as provided in section 1533.112 of the 35006  
Revised Code. A small game hunting license or an apprentice 35007  
nonresident hunting license does not authorize the taking or 35008  
possessing of deer, wild turkeys, or fur-bearing animals. A 35009  
nonresident of the state who wishes to take or possess deer, wild 35010  
turkeys, or fur-bearing animals in this state shall procure, 35011  
respectively, a deer or wild turkey permit as provided in section 35012  
1533.11 of the Revised Code or a fur taker permit as provided in 35013  
section 1533.111 of the Revised Code in addition to a nonresident 35014  
hunting license, an apprentice nonresident hunting license, a 35015  
special youth hunting license, or an apprentice youth hunting 35016  
license, as applicable, as provided in this section. 35017

No person shall procure or attempt to procure a hunting 35018  
license by fraud, deceit, misrepresentation, or any false 35019  
statement. 35020

This section does not authorize the taking and possessing of 35021  
deer or wild turkeys without first having obtained, in addition to 35022  
the hunting license required by this section, a deer or wild 35023  
turkey permit as provided in section 1533.11 of the Revised Code 35024  
or the taking and possessing of ducks, geese, or brant without 35025  
first having obtained, in addition to the hunting license required 35026

by this section, a wetlands habitat stamp as provided in section 35027  
1533.112 of the Revised Code. 35028

This section does not authorize the hunting or trapping of 35029  
fur-bearing animals without first having obtained, in addition to 35030  
a hunting license required by this section, a fur taker permit as 35031  
provided in section 1533.111 of the Revised Code. 35032

No hunting license shall be issued unless it is accompanied 35033  
by a written explanation of the law in section 1533.17 of the 35034  
Revised Code and the penalty for its violation, including a 35035  
description of terms of imprisonment and fines that may be 35036  
imposed. 35037

No hunting license, other than an apprentice hunting license, 35038  
shall be issued unless the applicant presents to the agent 35039  
authorized to issue the license a previously held hunting license 35040  
or evidence of having held such a license in content and manner 35041  
approved by the chief, a certificate of completion issued upon 35042  
completion of a hunter education and conservation course approved 35043  
by the chief, or evidence of equivalent training in content and 35044  
manner approved by the chief. A previously held apprentice hunting 35045  
license does not satisfy the requirement concerning the 35046  
presentation of a previously held hunting license or evidence of 35047  
it. 35048

No person shall issue a hunting license, except an apprentice 35049  
hunting license, to any person who fails to present the evidence 35050  
required by this section. No person shall purchase or obtain a 35051  
hunting license, other than an apprentice hunting license, without 35052  
presenting to the issuing agent the evidence required by this 35053  
section. Issuance of a hunting license in violation of the 35054  
requirements of this section is an offense by both the purchaser 35055  
of the illegally obtained hunting license and the clerk or agent 35056  
who issued the hunting license. Any hunting license issued in 35057  
violation of this section is void. 35058

The chief, with approval of the wildlife council, shall adopt 35059  
rules prescribing a hunter education and conservation course for 35060  
first-time hunting license buyers, other than buyers of apprentice 35061  
hunting licenses, and for volunteer instructors. The course shall 35062  
consist of subjects including, but not limited to, hunter safety 35063  
and health, use of hunting implements, hunting tradition and 35064  
ethics, the hunter and conservation, the law in section 1533.17 of 35065  
the Revised Code along with the penalty for its violation, 35066  
including a description of terms of imprisonment and fines that 35067  
may be imposed, and other law relating to hunting. Authorized 35068  
personnel of the division or volunteer instructors approved by the 35069  
chief shall conduct such courses with such frequency and at such 35070  
locations throughout the state as to reasonably meet the needs of 35071  
license applicants. The chief shall issue a certificate of 35072  
completion to each person who successfully completes the course 35073  
and passes an examination prescribed by the chief. 35074

**Sec. 1533.11.** (A) Except as provided in this section, no 35075  
person shall hunt deer on lands of another without first obtaining 35076  
an annual deer permit. Except as provided in this section, no 35077  
person shall hunt wild turkeys on lands of another without first 35078  
obtaining an annual wild turkey permit. Each applicant for a deer 35079  
or wild turkey permit shall pay an annual fee of twenty-three 35080  
dollars for each permit unless the rules adopted under division 35081  
(B) of section 1533.12 of the Revised Code provide for issuance of 35082  
a deer or wild turkey permit to the applicant free of charge. 35083  
Except as provided in rules adopted under division (B)(2) of that 35084  
section, each applicant who is a resident of this state and who at 35085  
the time of application is sixty-six years of age or older shall 35086  
procure a senior deer or wild turkey permit, the fee for which 35087  
shall be one-half of the regular deer or wild turkey permit fee. 35088  
Each applicant who is under the age of eighteen years shall 35089  
procure a youth deer or wild turkey permit, the fee for which 35090



shall be one-half of the regular deer or wild turkey permit fee. 35091  
Except as provided in division (A)(2) of section 1533.12 of the 35092  
Revised Code, a deer or wild turkey permit shall run concurrently 35093  
with the hunting license. The money received shall be paid into 35094  
the state treasury to the credit of the wildlife fund, created in 35095  
section 1531.17 of the Revised Code, exclusively for the use of 35096  
the division of wildlife in the acquisition and development of 35097  
land for deer or wild turkey management, for investigating deer or 35098  
wild turkey problems, and for the stocking, management, and 35099  
protection of deer or wild turkey. Every person, while hunting 35100  
deer or wild turkey on lands of another, shall carry the person's 35101  
deer or wild turkey permit and exhibit it to any enforcement 35102  
officer so requesting. Failure to so carry and exhibit such a 35103  
permit constitutes an offense under this section. The chief of the 35104  
division of wildlife shall adopt any additional rules the chief 35105  
considers necessary to carry out this section and section 1533.10 35106  
of the Revised Code. 35107

The An owner who is a resident of this state and the children 35108  
of the owner of lands in this state may hunt deer or wild turkey 35109  
thereon without a deer or wild turkey permit. If the owner of land 35110  
in this state is a limited liability company or a limited 35111  
liability partnership that consists of three or fewer individual 35112  
members or partners, as applicable, an individual member or 35113  
partner who is a resident of this state and the member's or 35114  
partner's children of any age may hunt deer or wild turkey on the 35115  
land owned by the limited liability company or limited liability 35116  
partnership without a deer or wild turkey permit. In addition, if 35117  
the owner of land in this state is a trust that has a total of 35118  
three or fewer trustees and beneficiaries, an individual who is a 35119  
trustee or beneficiary and who is a resident of this state and the 35120  
individual's children of any age may hunt deer or wild turkey on 35121  
the land owned by the trust without a deer or wild turkey permit. 35122  
The tenant and children of the tenant may hunt deer or wild turkey 35123

on lands where they reside without a deer or wild turkey permit. 35124

(B) A deer or wild turkey permit is not transferable. No 35125  
person shall carry a deer or wild turkey permit issued in the name 35126  
of another person. 35127

(C) The wildlife refunds fund is hereby created in the state 35128  
treasury. The fund shall consist of money received from 35129  
application fees for deer permits that are not issued. Money in 35130  
the fund shall be used to make refunds of such application fees. 35131

(D) If the division establishes a system for the electronic 35132  
submission of information regarding deer or wild turkey that are 35133  
taken, the division shall allow the owner and the children of the 35134  
owner of lands in this state to use the owner's name or address 35135  
for purposes of submitting that information electronically via 35136  
that system. 35137

**Sec. 1533.111.** Except as provided in this section or division 35138  
(A)(2) of section 1533.12 of the Revised Code, no person shall 35139  
hunt or trap fur-bearing animals on land of another without first 35140  
obtaining some type of an annual fur taker permit. Each applicant 35141  
for a fur taker permit or an apprentice fur taker permit shall pay 35142  
an annual fee of fourteen dollars for the permit, except as 35143  
otherwise provided in this section or unless the rules adopted 35144  
under division (B) of section 1533.12 of the Revised Code provide 35145  
for issuance of a fur taker permit to the applicant free of 35146  
charge. Except as provided in rules adopted under division (B)(2) 35147  
of that section, each applicant who is a resident of this state 35148  
and who at the time of application is sixty-six years of age or 35149  
older shall procure a special senior fur taker permit, the fee for 35150  
which shall be one-half of the regular fur taker permit fee. Each 35151  
applicant under the age of eighteen years shall procure a special 35152  
youth fur taker permit or an apprentice youth fur taker permit, 35153  
the fee for which shall be one-half of the regular fur taker 35154

permit fee. Each type of fur taker permit shall run concurrently 35155  
with the hunting license. The money received shall be paid into 35156  
the state treasury to the credit of the fund established in 35157  
section 1533.15 of the Revised Code. Apprentice fur taker permits 35158  
and apprentice youth fur taker permits are subject to the 35159  
requirements established under section 1533.102 of the Revised 35160  
Code and rules adopted pursuant to it. 35161

No fur taker permit shall be issued unless it is accompanied 35162  
by a written explanation of the law in section 1533.17 of the 35163  
Revised Code and the penalty for its violation, including a 35164  
description of terms of imprisonment and fines that may be 35165  
imposed. 35166

No fur taker permit, other than an apprentice fur taker 35167  
permit or an apprentice youth fur taker permit, shall be issued 35168  
unless the applicant presents to the agent authorized to issue a 35169  
fur taker permit a previously held hunting license or trapping or 35170  
fur taker permit or evidence of having held such a license or 35171  
permit in content and manner approved by the chief of the division 35172  
of wildlife, a certificate of completion issued upon completion of 35173  
a trapper education course approved by the chief, or evidence of 35174  
equivalent training in content and manner approved by the chief. A 35175  
previously held apprentice hunting license, apprentice fur taker 35176  
permit, or apprentice youth fur taker permit does not satisfy the 35177  
requirement concerning the presentation of a previously held 35178  
hunting license or fur taker permit or evidence of such a license 35179  
or permit. 35180

No person shall issue a fur taker permit, other than an 35181  
apprentice fur taker permit or an apprentice youth fur taker 35182  
permit, to any person who fails to present the evidence required 35183  
by this section. No person shall purchase or obtain a fur taker 35184  
permit, other than an apprentice fur taker permit or an apprentice 35185  
youth fur taker permit, without presenting to the issuing agent 35186

the evidence required by this section. Issuance of a fur taker 35187  
permit in violation of the requirements of this section is an 35188  
offense by both the purchaser of the illegally obtained permit and 35189  
the clerk or agent who issued the permit. Any fur taker permit 35190  
issued in violation of this section is void. 35191

The chief, with approval of the wildlife council, shall adopt 35192  
rules prescribing a trapper education course for first-time fur 35193  
taker permit buyers, other than buyers of apprentice fur taker 35194  
permits or apprentice youth fur taker permits, and for volunteer 35195  
instructors. The course shall consist of subjects that include, 35196  
but are not limited to, trapping techniques, animal habits and 35197  
identification, trapping tradition and ethics, the trapper and 35198  
conservation, the law in section 1533.17 of the Revised Code along 35199  
with the penalty for its violation, including a description of 35200  
terms of imprisonment and fines that may be imposed, and other law 35201  
relating to trapping. Authorized personnel of the division of 35202  
wildlife or volunteer instructors approved by the chief shall 35203  
conduct the courses with such frequency and at such locations 35204  
throughout the state as to reasonably meet the needs of permit 35205  
applicants. The chief shall issue a certificate of completion to 35206  
each person who successfully completes the course and passes an 35207  
examination prescribed by the chief. 35208

Every person, while hunting or trapping fur-bearing animals 35209  
on lands of another, shall carry the person's fur taker permit 35210  
with the person's signature written on the permit. Failure to 35211  
carry such a signed permit constitutes an offense under this 35212  
section. The chief shall adopt any additional rules the chief 35213  
considers necessary to carry out this section. 35214

The An owner who is a resident of this state and the children 35215  
of the owner of lands in this state may hunt or trap fur-bearing 35216  
animals thereon without a fur taker permit. If the owner of land 35217  
in this state is a limited liability company or a limited 35218

liability partnership that consists of three or fewer individual 35219  
members or partners, as applicable, an individual member or 35220  
partner who is a resident of this state and the member's or 35221  
partner's children of any age may hunt or trap fur-bearing animals 35222  
on the land owned by the limited liability company or limited 35223  
liability partnership without a fur taker permit. In addition, if 35224  
the owner of land in this state is a trust that has a total of 35225  
three or fewer trustees and beneficiaries, an individual who is a 35226  
trustee or beneficiary and who is a resident of this state and the 35227  
individual's children of any age may hunt or trap fur-bearing 35228  
animals on the land owned by the trust without a fur taker permit. 35229  
The tenant and children of the tenant may hunt or trap fur-bearing 35230  
animals on lands where they reside without a fur taker permit. 35231

A fur taker permit is not transferable. No person shall carry 35232  
a fur taker permit issued in the name of another person. 35233

A fur taker permit entitles a nonresident to take from this 35234  
state fur-bearing animals taken and possessed by the nonresident 35235  
as provided by law or division rule. 35236

**Sec. 1533.32.** Except as provided in this section or division 35237  
(A)(2) or (C) of section 1533.12 of the Revised Code, no person, 35238  
including nonresidents, shall take or catch any fish by angling in 35239  
any of the waters in the state or engage in fishing in those 35240  
waters without a license. No person shall take or catch frogs or 35241  
turtles without a valid fishing license, except as provided in 35242  
this section. Persons fishing in privately owned ponds, lakes, or 35243  
reservoirs to or from which fish are not accustomed to migrate are 35244  
exempt from the license requirements set forth in this section. 35245  
Persons fishing in privately owned ponds, lakes, or reservoirs 35246  
that are open to public fishing through an agreement or lease with 35247  
the division of wildlife shall comply with the license 35248  
requirements set forth in this section. 35249

The fee for an annual license shall be thirty-nine dollars 35250  
for a resident of a state that is not a party to an agreement 35251  
under section 1533.91 of the Revised Code. The fee for an annual 35252  
license shall be eighteen dollars for a resident of a state that 35253  
is a party to such an agreement. The fee for an annual license for 35254  
residents of this state shall be eighteen dollars unless the rules 35255  
adopted under division (B) of section 1533.12 of the Revised Code 35256  
provide for issuance of a resident fishing license to the 35257  
applicant free of charge. Except as provided in rules adopted 35258  
under division (B)(2) of that section, each applicant who is a 35259  
resident of this state and who at the time of application is 35260  
sixty-six years of age or older shall procure a special senior 35261  
fishing license, the fee for which shall be one-half of the annual 35262  
resident fishing license fee. 35263

Any person under the age of sixteen years may take or catch 35264  
frogs and turtles and take or catch fish by angling without a 35265  
license. 35266

The chief of the division of wildlife may issue a tourist's 35267  
license expiring three days from the effective date of the license 35268  
to a resident of a state that is not a party to an agreement under 35269  
section 1533.91 of the Revised Code. The fee for a tourist's 35270  
license shall be eighteen dollars. 35271

The chief shall adopt rules under section 1531.10 of the 35272  
Revised Code providing for the issuance of a one-day fishing 35273  
license to a resident of this state or of any other state. The fee 35274  
for such a license shall be fifty-five per cent of the amount 35275  
established under this section for a tourist's license, rounded up 35276  
to the nearest whole dollar. A one-day fishing license shall allow 35277  
the holder to take or catch fish by angling in the waters in the 35278  
state, engage in fishing in those waters, or take or catch frogs 35279  
or turtles in those waters for one day without obtaining an annual 35280  
license or a tourist's license under this section. At the request 35281

of a holder of a one-day fishing license who wishes to obtain an 35282  
annual license, a clerk or agent authorized to issue licenses 35283  
under section 1533.13 of the Revised Code, not later than the last 35284  
day on which the one-day license would be valid if it were an 35285  
annual license, shall credit the amount of the fee paid for the 35286  
one-day license toward the fee charged for the annual license if 35287  
so authorized by the chief. The clerk or agent shall issue the 35288  
annual license upon presentation of the one-day license and 35289  
payment of a fee in an amount equal to the difference between the 35290  
fee for the annual license and the fee for the one-day license. 35291

Unless otherwise provided by division rule, each annual 35292  
license shall begin on the first day of March of the current year 35293  
and expire on the last day of February of the following year. 35294

No person shall alter a fishing license or possess a fishing 35295  
license that has been altered. 35296

No person shall procure or attempt to procure a fishing 35297  
license by fraud, deceit, misrepresentation, or any false 35298  
statement. 35299

~~Owners of~~ A resident of this state who owns land over, 35300  
through, upon, or along which any water flows or stands, except 35301  
where the land is in or borders on state parks or state-owned 35302  
lakes, together with the members of the immediate families of such 35303  
owners, may take frogs and turtles and may take or catch fish of 35304  
the kind permitted to be taken or caught therefrom without 35305  
procuring a license provided for in this section. This exemption 35306  
extends to tenants actually residing upon such lands and to the 35307  
members of the immediate families of the tenants. If the owner of 35308  
such land in this state is a limited liability company or a 35309  
limited liability partnership that consists of three or fewer 35310  
individual members or partners, as applicable, an individual 35311  
member or partner who is a resident of this state and the member's 35312  
or partner's children of any age may take frogs and turtles and 35313

may take or catch fish of the kind permitted to be taken or caught 35314  
therefrom without procuring a license provided for in this 35315  
section. In addition, if the owner of such land in this state is a 35316  
trust that has a total of three or fewer trustees and 35317  
beneficiaries, an individual who is a trustee or beneficiary and 35318  
who is a resident of this state and the individual's children of 35319  
any age may take frogs and turtles and may take or catch fish of 35320  
the kind permitted to be taken or caught therefrom without 35321  
procuring a license provided for in this section. Residents of 35322  
state or county institutions, charitable institutions, and 35323  
military homes in this state may take frogs and turtles without 35324  
procuring the required license, provided that a member of the 35325  
institution or home has an identification card, which shall be 35326  
carried on that person when fishing. 35327

Every fisher required to be licensed, while fishing or taking 35328  
or attempting to take frogs or turtles, shall carry the license 35329  
and exhibit it to any person. Failure to so carry and exhibit the 35330  
license constitutes an offense under this section. 35331

**Sec. 1533.731.** (A) No wild animal hunting preserve shall be 35332  
less than eighty acres in area. Each such preserve shall be in one 35333  
continuous block of land, except that the block of land may be 35334  
intersected by highways or roads. No wild animal hunting preserve 35335  
shall be located within ~~three~~ one thousand five hundred feet of 35336  
another such preserve or of a commercial bird shooting preserve 35337  
licensed under section 1533.72 of the Revised Code. 35338

The boundaries of each wild animal hunting preserve shall be 35339  
clearly defined by posting, at intervals of not more than ~~two~~ four 35340  
hundred feet, with signs prescribed by the division of wildlife. 35341  
Each wild animal hunting preserve shall be surrounded by a fence 35342  
at least six feet in height that is constructed of a woven wire 35343  
mesh, or such other enclosure approved by the chief of the 35344



division of wildlife. 35345

(B)(1) Except as provided in divisions (B)(2) and (3) of this 35346  
section, game and nonnative wildlife that have been approved by 35347  
the chief for such use, that have been legally acquired or 35348  
propagated under the authority of a propagating license issued 35349  
under section 1533.71 of the Revised Code, and that are marked and 35350  
tagged as provided in division (C) of this section may be released 35351  
and hunted within the confines of the licensed wild animal hunting 35352  
preserve between sunrise and sunset, without regard to sex, bag 35353  
limit, or open season, by licensed hunters authorized by the 35354  
holder of the wild animal hunting preserve license to hunt on 35355  
those lands. The chief shall establish, by rule, the allowable 35356  
methods of taking game and nonnative wildlife in a wild animal 35357  
hunting preserve. 35358

(2) No game or nonnative wildlife on the federal endangered 35359  
species list established in accordance with the "Endangered 35360  
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1531, as amended, 35361  
or the state endangered species list established in rules adopted 35362  
under section 1531.25 of the Revised Code, no bears native to 35363  
North America, and no large carnivores of the family Felidae shall 35364  
be released for hunting or hunted in any wild animal hunting 35365  
preserve in this state. 35366

(3) No person shall release for hunting or hunt within a wild 35367  
animal hunting preserve any game or nonnative wildlife not listed 35368  
in the application for a license for that preserve. 35369

(C) All game and nonnative wildlife released on a wild animal 35370  
hunting preserve shall be identified with a tag that shall bear 35371  
upon it a symbol identifying the preserve. 35372

(D) For the purposes of division (B) of section 1533.02 of 35373  
the Revised Code, the owner or operator of a wild animal hunting 35374  
preserve shall furnish each person who takes any game or nonnative 35375

wildlife from the preserve a certificate bearing a description of 35376  
the animal, the date the animal was taken, and the name of the 35377  
preserve. 35378

(E) The chief shall adopt rules under section 1531.10 of the 35379  
Revised Code that provide for the safety of the public and for the 35380  
protection of the game and nonnative wildlife to be hunted in a 35381  
wild animal hunting preserve prior to their release in the 35382  
preserve. 35383

(F) No holder of a wild animal hunting preserve license shall 35384  
violate Chapter 1531. or this chapter of the Revised Code or any 35385  
division rule. 35386

(G) This section does not authorize the hunting of game birds 35387  
in a licensed wild animal hunting preserve. 35388

**Sec. 1533.83.** As used in sections 1533.83 to 1533.85 of the 35389  
Revised Code: 35390

(A) "Political subdivision" means a municipal corporation, 35391  
township, county, or other body corporate and politic responsible 35392  
for governmental activities in a geographic area smaller than that 35393  
of the state. 35394

(B) "Shooting range" means a facility operated for the 35395  
purpose of shooting with firearms or archery equipment, whether 35396  
publicly or privately owned and whether or not operated for 35397  
profit, including, but not limited to, commercial bird shooting 35398  
preserves and wild animal hunting preserves established pursuant 35399  
to this chapter. "Shooting range" does not include a facility 35400  
owned or operated by a municipal corporation, county, ~~or~~ township 35401  
police district, or joint police district. 35402

(C) "Harm" means injury, death, or loss to person or 35403  
property. 35404

(D) "The chief's noise rules" means the rules of the chief of 35405

the division of wildlife that are adopted pursuant to section 35406  
1533.84 of the Revised Code and that pertain to the limitation or 35407  
suppression of noise at a shooting range or to the hours of 35408  
operation of shooting ranges. 35409

(E) "The chief's public safety rules" means the rules of the 35410  
chief of the division of wildlife that are adopted pursuant to 35411  
section 1533.84 of the Revised Code and that pertain to public 35412  
safety, including standards for the reconstruction, enlargement, 35413  
remodeling, or repair of any structure or facility that is part of 35414  
a shooting range. 35415

**Sec. 1541.05.** (A) The chief of the division of parks and 35416  
recreation, with the approval of the director of natural 35417  
resources, may dispose of any of the following by sale, donation, 35418  
trade, trade-in, recycling, or any other lawful means, in a manner 35419  
that will benefit the division: 35420

(1) Standing timber that as a result of wind, storm, 35421  
pestilence, or any other natural occurrence may present a hazard 35422  
to life or property, timber that has weakened or fallen on lands 35423  
under the control and management of the division, or any timber or 35424  
other forest products that ~~requires~~ require management to improve 35425  
wildlife habitat, protect against wildfires, provide access to 35426  
recreational facilities, implement sustainable forestry practices, 35427  
or improve the safety, quality, or appearance of any state park 35428  
area; 35429

(2) Spoils of a dredging operation conducted by the division 35430  
in waters under the control and management of the division. Prior 35431  
to the disposition of any spoils under this division, the chief 35432  
shall notify the director of environmental protection of the 35433  
chief's intent so that the director may determine if the spoils 35434  
constitute solid wastes or hazardous waste, as those terms are 35435  
defined in section 3734.01 of the Revised Code, that must be 35436

disposed of in accordance with Chapter 3734. of the Revised Code. 35437  
If the director does not notify the chief within thirty days after 35438  
receiving notice of the disposition that the spoils must be 35439  
disposed of in accordance with Chapter 3734. of the Revised Code, 35440  
the chief may proceed with the disposition. 35441

(3) Notwithstanding sections 125.12 to 125.14 of the Revised 35442  
Code, excess supplies and surplus supplies, as those terms are 35443  
defined in section 125.12 of the Revised Code; 35444

(4) Agricultural products that are grown or raised by the 35445  
division. As used in this division, "agricultural products" 35446  
includes products of apiculture, animal husbandry, or poultry 35447  
husbandry, field crops, fruits, and vegetables. 35448

(5) Abandoned personal property, including golf balls that 35449  
are found on property under the control and management of the 35450  
division. 35451

(B) In accordance with Chapter 119. of the Revised Code, the 35452  
chief shall adopt, and may amend and rescind, such rules as are 35453  
necessary to administer this section. 35454

(C) ~~Proceeds~~ Except as provided in division (D) of this 35455  
section, proceeds from the disposition of items under this section 35456  
shall be deposited in the state treasury to the credit of the 35457  
state park fund created in section 1541.22 of the Revised Code. 35458

(D) The chief of the division of parks and recreation may 35459  
enter into a memorandum of understanding with the chief of the 35460  
division of forestry to allow the division of forestry to 35461  
administer the sale of timber and forest products on lands that 35462  
are owned or controlled by the division of parks and recreation. 35463  
Proceeds from the sale of timber or forest products pursuant to 35464  
the memorandum of understanding shall be apportioned as follows: 35465

(1) Seventy-five per cent of the proceeds shall be deposited 35466  
in the state treasury to the credit of the state park fund. 35467

(2) Twenty-five per cent of the proceeds shall be deposited 35468  
in the state treasury to the credit of the state forest fund 35469  
created in section 1503.05 of the Revised Code. 35470

**Sec. 1545.071.** The following applies until the department of 35471  
administrative services implements for park districts the health 35472  
care plans under section 9.901 of the Revised Code. If those plans 35473  
do not include or address any benefits listed in this section, the 35474  
following provisions continue in effect for those benefits. 35475

The board of park commissioners of any park district may 35476  
procure and pay all or any part of the cost of group insurance 35477  
policies that may provide benefits for hospitalization, surgical 35478  
care, major medical care, disability, dental care, eye care, 35479  
medical care, hearing aids, or prescription drugs, or sickness and 35480  
accident insurance or a combination of any of the foregoing types 35481  
of insurance or coverage for park district officers and employees 35482  
and their immediate dependents issued by an insurance company duly 35483  
authorized to do business in this state. 35484

The board may procure and pay all or any part of the cost of 35485  
group life insurance to insure the lives of park district 35486  
employees. 35487

The board also may contract for group health care services 35488  
with health insuring corporations holding a certificate of 35489  
authority under Chapter 1751. of the Revised Code provided that 35490  
each officer or employee is permitted to: 35491

(A) Choose between a plan offered by an insurance company and 35492  
a plan offered by a health insuring corporation and provided 35493  
further that the officer or employee pays any amount by which the 35494  
cost of the plan chosen by the officer or employee exceeds the 35495  
cost of the plan offered by the board under this section; 35496

(B) Change the choice made under division (A) of this section 35497

at a time each year as determined in advance by the board. 35498

Any appointed member of the board of park commissioners and 35499  
the spouse and dependent children of the member may be covered, at 35500  
the option and expense of the member, as a noncompensated employee 35501  
of the park district under any benefit plan described in division 35502  
(A) of this section. The member shall pay to the park district the 35503  
amount certified to it by the benefit provider as the provider's 35504  
charge for the coverage the member has chosen under division (A) 35505  
of this section. Payments for coverage shall be made, in advance, 35506  
in a manner prescribed by the board. The member's exercise of an 35507  
option to be covered under this section shall be in writing, 35508  
announced at a regular public meeting of the board, and recorded 35509  
as a public record in the minutes of the board. 35510

The board may provide the benefits authorized in this section 35511  
by contributing to a health and welfare trust fund administered 35512  
through or in conjunction with a collective bargaining 35513  
representative of the park district employees. 35514

The board may provide the benefits described in this section 35515  
through an individual self-insurance program or a joint 35516  
self-insurance program as provided in section 9.833 of the Revised 35517  
Code. 35518

**Sec. 1545.09.** (A) The board of park commissioners shall adopt 35519  
such bylaws and rules as the board considers advisable for the 35520  
preservation of good order within and adjacent to parks and 35521  
reservations of land, and for the protection and preservation of 35522  
the parks, parkways, and other reservations of land under its 35523  
jurisdiction and control and of property and natural life therein. 35524  
The board shall also adopt bylaws or rules establishing a 35525  
procedure for contracting for professional, technical, consulting, 35526  
and other special services. Any competitive bidding procedures of 35527  
the board do not apply to the purchase of benefits for park 35528

district officers or employees when such benefits are provided 35529  
through a health and welfare trust fund administered through or in 35530  
conjunction with a collective bargaining representative of the 35531  
park district employees, as authorized in section 1545.071 of the 35532  
Revised Code. ~~The~~ Summaries of the bylaws and rules shall be 35533  
published as provided in the case of ordinances of municipal 35534  
corporations under section 731.21 of the Revised Code before 35535  
taking effect. 35536

(B)(1) As used in division (B)(2) of this section, "similar 35537  
violation under state law" means a violation of any section of the 35538  
Revised Code, other than division (C) of this section, that is 35539  
similar to a violation of a bylaw or rule adopted under division 35540  
(A) of this section. 35541

(2) The board of park commissioners may adopt by bylaw a 35542  
penalty for a violation of any bylaw or rule adopted under 35543  
division (A) of this section, and any penalty so adopted shall not 35544  
exceed in severity whichever of the following is applicable: 35545

(a) The penalty designated under the Revised Code for a 35546  
violation of the state law that is similar to the bylaw or rule 35547  
for which the board adopted the penalty; 35548

(b) For a violation of a bylaw or rule adopted under division 35549  
(A) of this section for which the similar violation under state 35550  
law does not bear a penalty or for which there is no similar 35551  
violation under state law, a fine of not more than one hundred 35552  
fifty dollars for a first offense and not more than one thousand 35553  
dollars for each subsequent offense. 35554

(3) ~~Any~~ A summary of any bylaw adopted under division (B)(2) 35555  
of this section shall be published as provided in the case of 35556  
ordinances of municipal corporations under section 731.21 of the 35557  
Revised Code before taking effect. 35558

(C) No person shall violate any bylaws or rules adopted under 35559

division (A) of this section. All fines collected for any 35560  
violation of this section shall be paid into the treasury of such 35561  
park board. 35562

**Sec. 1545.12.** (A) Except as provided in division (B) of this 35563  
section, if the board of park commissioners finds that any lands 35564  
that it has acquired are not necessary for the purposes for which 35565  
they were acquired by the board, it may sell and dispose of the 35566  
lands upon terms the board considers advisable. The board also may 35567  
lease or permit the use of any lands for purposes not inconsistent 35568  
with the purposes for which the lands were acquired, and upon 35569  
terms the board considers advisable. No lands shall be sold 35570  
pursuant to this division without first giving notice of the 35571  
board's intention to sell the lands by publication once a week for 35572  
four consecutive weeks in ~~not less than two English newspapers~~ a 35573  
newspaper of general circulation in the district or as provided in 35574  
section 7.16 of the Revised Code. The notice shall contain an 35575  
accurate description of the lands and shall state the time and 35576  
place at which sealed bids will be received for the purchase of 35577  
the lands, and the lands shall not thereafter be sold at private 35578  
sale for less than the best and highest bid received without 35579  
giving further notice as specified in this division. 35580

(B)(1) After compliance with division (B)(2) of this section, 35581  
the board of park commissioners may sell land upon terms the board 35582  
considers advisable to any park district established under section 35583  
511.18 or Chapter 1545. of the Revised Code, any political 35584  
subdivision of the state, the state or any department or agency of 35585  
the state, or any department or agency of the federal government 35586  
for conservation uses or for park or recreation purposes without 35587  
the necessity of having to comply with division (A) of this 35588  
section. 35589

(2) Before the board of park commissioners may sell land 35590



under division (B)(1) of this section, the board shall offer the 35591  
land for sale to each of the following public agencies that is 35592  
authorized to acquire, develop, and maintain land for conservation 35593  
uses or for park or recreation purposes: each park district 35594  
established under section 511.18 or Chapter 1545. of the Revised 35595  
Code or political subdivision in which the land is located, each 35596  
park district that is so established and that adjoins or each 35597  
political subdivision that adjoins a park district so established 35598  
or political subdivision in which the land is located, and each 35599  
agency or department of the state or of the federal government 35600  
that operates parks or conservation or recreation areas near the 35601  
land. The board shall make the offer by giving a written notice 35602  
that the land is available for sale, by first class mail, to these 35603  
public agencies. A failure of delivery of the written notice to 35604  
any of these public agencies does not invalidate any proceedings 35605  
for the sale of land under this division. Any public agency that 35606  
is so notified and that wishes to purchase the land shall make an 35607  
offer to the board in writing not later than sixty days after 35608  
receiving the written notice. 35609

If there is only one offer to purchase the land made in that 35610  
sixty-day period, the board need not hold a public hearing on the 35611  
offer. The board shall accept the offer only if it determines that 35612  
acceptance of the offer will result in the best public use of the 35613  
land. 35614

If there is more than one offer to purchase the land made in 35615  
that sixty-day period, the board shall not accept any offer until 35616  
the board holds a public hearing on the offers. If, after the 35617  
hearing, the board decides to accept an offer, it shall accept the 35618  
offer that it determines will result in the best public use of the 35619  
land. 35620

(C) No lands shall be sold under this section at either 35621  
public or private sale without the approval of the probate court 35622

of the county in which the lands are situated. 35623

**Sec. 1545.131.** The board of park commissioners of a park 35624  
district may enter into contracts with one or more townships, 35625  
township police districts, joint police districts, municipal 35626  
corporations, or county sheriffs of this state, with one or more 35627  
township park districts created pursuant to section 511.18 of the 35628  
Revised Code or other park districts, with one or more state 35629  
universities or colleges, as defined in section 3345.12 of the 35630  
Revised Code, or with a contiguous political subdivision of an 35631  
adjoining state, and a township, township police district, joint 35632  
police district, municipal corporation, county sheriff, township 35633  
park district, other park district, or state university or college 35634  
may enter into a contract with a park district upon any terms that 35635  
are agreed to by them, to allow the use of the park district 35636  
police or law enforcement officers designated under section 35637  
1545.13 of the Revised Code to perform any police function, 35638  
exercise any police power, or render any police service on behalf 35639  
of the contracting entity that the entity may perform, exercise, 35640  
or render. 35641

Chapter 2744. of the Revised Code, insofar as it applies to 35642  
the operation of police departments, applies to the contracting 35643  
entities and to the members of the police force or law enforcement 35644  
department when they are rendering service outside their own 35645  
subdivisions pursuant to that contract. 35646

Members of the police force or law enforcement department 35647  
acting outside the political subdivision in which they are 35648  
employed, pursuant to that contract, shall be entitled to 35649  
participate in any indemnity fund established by their employer to 35650  
the same extent as while acting within the employing subdivision. 35651  
Those members shall be entitled to all the rights and benefits of 35652  
Chapter 4123. of the Revised Code, to the same extent as while 35653

performing service within the subdivision. 35654

The contracts entered into pursuant to this section may 35655  
provide for the following: 35656

(A) A fixed annual charge to be paid at the times agreed upon 35657  
and stipulated in the contract; 35658

(B) Compensation based upon the following: 35659

(1) A stipulated price for each call or emergency; 35660

(2) The number of members or pieces of equipment employed; 35661

(3) The elapsed time of service required in each call or 35662  
emergency. 35663

(C) Compensation for loss or damage to equipment while 35664  
engaged in rendering police services outside the limits of the 35665  
subdivision that owns and furnishes the equipment; 35666

(D) Reimbursement of the subdivision in which the police 35667  
force or law enforcement department members are employed for any 35668  
indemnity award or premium contribution assessed against the 35669  
employing subdivision for workers' compensation benefits for 35670  
injuries or death of its police force or law enforcement 35671  
department members occurring while engaged in rendering police 35672  
services pursuant to the contract. 35673

**Sec. 1545.132.** The police force or law enforcement department 35674  
of any park district may provide police protection to any county, 35675  
municipal corporation, township, ~~or~~ township police district, or 35676  
joint police district of this state, to any other park district or 35677  
any township park district created pursuant to section 511.18 of 35678  
the Revised Code, or to a governmental entity of an adjoining 35679  
state without a contract to provide police protection, upon the 35680  
approval, by resolution, of the board of park commissioners of the 35681  
park district in which the police force or law enforcement 35682  
department is located and upon authorization by an officer or 35683

employee of the police force or department providing the police 35684  
protection who is designated by title of office or position, 35685  
pursuant to the resolution of the board of park commissioners, to 35686  
give the authorization. 35687

Chapter 2744. of the Revised Code, insofar as it applies to 35688  
the operation of police departments, shall apply to any park 35689  
district and to members of its police force or law enforcement 35690  
department when those members are rendering police services 35691  
pursuant to this section outside the park district by which they 35692  
are employed. 35693

Police force or law enforcement department members acting, as 35694  
provided in this section, outside the park district by which they 35695  
are employed shall be entitled to participate in any pension or 35696  
indemnity fund established by their employer to the same extent as 35697  
while acting within the park district by which they are employed. 35698  
Those members shall be entitled to all rights and benefits of 35699  
Chapter 4123. of the Revised Code to the same extent as while 35700  
performing services within the park district by which they are 35701  
employed. 35702

**Sec. 1547.30.** (A) As used in this section and sections 35703  
1547.301, 1547.302, and 1547.304 of the Revised Code: 35704

(1) "Vessel or outboard motor" excludes an abandoned junk 35705  
vessel or outboard motor, as defined in section 1547.303 of the 35706  
Revised Code, or any watercraft or outboard motor under section 35707  
4585.31 of the Revised Code. 35708

(2) "Law enforcement agency" means any organization or unit 35709  
comprised of law enforcement officers, as defined in section 35710  
2901.01 of the Revised Code. 35711

(B)(1) The sheriff of a county, chief of police of a 35712  
municipal corporation, township, ~~or~~ township police district, or 35713

joint police district, or other chief of a law enforcement agency, 35714  
within the sheriff's or chief's respective territorial 35715  
jurisdiction, upon complaint of any person adversely affected, may 35716  
order into storage any vessel or outboard motor that has been left 35717  
on private property, other than a private dock or mooring facility 35718  
or structure, for at least seventy-two hours without the 35719  
permission of the person having the right to the possession of the 35720  
property. The sheriff or chief, upon complaint of the owner of a 35721  
marine repair facility or place of storage, may order into storage 35722  
any vessel or outboard motor that has been left at the facility or 35723  
place of storage for a longer period than that agreed upon. The 35724  
place of storage shall be designated by the sheriff or chief. When 35725  
ordering a vessel or motor into storage under division (B)(1) of 35726  
this section, a sheriff or chief, whenever possible, shall arrange 35727  
for the removal of the vessel or motor by a private tow truck 35728  
operator or towing company. 35729

(2)(a) Except as provided in division (B)(2)(d) of this 35730  
section, no person, without the consent of the owner or other 35731  
person authorized to give consent, shall moor, anchor, or tie a 35732  
vessel or outboard motor at a private dock or mooring facility or 35733  
structure owned by another person if the owner has posted, in a 35734  
conspicuous manner, a prohibition against the mooring, anchoring, 35735  
or tying of vessels or outboard motors at the dock, facility, or 35736  
structure by any person not having the consent of the owner or 35737  
other person authorized to give consent. 35738

(b) If the owner of a private dock or mooring facility or 35739  
structure has posted at the dock, facility, or structure, in a 35740  
conspicuous manner, conditions and regulations under which the 35741  
mooring, anchoring, or tying of vessels or outboard motors is 35742  
permitted at the dock, facility, or structure, no person, except 35743  
as provided in division (B)(2)(d) of this section, shall moor, 35744  
anchor, or tie a vessel or outboard motor at the dock, facility, 35745

or structure in violation of the posted conditions and 35746  
regulations. 35747

(c) The owner of a private dock or mooring facility or 35748  
structure may order towed into storage any vessel or outboard 35749  
motor found moored, anchored, or tied in violation of division 35750  
(B)(2)(a) or (b) of this section, provided that the owner of the 35751  
dock, facility, or structure posts on it a sign that states that 35752  
the dock, facility, or structure is private, is visible from all 35753  
entrances to the dock, facility, or structure, and contains all of 35754  
the following information: 35755

(i) The information specified in division (B)(2)(a) or (b) of 35756  
this section, as applicable; 35757

(ii) A notice that violators will be towed and that violators 35758  
are responsible for paying the cost of the towing; 35759

(iii) The telephone number of the person from whom a towed 35760  
vessel or outboard motor may be recovered, and the address of the 35761  
place to which the vessel or outboard motor will be taken and the 35762  
place from which it may be recovered. 35763

(d) Divisions (B)(2)(a) and (b) of this section do not 35764  
prohibit a person from mooring, anchoring, or tying a vessel or 35765  
outboard motor at a private dock or mooring facility or structure 35766  
if either of the following applies: 35767

(i) The vessel or outboard motor is disabled due to a 35768  
mechanical or structural malfunction, provided that the person 35769  
immediately removes the vessel or outboard motor from the dock, 35770  
facility, or structure when the malfunction is corrected or when a 35771  
reasonable attempt has been made to correct it; 35772

(ii) Weather conditions are creating an imminent threat to 35773  
safe operation of the vessel or outboard motor, provided that the 35774  
person immediately removes the vessel or outboard motor from the 35775  
dock, facility, or structure when the weather conditions permit 35776

safe operation of the vessel or outboard motor. 35777

(e) A person whose vessel or outboard motor is towed into 35778  
storage under division (B)(2)(c) of this section either shall pay 35779  
the costs of the towing of the vessel or outboard motor or shall 35780  
reimburse the owner of the dock or mooring facility or structure 35781  
for the costs that the owner incurs in towing the vessel or 35782  
outboard motor. 35783

(3) Subject to division (C) of this section, the owner of a 35784  
vessel or motor that has been removed under division (B) of this 35785  
section may recover the vessel or motor only in accordance with 35786  
division (F) of this section. 35787

(C) If the owner or operator of a vessel or outboard motor 35788  
that has been ordered into storage under division (B) of this 35789  
section arrives after the vessel or motor has been prepared for 35790  
removal, but prior to its actual removal from the property, the 35791  
owner or operator shall be given the opportunity to pay a fee of 35792  
not more than one-half of the charge for the removal of vessels or 35793  
motors under division (B) of this section that normally is 35794  
assessed by the person who has prepared the vessel or motor for 35795  
removal, in order to obtain release of the vessel or motor. Upon 35796  
payment of that fee, the vessel or motor shall be released to the 35797  
owner or operator, and upon its release, the owner or operator 35798  
immediately shall move it so that it is not on the private 35799  
property without the permission of the person having the right to 35800  
possession of the property, or is not at the facility or place of 35801  
storage without the permission of the owner, whichever is 35802  
applicable. 35803

(D) Each county sheriff, each chief of police of a municipal 35804  
corporation, township, ~~or~~ township police district, or joint 35805  
police district, and each other chief of a law enforcement agency 35806  
shall maintain a record of vessels or outboard motors that are 35807  
ordered into storage under division (B)(1) of this section. The 35808

record shall include an entry for each such vessel or motor that 35809  
identifies the vessel's hull identification number or serial 35810  
number, if any, the vessel's or motor's make, model, and color, 35811  
the location from which it was removed, the date and time of its 35812  
removal, the telephone number of the person from whom it may be 35813  
recovered, and the address of the place to which it has been taken 35814  
and from which it may be recovered. Any information in the record 35815  
that pertains to a particular vessel or motor shall be provided to 35816  
any person who, pursuant to a statement the person makes either in 35817  
person or by telephone, is identified as the owner or operator of 35818  
the vessel or motor and requests information pertaining to its 35819  
location. 35820

(E) Any person who registers a complaint that is the basis of 35821  
a sheriff's or chief's order for the removal and storage of a 35822  
vessel or outboard motor under division (B)(1) of this section 35823  
shall provide the identity of the law enforcement agency with 35824  
which the complaint was registered to any person who, pursuant to 35825  
a statement the person makes, is identified as the owner or 35826  
operator of the vessel or motor and requests information 35827  
pertaining to its location. 35828

(F)(1) The owner of a vessel or outboard motor that is 35829  
ordered into storage under division (B) of this section may 35830  
reclaim it upon payment of any expenses or charges incurred in its 35831  
removal, in an amount not to exceed two hundred dollars, and 35832  
storage, in an amount not to exceed five dollars per 35833  
twenty-four-hour period, and upon presentation of proof of 35834  
ownership, which may be evidenced by a certificate of title to the 35835  
vessel or motor, certificate of United States coast guard 35836  
documentation, or certificate of registration if the vessel or 35837  
motor is not subject to titling under section 1548.01 of the 35838  
Revised Code. 35839

(2) If a vessel or outboard motor that is ordered into 35840



storage under division (B)(1) of this section remains unclaimed by 35841  
the owner for thirty days, the procedures established by sections 35842  
1547.301 and 1547.302 of the Revised Code shall apply. 35843

(3) If a vessel or outboard motor ordered into storage under 35844  
division (B)(2) of this section remains unclaimed for seventy-two 35845  
hours after being stored, the tow truck operator or towing company 35846  
that removed the vessel or outboard motor shall provide notice of 35847  
the removal and storage to the sheriff of a county, chief of 35848  
police of a municipal corporation, township, ~~or~~ township police 35849  
district, or joint police district, or other chief of a law 35850  
enforcement agency within whose territorial jurisdiction the 35851  
vessel or outboard motor had been moored, anchored, or tied in 35852  
violation of division (B)(2) of this section. The notice shall be 35853  
in writing and include the vessel's hull identification number or 35854  
serial number, if any, the vessel's or outboard motor's make, 35855  
model, and color, the location from which it was removed, the date 35856  
and time of its removal, the telephone number of the person from 35857  
whom it may be recovered, and the address of the place to which it 35858  
has been taken and from which it may be recovered. 35859

Upon receipt of the notice, the sheriff or chief immediately 35860  
shall cause a search to be made of the records of the division of 35861  
watercraft to ascertain the owner and any lienholder of the vessel 35862  
or outboard motor, and, if known, shall send notice to the owner 35863  
and lienholder, if any, at the owner's and lienholder's last known 35864  
address by certified mail, return receipt requested, that the 35865  
vessel or outboard motor will be declared a nuisance and disposed 35866  
of if not claimed not later than thirty days after the date of the 35867  
mailing of the notice. 35868

If the owner or lienholder makes no claim to the vessel or 35869  
outboard motor within thirty days of the date of the mailing of 35870  
the notice, the sheriff or chief shall file with the clerk of 35871  
courts of the county in which the place of storage is located an 35872

affidavit showing compliance with the requirements of division 35873  
(F)(3) of this section, and the vessel or outboard motor shall be 35874  
disposed of in accordance with section 1547.302 of the Revised 35875  
Code. 35876

(G) No person shall remove, or cause the removal of, any 35877  
vessel or outboard motor from private property other than in 35878  
accordance with division (B) of this section or section 1547.301 35879  
of the Revised Code. 35880

**Sec. 1547.301.** The sheriff of a county, chief of police of a 35881  
municipal corporation, township, ~~or~~ township police district, or 35882  
joint police district, or other chief of a law enforcement agency, 35883  
within ~~his~~ the sheriff's or chief's respective territorial 35884  
jurisdiction, or a state highway patrol trooper, upon notification 35885  
to the sheriff or chief of such action and of the location of the 35886  
place of storage, may order into storage any vessel or outboard 35887  
motor that has been left in a sunken, beached, or drifting 35888  
condition for any period of time, or in a docked condition, on a 35889  
public street or other property open to the public, or upon or 35890  
within the right-of-way of any waterway, road, or highway, for 35891  
forty-eight hours or longer without notification to the sheriff or 35892  
chief of the reasons for leaving the vessel or motor in any such 35893  
place or condition. The sheriff or chief shall designate the place 35894  
of storage of any vessel or motor ordered removed by ~~him~~ the 35895  
sheriff or chief. 35896

The sheriff or chief shall immediately cause a search to be 35897  
made of the records of the division of watercraft to ascertain the 35898  
owner and any lienholder of a vessel or outboard motor ordered 35899  
into storage by the sheriff or chief, and, if known, shall send 35900  
notice to the owner and lienholder, if any, at ~~his~~ the owner's or 35901  
lienholder's last known address by certified mail, return receipt 35902  
requested, that the vessel or motor will be declared a nuisance 35903

and disposed of if not claimed within ten days of the date of 35904  
mailing of the notice. The owner or lienholder of the vessel or 35905  
motor may reclaim it upon payment of any expenses or charges 35906  
incurred in its removal and storage, and presentation of proof of 35907  
ownership, which may be evidenced by a certificate of title to the 35908  
vessel or motor, certificate of United States coast guard 35909  
documentation, or certificate of registration if the vessel or 35910  
motor is not subject to titling under section 1548.01 of the 35911  
Revised Code. 35912

If the owner or lienholder makes no claim to the vessel or 35913  
outboard motor within ten days of the date of mailing of the 35914  
notice, and if the vessel or motor is to be disposed of at public 35915  
auction as provided in section 1547.302 of the Revised Code, the 35916  
sheriff or chief shall file with the clerk of courts of the county 35917  
in which the place of storage is located an affidavit showing 35918  
compliance with the requirements of this section. Upon 35919  
presentation of the affidavit, the clerk of courts shall without 35920  
charge issue a salvage certificate of title, free and clear of all 35921  
liens and encumbrances, to the sheriff or chief and shall send a 35922  
copy of the affidavit to the chief of the division of watercraft. 35923  
If the vessel or motor is to be disposed of to a marine salvage 35924  
dealer or other facility as provided in section 1547.302 of the 35925  
Revised Code, the sheriff or chief shall execute in triplicate an 35926  
affidavit, as prescribed by the chief of the division of 35927  
watercraft, describing the vessel or motor and the manner in which 35928  
it was disposed of, and that all requirements of this section have 35929  
been complied with. The sheriff or chief shall retain the original 35930  
of the affidavit for ~~his~~ the sheriff's or chief's records and 35931  
shall furnish two copies to the marine salvage dealer or other 35932  
facility. Upon presentation of a copy of the affidavit by the 35933  
marine salvage dealer or other facility, the clerk of courts shall 35934  
issue to such owner a salvage certificate of title, free and clear 35935  
of all liens and encumbrances. 35936

Whenever the marine salvage dealer or other facility receives 35937  
an affidavit for the disposal of a vessel or outboard motor as 35938  
provided in this section, such owner shall not be required to 35939  
obtain an Ohio certificate of title to the vessel or motor in ~~his~~ 35940  
the owner's own name if the vessel or motor is dismantled or 35941  
destroyed and both copies of the affidavit are delivered to the 35942  
clerk of courts. Upon receipt of such an affidavit, the clerk of 35943  
courts shall send one copy of it to the chief of the division of 35944  
watercraft. 35945

**Sec. 1547.302.** (A) Unclaimed vessels or outboard motors 35946  
ordered into storage under division (B) of section 1547.30 or 35947  
section 1547.301 of the Revised Code shall be disposed of at the 35948  
order of the sheriff of the county, the chief of police of the 35949  
municipal corporation, township, or township police district, or 35950  
another chief of a law enforcement agency in any of the following 35951  
ways: 35952

(1) To a marine salvage dealer; 35953

(2) To any other facility owned, operated, or under contract 35954  
with the state or the county, municipal corporation, township, or 35955  
other political subdivision; 35956

(3) To a charitable organization, religious organization, or 35957  
similar organization not used and operated for profit; 35958

(4) By sale at public auction by the sheriff, the chief, or 35959  
an auctioneer licensed under Chapter 4707. of the Revised Code, 35960  
after giving notice of the auction by advertisement, published 35961  
once a week for two consecutive weeks in a newspaper of general 35962  
circulation in the county or as provided in section 7.16 of the 35963  
Revised Code. 35964

(B) Any moneys accruing from the disposition of an unclaimed 35965  
vessel or motor that are in excess of the expenses resulting from 35966

the removal and storage of the vessel or motor shall be credited 35967  
to the general revenue fund or to the general fund of the county, 35968  
municipal corporation, township, or other political subdivision, 35969  
as appropriate. 35970

(C) As used in this section, "charitable organization" has 35971  
the same meaning as in section 1716.01 of the Revised Code. 35972

**Sec. 1547.303.** (A) As used in this section and section 35973  
1547.304 of the Revised Code: 35974

(1) "Abandoned junk vessel or outboard motor" means any 35975  
vessel or outboard motor meeting all of the following 35976  
requirements: 35977

(a) It has been left on private property for at least 35978  
seventy-two hours without the permission of the person having the 35979  
right to the possession of the property; left in a sunken, 35980  
beached, or drifting condition for any period of time; or left in 35981  
a docked condition, on a public street or other property open to 35982  
the public, or upon or within the right-of-way of any waterway, 35983  
road, or highway, for forty-eight hours or longer without 35984  
notification to the sheriff of the county, the chief of police of 35985  
the municipal corporation, township, ~~or~~ township police district, 35986  
or joint police district, or other chief of a law enforcement 35987  
agency, having territorial jurisdiction with respect to the 35988  
location of the vessel or motor, of the reasons for leaving the 35989  
vessel or motor in any such place or condition; 35990

(b) It is three years old, or older; 35991

(c) It is extensively damaged, such damage including but not 35992  
limited to any of the following: missing deck, hull, transom, 35993  
gunwales, motor, or outdrive; 35994

(d) It is apparently inoperable; 35995

(e) It has a fair market value of two hundred dollars or 35996

less. 35997

(2) "Law enforcement agency" means any organization or unit 35998  
comprised of law enforcement officers, as defined in section 35999  
2901.01 of the Revised Code. 36000

(B) The sheriff of a county, chief of police of a municipal 36001  
corporation, township, ~~or~~ township police district, or joint 36002  
police district, or other chief of a law enforcement agency, 36003  
within the sheriff's or chief's respective territorial 36004  
jurisdiction, or a state highway patrol trooper, upon notification 36005  
to the sheriff or chief of such action, shall order any abandoned 36006  
junk vessel or outboard motor to be photographed by a law 36007  
enforcement officer. The officer shall record the make of vessel 36008  
or motor, the hull identification number or serial number when 36009  
available, and shall also detail the damage or missing equipment 36010  
to substantiate the value of two hundred dollars or less. The 36011  
sheriff or chief shall thereupon immediately dispose of the 36012  
abandoned junk vessel or outboard motor to a marine salvage dealer 36013  
or other facility owned, operated, or under contract to the state, 36014  
the county, township, or municipal corporation for the destruction 36015  
of such vessels or motors. The records and photographs relating to 36016  
the abandoned junk vessel or outboard motor shall be retained by 36017  
the law enforcement agency ordering the disposition of the vessel 36018  
or motor for a period of at least two years. The law enforcement 36019  
agency shall execute in quadruplicate an affidavit, as prescribed 36020  
by the chief of the division of watercraft, describing the vessel 36021  
or motor and the manner in which it was disposed of, and that all 36022  
requirements of this section have been complied with, and shall 36023  
sign and file the same with the clerk of courts of the county in 36024  
which the vessel or motor was abandoned. The clerk of courts shall 36025  
retain the original of the affidavit for the clerk's files, shall 36026  
furnish one copy thereof to the chief of the division of 36027  
watercraft, one copy to the marine salvage dealer or other 36028

facility handling the disposal of the vessel or motor, and one 36029  
copy to the law enforcement agency ordering the disposal, who 36030  
shall file such copy with the records and photographs relating to 36031  
the disposal. Any moneys arising from the disposal of an abandoned 36032  
junk vessel or outboard motor shall be credited to the general 36033  
revenue fund, or to the general fund of the county, township, 36034  
municipal corporation, or other political subdivision, as 36035  
appropriate. 36036

Notwithstanding section 1547.301 of the Revised Code, any 36037  
vessel or outboard motor meeting the requirements of divisions 36038  
(A)(1)(c) to (e) of this section which has remained unclaimed by 36039  
the owner or lienholder for a period of ten days or longer 36040  
following notification as provided in section 1547.301 of the 36041  
Revised Code may be disposed of as provided in this section. 36042

**Sec. 1547.304.** No person shall purposely leave an abandoned 36043  
junk vessel or outboard motor on private property for more than 36044  
seventy-two hours without the permission of the person having the 36045  
right to the possession of the property; in a sunken, beached, or 36046  
drifting condition for any period of time; or in a docked 36047  
condition, on a public street or other property open to the 36048  
public, or upon or within the right-of-way of any waterway, road, 36049  
or highway, for forty-eight hours or longer without notification 36050  
to the sheriff of the county, chief of police of the municipal 36051  
corporation, township, ~~or~~ township police district, or joint 36052  
police district, or other chief of a law enforcement agency, 36053  
having territorial jurisdiction with respect to the location of 36054  
the vessel or motor, of the reasons for leaving the vessel or 36055  
motor in any such place or condition. 36056

For purposes of this section, the fact that an abandoned junk 36057  
vessel or outboard motor has been so left without permission or 36058  
notification is prima-facie evidence of abandonment. 36059

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

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

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

(1) Encourage, promote, and support siting, financing, construction, and operation of commercially available or scaled facilities and technologies, including, without limitation, commercial-scale demonstration facilities and, when necessary or



appropriate to demonstrate the commercial acceptability of a 36091  
specific technology, up to three installations within this state 36092  
utilizing the specific technology, to more efficiently produce, 36093  
beneficiate, market, or use Ohio coal; 36094

(2) Encourage, promote, and support the market acceptance and 36095  
increased market use of Ohio coal through technology and market 36096  
development; 36097

(3) Assist in the financing of coal development facilities; 36098

(4) Encourage, promote, and support, in state-owned 36099  
buildings, facilities, and operations, use of Ohio coal and 36100  
electricity sold by utilities and others in this state that use 36101  
Ohio coal for generation; 36102

(5) Improve environmental quality, particularly through 36103  
cleaner use of Ohio coal; 36104

(6) Assist and cooperate with governmental agencies, 36105  
universities and colleges, coal producers, coal miners, electric 36106  
utilities and other coal users, public and private sector coal 36107  
development interests, and others in achieving these purposes. 36108

(B) The office shall give priority to improvement or 36109  
reconstruction of existing facilities and equipment when 36110  
economically feasible, to construction and operation of 36111  
commercial-scale facilities, and to technologies, equipment, and 36112  
other techniques that enable maximum use of Ohio coal in an 36113  
environmentally acceptable, cost-effective manner. 36114

**Sec. 1551.33.** (A) The ~~Ohio air quality director of~~ 36115  
~~development authority, by the affirmative vote of a majority of~~ 36116  
~~its members,~~ shall appoint and fix the compensation of the 36117  
director of the Ohio coal development office. The director shall 36118  
serve at the pleasure of the ~~authority~~ director of development. 36119

(B) The director of the office shall do all of the following: 36120

- (1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code; 36121  
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- (2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda; 36123  
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- (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; 36126  
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- (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; 36130  
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- (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. 36134  
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- (6) Appoint specified members of and convene the technical advisory committee established under section 1551.35 of the Revised Code; 36139  
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- (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 36142  
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utilities commission a report recommending that the commission 36152  
allow the recovery of costs associated with the facility or 36153  
project under section 4905.304 of the Revised Code and including 36154  
the reasons for the recommendation. 36155

(8) Establish such policies, procedures, and guidelines as 36156  
are necessary to achieve the office's purposes. 36157

(C) ~~By the affirmative vote of a majority of the members of~~ 36158  
~~the Ohio air quality development authority, the~~ The director of 36159  
the office may exercise any of the powers and duties ~~of the~~ 36160  
~~director of development as the authority and~~ that the director of 36161  
the office ~~consider~~ considers appropriate or desirable to achieve 36162  
the office's purposes, including, but not limited to, the powers 36163  
and duties enumerated in sections 1551.11, 1551.12, ~~1551.13,~~ and 36164  
1551.15 of the Revised Code. 36165

Additionally, the director of the office may make loans to 36166  
governmental agencies or persons for projects to carry out the 36167  
office's purposes. Fees, charges, rates of interest, times of 36168  
payment of interest and principal, and other terms, conditions, 36169  
and provisions of the loans shall be such as the director of the 36170  
office determines to be appropriate and in furtherance of the 36171  
purposes for which the loans are made. The mortgage lien securing 36172  
any moneys lent by the director of the office may be subordinate 36173  
to the mortgage lien securing any moneys lent or invested by a 36174  
financial institution, but shall be superior to that securing any 36175  
moneys lent or expended by any other person. The moneys used in 36176  
making the loans shall be disbursed upon order of the director of 36177  
the office. 36178

**Sec. 1551.35.** (A) There is hereby established a technical 36179  
advisory committee to assist the director of the Ohio coal 36180  
development office in achieving the office's purposes. The 36181  
director shall appoint to the committee one member of the public 36182

utilities commission and one representative each of coal 36183  
production companies, the united mine workers of America, electric 36184  
utilities, manufacturers that use Ohio coal, and environmental 36185  
organizations, as well as two people with a background in coal 36186  
research and development technology, one of whom is employed at 36187  
the time of the member's appointment by a state university, as 36188  
defined in section 3345.011 of the Revised Code. In addition, the 36189  
committee shall include four legislative members. The speaker and 36190  
minority leader of the house of representatives each shall appoint 36191  
one member of the house of representatives, and the president and 36192  
minority leader of the senate each shall appoint one member of the 36193  
senate, to the committee. The director of environmental protection 36194  
~~and the director of development~~ shall serve on the committee as an 36195  
ex officio ~~members~~ member. Any member of the committee may 36196  
designate in writing a substitute to serve in the member's absence 36197  
on the committee. The director of environmental protection may 36198  
designate in writing the chief of the air pollution control 36199  
division of the agency to represent the agency. Members shall 36200  
serve on the committee at the pleasure of their appointing 36201  
authority. Members of the committee appointed by the director of 36202  
the office and, notwithstanding section 101.26 of the Revised 36203  
Code, legislative members of the committee, when engaged in their 36204  
official duties as members of the committee, shall be compensated 36205  
on a per diem basis in accordance with division (J) of section 36206  
124.15 of the Revised Code, except that the member of the public 36207  
utilities commission and, while employed by a state university, 36208  
the member with a background in coal research, shall not be so 36209  
compensated. Members shall receive their actual and necessary 36210  
expenses incurred in the performance of their duties. 36211

(B) The technical advisory committee shall review and make 36212  
recommendations concerning the Ohio coal development agenda 36213  
required under section 1551.34 of the Revised Code, project 36214  
proposals, research and development projects submitted to the 36215

office by public utilities for the purpose of section 4905.304 of 36216  
the Revised Code, proposals for grants, loans, and loan guarantees 36217  
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 36218  
and such other topics as the director of the office considers 36219  
appropriate. 36220

(C) The technical advisory committee may hold an executive 36221  
session at any regular or special meeting for the purpose of 36222  
considering research and development project proposals or 36223  
applications for assistance submitted to the Ohio coal development 36224  
office under section 1551.33, or sections 1555.01 to 1555.06, of 36225  
the Revised Code, to the extent that the proposals or applications 36226  
consist of trade secrets or other proprietary information. 36227

Any materials or data submitted to, made available to, or 36228  
received by the ~~Ohio air quality~~ department of development 36229  
~~authority~~ or the director of the Ohio coal development office in 36230  
connection with agreements for assistance entered into under this 36231  
chapter or Chapter 1555. of the Revised Code, or any information 36232  
taken from those materials or data for any purpose, to the extent 36233  
that the materials or data consist of trade secrets or other 36234  
proprietary information, are not public records for the purposes 36235  
of section 149.43 of the Revised Code. 36236

As used in this division, "trade secrets" has the same 36237  
meaning as in section 1333.61 of the Revised Code. 36238

**Sec. 1555.02.** It is hereby declared to be the public policy 36239  
of this state through the operations of the Ohio coal development 36240  
office under this chapter to contribute toward one or more of the 36241  
following: to provide for the comfort, health, safety, and general 36242  
welfare of all employees and other inhabitants of this state 36243  
through research and development directed toward the discovery of 36244  
new technologies or the demonstration or application of existing 36245  
technologies to enable the conversion or use of Ohio coal as a 36246

fuel or chemical feedstock in an environmentally acceptable manner 36247  
thereby enhancing the marketability and fostering the use of this 36248  
state's vast reserves of coal, to assist in the financing of coal 36249  
research and development and coal research and development 36250  
projects or facilities for persons doing business in this state 36251  
and educational and scientific institutions located in this state, 36252  
to create or preserve jobs and employment opportunities or improve 36253  
the economic welfare of the people of this state, or to assist and 36254  
cooperate with such persons and educational and scientific 36255  
institutions in conducting coal research and development. In 36256  
furtherance of this public policy, the Ohio coal development 36257  
office, with the advice of the technical advisory committee 36258  
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 36259  
~~vote of a majority of the members of the Ohio air quality~~ 36260  
~~development authority~~, may make loans, guarantee loans, and make 36261  
grants to persons doing business in this state or to educational 36262  
or scientific institutions located in this state for coal research 36263  
and development projects by such persons or educational or 36264  
scientific institutions; may, with the advice of the technical 36265  
advisory committee ~~and the affirmative vote of a majority of the~~ 36266  
~~members of the Ohio air quality development authority~~, request the 36267  
issuance of coal research and development general obligations 36268  
under section 151.07 of the Revised Code to provide funds for 36269  
making such loans, loan guarantees, and grants; and may, with the 36270  
advice of the technical advisory committee ~~and the affirmative~~ 36271  
~~vote of a majority of the members of the Ohio air quality~~ 36272  
~~development authority~~, expend moneys credited to the coal research 36273  
and development fund created in section 1555.15 of the Revised 36274  
Code for the purpose of making such loans, loan guarantees, and 36275  
grants. Determinations by the director of the Ohio coal 36276  
development office that coal research and development or a coal 36277  
research and development facility is a coal research and 36278  
development project under this chapter and is consistent with the 36279

purposes of Section 15 of Article VIII, Ohio Constitution, and 36280  
this chapter shall be conclusive as to the validity and 36281  
enforceability of the coal research and development general 36282  
obligations issued to finance such project and of the 36283  
authorizations, trust agreements or indentures, loan agreements, 36284  
loan guarantee agreements, or grant agreements, and other 36285  
agreements made in connection therewith, all in accordance with 36286  
their terms. 36287

**Sec. 1555.03.** For the purposes of this chapter, the director 36288  
of the Ohio coal development office may: 36289

(A) With the advice of the technical advisory committee 36290  
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 36291  
~~vote of a majority of the members of the Ohio air quality~~ 36292  
~~development authority~~, make loans, guarantee loans, and make 36293  
grants to persons doing business in this state or to educational 36294  
or scientific institutions located in this state for coal research 36295  
and development projects by any such person or educational or 36296  
scientific institution and adopt rules under Chapter 119. of the 36297  
Revised Code for making such loans, guarantees, and grants. 36298

(B) In making loans, loan guarantees, and grants under 36299  
division (A) of this section and section 1555.04 of the Revised 36300  
Code, the director of the office shall ensure that an adequate 36301  
portion of the total amount of those loans, loan guarantees, and 36302  
grants, as determined by the director with the advice of the 36303  
technical advisory committee, is used for conducting research on 36304  
fundamental scientific problems related to the utilization of Ohio 36305  
coal and shall ensure, to the maximum feasible extent, joint 36306  
financial participation by the federal government or other 36307  
investors or interested parties in conjunction with any such loan, 36308  
loan guarantee, or grant. The director, in each grant agreement or 36309  
contract under division (A) of this section, loan contract or 36310

agreement under this division or section 1555.04 of the Revised Code, and contract of guarantee under section 1555.05 of the Revised Code, shall require that the facility or project be maintained and kept in good condition and repair by the person or educational or scientific institution to whom the grant or loan was made or for whom the guarantee was made.

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

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

(E) Employ managers, superintendents, and other employees and



retain or contract with consulting engineers, financial 36343  
consultants, accounting experts, architects, and such other 36344  
consultants and independent contractors as are necessary in the 36345  
judgment of the director of the office to carry out this chapter, 36346  
and fix the compensation thereof. 36347

(F) Receive and accept from any federal agency, subject to 36348  
the approval of the governor, grants for or in aid of the 36349  
construction or operation of any coal research and development 36350  
project or for coal research and development, and receive and 36351  
accept aid or contributions from any source of money, property, 36352  
labor, or other things of value, to be held, used, and applied 36353  
only for the purposes for which such grants and contributions are 36354  
made. 36355

(G) Purchase fire and extended coverage and liability 36356  
insurance for any coal research and development project, insurance 36357  
protecting the office and its officers and employees against 36358  
liability for damage to property or injury to or death of persons 36359  
arising from its operations, and any other insurance the director 36360  
of the office determines necessary or proper under this chapter. 36361  
Any moneys received by the director from the proceeds of any such 36362  
insurance with respect to a coal research and development project 36363  
and any moneys received by the director from the proceeds of any 36364  
settlement, judgment, foreclosure, or other insurance with respect 36365  
to a coal research and development project or facility shall be 36366  
credited to the coal research and development bond service fund. 36367

(H) In the exercise of the powers of the director of the 36368  
office under this chapter, call to the director's assistance, 36369  
temporarily, from time to time, any engineers, technical experts, 36370  
financial experts, and other employees in any state department, 36371  
agency, or commission, or in the Ohio state university, or other 36372  
educational institutions financed wholly or partially by this 36373  
state for purposes of assisting the director of the office with 36374

reviewing and evaluating applications for financial assistance 36375  
under this chapter, monitoring performance of coal research and 36376  
development projects receiving financial assistance under this 36377  
chapter, and reviewing and evaluating the progress and findings of 36378  
those projects. Such engineers, experts, and employees shall not 36379  
receive any additional compensation over that which they receive 36380  
from the department, agency, commission, or educational 36381  
institution by which they are employed, but they shall be 36382  
reimbursed for their actual and necessary expenses incurred while 36383  
working under the direction of the director. 36384

(I) Do all acts necessary or proper to carry out the powers 36385  
expressly granted in this chapter. 36386

**Sec. 1555.04.** (A) With respect to coal research and 36387  
development projects financed wholly or partially from a loan or 36388  
loan guarantee under this chapter, the director of the Ohio coal 36389  
development office, in addition to other powers under this 36390  
chapter, with the advice of the technical advisory committee 36391  
created in section 1551.35 of the Revised Code ~~and the affirmative~~ 36392  
~~vote of a majority of the members of the Ohio air quality~~ 36393  
~~development authority~~, may enter into loan agreements, accept 36394  
notes and other forms of obligation to evidence such indebtedness 36395  
and mortgages, liens, pledges, assignments, or other security 36396  
interests to secure such indebtedness, which may be prior or 36397  
subordinate to or on a parity with other indebtedness, 36398  
obligations, mortgages, pledges, assignments, other security 36399  
interests, or liens or encumbrances, and take such actions as the 36400  
director of the office considers appropriate to protect such 36401  
security and safeguard against losses, including, without 36402  
limitation, foreclosure and the bidding upon and purchase of 36403  
property upon foreclosure or other sale. 36404

(B) The authority granted by this section is cumulative and 36405

supplementary to all other authority granted in this chapter. The 36406  
authority granted by this section does not alter or impair any 36407  
similar authority granted elsewhere in this chapter with respect 36408  
to other projects. 36409

**Sec. 1555.05.** (A) Subject to any limitations as to aggregate 36410  
amounts thereof that may from time to time be prescribed by the 36411  
general assembly and to other applicable provisions of this 36412  
chapter, and subject to the one-hundred-million-dollar limitation 36413  
provided in Section 15 of Article VIII, Ohio Constitution, the 36414  
director of the Ohio coal development office, on behalf of this 36415  
state, with the advice of the technical advisory committee created 36416  
in section 1551.35 of the Revised Code ~~and the affirmative vote of~~ 36417  
~~a majority of the members of the Ohio air quality development~~ 36418  
~~authority,~~ may enter into contracts to guarantee the repayment or 36419  
payment of the unpaid principal amount of loans made to pay the 36420  
costs of coal research and development projects. 36421

(B) The contract of guarantee may make provision for the 36422  
conditions of, time for, and manner of fulfillment of the 36423  
guarantee commitment, subrogation of this state to the rights of 36424  
the parties guaranteed and exercise of such parties' rights by the 36425  
state, giving the state the option of making payment of the 36426  
principal amount guaranteed in one or more installments and, if 36427  
deferred, to pay interest thereon from the source specified in 36428  
division (A) of this section, and any other terms or conditions 36429  
customary to such guarantees and as the director of the office may 36430  
approve, and may contain provisions for securing the guarantee in 36431  
the manner consistent with this section, covenants on behalf of 36432  
this state to issue obligations under section 1555.08 of the 36433  
Revised Code to provide moneys to fulfill such guarantees and 36434  
covenants, and covenants restricting the aggregate amount of 36435  
guarantees that may be contracted under this section and 36436  
obligations that may be issued under section 151.07 of the Revised 36437

Code, and terms pertinent to either, to better secure the parties 36438  
guaranteed. 36439

(C) The director of the office may fix service charges for 36440  
making a guarantee. Such charges shall be payable at such times 36441  
and place and in such amounts and manner as may be prescribed by 36442  
the director. Moneys received from such charges shall be credited 36443  
to the coal research and development bond service fund. 36444

(D) Any guaranteed parties under this section, by any 36445  
suitable form of legal proceedings and except to the extent that 36446  
their rights are restricted by the guarantee documents, may 36447  
protect and enforce any rights under the laws of this state or 36448  
granted by such guarantee or guarantee documents. Such rights 36449  
include the right to compel the performance of all duties of the 36450  
office required by this section or the guarantee or guarantee 36451  
documents; and in the event of default with respect to the payment 36452  
of any guarantees, to apply to a court having jurisdiction of the 36453  
cause to appoint a receiver to receive and administer the moneys 36454  
pledged to such guarantee with full power to pay, and to provide 36455  
for payment of, such guarantee, and with such powers, subject to 36456  
the direction of the court, as are accorded receivers in general 36457  
equity cases, excluding any power to pledge or apply additional 36458  
revenues or receipts or other income or moneys of this state. Each 36459  
duty of the office and its director and employees required or 36460  
undertaken under this section or a guarantee made under this 36461  
section is hereby established as a duty of the office and of its 36462  
director and each such employee having authority to perform such 36463  
duty, specifically enjoined by the law resulting from an office, 36464  
trust, or station within the meaning of section 2731.01 of the 36465  
Revised Code. The persons who are at the time the director of the 36466  
office, or its employees, are not liable in their personal 36467  
capacities on any guarantees or contracts to make guarantees by 36468  
the director. 36469

**Sec. 1555.06.** Upon application by the director of the Ohio 36470  
coal development office ~~with the affirmative vote of a majority of~~ 36471  
~~the members of the Ohio air quality development authority,~~ the 36472  
controlling board, from appropriations available to the board, may 36473  
provide funds for surveys or studies by the office of any proposed 36474  
coal research and development project subject to repayment by the 36475  
office from funds available to it, within the time fixed by the 36476  
board. Funds to be repaid shall be charged by the office to the 36477  
appropriate coal research and development project and the amount 36478  
thereof shall be a cost of the project. This section does not 36479  
abrogate the authority of the controlling board to otherwise 36480  
provide funds for use by the office in the exercise of the powers 36481  
granted to it by this chapter. 36482

**Sec. 1555.08.** (A) Subject to the limitations provided in 36483  
Section 15 of Article VIII, Ohio Constitution, the commissioners 36484  
of the sinking fund, upon certification by the director of the 36485  
Ohio coal development office of the amount of moneys or additional 36486  
moneys needed in the coal research and development fund for the 36487  
purpose of making grants or loans for allowable costs, or needed 36488  
for capitalized interest, for funding reserves, and for paying 36489  
costs and expenses incurred in connection with the issuance, 36490  
carrying, securing, paying, redeeming, or retirement of the 36491  
obligations or any obligations refunded thereby, including payment 36492  
of costs and expenses relating to letters of credit, lines of 36493  
credit, insurance, put agreements, standby purchase agreements, 36494  
indexing, marketing, remarketing and administrative arrangements, 36495  
interest swap or hedging agreements, and any other credit 36496  
enhancement, liquidity, remarketing, renewal, or refunding 36497  
arrangements, all of which are authorized by this section, or 36498  
providing moneys for loan guarantees, shall issue obligations of 36499  
the state under this section in amounts authorized by the general 36500

assembly; provided that such obligations may be issued to the 36501  
extent necessary to satisfy the covenants in contracts of 36502  
guarantee made under section 1555.05 of the Revised Code to issue 36503  
obligations to meet such guarantees, notwithstanding limitations 36504  
otherwise applicable to the issuance of obligations under this 36505  
section except the one-hundred-million-dollar limitation provided 36506  
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 36507  
such obligations, except for the portion to be deposited in the 36508  
coal research and development bond service fund as may be provided 36509  
in the bond proceedings, shall as provided in the bond proceedings 36510  
be deposited in the coal research and development fund. The 36511  
commissioners of the sinking fund may appoint trustees, paying 36512  
agents, and transfer agents and may retain the services of 36513  
financial advisors, accounting experts, and attorneys, and retain 36514  
or contract for the services of marketing, remarketing, indexing, 36515  
and administrative agents, other consultants, and independent 36516  
contractors, including printing services, as are necessary in 36517  
their judgment to carry out this section. 36518

(B) The full faith and credit of the state of Ohio is hereby 36519  
pledged to obligations issued under this section. The right of the 36520  
holders and owners to payment of bond service charges is limited 36521  
to all or that portion of the moneys pledged thereto pursuant to 36522  
the bond proceedings in accordance with this section, and each 36523  
such obligation shall bear on its face a statement to that effect. 36524

(C) Obligations shall be authorized by resolution of the 36525  
commissioners of the sinking fund on request of the director of 36526  
the Ohio coal development office as provided in section 1555.02 of 36527  
the Revised Code and the bond proceedings shall provide for the 36528  
purpose thereof and the principal amount or amounts, and shall 36529  
provide for or authorize the manner or agency for determining the 36530  
principal maturity or maturities, not exceeding forty years from 36531  
the date of issuance, the interest rate or rates or the maximum 36532

interest rate, the date of the obligations and the dates of 36533  
payment of interest thereon, their denomination, and the 36534  
establishment within or without the state of a place or places of 36535  
payment of bond service charges. Sections 9.98 to 9.983 of the 36536  
Revised Code apply to obligations issued under this section. The 36537  
purpose of such obligations may be stated in the bond proceedings 36538  
in terms describing the general purpose or purposes to be served. 36539  
The bond proceedings shall also provide, subject to the provisions 36540  
of any other applicable bond proceedings, for the pledge of all, 36541  
or such part as the commissioners of the sinking fund may 36542  
determine, of the moneys credited to the coal research and 36543  
development bond service fund to the payment of bond service 36544  
charges, which pledges may be made either prior or subordinate to 36545  
other expenses, claims, or payments and may be made to secure the 36546  
obligations on a parity with obligations theretofore or thereafter 36547  
issued, if and to the extent provided in the bond proceedings. The 36548  
moneys so pledged and thereafter received by the state are 36549  
immediately subject to the lien of such pledge without any 36550  
physical delivery thereof or further act, and the lien of any such 36551  
pledges is valid and binding against all parties having claims of 36552  
any kind against the state or any governmental agency of the 36553  
state, irrespective of whether such parties have notice thereof, 36554  
and shall create a perfected security interest for all purposes of 36555  
Chapter 1309. of the Revised Code, without the necessity for 36556  
separation or delivery of funds or for the filing or recording of 36557  
the bond proceedings by which such pledge is created or any 36558  
certificate, statement, or other document with respect thereto; 36559  
and the pledge of such moneys is effective and the money therefrom 36560  
and thereof may be applied to the purposes for which pledged 36561  
without necessity for any act of appropriation. Every pledge, and 36562  
every covenant and agreement made with respect thereto, made in 36563  
the bond proceedings may therein be extended to the benefit of the 36564  
owners and holders of obligations authorized by this section, and 36565

to any trustee therefor, for the further security of the payment 36566  
of the bond service charges. 36567

(D) The bond proceedings may contain additional provisions as 36568  
to: 36569

(1) The redemption of obligations prior to maturity at the 36570  
option of the commissioners of the sinking fund at such price or 36571  
prices and under such terms and conditions as are provided in the 36572  
bond proceedings; 36573

(2) Other terms of the obligations; 36574

(3) Limitations on the issuance of additional obligations; 36575

(4) The terms of any trust agreement or indenture securing 36576  
the obligations or under which the obligations may be issued; 36577

(5) The deposit, investment, and application of the coal 36578  
research and development bond service fund, and the safeguarding 36579  
of moneys on hand or on deposit, without regard to Chapter 131. or 36580  
135. of the Revised Code, but subject to any special provisions of 36581  
this chapter, with respect to particular moneys; provided, that 36582  
any bank or trust company which acts as depository of any moneys 36583  
in the fund may furnish such indemnifying bonds or may pledge such 36584  
securities as required by the commissioners of the sinking fund; 36585

(6) Any other provision of the bond proceedings being binding 36586  
upon the commissioners of the sinking fund, or such other body or 36587  
person as may from time to time have the authority under law to 36588  
take such actions as may be necessary to perform all or any part 36589  
of the duty required by such provision; 36590

(7) Any provision which may be made in a trust agreement or 36591  
indenture; 36592

(8) Any other or additional agreements with the holders of 36593  
the obligations, or the trustee therefor, relating to the 36594  
obligations or the security therefor, including the assignment of 36595



mortgages or other security obtained or to be obtained for loans 36596  
under this chapter. 36597

(E) The obligations may have the great seal of the state or a 36598  
facsimile thereof affixed thereto or printed thereon. The 36599  
obligations shall be signed by such members of the commissioners 36600  
of the sinking fund as are designated in the resolution 36601  
authorizing the obligations or bear the facsimile signatures of 36602  
such members. Any coupons attached to the obligations shall bear 36603  
the facsimile signature of the treasurer of state. Any obligations 36604  
may be executed by the persons who, on the date of execution, are 36605  
the commissioners although on the date of such bonds the persons 36606  
were not the commissioners. Any coupons may be executed by the 36607  
person who, on the date of execution, is the treasurer of state 36608  
although on the date of such coupons the person was not the 36609  
treasurer of state. In case any officer or commissioner whose 36610  
signature or a facsimile of whose signature appears on any such 36611  
obligations or any coupons ceases to be such officer or 36612  
commissioner before delivery thereof, such signature or facsimile 36613  
is nevertheless valid and sufficient for all purposes as if the 36614  
individual had remained such officer or commissioner until such 36615  
delivery; and in case the seal to be affixed to obligations has 36616  
been changed after a facsimile of the seal has been imprinted on 36617  
such obligations, such facsimile seal shall continue to be 36618  
sufficient as to such obligations and obligations issued in 36619  
substitution or exchange therefor. 36620

(F) All obligations except loan guarantees are negotiable 36621  
instruments and securities under Chapter 1308. of the Revised 36622  
Code, subject to the provisions of the bond proceedings as to 36623  
registration. The obligations may be issued in coupon or in 36624  
registered form, or both, as the commissioners of the sinking fund 36625  
determine. Provision may be made for the registration of any 36626  
obligations with coupons attached thereto as to principal alone or 36627

as to both principal and interest, their exchange for obligations 36628  
so registered, and for the conversion or reconversion into 36629  
obligations with coupons attached thereto of any obligations 36630  
registered as to both principal and interest, and for reasonable 36631  
charges for such registration, exchange, conversion, and 36632  
reconversion. 36633

(G) Obligations may be sold at public sale or at private 36634  
sale, as determined in the bond proceedings. 36635

(H) Pending preparation of definitive obligations, the 36636  
commissioners of the sinking fund may issue interim receipts or 36637  
certificates which shall be exchanged for such definitive 36638  
obligations. 36639

(I) In the discretion of the commissioners of the sinking 36640  
fund, obligations may be secured additionally by a trust agreement 36641  
or indenture between the commissioners and a corporate trustee, 36642  
which may be any trust company or bank having a place of business 36643  
within the state. Any such agreement or indenture may contain the 36644  
resolution authorizing the issuance of the obligations, any 36645  
provisions that may be contained in any bond proceedings, and 36646  
other provisions that are customary or appropriate in an agreement 36647  
or indenture of such type, including, but not limited to: 36648

(1) Maintenance of each pledge, trust agreement, indenture, 36649  
or other instrument comprising part of the bond proceedings until 36650  
the state has fully paid the bond service charges on the 36651  
obligations secured thereby, or provision therefor has been made; 36652

(2) In the event of default in any payments required to be 36653  
made by the bond proceedings, or any other agreement of the 36654  
commissioners of the sinking fund made as a part of the contract 36655  
under which the obligations were issued, enforcement of such 36656  
payments or agreement by mandamus, the appointment of a receiver, 36657  
suit in equity, action at law, or any combination of the 36658

foregoing; 36659

(3) The rights and remedies of the holders of obligations and 36660  
of the trustee, and provisions for protecting and enforcing them, 36661  
including limitations on rights of individual holders of 36662  
obligations; 36663

(4) The replacement of any obligations that become mutilated 36664  
or are destroyed, lost, or stolen; 36665

(5) Such other provisions as the trustee and the 36666  
commissioners of the sinking fund agree upon, including 36667  
limitations, conditions, or qualifications relating to any of the 36668  
foregoing. 36669

(J) Any holder of obligations or a trustee under the bond 36670  
proceedings, except to the extent that the holder's rights are 36671  
restricted by the bond proceedings, may by any suitable form of 36672  
legal proceedings protect and enforce any rights under the laws of 36673  
this state or granted by such bond proceedings. Such rights 36674  
include the right to compel the performance of all duties of the 36675  
commissioners of the sinking fund, the ~~Ohio air quality department~~ 36676  
of development authority, or the Ohio coal development office 36677  
required by this chapter and Chapter 1551. of the Revised Code or 36678  
the bond proceedings; to enjoin unlawful activities; and in the 36679  
event of default with respect to the payment of any bond service 36680  
charges on any obligations or in the performance of any covenant 36681  
or agreement on the part of the commissioners, the ~~authority~~ 36682  
department, or the office in the bond proceedings, to apply to a 36683  
court having jurisdiction of the cause to appoint a receiver to 36684  
receive and administer the moneys pledged, other than those in the 36685  
custody of the treasurer of state, that are pledged to the payment 36686  
of the bond service charges on such obligations or that are the 36687  
subject of the covenant or agreement, with full power to pay, and 36688  
to provide for payment of bond service charges on, such 36689  
obligations, and with such powers, subject to the direction of the 36690

court, as are accorded receivers in general equity cases, 36691  
excluding any power to pledge additional revenues or receipts or 36692  
other income or moneys of the commissioners of the sinking fund or 36693  
the state or governmental agencies of the state to the payment of 36694  
such principal and interest and excluding the power to take 36695  
possession of, mortgage, or cause the sale or otherwise dispose of 36696  
any project. 36697

Each duty of the commissioners of the sinking fund and their 36698  
employees, and of each governmental agency and its officers, 36699  
members, or employees, undertaken pursuant to the bond proceedings 36700  
or any grant, loan, or loan guarantee agreement made under 36701  
authority of this chapter, and in every agreement by or with the 36702  
commissioners, is hereby established as a duty of the 36703  
commissioners, and of each such officer, member, or employee 36704  
having authority to perform such duty, specifically enjoined by 36705  
the law resulting from an office, trust, or station within the 36706  
meaning of section 2731.01 of the Revised Code. 36707

The persons who are at the time the commissioners of the 36708  
sinking fund, or their employees, are not liable in their personal 36709  
capacities on any obligations issued by the commissioners or any 36710  
agreements of or with the commissioners. 36711

(K) Obligations issued under this section are lawful 36712  
investments for banks, societies for savings, savings and loan 36713  
associations, deposit guarantee associations, trust companies, 36714  
trustees, fiduciaries, insurance companies, including domestic for 36715  
life and domestic not for life, trustees or other officers having 36716  
charge of sinking and bond retirement or other special funds of 36717  
political subdivisions and taxing districts of this state, the 36718  
commissioners of the sinking fund of the state, the administrator 36719  
of workers' compensation, the state teachers retirement system, 36720  
the public employees retirement system, the school employees 36721  
retirement system, and the Ohio police and fire pension fund, 36722

notwithstanding any other provisions of the Revised Code or rules 36723  
adopted pursuant thereto by any governmental agency of the state 36724  
with respect to investments by them, and are also acceptable as 36725  
security for the deposit of public moneys. 36726

(L) If the law or the instrument creating a trust pursuant to 36727  
division (I) of this section expressly permits investment in 36728  
direct obligations of the United States or an agency of the United 36729  
States, unless expressly prohibited by the instrument, such moneys 36730  
also may be invested in no-front-end-load money market mutual 36731  
funds consisting exclusively of obligations of the United States 36732  
or an agency of the United States and in repurchase agreements, 36733  
including those issued by the fiduciary itself, secured by 36734  
obligations of the United States or an agency of the United 36735  
States; and in collective investment funds established in 36736  
accordance with section 1111.14 of the Revised Code and consisting 36737  
exclusively of any such securities, notwithstanding division 36738  
(A)(1)(c) of that section. The income from such investments shall 36739  
be credited to such funds as the commissioners of the sinking fund 36740  
determine, and such investments may be sold at such times as the 36741  
commissioners determine or authorize. 36742

(M) Provision may be made in the applicable bond proceedings 36743  
for the establishment of separate accounts in the bond service 36744  
fund and for the application of such accounts only to the 36745  
specified bond service charges on obligations pertinent to such 36746  
accounts and bond service fund and for other accounts therein 36747  
within the general purposes of such fund. Moneys to the credit of 36748  
the bond service fund shall be disbursed on the order of the 36749  
treasurer of state; provided, that no such order is required for 36750  
the payment from the bond service fund when due of bond service 36751  
charges on obligations. 36752

(N) The commissioners of the sinking fund may pledge all, or 36753  
such portion as they determine, of the receipts of the bond 36754

service fund to the payment of bond service charges on obligations 36755  
issued under this section, and for the establishment and 36756  
maintenance of any reserves, as provided in the bond proceedings, 36757  
and make other provisions therein with respect to pledged receipts 36758  
as authorized by this chapter, which provisions control 36759  
notwithstanding any other provisions of law pertaining thereto. 36760

(O) The commissioners of the sinking fund may covenant in the 36761  
bond proceedings, and any such covenants control notwithstanding 36762  
any other provision of law, that the state and applicable officers 36763  
and governmental agencies of the state, including the general 36764  
assembly, so long as any obligations are outstanding, shall: 36765

(1) Maintain statutory authority for and cause to be levied 36766  
and collected taxes so that the pledged receipts are sufficient in 36767  
amount to meet bond service charges, and the establishment and 36768  
maintenance of any reserves and other requirements provided for in 36769  
the bond proceedings, and, as necessary, to meet covenants 36770  
contained in any loan guarantees made under this chapter; 36771

(2) Take or permit no action, by statute or otherwise, that 36772  
would impair the exemption from federal income taxation of the 36773  
interest on the obligations. 36774

(P) All moneys received by or on account of the state and 36775  
required by the applicable bond proceedings, consistent with this 36776  
section, to be deposited, transferred, or credited to the coal 36777  
research and development bond service fund, and all other moneys 36778  
transferred or allocated to or received for the purposes of the 36779  
fund, shall be credited to such fund and to any separate accounts 36780  
therein, subject to applicable provisions of the bond proceedings, 36781  
but without necessity for any act of appropriation. During the 36782  
period beginning with the date of the first issuance of 36783  
obligations and continuing during such time as any such 36784  
obligations are outstanding, and so long as moneys in the bond 36785  
service fund are insufficient to pay all bond service charges on 36786

such obligations becoming due in each year, a sufficient amount of 36787  
moneys of the state are committed and shall be paid to the bond 36788  
service fund in each year for the purpose of paying the bond 36789  
service charges becoming due in that year without necessity for 36790  
further act of appropriation for such purpose. The bond service 36791  
fund is a trust fund and is hereby pledged to the payment of bond 36792  
service charges to the extent provided in the applicable bond 36793  
proceedings, and payment thereof from such fund shall be made or 36794  
provided for by the treasurer of state in accordance with such 36795  
bond proceedings without necessity for any act of appropriation. 36796  
All investment earnings of the fund shall be credited to the fund. 36797

(Q) For purposes of establishing the limitations contained in 36798  
Section 15 of Article VIII, Ohio Constitution, the "principal 36799  
amount" refers to the aggregate of the offering price of the bonds 36800  
or notes. "Principal amount" does not refer to the aggregate value 36801  
at maturity or redemption of the bonds or notes. 36802

(R) This section applies only with respect to obligations 36803  
issued and delivered prior to September 30, 2000. 36804

**Sec. 1555.17.** All final actions of the director of the Ohio 36805  
coal development office shall be journalized and such journal 36806  
shall be open to inspection of the public at all reasonable times. 36807  
Any materials or data, to the extent that they consist of trade 36808  
secrets, as defined in section 1333.61 of the Revised Code, or 36809  
other proprietary information, that are submitted or made 36810  
available to, or received by, the ~~Ohio air quality~~ department of 36811  
~~development authority~~ or the director of the Ohio coal development 36812  
office, in connection with agreements for assistance entered into 36813  
under this chapter or Chapter 1551. of the Revised Code, or any 36814  
information taken from those materials or data, are not public 36815  
records for the purposes of section 149.43 of the Revised Code. 36816

**Sec. 1561.06.** The chief of the division of mineral resources 36817  
management shall designate the townships in which mineable or 36818  
quarryable coal or other mineral is or may be mined or quarried, 36819  
which townships shall be considered coal or mineral bearing 36820  
townships. The chief shall divide the coal or other mineral 36821  
bearing townships into such districts as the chief deems best for 36822  
inspection purposes, and the chief may change such districts 36823  
whenever, in the chief's judgment, the best interests of the 36824  
service require. 36825

The chief shall designate as provided in this section as coal 36826  
or mineral bearing townships those townships in which coal is 36827  
being mined or in which coal is found in such thickness as to make 36828  
the mining of ~~such~~ the coal or mineral probable at some future 36829  
time, and shall designate ~~such~~ the township as a unit. As used in 36830  
this chapter and Chapters 1563., 1565., and 1567. of the Revised 36831  
Code, "coal or mineral bearing township" means a township that has 36832  
been so designated by the chief under this section. 36833

The chief shall also designate the townships in which coal is 36834  
being mined or in which coal is found in such thickness as to make 36835  
the mining of ~~such~~ the coal probable at some future time as "coal 36836  
bearing townships" as ~~such~~ that term is used in Chapter 1509. of 36837  
the Revised Code. The chief shall certify to the chief of the 36838  
division of oil and gas resources management the townships that 36839  
are designated as coal bearing townships. 36840

**Sec. 1561.12.** An applicant for any examination or certificate 36841  
under this section shall, before being examined, register the 36842  
applicant's name with the chief of the division of mineral 36843  
resources management and file with the chief an affidavit as to 36844  
all matters of fact establishing the applicant's right to receive 36845  
the examination, a certificate of good character and temperate 36846  
habits signed by at least three reputable citizens of the 36847



community in which the applicant resides, and a certificate from a 36848  
reputable and disinterested physician as to the physical condition 36849  
of ~~such~~ the applicant showing that the applicant is physically 36850  
capable of performing the duties of the office or position. 36851

36852

Each applicant for examination for any of the following 36853  
positions shall present evidence satisfactory to the chief that 36854  
the applicant has been a resident and citizen of this state for 36855  
two years next preceding the date of application: 36856

(A) An applicant for the position of deputy mine inspector of 36857  
underground mines shall have had actual practical experience of 36858  
not less than six years, at least two of which shall have been in 36859  
the underground workings of mines in this state. In the case of an 36860  
applicant who would inspect underground coal mines, the two years 36861  
shall consist of actual practical experience in underground coal 36862  
mines. In the case of an applicant who would inspect noncoal 36863  
mines, the two years shall consist of actual practical experience 36864  
in noncoal mines. In lieu of two years of the actual practical 36865  
experience required, the chief may accept as the equivalent 36866  
thereof a certificate evidencing graduation from an accredited 36867  
school of mines or mining, after a four-year course of study, but 36868  
such credit shall not apply as to the two years' actual practical 36869  
experience required in the mines in this state. 36870

The applicant shall pass an examination as to the applicant's 36871  
practical and technological knowledge of mine surveying, mining 36872  
machinery, and appliances; the proper development and operation of 36873  
mines; the best methods of working and ventilating mines; the 36874  
nature, properties, and powers of noxious, poisonous, and 36875  
explosive gases, particularly methane; the best means and methods 36876  
of detecting, preventing, and removing the accumulation of such 36877  
gases; the use and operation of gas detecting devices and 36878  
appliances; first aid to the injured; and the uses and dangers of 36879

electricity as applied and used in, at, and around mines. ~~Such~~ The 36880  
applicant shall also hold a certificate for foreperson of gaseous 36881  
mines issued by the chief. 36882

(B) An applicant for the position of deputy mine inspector of 36883  
surface mines shall have had actual practical mining experience of 36884  
not less than six years, at least two of which shall have been in 36885  
surface mines in this state. In lieu of two years of the actual 36886  
practical experience required, the chief may accept as the 36887  
equivalent thereof a certificate evidencing graduation from an 36888  
accredited school of mines or mining, after a four-year course of 36889  
study, but that credit shall not apply as to the two years' actual 36890  
practical experience required in the mines in this state. The 36891  
applicant shall pass an examination as to the applicant's 36892  
practical and technological knowledge of surface mine surveying, 36893  
machinery, and appliances; the proper development and operations 36894  
of surface mines; first aid to the injured; and the use and 36895  
dangers of explosives and electricity as applied and used in, at, 36896  
and around surface mines. The applicant shall also hold a surface 36897  
mine foreperson certificate issued by the chief. 36898

(C) An applicant for the position of electrical inspector 36899  
shall have had at least five years' practical experience in the 36900  
installation and maintenance of electrical circuits and equipment 36901  
in mines, and the applicant shall be thoroughly familiar with the 36902  
principles underlying the safety features of permissible and 36903  
approved equipment as authorized and used in mines. 36904

The applicant shall be required to pass the examination 36905  
required for deputy mine inspectors and an examination testing and 36906  
determining the applicant's qualification and ability to 36907  
competently inspect and administer the mining law that relates to 36908  
electricity used in and around mines and mining in this state. 36909

(D) An applicant for the position of superintendent or 36910  
assistant superintendent of rescue stations shall possess the same 36911

qualifications as those required for a deputy mine inspector. In 36912  
addition, the applicant shall present evidence satisfactory to the 36913  
chief that the applicant is sufficiently qualified and trained to 36914  
organize, supervise, and conduct group training classes in first 36915  
aid, safety, and rescue work. 36916

The applicant shall pass the examination required for deputy 36917  
mine inspectors and shall be tested as to the applicant's 36918  
practical and technological experience and training in first aid, 36919  
safety, and mine rescue work. 36920

(E) An applicant for the position of mine chemist shall have 36921  
such educational training as is represented by the degree MS in 36922  
chemistry from a university of recognized standing, and at least 36923  
five years of actual practical experience in research work in 36924  
chemistry or as an assistant chemist. The chief may provide that 36925  
an equivalent combination of education and experience together 36926  
with a wide knowledge of the methods of and skill in chemical 36927  
analysis and research may be accepted in lieu of the above 36928  
qualifications. It is preferred that ~~such~~ the chemist shall have 36929  
had actual experience in mineralogy and metallurgy. 36930

~~(F) An applicant for the position of gas storage well 36931  
inspector shall possess the same qualifications as an applicant 36932  
for the position of deputy mine inspector and shall have a 36933  
practical knowledge and experience of and in the operation, 36934  
location, drilling, maintenance, and abandonment of oil and gas 36935  
wells, especially in coal or mineral bearing townships, and shall 36936  
have a thorough knowledge of the latest and best method of 36937  
plugging and sealing abandoned oil and gas wells. 36938~~

~~Such applicant for gas storage well inspector shall pass an 36939  
examination conducted by the chief to determine the applicant's 36940  
fitness to act as a gas storage well inspector before being 36941  
eligible for appointment. 36942~~

Sec. 1561.13. The chief of the division of mineral resources	36943
management shall conduct examinations for offices and positions in	36944
the division of mineral resources management, and for mine	36945
forepersons, mine electricians, shot firers, surface mine	36946
blasters, and fire bosses, as follows:	36947
(A) Division of mineral resources management:	36948
(1) Deputy mine inspectors of underground mines;	36949
(2) Deputy mine inspectors of surface mines;	36950
(3) Electrical inspectors;	36951
(4) Superintendent of rescue stations;	36952
(5) Assistant superintendents of rescue stations;	36953
(6) Mine chemists at a division laboratory if the chief	36954
chooses to operate a laboratory;	36955
<del>        (7) Gas storage well inspector.</del>	36956
(B) Mine forepersons:	36957
(1) Mine foreperson of gaseous mines;	36958
(2) Mine foreperson of nongaseous mines;	36959
(3) Mine foreperson of surface mines.	36960
(C) Forepersons:	36961
(1) Foreperson of gaseous mines;	36962
(2) Foreperson of nongaseous mines;	36963
(3) Foreperson of surface maintenance facilities at	36964
underground or surface mines;	36965
(4) Foreperson of surface mines.	36966
(D) Fire bosses.	36967
(E) Mine electricians.	36968

(F) Surface mine blasters. 36969

(G) Shot firers. 36970

The chief annually shall provide for the examination of 36971  
candidates for appointment or promotion as deputy mine inspectors 36972  
and such other positions and offices set forth in division (A) of 36973  
this section as are necessary. Special examinations may be held 36974  
whenever it becomes necessary to make appointments to any of those 36975  
positions. 36976

The chief shall provide for the examination of persons 36977  
seeking certificates of competency as mine forepersons, 36978  
forepersons, mine electricians, shot firers, surface mine 36979  
blasters, and fire bosses quarterly or more often as required, at 36980  
such times and places within the state as shall, in the judgment 36981  
of the chief, afford the best facilities to the greatest number of 36982  
applicants. Public notice shall be given through the press or 36983  
otherwise, not less than ten days in advance, announcing the time 36984  
and place at which examinations under this section are to be held. 36985

The examinations provided for in this section shall be 36986  
conducted under rules adopted under section 1561.05 of the Revised 36987  
Code and conditions prescribed by the chief. Any rules that relate 36988  
to particular candidates shall, upon application of any candidate, 36989  
be furnished to the candidate by the chief; they shall also be of 36990  
uniform application to all candidates in the several groups. 36991

**Sec. 1561.35.** If the deputy mine inspector finds that any 36992  
matter, thing, or practice connected with any mine and not 36993  
prohibited specifically by law is dangerous or hazardous, or that 36994  
from a rigid enforcement of this chapter and Chapters ~~1509.~~, 36995  
1563., 1565., and 1567. and applicable provisions of Chapter 1509. 36996  
of the Revised Code, the matter, thing, or practice would become 36997  
dangerous and hazardous so as to tend to the bodily injury of any 36998  
person, the deputy mine inspector forthwith shall give notice in 36999

writing to the owner, lessee, or agent of the mine of the 37000  
particulars in which the deputy mine inspector considers the mine 37001  
or any matter, thing, or practice connected therewith is dangerous 37002  
or hazardous and recommend changes that the conditions require, 37003  
and forthwith shall mail a copy of the report and the deputy mine 37004  
inspector's recommendations to the chief of the division of 37005  
mineral resources management. Upon receipt of the report and 37006  
recommendations, the chief forthwith shall make a finding thereon 37007  
and mail a copy to the owner, operator, lessee, or agent of the 37008  
mine, and to the deputy mine inspector; a copy of the finding of 37009  
the chief shall be posted upon the bulletin board of the mine. 37010  
Where the miners have a mine safety committee, one additional copy 37011  
shall be posted on the bulletin board for the use and possession 37012  
of the committee. 37013

The owner, operator, lessee, or agent of the mine, or the 37014  
authorized representative of the workers of the mine, within ten 37015  
days may appeal to the reclamation commission for a review and 37016  
redetermination of the finding of the chief in the matter in 37017  
accordance with section 1513.13 of the Revised Code, 37018  
notwithstanding division (A)(1) of that section, which provides 37019  
for appeals within thirty days. A copy of the decision of the 37020  
commission shall be mailed as required by this section for the 37021  
mailing of the finding by the chief on the deputy mine inspector's 37022  
report. 37023

**Sec. 1561.49.** The chief of the division of mineral resources 37024  
management may designate not more than thirty deputy mine 37025  
inspectors, at least one of whom shall be classified and appointed 37026  
as electrical inspector provided for in division (B) of section 37027  
1561.12 of the Revised Code; ~~one gas storage well inspector;~~ one 37028  
superintendent of rescue stations; three assistant superintendents 37029  
of rescue stations; three chemists; and such clerks, 37030  
stenographers, and other employees as are necessary for the 37031

administration of this chapter and Chapters 1563., 1565., and 37032  
1567. and applicable provisions of Chapter 1509. of the Revised 37033  
Code. 37034

Such officers, employees, and personnel shall be appointed 37035  
and employed under such conditions and qualifications as set forth 37036  
in ~~such~~ those chapters. 37037

**Sec. 1563.06.** For the purpose of making the examinations 37038  
provided for in this chapter and Chapters ~~1509.~~ 1561., 1565., and 37039  
1567. and applicable provisions of Chapter 1509. of the Revised 37040  
Code, the chief of the division of mineral resources management, 37041  
and each deputy mine inspector, may enter any mine at a reasonable 37042  
time, by day or by night, but in such manner as will not 37043  
necessarily impede the working of the mine, and the owner, lessee, 37044  
or agent thereof shall furnish the means necessary for such entry 37045  
and examination. 37046

**Sec. 1563.24.** In all mines generating methane in such 37047  
quantities as to be considered a gaseous mine under section 37048  
1563.02 of the Revised Code, the mine foreperson of such a mine 37049  
shall: 37050

(A) Employ a sufficient number of competent persons holding 37051  
foreperson of gaseous mines or fire boss certificates, except as 37052  
provided in section 1565.02 of the Revised Code, to examine the 37053  
working places whether they are in actual course of working or 37054  
not, and the traveling ways and entrances to old workings with 37055  
approved flame safety lamps, all of which shall be done not more 37056  
than three hours prior to the time fixed for the employees to 37057  
enter ~~such~~ the mine; 37058

(B) Have all old parts of the mine not in the actual course 37059  
of working, but that are open and safe to travel, examined not 37060  
less than once each three days by a competent person who holds a 37061

foreperson of gaseous mines or a fire boss certificate; 37062

(C) See that all parts of the mine not sealed off as provided 37063  
in section 1563.41 of the Revised Code are kept free from standing 37064  
gas, and upon the discovery of any standing gas, see that the 37065  
entrance to the place where the gas is so discovered is fenced off 37066  
and marked with a sign upon which is written the word "danger," 37067  
and ~~such~~ the sign shall so remain until ~~such~~ the gas has been 37068  
removed; 37069

(D) Have the mine examined on all idle days, holidays, and 37070  
Sundays on which employees are required to work therein; 37071

(E) If more than three hours elapse between shifts, have the 37072  
places in which the succeeding shift works examined by a competent 37073  
person who holds a foreperson of gaseous mines or fire boss 37074  
certificate; 37075

(F) See that this chapter and Chapters ~~1509.~~ 1561., 1565., 37076  
and 1567. and applicable provisions of Chapter 1509. of the 37077  
Revised Code, with regard to examination of working places, 37078  
removal of standing gas, and fencing off of dangerous places, are 37079  
complied with before the employees employed by the mine foreperson 37080  
for this particular work are permitted to do any other work; 37081

(G) Have a report made on the blackboard provided for in 37082  
section 1567.06 of the Revised Code, which report shall show the 37083  
condition of the mine as to the presence of gas and the place 37084  
where such gas is present, if there is any, before the mine 37085  
foreperson permits the employees to enter the mine; 37086

(H) Have reports of the duties and activities enumerated in 37087  
this section signed by the person who makes ~~such~~ the examination. 37088  
The reports so signed shall be sent once each week to the deputy 37089  
mine inspector of the district in which the mine is located on 37090  
blanks furnished by the division of mineral resources management 37091  
for that purpose, and a copy of ~~such~~ the report shall be kept on 37092



file at the mine. 37093

(I) Have the fire boss record a report after each 37094  
examination, in ink, in the fire boss' record book, which book 37095  
shall show the time taken in making the examination and also 37096  
clearly state the nature and location of any danger that was 37097  
discovered in any room, entry, or other place in the mine, and, if 37098  
any danger was discovered, the fire boss shall immediately report 37099  
the location thereof to the mine foreperson. 37100

No person shall enter the mine until the fire bosses return 37101  
to the mine office on the surface, or to a station located in the 37102  
mine, where a record book as provided for in this section shall be 37103  
kept and signed by the person making the examination, and report 37104  
to the oncoming mine foreperson that the mine is in safe condition 37105  
for the employees to enter. When a station is located in any mine, 37106  
the fire bosses shall sign also the report entered in the record 37107  
book in the mine office on the surface. The record books of the 37108  
fire bosses shall at all times during working hours be accessible 37109  
to the deputy mine inspector and the employees of the mine. 37110

In every mine generating explosive gas in quantities 37111  
sufficient to be detected by an approved flame safety lamp, when 37112  
the working portions are one mile or more from the entrance to the 37113  
mine or from the bottom of the shaft or slope, a permanent station 37114  
of suitable dimensions may be erected by the mine foreperson, 37115  
provided that the location is approved by the deputy mine 37116  
inspector, for the use of the fire bosses, and a fireproof vault 37117  
of ample strength shall be erected in ~~such~~ the station of brick, 37118  
stone, or concrete, in which the temporary record book of the fire 37119  
bosses, as described in this section, shall be kept. No person, 37120  
except a mine foreperson of gaseous mines, and in case of 37121  
necessity such other persons as are designated by the mine 37122  
foreperson, shall pass beyond the permanent station and danger 37123  
signal until the mine has been examined by a fire boss, and the 37124

mine or certain portions thereof reported by the fire boss to be 37125  
safe. 37126

This section does not prevent a mine foreperson or foreperson 37127  
of gaseous mines from being qualified to act and acting in the 37128  
capacity of fire boss. The record book shall be supplied by the 37129  
division and purchased by the operator. 37130

No mine foreperson or person delegated by the mine 37131  
foreperson, or any operator of a mine, or other person, shall 37132  
refuse or neglect to comply with this section. 37133

**Sec. 1563.28.** The ~~man~~ worker performing the duties of fire 37134  
boss shall, in an approved manner, use a flame safety lamp when 37135  
making examinations under this chapter and Chapters ~~1509.~~, 1561., 37136  
1565., and 1567. and applicable provisions of Chapter 1509. of the 37137  
Revised Code. As evidence of such examinations ~~he~~ the fire boss 37138  
shall mark with chalk, upon the face of the coal or in some other 37139  
conspicuous place, ~~his~~ the fire boss's initials and the date of 37140  
the month that ~~such~~ the examination is made, and shall fully 37141  
comply with all the law relating to gas and ~~his~~ the fire boss's 37142  
duties as to making such examinations. After making ~~his~~ such an 37143  
examination and report, prior to employees entering the mine for 37144  
the oncoming shift, ~~he~~ the fire boss who made the examination or 37145  
another fire boss shall return to the working places with the 37146  
employees at the starting time of the oncoming shift. 37147

No person shall refuse or neglect to comply with this 37148  
section. 37149

**Sec. 1571.01.** As used in this chapter, unless other meaning 37150  
is clearly indicated in the context: 37151

(A) "Gas storage reservoir" or "storage reservoir" or 37152  
"reservoir" means a continuous area of a subterranean porous sand 37153  
or rock stratum or strata, any part of which or of the protective 37154

area of which, is within a coal bearing township, into which gas 37155  
is or may be injected for the purpose of storing it therein and 37156  
removing it therefrom, or for the purpose of testing whether such 37157  
stratum is suitable for such storage purposes. 37158

(B) "Gas" means any natural, manufactured, or by-product gas 37159  
or any mixture thereof. 37160

(C) "Reservoir operator" or "operator," when used in 37161  
referring to the operator of a gas storage reservoir, means a 37162  
person who is engaged in the work of preparing to inject, or who 37163  
injects gas into, or who stores gas in, or who removes gas from, a 37164  
gas storage reservoir, and who owns the right to do so. 37165

(D)(1) "Boundary," when used in referring to the boundary of 37166  
a gas storage reservoir, means the boundary of such reservoir as 37167  
shown on the map or maps thereof on file in the division of 37168  
~~mineral oil and gas~~ resources management as required by this 37169  
chapter. 37170

(2) "Boundary," when used in referring to the boundary of a 37171  
reservoir protective area, means the boundary of such reservoir 37172  
protective area as shown on the map or maps thereof on file in the 37173  
division as required by this chapter. 37174

(E) "Reservoir protective area" or "reservoir's protective 37175  
area" means the area of land outside the boundary of a gas storage 37176  
reservoir shown as such on the map or maps thereof on file in the 37177  
division as required by this chapter. The area of land shown on 37178  
such map or maps as such reservoir protective area shall be 37179  
outside the boundary of such reservoir, and shall encircle such 37180  
reservoir and touch all parts of the boundary of such reservoir, 37181  
and no part of the outside boundary of such protective area shall 37182  
be less than two thousand nor more than five thousand linear feet 37183  
distant from the boundary of such reservoir. 37184

(F) "Coal bearing township" means a township designated as a 37185

coal bearing township by the chief of the division of mineral 37186  
resources management as required by section 1561.06 of the Revised 37187  
Code. 37188

(G) "Coal mine" means the underground excavations of a mine 37189  
that are being used or are usable or are being developed for use 37190  
in connection with the extraction of coal from its natural deposit 37191  
in the earth. "Underground excavations," when used in referring to 37192  
the underground excavations of a coal mine, includes the abandoned 37193  
underground excavations of such mine. It also includes the 37194  
underground excavations of an abandoned coal mine if such 37195  
abandoned mine is connected with underground excavations of a coal 37196  
mine. "Coal mine" does not mean or include: 37197

(1) A mine in which coal is extracted from its natural 37198  
deposit in the earth by strip or open pit mining methods or by 37199  
other methods by which individuals are not required to go 37200  
underground in connection with the extraction of coal from its 37201  
natural deposit in the earth; 37202

(2) A mine in which not more than fourteen individuals are 37203  
regularly employed underground. 37204

(H) "Operator," when used in referring to the operator of a 37205  
coal mine, means a person who engages in the work of developing 37206  
such mine for use in extracting coal from its natural deposit in 37207  
the earth, or who so uses such mine, and who owns the right to do 37208  
so. 37209

(I) "Boundary," when used in referring to the boundary of a 37210  
coal mine, means the boundary of the underground excavations of 37211  
such mine as shown on the maps of such mine on file in the 37212  
division of mineral resources management as required by sections 37213  
1563.03 to 1563.05 and 1571.03 of the Revised Code. 37214

(J) "Mine protective area" or "mine's protective area" means 37215  
the area of land that the operator of a coal mine designates and 37216

shows as such on the map or maps of such coal mine filed with the 37217  
division as required by sections 1563.03 to 1563.05 and 1571.03 of 37218  
the Revised Code. Such area of land shall be outside of the 37219  
boundary of such coal mine, but some part of the boundary of such 37220  
area of land shall abut upon a part of the boundary of such coal 37221  
mine. Such area of land shall be comprised of such tracts of land 37222  
in which such coal mine operator owns the right to extract coal 37223  
therefrom by underground mining methods and in which underground 37224  
excavations of such coal mine are likely to be made within the 37225  
ensuing year for use in connection with the extraction of coal 37226  
therefrom. 37227

(K) "Pillar" means a solid block of coal or other material 37228  
left unmined to support the overlying strata in a coal mine, or to 37229  
protect a well. 37230

(L) "Retreat mining" means the removal of pillars and ribs 37231  
and stumps and other coal remaining in a section of a coal mine 37232  
after the development mining has been completed in such section. 37233

(M) "Linear feet," when used to indicate distance between two 37234  
points that are not in the same plane, means the length in feet of 37235  
the shortest horizontal line that connects two lines projected 37236  
vertically upward or downward from the two points. 37237

(N) "Map" means a graphic representation of the location and 37238  
size of the existing or proposed items it is made to represent, 37239  
accurately drawn according to a given scale. 37240

(O) "Well" means any hole, drilled or bored, or being drilled 37241  
or bored, into the earth, whether for the purpose of, or whether 37242  
used for: 37243

(1) Producing or extracting any gas or liquid mineral, or 37244  
natural or artificial brines, or oil field waters; 37245

(2) Injecting gas into or removing gas from an underground 37246  
gas storage reservoir; 37247

(3) Introducing water or other liquid pressure into an oil 37248  
bearing sand to recover oil contained in such sand, provided that 37249  
"well" does not mean a hole drilled or bored, or being drilled or 37250  
bored, into the earth, whether for the purpose of, or whether used 37251  
for, producing or extracting potable water to be used as such. 37252

(P) "Testing" means injecting gas into, or storing gas in or 37253  
removing gas from, a gas storage reservoir for the sole purpose of 37254  
determining whether such reservoir is suitable for use as a gas 37255  
storage reservoir. 37256

(Q) "Casing" means a string or strings of pipe commonly 37257  
placed in a well. 37258

(R) "Inactivate" means to shut off temporarily all flow of 37259  
gas from a well at a point below the horizon of the coal mine that 37260  
might be affected by such flow of gas, by means of a plug or other 37261  
suitable device or by injecting water, bentonite, or some other 37262  
equally nonporous material into the well, or any other method 37263  
approved by ~~the mineral~~ an oil and gas resources inspector. 37264

(S) "Gas storage well inspector" means the gas storage well 37265  
inspector in the division. 37266

(T) The verb "open" or the noun "opening," when used in 37267  
clauses relating to the time when a coal mine operator intends to 37268  
open a new coal mine, or the time when a new coal mine is opened, 37269  
or the time of the opening of a new coal mine, or when used in 37270  
other similar clauses to convey like meanings, means that time and 37271  
condition in the initial development of a new coal mine when the 37272  
second opening required by section 1563.14 of the Revised Code is 37273  
completed in such mine. 37274

Sec. 1571.012. An applicant for the position of gas storage 37275  
well inspector shall register the applicant's name with the chief 37276  
of the division of oil and gas resources management and file with 37277

the chief an affidavit as to all matters of fact establishing the 37278  
applicant's right to take the examination for that position, a 37279  
certificate of good character and temperate habits signed by at 37280  
least three reputable citizens of the community in which the 37281  
applicant resides, and a certificate from a reputable and 37282  
disinterested physician as to the physical condition of the 37283  
applicant showing that the applicant is physically capable of 37284  
performing the duties of the position. The applicant also shall 37285  
present evidence satisfactory to the chief that the applicant has 37286  
been a resident and citizen of this state for at least two years 37287  
next preceding the date of application. 37288

An applicant shall possess the same qualifications as an 37289  
applicant for the position of deputy mine inspector established in 37290  
section 1561.12 of the Revised Code. In addition, the applicant 37291  
shall have practical knowledge and experience of and in the 37292  
operation, location, drilling, maintenance, and abandonment of oil 37293  
and gas wells, especially in coal or mineral bearing townships, 37294  
and shall have a thorough knowledge of the latest and best method 37295  
of plugging and sealing abandoned oil and gas wells. 37296

An applicant for gas storage well inspector shall pass an 37297  
examination conducted by the chief to determine the applicant's 37298  
fitness to act as gas storage well inspector before being eligible 37299  
for appointment. 37300

**Sec. 1571.013.** (A) The chief of the division of oil and gas 37301  
resources management shall conduct examinations for the position 37302  
of gas storage well inspector. The chief annually shall provide 37303  
for the examination of candidates for appointment as gas storage 37304  
well inspector. Special examinations may be held whenever it 37305  
becomes necessary to make an appointment of gas storage well 37306  
inspector. 37307

(B) Public notice shall be given through the press or otherwise, not less than ten days in advance, announcing the time and place at which examinations under this section are to be held. 37308  
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(C) The examinations provided for in this section shall be conducted in accordance with rules adopted under section 1571.014 of the Revised Code and conditions prescribed by the chief. 37311  
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**Sec. 1571.014.** The chief of the division of oil and gas resources management shall appoint a gas storage well inspector from the eligible list of candidates for that position that is prepared under section 124.24 of the Revised Code. If a vacancy occurs in the position of gas storage well inspector, the chief shall fill the position by selecting a person from that list. 37314  
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The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for conducting examinations for the position of gas storage well inspector. 37320  
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**Sec. 1571.02.** (A) Any reservoir operator who, on September 9, 1957, is injecting gas into, storing gas in, or removing gas from a reservoir shall within sixty days after such date file with the division of ~~mineral~~ oil and gas resources management a map thereof as described in division (C) of this section, provided that if a reservoir operator is, on September 9, 1957, injecting gas into or storing gas in a reservoir solely for testing, the reservoir operator shall at once file such map with the division. 37323  
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(B) If the injection of gas into or storage of gas in a gas storage reservoir is begun after September 9, 1957, the operator of such reservoir shall file with the division a map thereof as described in division (C) of this section, on the same day and not less than three months prior to beginning such injection or storage. 37331  
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(C) Each map filed with the division pursuant to this section 37337



shall be prepared by a registered surveyor, registered engineer, 37338  
or competent geologist. It shall show both of the following: 37339

(1) The location of the boundary of such reservoir and the 37340  
boundary of such reservoir's protective area, and the known fixed 37341  
monuments, corner stones, or other permanent markers in such 37342  
boundary lines; 37343

(2) The boundary lines of the counties, townships, and 37344  
sections or lots that are within the limits of such map, and the 37345  
name of each such county and township and the number of each such 37346  
section or lot clearly indicated thereon. The legend of the map 37347  
shall indicate the stratum or strata in which the gas storage 37348  
reservoir is located. 37349

The location of the boundary of the gas storage reservoir as 37350  
shown on the map shall be defined by the location of those wells 37351  
around the periphery of such reservoir that had no gas production 37352  
when drilled into the storage stratum of such reservoir, provided 37353  
that if the operator of such reservoir, upon taking into 37354  
consideration the number and nature of such wells, the geological 37355  
and production knowledge of the storage stratum, its character, 37356  
permeability, and distribution, and operating experience, 37357  
determines that the location of the boundary of such reservoir 37358  
should be differently defined, the reservoir operator may, on such 37359  
map, show the boundary of such reservoir to be located at a 37360  
location different than the location defined by the location of 37361  
those wells around the periphery of such reservoir that had no gas 37362  
production when drilled into the storage stratum. 37363

Whenever the operator of a gas storage reservoir determines 37364  
that the location of the boundary of such reservoir as shown on 37365  
the most recent map thereof on file in the division pursuant to 37366  
this section is incorrect, the reservoir operator shall file with 37367  
the division an amended map showing the boundary of such reservoir 37368  
to be located at the location that the reservoir operator then 37369

considers to be correct. 37370

(D) Each operator of a gas storage reservoir who files with 37371  
the division a map as required by this section shall, at the end 37372  
of each six-month period following the date of such filing, file 37373  
with the division an amended map showing changes, if any, in the 37374  
boundary line of such reservoir or of such reservoir's protective 37375  
area that have occurred in the six-month period. Nothing in this 37376  
division shall be construed to require such a reservoir operator 37377  
to file an amended map at the end of any such six-month period if 37378  
no such boundary changes have occurred in such period. 37379

An operator of a gas storage reservoir who is required by 37380  
this section to file an amended map with the division shall not be 37381  
required to so file such an amended map after such time when the 37382  
reservoir operator files with the division a map pertaining to 37383  
such reservoir, as provided in section 1571.04 of the Revised 37384  
Code. 37385

**Sec. 1571.03.** (A) Every operator of a coal mine who is 37386  
required by sections 1563.03 to 1563.05 of the Revised Code, to 37387  
file maps of such mine, shall cause to be shown on each of such 37388  
maps, in addition to the boundary lines of each tract under which 37389  
excavations are likely to be made during the ensuing year, as 37390  
referred to in section 1563.03 of the Revised Code: 37391

(1) The boundary of such coal mine in accordance with the 37392  
meaning of the term "boundary" ~~when used in referring to the~~ 37393  
~~boundary of a coal mine, and the term "coal mine" as those terms~~ 37394  
~~are defined~~ in section 1571.01 of the Revised Code; 37395

(2) The boundary of the mine protective area of such mine. 37396

This division shall not be construed to amend or repeal any 37397  
provisions of sections 1563.03 to 1563.05 of the Revised Code, 37398  
either by implication or otherwise. 37399

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

(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 37432  
mine operator shall in no event be liable to such reservoir 37433  
operator: 37434

(1) For expenses of plugging or reconditioning such well 37435  
incurred prior to receipt by such reservoir operator from such 37436  
mine operator of a notice as provided for in this division; 37437

(2) For any expenses of plugging or reconditioning such well 37438  
if any part of the work of plugging or reconditioning was 37439  
commenced prior to receipt by such reservoir operator from such 37440  
mine operator of a notice as provided for in this division. 37441

(D) If a person intends to open a new coal mine after 37442  
September 9, 1957, and if at the time of its opening any part of 37443  
the boundary of such mine will be within two thousand linear feet 37444  
of a well that is drilled through the horizon of such mine and 37445  
into or through the storage stratum or strata of a gas storage 37446  
reservoir within the boundary of such reservoir or within its 37447  
protective area, such person shall send by registered mail to the 37448  
operator of such storage reservoir, the division of mineral 37449  
resources management, and ~~to~~ the division of oil and gas resources 37450  
management at least nine months' notice of the date upon which the 37451  
person intends to open such mine, and of the location of such 37452  
well. If at the end of nine months after the date stated in the 37453  
notice by an operator of a coal mine to an operator of a storage 37454  
reservoir, the division of mineral resources management, and ~~to~~ 37455  
the division of oil and gas resources management, as the date upon 37456  
which such coal mine operator intends to open such new mine, such 37457  
new mine is not opened, the operator of such coal mine shall be 37458  
liable to the operator of such storage reservoir for all expenses 37459  
incurred by such reservoir operator in doing the plugging or 37460  
reconditioning of such well as the reservoir operator is required 37461  
to do in such cases as provided in section 1571.05 of the Revised 37462  
Code, provided: 37463

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

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

(3) That such mine operator shall in no event be liable to 37496  
such reservoir operator: 37497

(a) For expense of plugging or reconditioning such well 37498  
incurred prior to the receipt by such reservoir operator from such 37499  
mine operator of the notice of the date upon which such mine 37500  
operator intends to open such new mine; 37501

(b) For any expense of plugging or reconditioning such well 37502  
if any part of the work of plugging or reconditioning was 37503  
commenced prior to receipt by such reservoir operator from such 37504  
mine operator of such notice. 37505

**Sec. 1571.04.** (A) Upon the filing of each map or amended map 37506  
with the division of mineral oil and gas resources management by 37507  
operators of gas storage reservoirs as required by this chapter, 37508  
and each coal mine map with the division of mineral resources 37509  
management as required by sections 1563.03 to 1563.05 and division 37510  
(A) of section 1571.03 of the Revised Code, the gas storage well 37511  
inspector shall cause an examination to be made of all maps on 37512  
file in ~~the division~~ those divisions as the gas storage well 37513  
inspector may deem necessary to ascertain whether any part of a 37514  
reservoir protective area as shown on any such map is within ten 37515  
thousand linear feet of any part of the boundary of a coal mine as 37516  
shown on any such map. If, upon making that examination, the gas 37517  
storage well inspector finds that any part of such a reservoir 37518  
protective area is within ten thousand linear feet of any part of 37519  
the boundary of such a coal mine, the gas storage well inspector 37520  
shall promptly send by registered mail notice to that effect to 37521  
the operator of the reservoir and to the operator of the coal 37522  
mine. 37523

(B) Within sixty days after receipt by an operator of a gas 37524  
storage reservoir of a notice from the gas storage well inspector 37525  
under division (A) of this section, such operator shall file on 37526

the same day with both the division ~~a map~~ of mineral resources 37527  
management and the division of oil and gas resources management 37528  
identical maps prepared by a registered surveyor, registered 37529  
engineer, or competent geologist, which shall do all of the 37530  
following: 37531

(1) Indicate the stratum or strata in which such gas storage 37532  
reservoir is located; 37533

(2) Show the location of the boundary of the reservoir and 37534  
the boundary of its protective area, and the known fixed 37535  
monuments, corner stones, or other permanent markers in such 37536  
boundary lines; 37537

(3) Show the boundary lines of the counties, townships, and 37538  
sections or lots that are within the limits of such maps, and the 37539  
name of each such county and township and the number of each such 37540  
section or lot clearly indicated thereon; 37541

(4) Show the location of all oil or gas wells known to the 37542  
operator of such reservoir that have been drilled within the 37543  
boundary of the reservoir or within its protective area, and 37544  
indicate which of such wells, if any, have been or are to be 37545  
plugged or reconditioned for use in the operation of such 37546  
reservoir. 37547

The location of the boundary of the gas storage reservoir as 37548  
shown on the maps shall be defined by the location of those wells 37549  
around the periphery of the reservoir that had no gas production 37550  
when drilled into the storage stratum of the reservoir, provided 37551  
that, if the operator of the reservoir, upon taking into 37552  
consideration the number and nature of such wells, the geological 37553  
and production knowledge of the storage stratum, its character, 37554  
permeability, and distribution, and operating experience, 37555  
determines that the location of the boundary of the reservoir 37556  
should be differently defined, the reservoir operator may, on the 37557

maps, show the boundary of the reservoir to be located at a 37558  
location different from the location defined by the location of 37559  
those wells around the periphery of the reservoir that had no gas 37560  
production when drilled into the storage stratum. 37561

(C) Any coal mine operator who receives from the gas storage 37562  
well inspector a copy of a map as provided by division (E) of this 37563  
section may request the gas storage well inspector to furnish the 37564  
coal mine operator with: 37565

(1) The name of the original operator of any well shown on 37566  
such map; 37567

(2) The date drilling of such well was completed; 37568

(3) The total depth of such well; 37569

(4) The depth at which oil or gas was encountered in such 37570  
well if it was productive of oil or gas; 37571

(5) The initial rock pressure of such well; 37572

(6) A copy of the log of the driller of such well or other 37573  
similar data; 37574

(7) The location of such well in respect to the property 37575  
lines of the tract of land on which it is located; 37576

(8) A statement as to whether the well is inactive or active: 37577

(a) If inactive, the date of plugging and other pertinent 37578  
data; 37579

(b) If active, whether it is being used for test purposes or 37580  
storage purposes; 37581

(9) A statement of the maximum injection pressure 37582  
contemplated by the operator of the reservoir shown on such map. 37583

Upon receipt of such a request, the gas storage well 37584  
inspector shall promptly furnish the coal mine operator the 37585  
information requested. If the information is not ascertainable 37586



from the files in the division of oil and gas resources 37587  
management, the gas storage well inspector shall request the 37588  
reservoir operator to furnish the division with such information 37589  
to the extent that the reservoir operator has knowledge thereof. 37590  
Upon receipt of such a request, the reservoir operator shall 37591  
promptly furnish such information to the division. Thereupon the 37592  
gas storage well inspector shall promptly transmit such 37593  
information to the mine operator who requested it. 37594

Whenever the operator of a gas storage reservoir determines 37595  
that the location of the boundary of the reservoir as shown on the 37596  
most recent map thereof on file in the division pursuant to this 37597  
section is incorrect, the reservoir operator shall file with the 37598  
division an amended map showing the boundary of the reservoir to 37599  
be located at the location that the reservoir operator then 37600  
considers to be correct. 37601

(D) Each operator of a gas storage reservoir who files a ~~map~~ 37602  
with the division of mineral resources management and the division 37603  
of oil and gas resources management maps as required by this 37604  
section shall, at the end of each six-month period following the 37605  
date of such filing, file with ~~the~~ each division ~~an~~ identical 37606  
amended ~~map~~ maps showing changes in the boundary line of the 37607  
reservoir or of the reservoir's protective area that have occurred 37608  
in the six-month period, and further showing or describing any 37609  
other occurrences within that six-month period that cause the most 37610  
recent ~~map~~ maps on file and pertaining to the reservoir to no 37611  
longer be correct. Nothing in this division shall be construed to 37612  
require such a reservoir operator to file an amended map at the 37613  
end of any such six-month period if no boundary changes or other 37614  
occurrences have occurred in that period. The operator of the 37615  
reservoir shall also file with the division of mineral resources 37616  
management and the division of oil and gas resources management, 37617  
subsequent to the filing of a ~~map~~ maps as provided for in division 37618

(B) of this section, a statement whenever changing the maximum 37619  
injection pressure is contemplated, stating for each affected well 37620  
within the boundary of the reservoir or its protective area, the 37621  
amount of change of injection pressure contemplated. The location 37622  
or drilling of new wells or the abandonment or reconditioning of 37623  
wells shall not be considered to be occurrences requiring the 37624  
filing of an amended map or statement. 37625

(E) Promptly upon the filing with the division of oil and gas 37626  
resources management of a map or an amended map pertaining to a 37627  
gas storage reservoir under this section, the gas storage well 37628  
inspector shall send by registered mail to the operator of the 37629  
coal mine a part of the boundary of which is within ten thousand 37630  
linear feet of any part of the boundary of the reservoir or of the 37631  
outside boundary of the reservoir's protective area, notice of the 37632  
filing together with a copy of the map. 37633

(F) When the operator of a gas storage reservoir files with 37634  
the division ~~a map~~ of mineral resources management and the 37635  
division of oil and gas resources management maps or ~~an~~ amended 37636  
~~map~~ maps under this section, the reservoir operator shall file as 37637  
many copies of the ~~map~~ maps as ~~the~~ each division may require for 37638  
its files and as are needed for sending a copy to each coal mine 37639  
operator under division (E) of this section. 37640

**Sec. 1571.05.** (A) Whenever any part of a gas storage 37641  
reservoir or any part of its protective area underlies any part of 37642  
a coal mine, or is, or within nine months is expected or intended 37643  
to be, within two thousand linear feet of the boundary of a coal 37644  
mine that is operating in a coal seam any part of which extends 37645  
over any part of the storage reservoir or its protective area, the 37646  
operator of the reservoir, if the reservoir operator or some other 37647  
reservoir operator has not theretofore done so, shall: 37648

(1) Use every known method that is reasonable under the 37649

circumstance for discovering and locating all wells drilled within 37650  
the area of the reservoir or its protective area that underlie any 37651  
part of the coal mine or its protective area; 37652

(2) Plug or recondition all known wells drilled within the 37653  
area of the reservoir or its protective area that underlie any 37654  
part of the coal mine. 37655

(B) Whenever an operator of a gas storage reservoir is 37656  
notified by the operator of a coal mine, as provided in division 37657  
(B) of section 1571.03 of the Revised Code, that the coal mine 37658  
operator believes that part of the boundary of the mine is within 37659  
two thousand linear feet of a well that is drilled through the 37660  
horizon of the coal mine and into or through the storage stratum 37661  
or strata of the reservoir within the boundary of the reservoir or 37662  
within its protective area, the reservoir operator shall plug or 37663  
recondition the well as in this section prescribed, unless it is 37664  
agreed in a conference or is ordered by the chief of the division 37665  
of ~~mineral~~ oil and gas resources management after a hearing, as 37666  
provided in section 1571.10 of the Revised Code, that the well 37667  
referred to in the notice is not such a well as is described in 37668  
division (B) of section 1571.03 of the Revised Code. 37669

Whenever an operator of a gas storage reservoir is notified 37670  
by the operator of a coal mine as provided in division (C) or (D) 37671  
of section 1571.03 of the Revised Code, that part of the boundary 37672  
of the mine is, or within nine months is intended or expected to 37673  
be, within two thousand linear feet of a well that is drilled 37674  
through the horizon of the mine and into or through the storage 37675  
stratum or strata of the reservoir within the boundary of the 37676  
reservoir or within its protective area, the reservoir operator 37677  
shall plug or recondition the well as in this section prescribed. 37678

Whenever the operator of a coal mine considers that the use 37679  
of a well such as in this section described, if used for injecting 37680  
gas into, or storing gas in, or removing gas from, a gas storage 37681

reservoir, would be hazardous to the safety of persons or property 37682  
on or in the vicinity of the premises of the coal mine or the 37683  
reservoir or well, the coal mine operator may file with the 37684  
division objections to the use of the well for such purposes, and 37685  
a request that a conference be held as provided in section 1571.10 37686  
of the Revised Code, to discuss and endeavor to resolve by mutual 37687  
agreement whether or not the well shall or shall not be used for 37688  
such purposes, and whether or not the well shall be reconditioned, 37689  
inactivated, or plugged. The request shall set forth the mine 37690  
operator's reasons for such objections. If no approved agreement 37691  
is reached in the conference, the gas storage well inspector shall 37692  
within ten days after the termination of the conference, file with 37693  
the chief a request that the chief hear and determine the matters 37694  
considered at the conference as provided in section 1571.10 of the 37695  
Revised Code. Upon conclusion of the hearing, the chief shall find 37696  
and determine whether or not the safety of persons or of the 37697  
property on or in the vicinity of the premises of the coal mine, 37698  
or the reservoir, or the well requires that the well be 37699  
reconditioned, inactivated, or plugged, and shall make an order 37700  
consistent with that determination, provided that the chief shall 37701  
not order a well plugged unless the chief first finds that there 37702  
is underground leakage of gas therefrom. 37703

The plugging or reconditioning of each well described in a 37704  
notice from a coal mine operator to a reservoir operator as 37705  
provided in division (B) of section 1571.03 of the Revised Code, 37706  
which must be plugged or reconditioned, shall be completed within 37707  
such time as the gas storage well inspector may fix in the case of 37708  
each such well. The plugging or reconditioning of each well 37709  
described in a notice from a coal mine operator to a reservoir 37710  
operator as provided in division (C) of section 1571.03 of the 37711  
Revised Code, which must be plugged or reconditioned, shall be 37712  
completed by the time the well, by reason of the extension of the 37713  
boundary of the coal mine, is within two thousand linear feet of 37714

any part of the boundary of the mine. The plugging or 37715  
reconditioning of each well described in a notice from a coal mine 37716  
operator to a reservoir operator, as provided in division (D) of 37717  
section 1571.03 of the Revised Code, which must be plugged or 37718  
reconditioned, shall be completed by the time the well, by reason 37719  
of the opening of the new mine, is within two thousand linear feet 37720  
of any part of the boundary of the new mine. A reservoir operator 37721  
who is required to complete the plugging or reconditioning of a 37722  
well within a period of time fixed as in this division prescribed, 37723  
may prior to the end of that period of time, notify the division 37724  
and the mine operator from whom the reservoir operator received a 37725  
notice as provided in division (B), (C), or (D) of section 1571.03 37726  
of the Revised Code, in writing by registered mail, that the 37727  
completion of the plugging or reconditioning of the well referred 37728  
to in the notice will be delayed beyond the end of the period of 37729  
time fixed therefor as in this section provided, and that the 37730  
reservoir operator requests that a conference be held for the 37731  
purpose of endeavoring to reach an agreement establishing a date 37732  
subsequent to the end of that period of time, on or before which 37733  
the reservoir operator may complete the plugging or reconditioning 37734  
without incurring any penalties for failure to do so as provided 37735  
in this chapter. If such a reservoir operator sends to such a mine 37736  
operator and to the division a notice and request for a conference 37737  
as in this division provided, the reservoir operator shall not 37738  
incur any penalties for failure to complete the plugging or 37739  
reconditioning of the well within the period of time fixed as in 37740  
this division prescribed, unless the reservoir operator fails to 37741  
complete the plugging or reconditioning of the well within the 37742  
period of time fixed by an approved agreement reached in the 37743  
conference, or fixed by an order by the chief upon a hearing held 37744  
in the matter in the event of failure to reach an approved 37745  
agreement in the conference. 37746

Whenever, in compliance with this division, a well is to be 37747

plugged by a reservoir operator, the operator shall give to the 37748  
division notice thereof, as many days in advance as will be 37749  
necessary for the gas storage well inspector or a deputy mine 37750  
inspector to be present at the plugging. The notification shall be 37751  
made on blanks furnished by the division and shall show the 37752  
following information: 37753

(1) Name and address of the applicant; 37754

(2) The location of the well identified by section or lot 37755  
number, city or village, and township and county; 37756

(3) The well name and number of each well to be plugged. 37757

(C) The operator shall give written notice at the same time 37758  
to the owner of the land upon which the well is located, the 37759  
owners or agents of the adjoining land, and adjoining well owners 37760  
or agents of the operator's intention to abandon the well, and of 37761  
the time when the operator will be prepared to commence plugging 37762  
and filling the same. In addition to giving such notices, the 37763  
reservoir operator shall also at the same time send a copy of the 37764  
notice by registered mail to the coal mine operator, if any, who 37765  
sent to the reservoir operator the notice as provided in division 37766  
(B), (C), or (D) of section 1571.03 of the Revised Code, in order 37767  
that the coal mine operator or the coal mine operator's designated 37768  
representative may attend and observe the manner in which the 37769  
plugging of the well is done. 37770

If the reservoir operator plugs the well without ~~an~~ the gas 37771  
storage well inspector ~~from the division~~ or a deputy mine 37772  
inspector being present to supervise the plugging, the reservoir 37773  
operator shall send to the division and to the coal mine operator 37774  
a copy of the report of the plugging of the well, including in the 37775  
report: 37776

(1) The date of abandonment; 37777

(2) The name of the owner or operator of the well at the time 37778

of abandonment and the well owner's or operator's post office	37779
address;	37780
(3) The location of the well as to township and county and	37781
the name of the owner of the surface upon which the well is	37782
drilled, with the address thereof;	37783
(4) The date of the permit to drill;	37784
(5) The date when drilled;	37785
(6) Whether the well has been mapped;	37786
(7) The depth of the well;	37787
(8) The depth of the top of the sand to which the well was	37788
drilled;	37789
(9) The depth of each seam of coal drilled through;	37790
(10) A detailed report as to how the well was plugged, giving	37791
in particular the manner in which the coal and various sands were	37792
plugged, and the date of the plugging of the well, including	37793
therein the names of those who witnessed the plugging of the well.	37794
The report shall be signed by the operator or the operator's	37795
agent who plugged the well and verified by the oath of the party	37796
so signing. For the purposes of this section, a deputy mine	37797
inspector may take acknowledgements and administer oaths to the	37798
parties signing the report.	37799
Whenever, in compliance with this division, a well is to be	37800
reconditioned by a reservoir operator, the operator shall give to	37801
the division notice thereof as many days before the reconditioning	37802
is begun as will be necessary for the gas storage well inspector,	37803
or a deputy mine inspector, to be present at the reconditioning.	37804
No well shall be reconditioned if an inspector of the division is	37805
not present unless permission to do so has been granted by the	37806
chief. The reservoir operator, at the time of giving notice to the	37807
division as in this section required, also shall send a copy of	37808

the notice by registered mail to the coal mine operator, if any, 37809  
who sent to the reservoir operator the notice as provided in 37810  
division (B), (C), or (D) of section 1571.03 of the Revised Code, 37811  
in order that the coal mine operator or the coal mine operator's 37812  
designated representative may attend and observe the manner in 37813  
which the reconditioning of the well is done. 37814

If the reservoir operator reconditions the well when ~~no~~ the 37815  
gas storage well inspector ~~of the division~~ or a deputy mine 37816  
inspector is not present to supervise the reconditioning, the 37817  
reservoir operator shall make written report to the division 37818  
describing the manner in which the reconditioning was done, and 37819  
shall send to the coal mine operator a copy of the report by 37820  
registered mail. 37821

(D) Wells that are required by this section to be plugged 37822  
shall be plugged in the manner specified in sections 1509.13 to 37823  
1509.17 of the Revised Code, and the operator shall give the 37824  
notifications and reports required by divisions (B) and (C) of 37825  
this section. No such well shall be plugged or abandoned without 37826  
the written approval of the division, and no such well shall be 37827  
mudded, plugged, or abandoned without the gas storage well 37828  
inspector or a deputy mine inspector present unless written 37829  
permission has been granted by the chief or the gas storage well 37830  
inspector. For purposes of this section, the chief of the division 37831  
of mineral resources management has the authority given the chief 37832  
of the division of oil and gas resources management in sections 37833  
1509.15 and 1509.17 of the Revised Code. If such a well has been 37834  
plugged prior to the time plugging thereof is required by this 37835  
section, and, on the basis of the data, information, and other 37836  
evidence available it is determined that the plugging was done in 37837  
the manner required by this section, or was done in accordance 37838  
with statutes prescribing the manner of plugging wells in effect 37839  
at the time the plugging was done, and that there is no evidence 37840



of leakage of gas from the well either at or below the surface, 37841  
and that the plugging is sufficiently effective to prevent the 37842  
leakage of gas from the well, the obligations imposed upon the 37843  
reservoir operator by this section as to plugging the well shall 37844  
be considered fully satisfied. The operator of a coal mine any 37845  
part of the boundary of which is, or within nine months is 37846  
expected or intended to be, within two thousand linear feet of the 37847  
well may at any time raise a question as to whether the plugging 37848  
of the well is sufficiently effective to prevent the leakage of 37849  
gas therefrom, and the issue so made shall be determined by a 37850  
conference or hearing as provided in section 1571.10 of the 37851  
Revised Code. 37852

(E) Wells that are to be reconditioned as required by this 37853  
section shall be, or shall be made to be: 37854

(1) Cased in accordance with the statutes of this state in 37855  
effect at the time the wells were drilled, with the casing being, 37856  
or made to be, sufficiently effective in that there is no evidence 37857  
of any leakage of gas therefrom; 37858

(2) Equipped with a producing string and well head composed 37859  
of new pipe, or pipe as good as new, and fittings designed to 37860  
operate with safety and to contain the stored gas at maximum 37861  
pressures contemplated. 37862

When a well that is to be reconditioned as required by this 37863  
section has been reconditioned for use in the operation of the 37864  
reservoir prior to the time prescribed in this section, and on the 37865  
basis of the data, information, and other evidence available it is 37866  
determined that at the time the well was so reconditioned the 37867  
requirements prescribed in this division were met, and that there 37868  
is no evidence of underground leakage of gas from the well, and 37869  
that the reconditioning is sufficiently effective to prevent 37870  
underground leakage from the well, the obligations imposed upon 37871  
the reservoir operator by this section as to reconditioning the 37872

well shall be considered fully satisfied. Any operator of a coal 37873  
mine any part of the boundary of which is, or within nine months 37874  
is expected or intended to be, within two thousand linear feet of 37875  
the well may at any time raise a question as to whether the 37876  
reconditioning of the well is sufficiently effective to prevent 37877  
underground leakage of gas therefrom, and the issue so made shall 37878  
be determined by a conference or hearing as provided in section 37879  
1571.10 of the Revised Code. 37880

If the gas storage well inspector at any time finds that a 37881  
well that is drilled through the horizon of a coal mine and into 37882  
or through the storage stratum or strata of a reservoir within the 37883  
boundary of the reservoir or within its protective area is located 37884  
within the boundary of the coal mine or within two thousand linear 37885  
feet of the mine boundary, and was drilled prior to the time the 37886  
statutes of this state required that wells be cased, and that the 37887  
well fails to meet the casing and equipping requirements 37888  
prescribed in this division, the gas storage well inspector shall 37889  
promptly notify the operator of the reservoir thereof in writing, 37890  
and the reservoir operator upon receipt of the notice shall 37891  
promptly recondition the well in the manner prescribed in this 37892  
division for reconditioning wells, unless, in a conference or 37893  
hearing as provided in section 1571.10 of the Revised Code, a 37894  
different course of action is agreed upon or ordered. 37895

(F)(1) When a well within the boundary of a gas storage 37896  
reservoir or within the reservoir's protective area penetrates the 37897  
storage stratum or strata of the reservoir, but does not penetrate 37898  
the coal seam within the boundary of a coal mine, the gas storage 37899  
well inspector may, upon application of the operator of the 37900  
storage reservoir, exempt the well from the requirements of this 37901  
section. Either party affected by the action of the gas storage 37902  
well inspector may request a conference and hearing with respect 37903  
to the exemption. 37904

(2) When a well located within the boundary of a storage reservoir or a reservoir's protective area is a producing well in a stratum above or below the storage stratum, the obligations 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 37937  
send by registered mail to the operator of the coal mine, the 37938  
division of oil and gas resources management, and ~~to~~ the division 37939  
of mineral resources management at least sixty days' notice of the 37940  
date upon which the testing will be begun. 37941

If at any time within the period of time during which testing 37942  
of a reservoir is in progress, any part of the reservoir or of its 37943  
protective area comes within any part of the boundary of a coal 37944  
mine, the operator of the reservoir shall promptly send notice to 37945  
that effect by registered mail to the operator of the mine, the 37946  
division of oil and gas resources management, and ~~to~~ the division 37947  
of mineral resources management. 37948

(3) Any coal mine operator who receives a notice as provided 37949  
for in division (H)(2) of this section may within thirty days of 37950  
the receipt thereof file with the division objections to the 37951  
testing. The gas storage well inspector also may, within the time 37952  
within which a coal mine operator may file an objection, place in 37953  
the files of the division objections to the testing. The reservoir 37954  
operator shall comply throughout the period of the testing 37955  
operations with all conditions and requirements agreed upon and 37956  
approved in the conference on such objections conducted as 37957  
provided in section 1571.10 of the Revised Code, or in an order 37958  
made by the chief following a hearing in the matter as provided in 37959  
section 1571.10 of the Revised Code. If in complying with the 37960  
agreement or order either the reservoir operator or the coal mine 37961  
operator encounters or discovers conditions that were not known to 37962  
exist at the time of the conference or hearing and that materially 37963  
affect the agreement or order, or the ability of the reservoir 37964  
operator to comply therewith, either operator may apply for a 37965  
rehearing or modification of the order. 37966

(I) In addition to complying with all other provisions of 37967  
this chapter and any lawful orders issued thereunder, the operator 37968

of each gas storage reservoir shall keep all wells drilled into or 37969  
through the storage stratum or strata within the boundary of the 37970  
operator's reservoir or within the reservoir's protective area in 37971  
such condition, and operate the same in such manner, as to prevent 37972  
the escape of gas therefrom into any coal mine, and shall operate 37973  
and maintain the storage reservoir and its facilities in such 37974  
manner and at such pressures as will prevent gas from escaping 37975  
from the reservoir or its facilities into any coal mine. 37976

**Sec. 1571.06.** (A) Distances between boundaries of gas storage 37977  
reservoirs, reservoir protective areas, coal mines, coal mine 37978  
protective areas, and wells, as shown on the most recent maps of 37979  
storage reservoirs and of coal mines filed with the division of 37980  
oil and gas resources management or the division of mineral 37981  
resources management as required by this chapter and sections 37982  
1563.03 to 1563.05 of the Revised Code, may be accepted and relied 37983  
upon as being accurate and correct, by operators of coal mines and 37984  
operators of reservoirs. Data, statements, and reports filed with 37985  
~~the~~ either division as required by this chapter and sections 37986  
1563.03 to 1563.05 of the Revised Code may be likewise accepted 37987  
and relied upon. However, the gas storage well inspector or any 37988  
reservoir operator or coal mine operator, or any other person 37989  
having a direct interest in the matter, may at any time question 37990  
the accuracy or correctness of any map, data, statement, or report 37991  
so filed, with ~~the~~ either division by notifying ~~the division~~ both 37992  
divisions thereof in writing. Such notice shall state the reasons 37993  
why the question is raised. When any such notice is so filed, the 37994  
gas storage well inspector shall proceed promptly to hold a 37995  
conference on the question thus raised, as provided in section 37996  
1571.10 of the Revised Code. 37997

(B) If, in any proceeding under this chapter, the accuracy or 37998  
correctness of any map, data, statement, or report, filed by any 37999  
person pursuant to the requirements of this chapter is in 38000

question, the person so filing the same shall have the burden of 38001  
proving the accuracy or correctness thereof. 38002

(C) The operator of a gas storage reservoir shall, at all 38003  
reasonable times, be permitted to inspect the premises and 38004  
facilities of any coal mine any part of the boundary of which is 38005  
within any part of the boundary of such gas storage reservoir or 38006  
within its protective area, and the operator of a coal mine shall, 38007  
at all reasonable times, be permitted to inspect the premises and 38008  
facilities of any gas storage reservoir any part of the boundary 38009  
of which or any part of the protective area of which is within the 38010  
boundary of such coal mine. In the event that either such 38011  
reservoir operator or such coal mine operator denies permission to 38012  
make any such inspection, the chief of the division of ~~mineral~~ oil 38013  
and gas resources management on the chief's own motion, or on an 38014  
application by the operator desiring to make such inspection, upon 38015  
a hearing thereon if requested by either operator, after 38016  
reasonable notice of such hearing, may make an order providing for 38017  
such inspection. 38018

**Sec. 1571.08.** (A) Whenever in this chapter, the method or 38019  
material to be used in discharging any obligations imposed by this 38020  
chapter is specified, an alternative method or material may be 38021  
used if approved by the gas storage well inspector or the chief of 38022  
the division of ~~mineral~~ oil and gas resources management. A person 38023  
desiring to use such alternative method or material shall file 38024  
with the division of ~~mineral~~ oil and gas resources management an 38025  
application for permission to do so. Such application shall 38026  
describe such alternative method or material in reasonable detail. 38027  
The gas storage well inspector shall promptly send by registered 38028  
mail notice of the filing of such application to any coal mine 38029  
operator or reservoir operator whose mine or reservoir may be 38030  
directly affected thereby. Any such coal mine operator or 38031  
reservoir operator may within ten days following receipt of such 38032

notice, file with the division objections to such application. The 38033  
gas storage well inspector may also file with the division an 38034  
objection to such application at any time during which coal mine 38035  
operators or reservoir operators are permitted to file objections. 38036  
If no objections are filed within the ten-day period of time, the 38037  
gas storage well inspector shall thereupon issue a permit 38038  
approving the use of such alternative method or material. If any 38039  
such objections are filed by any coal mine operator or reservoir 38040  
operator, or by the gas storage well inspector, the question as to 38041  
whether or not the use of such alternative method or material, or 38042  
a modification thereof is approved, shall be determined by a 38043  
conference or hearing as provided in section 1571.10 of the 38044  
Revised Code. 38045

(B) Whenever in this chapter, provision is made for the 38046  
filing of objections with the division, such objections shall be 38047  
in writing and shall state as definitely as is reasonably possible 38048  
the reasons for such objections. Upon the filing of any such 38049  
objection the gas storage well inspector shall promptly fix the 38050  
time and place for holding a conference for the purpose of 38051  
discussing and endeavoring to resolve by mutual agreement the 38052  
issue raised by such objection. The gas storage well inspector 38053  
shall send written notice thereof by registered mail to each 38054  
person having a direct interest therein. Thereupon the issue made 38055  
by such objection shall be determined by a conference or hearing 38056  
in accordance with the procedures for conferences and hearings as 38057  
provided in section 1571.10 of the Revised Code. 38058

**Sec. 1571.09.** (A) The chief of the division of mineral oil 38059  
and gas resources management or any officer or employee of the 38060  
division thereunto duly authorized by the chief may investigate, 38061  
inspect, or examine records and facilities of any coal mine 38062  
operator or reservoir operator, for the purpose of determining the 38063  
accuracy or correctness of any map, data, statement, report, or 38064

other item or article, filed with or otherwise received by the 38065  
division pursuant to this chapter. When a material question is 38066  
raised by any reservoir operator or coal mine operator as to the 38067  
accuracy or correctness of any such map, data, statement, report, 38068  
or other item or article, which may directly affect the reservoir 38069  
operator or coal mine operator, the matter shall be determined by 38070  
a conference or hearing as provided in section 1571.10 of the 38071  
Revised Code. 38072

(B) The division of ~~mineral~~ oil and gas resources management 38073  
shall keep all maps, data, statements, reports, well logs, 38074  
notices, or other items or articles filed with or otherwise 38075  
received by it pursuant to this chapter in a safe place and 38076  
conveniently accessible to persons entitled to examine them. It 38077  
shall maintain indexes of all such items and articles so that any 38078  
of them may be promptly located. None of such items or articles 38079  
shall be open to public inspection, but: (1) any of such items or 38080  
articles pertaining to a mine may be examined by: the operator, 38081  
owner, lessee, or agent of such mine; persons financially 38082  
interested in such mine; owners of land adjoining such mine; the 38083  
operator, owner, lessee, or agent of a mine adjoining such mine; 38084  
authorized representatives of the persons employed to work in such 38085  
mine; the operator of a gas storage reservoir any part of the 38086  
boundary of which or of the boundary of its protective area is 38087  
within ten thousand linear feet of the boundary of such mine, or 38088  
the agent of such reservoir operator thereunto authorized by such 38089  
reservoir operator; or any employee of the division of geological 38090  
survey in the department of natural resources thereunto duly 38091  
authorized by the chief of that division; and (2) any of such 38092  
items or articles pertaining to a gas storage reservoir may be 38093  
examined by: the operator of such reservoir; the operator of a 38094  
coal mine any part of the boundary of which is within ten thousand 38095  
linear feet of the boundary of a gas storage reservoir or of the 38096  
boundary of its protective area, or the agent of such mine 38097



operator thereunto authorized by such mine operator, or the 38098  
authorized representatives of the persons employed to work in such 38099  
mine; or any employee of the division of geological survey 38100  
thereunto duly authorized by the chief of that division. The 38101  
division of ~~mineral~~ oil and gas resources management shall not 38102  
permit any of such items or articles to be removed from its 38103  
office, and it shall not furnish copies of any such items or 38104  
articles to any person other than as provided in this chapter. 38105

The division shall keep a docket of all proceedings arising 38106  
under this chapter, in which shall be entered the dates of any 38107  
notice received or issued, the names of all persons to whom it 38108  
sends a notice, and the address of each, the dates of conferences 38109  
and hearings, and all findings, determinations, decisions, 38110  
rulings, and orders, or other actions by the division. 38111

(C) Whenever any provision of this chapter requires the 38112  
division to give notice to the operator of a coal mine of any 38113  
proceeding to be held pursuant to this chapter, the division shall 38114  
simultaneously give a copy of such notice to the authorized 38115  
representatives of the persons employed to work in such mine. 38116

**Sec. 1571.10.** (A) The gas storage well inspector or any 38117  
person having a direct interest in the administration of this 38118  
chapter may at any time file with the division of ~~mineral~~ oil and 38119  
gas resources management a written request that a conference be 38120  
held for the purpose of discussing and endeavoring to resolve by 38121  
mutual agreement any question or issue relating to the 38122  
administration of this chapter, or to compliance with its 38123  
provisions, or to any violation thereof. Such request shall 38124  
describe the matter concerning which the conference is requested. 38125  
Thereupon the gas storage well inspector shall promptly fix the 38126  
time and place for the holding of such conference and shall send 38127  
written notice thereof to each person having a direct interest 38128

therein. At such conference the gas storage well inspector or a 38129  
representative of the division designated by the gas storage well 38130  
inspector shall be in attendance, and shall preside at the 38131  
conference, and the gas storage well inspector or designated 38132  
representative may make such recommendations as the gas storage 38133  
well inspector or designated representative deems proper. Any 38134  
agreement reached at such conference shall be consistent with the 38135  
requirements of this chapter and, if approved by the gas storage 38136  
well inspector, it shall be reduced to writing and shall be 38137  
effective. Any such agreement approved by the gas storage well 38138  
inspector shall be kept on file in the division and a copy thereof 38139  
shall be furnished to each of the persons having a direct interest 38140  
therein. The conference shall be deemed terminated as of the date 38141  
an approved agreement is reached or when any person having a 38142  
direct interest therein refuses to confer thereafter. Such a 38143  
conference shall be held in all cases prior to the holding of a 38144  
hearing as provided in this section. 38145

(B) Within ten days after the termination of a conference at 38146  
which no approved agreement is reached, any person who 38147  
participated in such conference and who has a direct interest in 38148  
the subject matter thereof, or the gas storage well inspector, may 38149  
file with the chief of the division of ~~mineral~~ oil and gas 38150  
resources management a request that the chief hear and determine 38151  
the matter or matters, or any part thereof considered at the 38152  
conference. Thereupon the chief shall promptly fix the time and 38153  
place for the holding of such hearing and shall send written 38154  
notice thereof to each person having a direct interest therein. 38155  
The form of the request for such hearing and the conduct of the 38156  
hearing shall be in accordance with rules that the chief adopts 38157  
under section 1571.11 of the Revised Code. Consistent with the 38158  
requirement for reasonable notice each such hearing shall be held 38159  
promptly after the filing of the request therefor. Any person 38160  
having a direct interest in the matter to be heard shall be 38161

entitled to appear and be heard in person or by attorney. The 38162  
division may present at such hearing any evidence that is material 38163  
to the matter being heard and that has come to the division's 38164  
attention in any investigation or inspection made pursuant to this 38165  
chapter. 38166

(C) For the purpose of conducting such a hearing the chief 38167  
may require the attendance of witnesses and the production of 38168  
books, records, and papers, and the chief may, and at the request 38169  
of any person having a direct interest in the matter being heard, 38170  
the chief shall, issue subpoenas for witnesses or subpoenas duces 38171  
tecum to compel the production of any books, records, or papers, 38172  
directed to the sheriffs of the counties where such witnesses are 38173  
found, which subpoenas shall be served and returned in the same 38174  
manner as subpoenas in criminal cases are served and returned. The 38175  
fees of sheriffs shall be the same as those allowed by the court 38176  
of common pleas in criminal cases. Witnesses shall be paid the 38177  
fees and mileage provided for under section 119.094 of the Revised 38178  
Code. Such fee and mileage expenses shall be paid in advance by 38179  
the persons at whose request they are incurred, and the remainder 38180  
of such expenses shall be paid out of funds appropriated for the 38181  
expenses of the division. 38182

In case of disobedience or neglect of any subpoena served on 38183  
any person, or the refusal of any witness to testify to any matter 38184  
regarding which the witness may be lawfully interrogated, the 38185  
court of common pleas of the county in which such disobedience, 38186  
neglect, or refusal occurs, or any judge thereof, on application 38187  
of the chief, shall compel obedience by attachment proceedings for 38188  
contempt as in the case of disobedience of the requirements of a 38189  
subpoena issued from such court or a refusal to testify therein. 38190  
Witnesses at such hearings shall testify under oath, and the chief 38191  
may administer oaths or affirmations to persons who so testify. 38192

(D) With the consent of the chief, the testimony of any 38193

witness may be taken by deposition at the instance of a party to 38194  
any hearing before the chief at any time after hearing has been 38195  
formally commenced. The chief may, of the chief's own motion, 38196  
order testimony to be taken by deposition at any stage in any 38197  
hearing, proceeding, or investigation pending before the chief. 38198  
Such deposition shall be taken in the manner prescribed by the 38199  
laws of this state for taking depositions in civil cases in courts 38200  
of record. 38201

(E) After the conclusion of a hearing the chief shall make a 38202  
determination and finding of facts. Every adjudication, 38203  
determination, or finding by the chief shall be made by written 38204  
order and shall contain a written finding by the chief of the 38205  
facts upon which the adjudication, determination, or finding is 38206  
based. Notice of the making of such order shall be given to the 38207  
persons whose rights, duties, or privileges are affected thereby, 38208  
by sending a certified copy thereof by registered mail to each of 38209  
such persons. 38210

Adjudications, determinations, findings, and orders made by 38211  
the chief shall not be governed by, or be subject to, Chapter 119. 38212  
of the Revised Code. 38213

**Sec. 1571.11.** The chief of the division of ~~mineral oil and~~ 38214  
gas resources management shall adopt rules governing 38215  
administrative procedures to be followed in the administration of 38216  
this chapter, which shall be of general application in all matters 38217  
and to all persons affected by this chapter. 38218

No rule adopted by the chief pursuant to this section shall 38219  
be effective until the tenth day after a certified copy thereof 38220  
has been filed in the office of the secretary of state. 38221

All rules filed in the office of the secretary of state 38222  
pursuant to this section shall be recorded by the secretary of 38223  
state under a heading entitled "Regulations relating to the 38224

storage of gas in underground gas storage reservoirs" and shall be 38225  
numbered consecutively under such heading and shall bear the date 38226  
of filing. Such rules shall be public records open to public 38227  
inspection. 38228

No rule filed in the office of the secretary of state 38229  
pursuant to this section shall be amended except by a rule that 38230  
contains the entire rule as amended and that repeals the rule 38231  
amended. Each rule that amends a rule shall bear the same 38232  
consecutive rule number as the number of the rule that it amends, 38233  
and it shall bear the date of filing. 38234

No rule filed in the office of the secretary of state 38235  
pursuant to this section shall be repealed except by a rule. Each 38236  
rule that repeals a rule shall bear the same consecutive rule 38237  
number as the number of the rule that it repeals, and it shall 38238  
bear the date of filing. 38239

The authority and the duty of the chief to adopt rules as 38240  
provided in this section shall not be governed by, or be subject 38241  
to Chapter 119. of the Revised Code. 38242

The chief shall have available at all times copies of all 38243  
rules adopted pursuant to this section, and shall furnish same 38244  
free of charge to any person requesting same. 38245

**Sec. 1571.14.** Any person claiming to be aggrieved or 38246  
adversely affected by an order of the chief of the division of 38247  
~~mineral oil and gas~~ resources management made as provided in 38248  
section 1571.10 or 1571.16 of the Revised Code may appeal to the 38249  
director of natural resources for an order vacating or modifying 38250  
such order. Upon receipt of the appeal, the director shall appoint 38251  
an individual who has knowledge of the laws and rules regarding 38252  
the underground storage of gas and who shall act as a hearing 38253  
officer in accordance with Chapter 119. of the Revised Code in 38254  
hearing the appeal. 38255

The person appealing to the director shall be known as 38256  
appellant and the chief shall be known as appellee. The appellant 38257  
and the appellee shall be deemed parties to the appeal. 38258

The appeal shall be in writing and shall set forth the order 38259  
complained of and the grounds upon which the appeal is based. The 38260  
appeal shall be filed with the director within thirty days after 38261  
the date upon which appellant received notice by registered mail 38262  
of the making of the order complained of, as required by section 38263  
1571.10 of the Revised Code. Notice of the filing of such appeal 38264  
shall be delivered by appellant to the chief within three days 38265  
after the appeal is filed with the director. 38266

Within seven days after receipt of the notice of appeal the 38267  
chief shall prepare and certify to the director at the expense of 38268  
appellant a complete transcript of the proceedings out of which 38269  
the appeal arises, including a transcript of the testimony 38270  
submitted to the chief. 38271

Upon the filing of the appeal the director shall fix the time 38272  
and place at which the hearing on the appeal will be held, and 38273  
shall give appellant and the chief at least ten days' written 38274  
notice thereof by mail. The director may postpone or continue any 38275  
hearing upon the director's own motion or upon application of 38276  
appellant or of the chief. 38277

The filing of an appeal provided for in this section does not 38278  
automatically suspend or stay execution of the order appealed 38279  
from, but upon application by the appellant the director may 38280  
suspend or stay such execution pending determination of the appeal 38281  
upon such terms as the director deems proper. 38282

The hearing officer appointed by the director shall hear the 38283  
appeal de novo, and either party to the appeal may submit such 38284  
evidence as the hearing officer deems admissible. 38285

For the purpose of conducting a hearing on an appeal, the 38286

hearing officer may require the attendance of witnesses and the 38287  
production of books, records, and papers, and may, and at the 38288  
request of any party shall, issue subpoenas for witnesses or 38289  
subpoenas duces tecum to compel the production of any books, 38290  
records, or papers, directed to the sheriffs of the counties where 38291  
such witnesses are found, which subpoenas shall be served and 38292  
returned in the same manner as subpoenas in criminal cases are 38293  
served and returned. The fees of sheriffs shall be the same as 38294  
those allowed by the court of common pleas in criminal cases. 38295  
Witnesses shall be paid the fees and mileage provided for under 38296  
section 119.094 of the Revised Code. Such fee and mileage expenses 38297  
incurred at the request of appellant shall be paid in advance by 38298  
appellant, and the remainder of such expenses shall be paid out of 38299  
funds appropriated for the expenses of the division of ~~mineral oil~~ 38300  
and gas resources management. 38301

In case of disobedience or neglect of any subpoena served on 38302  
any person, or the refusal of any witness to testify to any matter 38303  
regarding which the witness may be lawfully interrogated, the 38304  
court of common pleas of the county in which such disobedience, 38305  
neglect, or refusal occurs, or any judge thereof, on application 38306  
of the director, shall compel obedience by attachment proceedings 38307  
for contempt as in the case of disobedience of the requirements of 38308  
a subpoena issued from such court or a refusal to testify therein. 38309  
Witnesses at such hearings shall testify under oath, and the 38310  
hearing officer may administer oaths or affirmations to persons 38311  
who so testify. 38312

At the request of any party to the appeal, a stenographic 38313  
record of the testimony and other evidence submitted shall be 38314  
taken by an official court shorthand reporter at the expense of 38315  
the party making the request therefor. The record shall include 38316  
all of the testimony and other evidence and the rulings on the 38317  
admissibility thereof presented at the hearing. The hearing 38318

officer shall pass upon the admissibility of evidence, but any 38319  
party may at the time object to the admission of any evidence and 38320  
except to the ruling of the hearing officer thereon, and if the 38321  
hearing officer refuses to admit evidence, the party offering same 38322  
may make a proffer thereof, and such proffer shall be made a part 38323  
of the record of such hearing. 38324

If upon completion of the hearing the hearing officer finds 38325  
that the order appealed from was lawful and reasonable, the 38326  
hearing officer shall make a written order affirming the order 38327  
appealed from. If the hearing officer finds that such order was 38328  
unreasonable or unlawful, the hearing officer shall make a written 38329  
order vacating the order appealed from and making the order that 38330  
it finds the chief should have made. Every order made by the 38331  
hearing officer shall contain a written finding by the hearing 38332  
officer of the facts upon which the order is based. Notice of the 38333  
making of such order shall be given forthwith to each party to the 38334  
appeal by mailing a certified copy thereof to each such party by 38335  
registered mail. 38336

**Sec. 1571.16.** (A) The gas storage well inspector or any 38337  
person having a direct interest in the subject matter of this 38338  
chapter may file with the division of ~~mineral~~ oil and gas 38339  
resources management a complaint in writing stating that a person 38340  
is violating, or is about to violate, a provision or provisions of 38341  
this chapter, or has done, or is about to do, an act, matter, or 38342  
thing therein prohibited or declared to be unlawful, or has 38343  
failed, omitted, neglected, or refused, or is about to fail, omit, 38344  
neglect, or refuse, to perform a duty enjoined upon the person by 38345  
this chapter. Upon the filing of such a complaint, the chief of 38346  
the division of ~~mineral~~ oil and gas resources management shall 38347  
promptly fix the time for the holding of a hearing on such 38348  
complaint and shall send by registered mail to the person so 38349  
complained of, a copy of such complaint together with at least 38350



five days' notice of the time and place at which such hearing will 38351  
be held. Such notice of such hearing shall also be given to all 38352  
persons having a direct interest in the matters complained of in 38353  
such complaint. Such hearing shall be conducted in the same 38354  
manner, and the chief and persons having a direct interest in the 38355  
matter being heard, shall have the same powers, rights, and duties 38356  
as provided in divisions (B), (C), (D), and (E) of section 1571.10 38357  
of the Revised Code, in connection with hearings by the chief, 38358  
provided that if after conclusion of the hearing the chief finds 38359  
that the charges against the person complained of, as stated in 38360  
such complaint, have not been sustained by a preponderance of 38361  
evidence, the chief shall make an order dismissing the complaint, 38362  
and if the chief finds that the charges have been so sustained, 38363  
the chief shall by appropriate order require compliance with those 38364  
provisions. 38365

(B) Whenever the chief is of the opinion that any person is 38366  
violating, or is about to violate, any provision of this chapter, 38367  
or has done, or is about to do, any act, matter, or thing therein 38368  
prohibited or declared to be unlawful, or has failed, omitted, 38369  
neglected, or refused, or is about to fail, omit, neglect, or 38370  
refuse, to perform any duty enjoined upon the person by this 38371  
chapter, or has failed, omitted, neglected, or refused, or is 38372  
about to fail, omit, neglect, or refuse, to obey any lawful 38373  
requirement or order made by the chief, or any final judgment, 38374  
order, or decree made by any court pursuant to this chapter, then 38375  
and in every such case, the chief may institute in a court of 38376  
competent jurisdiction of the county or counties wherein the 38377  
operation is situated, an action to enjoin or restrain such 38378  
violations or to enforce obedience with law or the orders of the 38379  
chief. No injunction bond shall be required to be filed in any 38380  
such proceeding. Such persons or corporations as the court may 38381  
deem necessary or proper to be joined as parties in order to make 38382  
its judgment, order, or writ effective may be joined as parties. 38383

An appeal may be taken as in other civil actions. 38384

(C) In addition to the other remedies as provided in 38385  
divisions (A) and (B) of this section, any reservoir operator or 38386  
coal mine operator affected by this chapter may proceed by 38387  
injunction or other appropriate remedy to restrain violations or 38388  
threatened violations of this chapter or of orders of the chief, 38389  
or of the hearing officer appointed under section 1571.14 of the 38390  
Revised Code, or the judgments, orders, or decrees of any court or 38391  
to enforce obedience therewith. 38392

(D) Each remedy prescribed in divisions (A), (B), and (C) of 38393  
this section is deemed concurrent or contemporaneous with each 38394  
other remedy prescribed therein, and the existence or exercise of 38395  
any one such remedy shall not prevent the exercise of any other 38396  
such remedy. 38397

(E) The provisions of this chapter providing for conferences, 38398  
hearings by the chief, appeals to the hearing officer from orders 38399  
of the chief, and appeals to the court of common pleas from orders 38400  
of the hearing officer, and the remedies prescribed in divisions 38401  
(A), (B), (C), and (D) of this section, do not constitute the 38402  
exclusive procedure that a person, who deems the person's rights 38403  
to be unlawfully affected by any official action taken thereunder, 38404  
must pursue in order to protect and preserve such rights, nor does 38405  
this chapter constitute a procedure that such a person must pursue 38406  
before the person may lawfully proceed by other actions, legal or 38407  
equitable, to protect and preserve such rights. 38408

**Sec. 1571.18.** After ~~the effective date of this section~~ June 38409  
30, 2010, and not later than the thirty-first day of March each 38410  
year, the owner of a well that is used for gas storage or of a 38411  
well that is used to monitor a gas storage reservoir and that is 38412  
located in a reservoir protective area shall pay to the chief of 38413  
the division of ~~mineral~~ oil and gas resources management a gas 38414

storage well regulatory fee of one hundred twenty-five dollars for 38415  
each well that the owner owned as of the thirty-first day of 38416  
December of the previous year for the purposes of administering 38417  
this chapter and Chapter 1509. of the Revised Code. The chief may 38418  
prescribe and provide a form for the collection of the fee imposed 38419  
by this section and may adopt rules in accordance with Chapter 38420  
119. of the Revised Code that are necessary for the administration 38421  
of this section. 38422

All money collected under this section shall be deposited in 38423  
the state treasury to the credit of the oil and gas well fund 38424  
created in section 1509.02 of the Revised Code. 38425

**Sec. 1571.99.** Any person who purposely violates any order of 38426  
the chief of the division of mineral oil and gas resources 38427  
management, of a hearing officer appointed by the director of 38428  
natural resources under section 1571.14 of the Revised Code, or of 38429  
the director, made pursuant to this chapter shall be punished by a 38430  
fine not exceeding two thousand dollars, or imprisoned in jail for 38431  
a period not exceeding twelve months, or both, in the discretion 38432  
of the court. 38433

**Sec. 1701.07.** (A) Every corporation shall have and maintain 38434  
an agent, sometimes referred to as the "statutory agent," upon 38435  
whom any process, notice, or demand required or permitted by 38436  
statute to be served upon a corporation may be served. The agent 38437  
may be a natural person who is a resident of this state or may be 38438  
a domestic corporation or a foreign corporation holding a license 38439  
as such under the laws of this state, that is authorized by its 38440  
articles of incorporation to act as such agent and that has a 38441  
business address in this state. 38442

(B) The secretary of state shall not accept original articles 38443  
for filing unless there is filed with the articles a written 38444

appointment of an agent that is signed by the incorporators of the 38445  
corporation or a majority of them and a written acceptance of the 38446  
appointment that is signed by the agent. In all other cases, the 38447  
corporation shall appoint the agent and shall file in the office 38448  
of the secretary of state a written appointment of the agent that 38449  
is signed by any authorized officer of the corporation and a 38450  
written acceptance of the appointment that is either the original 38451  
acceptance signed by the agent or a photocopy, facsimile, or 38452  
similar reproduction of the original acceptance signed by the 38453  
agent. 38454

(C) The written appointment of an agent shall set forth the 38455  
name and address in this state of the agent, including the street 38456  
and number or other particular description, and shall otherwise be 38457  
in such form as the secretary of state prescribes. The secretary 38458  
of state shall keep a record of the names of corporations, and the 38459  
names and addresses of their respective agents. 38460

(D) If any agent dies, removes from the state, or resigns, 38461  
the corporation shall forthwith appoint another agent and file 38462  
with the secretary of state, on a form prescribed by the secretary 38463  
of state, a written appointment of the agent. 38464

(E) If the agent changes the agent's address from that 38465  
appearing upon the record in the office of the secretary of state, 38466  
the corporation or the agent shall forthwith file with the 38467  
secretary of state, on a form prescribed by the secretary of 38468  
state, a written statement setting forth the new address. 38469

(F) An agent may resign by filing with the secretary of 38470  
state, on a form prescribed by the secretary of state, a written 38471  
notice to that effect that is signed by the agent and by sending a 38472  
copy of the notice to the corporation at the current or last known 38473  
address of its principal office on or prior to the date the notice 38474  
is filed with the secretary of state. The notice shall set forth 38475  
the name of the corporation, the name and current address of the 38476

agent, the current or last known address, including the street and 38477  
number or other particular description, of the corporation's 38478  
principal office, the resignation of the agent, and a statement 38479  
that a copy of the notice has been sent to the corporation within 38480  
the time and in the manner prescribed by this division. Upon the 38481  
expiration of thirty days after the filing, the authority of the 38482  
agent shall terminate. 38483

(G) A corporation may revoke the appointment of an agent by 38484  
filing with the secretary of state, on a form prescribed by the 38485  
secretary of state, a written appointment of another agent and a 38486  
statement that the appointment of the former agent is revoked. 38487

(H) Any process, notice, or demand required or permitted by 38488  
statute to be served upon a corporation may be served upon the 38489  
corporation by delivering a copy of it to its agent, if a natural 38490  
person, or by delivering a copy of it at the address of its agent 38491  
in this state, as the address appears upon the record in the 38492  
office of the secretary of state. If (1) the agent cannot be 38493  
found, or (2) the agent no longer has that address, or (3) the 38494  
corporation has failed to maintain an agent as required by this 38495  
section, and if in any such case the party desiring that the 38496  
process, notice, or demand be served, or the agent or 38497  
representative of the party, shall have filed with the secretary 38498  
of state an affidavit stating that one of the foregoing conditions 38499  
exists and stating the most recent address of the corporation that 38500  
the party after diligent search has been able to ascertain, then 38501  
service of process, notice, or demand upon the secretary of state, 38502  
as the agent of the corporation, may be initiated by delivering to 38503  
the secretary of state or at the secretary of state's office 38504  
quadruplicate copies of such process, notice, or demand and by 38505  
paying to the secretary of state a fee of five dollars. The 38506  
secretary of state shall forthwith give notice of the delivery to 38507  
the corporation at its principal office as shown upon the record 38508

in the secretary of state's office and at any different address 38509  
shown on its last franchise tax report filed in this state, or to 38510  
the corporation at any different address set forth in the above 38511  
mentioned affidavit, and shall forward to the corporation at said 38512  
addresses, by certified mail, with request for return receipt, a 38513  
copy of the process, notice, or demand; and thereupon service upon 38514  
the corporation shall be deemed to have been made. 38515

(I) The secretary of state shall keep a record of each 38516  
process, notice, and demand delivered to the secretary of state or 38517  
at the secretary of state's office under this section or any other 38518  
law of this state that authorizes service upon the secretary of 38519  
state, and shall record the time of the delivery and the action 38520  
thereafter with respect thereto. 38521

(J) This section does not limit or affect the right to serve 38522  
any process, notice, or demand upon a corporation in any other 38523  
manner permitted by law. 38524

(K) Every corporation shall state in each annual report filed 38525  
by it with the department of taxation the name and address of its 38526  
statutory agent. 38527

(L) Except when an original appointment of an agent is filed 38528  
with the original articles, a written appointment of an agent or a 38529  
written statement filed by a corporation with the secretary of 38530  
state shall be signed by any authorized officer of the corporation 38531  
or by the incorporators of the corporation or a majority of them 38532  
if no directors have been elected. 38533

(M) For filing a written appointment of an agent other than 38534  
one filed with original articles, and for filing a statement of 38535  
change of address of an agent, the secretary of state shall charge 38536  
and collect the fee specified in division (R) of section 111.16 of 38537  
the Revised Code. 38538

(N) Upon the failure of a corporation to appoint another 38539

agent or to file a statement of change of address of an agent, the 38540  
secretary of state shall give notice thereof by ~~certified~~ ordinary 38541  
or electronic mail to the corporation at the electronic mail 38542  
address provided to the secretary of state, or at the address set 38543  
forth in the notice of resignation or on the last franchise tax 38544  
return filed in this state by the corporation. Unless the default 38545  
is cured within thirty days after the mailing by the secretary of 38546  
state of the notice or within any further period of time that the 38547  
secretary of state grants, upon the expiration of that period of 38548  
time from the date of the mailing, the articles of the corporation 38549  
shall be canceled without further notice or action by the 38550  
secretary of state. The secretary of state shall make a notation 38551  
of the cancellation on the secretary of state's records. 38552

A corporation whose articles have been canceled may be 38553  
reinstated by filing, on a form prescribed by the secretary of 38554  
state, an application for reinstatement and the required 38555  
appointment of agent or required statement, and by paying the 38556  
filing fee specified in division (Q) of section 111.16 of the 38557  
Revised Code. The rights, privileges, and franchises of a 38558  
corporation whose articles have been reinstated are subject to 38559  
section 1701.922 of the Revised Code. The secretary of state shall 38560  
furnish the tax commissioner a monthly list of all corporations 38561  
canceled and reinstated under this division. 38562

(O) This section does not apply to banks, trust companies, 38563  
insurance companies, or any corporation defined under the laws of 38564  
this state as a public utility for taxation purposes. 38565

**Sec. 1702.59.** (A) Every nonprofit corporation, incorporated 38566  
under the general corporation laws of this state, or previous 38567  
laws, or under special provisions of the Revised Code, or created 38568  
before September 1, 1851, which corporation has expressly or 38569  
impliedly elected to be governed by the laws passed since that 38570

date, and whose articles or other documents are filed with the 38571  
secretary of state, shall file with the secretary of state a 38572  
verified statement of continued existence, signed by a director, 38573  
officer, or three members in good standing, setting forth the 38574  
corporate name, the place where the principal office of the 38575  
corporation is located, the date of incorporation, the fact that 38576  
the corporation is still actively engaged in exercising its 38577  
corporate privileges, and the name and address of its agent 38578  
appointed pursuant to section 1702.06 of the Revised Code. 38579

(B) Each corporation required to file a statement of 38580  
continued existence shall file it with the secretary of state 38581  
within each five years after the date of incorporation or of the 38582  
last corporate filing. 38583

(C) Corporations specifically exempted by division (N) of 38584  
section 1702.06 of the Revised Code, or whose activities are 38585  
regulated or supervised by another state official, agency, bureau, 38586  
department, or commission are exempted from this section. 38587

(D) The secretary of state shall give notice ~~in writing~~ by 38588  
ordinary or electronic mail and provide a form for compliance with 38589  
this section to each corporation required by this section to file 38590  
the statement of continued existence, such notice and form to be 38591  
mailed to the last known physical or electronic mail address of 38592  
the corporation as it appears on the records of the secretary of 38593  
state or which the secretary of state may ascertain upon a 38594  
reasonable search. 38595

(E) If any nonprofit corporation required by this section to 38596  
file a statement of continued existence fails to file the 38597  
statement required every fifth year, then the secretary of state 38598  
shall cancel the articles of such corporation, make a notation of 38599  
the cancellation on the records, and mail to the corporation a 38600  
certificate of the action so taken. 38601



(F) A corporation whose articles have been canceled may be reinstated by filing an application for reinstatement and paying to the secretary of state the fee specified in division (Q) of section 111.16 of the Revised Code. The name of a corporation whose articles have been canceled shall be reserved for a period of one year after the date of cancellation. If the reinstatement is not made within one year from the date of the cancellation of its articles of incorporation and it appears that a corporate name, limited liability company name, limited liability partnership name, limited partnership name, or trade name has been filed, the name of which is not distinguishable upon the record as provided in section 1702.06 of the Revised Code, the applicant for reinstatement shall be required by the secretary of state, as a condition prerequisite to such reinstatement, to amend its articles by changing its name. A certificate of reinstatement may be filed in the recorder's office of any county in the state, for which the recorder shall charge and collect a base fee of one dollar for services and a housing trust fund fee of one dollar pursuant to section 317.36 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1702.60 of the Revised Code.

(G) The secretary of state shall furnish the tax commissioner a list of all corporations failing to file the required statement of continued existence.

**Sec. 1703.031.** (A) If the laws of the United States prohibit, preempt, or otherwise eliminate the licensing requirement of sections 1703.01 to 1703.31 of the Revised Code with respect to a corporation that is a bank, savings bank, or savings and loan association chartered under the laws of the United States, the main office of which is located in another state, the bank, savings bank, or savings and loan association shall notify the

secretary of state that it is transacting business in this state 38634  
by submitting a notice in such form as the secretary of state 38635  
prescribes. The notice shall be verified by the oath of the 38636  
president, vice-president, secretary, or treasurer of the bank, 38637  
savings bank, or savings and loan association, and shall set forth 38638  
all of the following: 38639

(1) The name of the corporation and any trade name under 38640  
which it will do business in this state; 38641

(2) The location and complete address, including the county, 38642  
of its main office in another state and its principal office, if 38643  
any, in this state; 38644

(3) The appointment of a designated agent and the complete 38645  
address of such agent in this state, which agent may be a natural 38646  
person who is a resident of this state, or may be a domestic 38647  
corporation for profit or a foreign corporation for profit holding 38648  
a license as such under the laws of this state, provided that the 38649  
domestic or foreign corporation has a business address in this 38650  
state and is authorized by its articles of incorporation to act as 38651  
such agent; 38652

(4) The irrevocable consent of the corporation to service of 38653  
process on such agent so long as the authority of the agent 38654  
continues and to service of process upon the secretary of state in 38655  
the events provided for in section 1703.19 of the Revised Code; 38656

(5) A brief summary of the business to be transacted within 38657  
this state. 38658

(B) The notice required by this section shall be accompanied 38659  
by a certificate of good standing or subsistence, dated not 38660  
earlier than sixty days prior to the submission of the notice, 38661  
under the seal of the proper official of the agency of the United 38662  
States that incorporated the bank, savings bank, or savings and 38663  
loan association, setting forth the exact corporate title, the 38664

date of incorporation, and the fact that the bank, savings bank, 38665  
or savings and loan association is in good standing or is a 38666  
subsisting bank, savings bank, or savings and loan association. 38667

(C) Upon submission of the notice, a bank, savings bank, or 38668  
savings and loan association shall pay a filing fee ~~of one hundred~~ 38669  
~~dollars~~ to the secretary of state as required by section 111.16 of 38670  
the Revised Code. 38671

(D)(1) No such notice shall be accepted for filing if it 38672  
appears that the name of the bank, savings bank, or savings and 38673  
loan association is any of the following: 38674

(a) Prohibited by law; 38675

(b) Not distinguishable upon the records in the office of the 38676  
secretary of state from the name of a limited liability company, 38677  
whether domestic or foreign, or any other corporation, whether 38678  
nonprofit or for profit and whether that of a domestic corporation 38679  
or of a foreign corporation authorized to transact business in 38680  
this state, unless there is also filed with the secretary of state 38681  
the consent of the other limited liability company or corporation 38682  
to the use of the name, evidenced in a writing signed by any 38683  
authorized representative or authorized officer of the other 38684  
limited liability company or corporation; 38685

(c) Not distinguishable upon the records in the office of the 38686  
secretary of state from a trade name, the exclusive right to which 38687  
is at the time in question registered in the manner provided in 38688  
Chapter 1329. of the Revised Code, unless there also is filed with 38689  
the secretary of state the consent of the other corporation or 38690  
person to the use of the name, evidenced in a writing signed by 38691  
any authorized officer of the other corporation or authorized 38692  
party of the other person owning the exclusive right to the 38693  
registered trade name. 38694

(2) Notwithstanding division (D)(1)(b) of this section, if a 38695

notice is not acceptable for filing solely because the name of the bank, savings bank, or savings and loan association is not distinguishable from the name of another corporation or registered trade name, the bank, savings bank, or savings and loan association may be authorized to transact business in this state by filing with the secretary of state, in addition to those items otherwise prescribed by this section, a statement signed by an authorized officer directing the bank, savings bank, or savings and loan association to transact business in this state under an assumed business name or names that comply with the requirements of division (D) of this section and stating that the bank, savings bank, or savings and loan association will transact business in this state only under the assumed name or names.

(E) The secretary of state shall provide evidence of receipt of notice to each bank, savings bank, or savings and loan association that submits a notice required by this section.

**Sec. 1703.07.** If a foreign corporation has merged or consolidated with one or more foreign corporations, it shall file with the secretary of state a certificate setting forth the fact of merger or consolidation, certified by the secretary of state, or other proper official, of the state under the laws of which the foreign corporation was incorporated.

The secretary of state, before filing a certificate evidencing a foreign corporation's merger or consolidation, shall charge and collect from the foreign corporation a filing fee ~~of ten dollars~~ as required by section 111.16 of the Revised Code.

**Sec. 1707.11.** (A) Each person that is not organized under the laws of this state, that is not licensed under section 1703.03 of the Revised Code, or that does not have its principal place of business in this state, shall submit to the division of securities

an irrevocable consent to service of process, as described in 38726  
division (B) of this section, in connection with any of the 38727  
following: 38728

(1) Filings to claim any of the exemptions enumerated in 38729  
division (Q), (W), ~~(X)~~, or (Y) of section 1707.03 of the Revised 38730  
Code; 38731

(2) Applications for registration by description, 38732  
qualification, or coordination; 38733

(3) Notice filings pursuant to section 1707.092 of the 38734  
Revised Code. 38735

(B) The irrevocable written consent shall be executed and 38736  
acknowledged by an individual duly authorized to give the consent 38737  
and shall do all of the following: 38738

(1) Designate the secretary of state as agent for service of 38739  
process or pleadings; 38740

(2) State that actions growing out of the sale of such 38741  
securities, the giving of investment advice, or fraud committed by 38742  
a person on whose behalf the consent is submitted may be commenced 38743  
against the person, in the proper court of any county in this 38744  
state in which a cause of action may arise or in which the 38745  
plaintiff in the action may reside, by serving on the secretary of 38746  
state any proper process or pleading authorized by the laws of 38747  
this state; 38748

(3) Stipulate that service of process or pleading on the 38749  
secretary of state shall be taken in all courts to be as valid and 38750  
binding as if service had been made upon the person on whose 38751  
behalf the consent is submitted. 38752

(C) Notwithstanding any application, form, or other material 38753  
filed with or submitted to the division that purports to appoint 38754  
as agent for service of process a person other than the secretary 38755

of state, the application, form, or other material shall be 38756  
considered to appoint the secretary of state as agent for service 38757  
of process. 38758

(D) Service of any process or pleadings may be made on the 38759  
secretary of state by duplicate copies, of which one shall be 38760  
filed in the office of the secretary of state, and the other 38761  
immediately forwarded by the secretary of state by certified mail 38762  
to the principal place of business of the person on whose behalf 38763  
the consent is submitted or to the last known address as shown on 38764  
the filing made with the division. However, failure to mail such 38765  
copy does not invalidate the service. 38766

(E) Notwithstanding any provision of this chapter, or of any 38767  
rule adopted by the division of securities under this chapter, 38768  
that requires the submission of a consent to service of process, 38769  
the division may provide by rule for the electronic filing or 38770  
submission of a consent to service of process. 38771

**Sec. 1707.17.** (A)(1) The license of every dealer in and 38772  
salesperson of securities shall expire on the thirty-first day of 38773  
December of each year, and may be renewed upon the filing with the 38774  
division of securities of an application for renewal, and the 38775  
payment of the fee prescribed in this section. The division shall 38776  
give notice, without unreasonable delay, of its action on any 38777  
application for renewal of a dealer's or salesperson's license. 38778

(2) The license of every investment adviser and investment 38779  
adviser representative licensed under section 1707.141 or 1707.161 38780  
of the Revised Code shall expire on the thirty-first day of 38781  
December of each year. The licenses may be renewed upon the filing 38782  
with the division of an application for renewal, and the payment 38783  
of the fee prescribed in division (B) of this section. The 38784  
division shall give notice, without unreasonable delay, of its 38785  
action on any application for renewal. 38786

(3) An investment adviser required to make a notice filing 38787  
under division (B) of section 1707.141 of the Revised Code 38788  
annually shall file with the division the notice filing and the 38789  
fee prescribed in division (B) of this section, no later than the 38790  
thirty-first day of December of each year. 38791

(4) The license of every state retirement system investment 38792  
officer licensed under section 1707.163 of the Revised Code and 38793  
the license of a bureau of workers' compensation chief investment 38794  
officer issued under section 1707.165 of the Revised Code shall 38795  
expire on the thirtieth day of June of each year. The licenses may 38796  
be renewed on the filing with the division of an application for 38797  
renewal, and the payment of the fee prescribed in division (B) of 38798  
this section. The division shall give notice, without unreasonable 38799  
delay, of its action on any application for renewal. 38800

(B)(1) The fee for each dealer's license, and for each annual 38801  
renewal thereof, shall be two hundred dollars. 38802

(2) The fee for each salesperson's license, and for each 38803  
annual renewal thereof, shall be sixty dollars. 38804

(3) The fee for each investment adviser's license, and for 38805  
each annual renewal thereof, shall be one hundred dollars. 38806

(4) The fee for each investment adviser notice filing 38807  
required by division (B) of section 1707.141 of the Revised Code 38808  
shall be one hundred dollars. 38809

(5) The fee for each investment adviser representative's 38810  
license, and for each annual renewal thereof, shall be thirty-five 38811  
dollars. 38812

(6) The fee for each state retirement system investment 38813  
officer's license, and for each annual renewal thereof, shall be 38814  
fifty dollars. 38815

(7) The fee for a bureau of workers' compensation chief 38816

investment officer's license, and for each annual renewal thereof, 38817  
shall be fifty dollars. 38818

(C) A dealer's, salesperson's, investment adviser's, 38819  
investment adviser representative's, bureau of workers' 38820  
compensation chief investment officer's, or state retirement 38821  
system investment officer's license may be issued at any time for 38822  
the remainder of the calendar year. In that event, the annual fee 38823  
shall not be reduced. 38824

(D) The division may, by rule or order, waive, in whole or in 38825  
part, any of the fee requirements of this section for any person 38826  
or class of persons if, in the same calendar year, the person or 38827  
class of persons is required to pay an additional fee as a result 38828  
of changes in federal law and regulations implemented under Title 38829  
IV of the "Dodd-Frank Wall Street Reform and Consumer Protection 38830  
Act of 2010," 124 Stat. 1576 (2010), 15 U.S.C. 80b-3a(a), under 38831  
which a person or class of persons formerly subject to regulation 38832  
under the United States securities and exchange commission is 38833  
subject to state regulation under Chapter 1707. of the Revised 38834  
Code. 38835

**Sec. 1711.05.** Every county agricultural society annually 38836  
shall publish an abstract of its treasurer's account in a 38837  
newspaper of general circulation in the county and make a report 38838  
of its proceedings during the year. It shall also make, in 38839  
accordance with the rules of the department of agriculture, a 38840  
synopsis of its awards for improvement in agriculture and in 38841  
household manufactures and forward such synopsis to the director 38842  
of agriculture at or before the annual meeting of the directors of 38843  
the society with the director of agriculture, as provided for in 38844  
section 901.06 of the Revised Code. No payment after such date 38845  
shall be made from the county treasury to such society unless a 38846  
certificate from the director is presented to the county auditor 38847



showing that such reports have been made. 38848

**Sec. 1711.07.** The board of directors of a county or 38849  
independent agricultural society shall consist of at least eight 38850  
members. An employee of the Ohio state university extension 38851  
service and the county school superintendent shall be members ex 38852  
officio. Their terms of office shall be determined by the rules of 38853  
the department of agriculture. Any vacancy in the board caused by 38854  
death, resignation, refusal to qualify, removal from county, or 38855  
other cause may be filled by the board until the society's next 38856  
annual election, when a director shall be elected for the 38857  
unexpired term. There shall be an annual election of directors by 38858  
ballot at a time and a place fixed by the board, but this election 38859  
shall not be held later than the first Saturday in December 1994, 38860  
and not later than the fifteenth day of November each year 38861  
thereafter, beginning in 1995. The secretary of the society shall 38862  
give notice of such election, for three weeks prior to the holding 38863  
thereof, in ~~at least two newspapers~~ a newspaper of ~~opposite~~ 38864  
~~politics and of~~ general circulation in the county or as provided 38865  
in section 7.16 of the Revised Code, or by letter mailed to each 38866  
member of the society. Only persons holding membership 38867  
certificates at the close of the annual county fair, or at least 38868  
fifteen calendar days before the date of election, as may be fixed 38869  
by the board, may vote, unless such election is held on the 38870  
fairground during the fair, in which case all persons holding 38871  
membership certificates on the date and hour of the election may 38872  
vote. When the election is to be held during the fair, notice of 38873  
such election must be prominently mentioned in the premium list, 38874  
in addition to the notice required in ~~newspapers~~ a newspaper. The 38875  
terms of office of the retiring directors shall expire, and those 38876  
of the directors-elect shall begin, not later than the first 38877  
Saturday in January 1995, and not later than the thirtieth day of 38878  
November each year thereafter, beginning in 1995. 38879

The secretary of such society shall send the name and address 38880  
of each member of its board to the director of agriculture within 38881  
ten days after the election. 38882

**Sec. 1711.18.** In a county in which there is a county 38883  
agricultural society indebted fifteen thousand dollars or more, 38884  
and such society has purchased a fairground or title to such 38885  
fairground is vested in fee in the county, the board of county 38886  
commissioners, upon the presentation of a petition signed by not 38887  
less than five hundred resident electors of the county praying for 38888  
the submission to the electors of the county of the question 38889  
whether or not county bonds shall be issued and sold to liquidate 38890  
such indebtedness, shall, by resolution within ten days 38891  
thereafter, fix a date, which shall be within thirty days, upon 38892  
which the question of issuing and selling such bonds, in the 38893  
necessary amount and denomination, shall be submitted to the 38894  
electors of the county. The board also shall cause a copy of such 38895  
resolution to be certified to the county board of elections and 38896  
such board of elections, within ten days after such certification, 38897  
shall proceed to make the necessary arrangements for the 38898  
submission of such question to such electors at the time fixed by 38899  
such resolution. 38900

Such election shall be held at the regular places of voting 38901  
in the county and shall be conducted, canvassed, and certified, 38902  
except as otherwise provided by law, as are elections of county 38903  
officers. The county board of elections must give fifteen days' 38904  
notice of such submission by publication in ~~one or more newspapers~~ 38905  
published a newspaper of general circulation in the county once a 38906  
week for two consecutive weeks or as provided in section 7.16 of 38907  
the Revised Code, stating the amount of bonds to be issued, the 38908  
purpose for which they are to be issued, and the time and places 38909  
of holding such election. Those who vote in favor of the 38910  
proposition shall have written or printed on their ballots "for 38911

the issue of bonds" and those who vote against it shall have 38912  
written or printed on their ballots "against the issue of bonds." 38913  
If a majority of those voting upon the question of issuing the 38914  
bonds vote in favor thereof, then and only then shall they be 38915  
issued and the tax provided for in section 1711.20 of the Revised 38916  
Code be levied. 38917

**Sec. 1711.30.** Before issuing bonds under section 1711.28 of 38918  
the Revised Code, the board of county commissioners, by 38919  
resolution, shall submit to the qualified electors of the county 38920  
at the next general election for county officers, held not less 38921  
than ninety days after receiving from the county agricultural 38922  
society the notice provided for in section 1711.25 of the Revised 38923  
Code, the question of issuing and selling such bonds in such 38924  
amount and denomination as are necessary for the purpose in view, 38925  
and shall certify a copy of such resolution to the county board of 38926  
elections. 38927

The county board of elections shall place the question of 38928  
issuing and selling such bonds upon the ballot and make all other 38929  
necessary arrangements for the submission, at the time fixed by 38930  
such resolution, of such question to such electors. The votes cast 38931  
at such election upon such question must be counted, canvassed, 38932  
and certified in the same manner, except as provided by law, as 38933  
votes cast for county officers. Fifteen days' notice of such 38934  
submission shall be given by the county board of elections, by 38935  
publication once a week for two consecutive weeks in ~~two or more~~ 38936  
~~newspapers published~~ a newspaper of general circulation in the 38937  
county or as provided in section 7.16 of the Revised Code, stating 38938  
the amount of bonds to be issued, the purpose for which they are 38939  
to be issued, and the time and places of holding such election. 38940  
Such question must be stated on the ballot as follows: "For the 38941  
issue of county fair bonds, yes"; "For the issue of county fair 38942  
bonds, no." If the majority of those voting upon the question of 38943

issuing the bonds vote in favor thereof, then and only then shall 38944  
they be issued and the tax provided for in section 1711.29 of the 38945  
Revised Code be levied. 38946

**Sec. 1728.06.** Every community urban redevelopment corporation 38947  
qualifying under this chapter, before proceeding with any project 38948  
authorized in this chapter, shall make written application to the 38949  
municipal corporation for approval thereof. The application shall 38950  
be in such form and shall certify to such facts and data as shall 38951  
be required by the municipal corporation, and may include but not 38952  
be limited to: 38953

(A) A general statement of the nature of the proposed 38954  
project, that the undertaking conforms to all applicable municipal 38955  
ordinances, that its completion will meet an existing need, and 38956  
that the project accords with the master plan or official map, if 38957  
any, of the municipal corporation; 38958

(B) A description of the proposed project outlining the area 38959  
included and a description of each unit thereof if the project is 38960  
to be undertaken in units and setting out such architectural and 38961  
site plans as may be required; 38962

(C) A statement of the estimated cost of the proposed project 38963  
in such detail as may be required, including the estimated cost of 38964  
each unit if it is to be so undertaken; 38965

(D) The source, method, and amount of money to be subscribed 38966  
through the investment of private capital, setting forth the 38967  
amount of stock or other securities to be issued therefor; 38968

(E) A fiscal plan for the project outlining a schedule of 38969  
rents, the estimated expenditures for operation and maintenance, 38970  
payments for interest, amortization of debt and reserves, and 38971  
payments to the municipal corporation to be made pursuant to a 38972  
financial agreement to be entered into with the municipal 38973

corporation; 38974

(F) A relocation plan providing for the relocation of 38975  
persons, including families, business concerns, and others, 38976  
displaced by the project, which relocation plan shall include, but 38977  
not be limited to, the proposed method for the relocation of 38978  
residents who will be displaced from their dwelling accommodations 38979  
in decent, safe, and sanitary dwelling accommodations within their 38980  
means, or with provision for adjustment payments to bring such 38981  
accommodations within their means, and without undue hardship, and 38982  
reasonable moving costs; 38983

(G) The names and tax mailing addresses, as determined from 38984  
the records of the county auditor not more than five days prior to 38985  
the submission of the application to the mayor of the municipal 38986  
corporation, of the owners of all property which the corporation 38987  
proposes in its application to acquire. 38988

Such application shall be addressed and submitted to the 38989  
mayor of the municipal corporation, who shall, within sixty days 38990  
after receipt thereof, submit it with ~~his~~ the mayor's 38991  
recommendations to the governing body. The application shall be a 38992  
matter of public record upon receipt by the mayor. 38993

The governing body shall by notice published once a week for 38994  
two consecutive weeks in a newspaper of general circulation in the 38995  
municipal corporation or as provided in section 7.16 of the 38996  
Revised Code, by written notice, by certified mail or personal 38997  
service, to the owners of property which the corporation proposes 38998  
in its application to purchase at the tax mailing address as set 38999  
forth in the corporation's application, by the putting up of signs 39000  
in at least five places within the area covered by the 39001  
application, and by giving written notice, by certified mail or 39002  
personal service, to community organizations known by the clerk of 39003  
the governing body to represent a substantial number of the 39004  
residents of the area covered by the application, advise that the 39005

application is on file in the office of the clerk of the governing 39006  
body of the municipal corporation and is available for inspection 39007  
by the general public during business hours and advise that a 39008  
public hearing shall be held thereon, stating the place and time 39009  
of the public hearing, which time shall be not less than fourteen 39010  
days after the first publication, or after sending the mailed 39011  
notice, or after the putting up of the signs, whichever is later. 39012

Following the public hearing and after complying with section 39013  
5709.83 of the Revised Code, the governing body, taking into 39014  
consideration the financial impact on the community, shall by 39015  
resolution approve or disapprove the application, approval to be 39016  
by an affirmative vote of not less than three-fifths of the 39017  
governing body, but in the event of disapproval, changes may be 39018  
suggested to secure its approval. 39019

An application may be revised or resubmitted in the same 39020  
manner and subject to the same procedures as an original 39021  
application. The clerk of the governing body shall diligently 39022  
discharge the duties imposed on the clerk by this division, 39023  
provided failure of the clerk to send written notices to all 39024  
community organizations, in a good faith effort by the clerk to 39025  
give the required notice, shall not invalidate any proceedings 39026  
under this chapter. The failure of delivery of notice given by 39027  
certified mail under this division shall not invalidate any 39028  
proceedings under this chapter. 39029

**Sec. 1728.07.** Every approved project shall be evidenced by a 39030  
financial agreement between the municipal corporation and the 39031  
community urban redevelopment corporation. Such agreement shall be 39032  
prepared by the community urban redevelopment corporation and 39033  
submitted as a separate part of its application for project 39034  
approval. 39035

The financial agreement shall be in the form of a contract 39036

requiring full performance within twenty years from the date of 39037  
completion of the project and shall, as a minimum, include the 39038  
following: 39039

(A) That all improvements in the project to be constructed or 39040  
acquired by the corporation shall be exempt from taxation, subject 39041  
to section 1728.10 of the Revised Code; 39042

(B) That the corporation shall make payments in lieu of real 39043  
estate taxes not less than the amount as provided by section 39044  
1728.11 of the Revised Code; or if the municipal corporation is an 39045  
impacted city, not less than the amount as provided by section 39046  
1728.111 of the Revised Code; 39047

(C) That the corporation, its successors and assigns, shall 39048  
use, develop, and redevelop the real property of the project in 39049  
accordance with, and for the period of, the community development 39050  
plan approved by the governing body of the municipal corporation 39051  
for the blighted area in which the project is situated and shall 39052  
so bind its successors and assigns by appropriate agreements and 39053  
covenants running with the land enforceable by the municipal 39054  
corporation. 39055

(D) If the municipal corporation is an impacted city, the 39056  
extent of the undertakings and activities of the corporation for 39057  
the elimination and for the prevention of the development or 39058  
spread of blight. 39059

(E) That the corporation or the municipal corporation, or 39060  
both, shall provide for carrying out relocation of persons, 39061  
families, business concerns, and others displaced by the project, 39062  
pursuant to a relocation plan, including the method for the 39063  
relocation of residents in decent, safe, and sanitary dwelling 39064  
accommodations, and reasonable moving costs, determined to be 39065  
feasible by the governing body of the municipal corporation. Where 39066  
the relocation plan is carried out by the corporation, its 39067

officers, employees, agents, or lessees, the municipal corporation 39068  
shall enforce and supervise the corporation's compliance with the 39069  
relocation plan. If the corporation refuses or fails to comply 39070  
with the relocation plan and the municipal corporation fails or 39071  
refuses to enforce compliance with such plan, the director of 39072  
development may request the attorney general to commence a civil 39073  
action against the municipality and the corporation to require 39074  
compliance with such relocation plan. Prior to requesting action 39075  
by the attorney general the director shall give notice of the 39076  
proposed action to the municipality and the corporation, provide 39077  
an opportunity to such municipality and corporation for 39078  
discussions on the matter, and allow a reasonable time in which 39079  
the corporation may begin compliance with the relocation plan, or 39080  
the municipality may commence enforcement of the relocation plan. 39081

(F) That the corporation shall submit annually, within ninety 39082  
days after the close of its fiscal year, its auditor's reports to 39083  
the mayor and governing body of the municipal corporation; 39084

(G) That the corporation shall, upon request, permit 39085  
inspection of property, equipment, buildings, and other facilities 39086  
of the corporation, and also permit examination and audit of its 39087  
books, contracts, records, documents, and papers by authorized 39088  
representatives of the municipal corporation; 39089

(H) That in the event of any dispute between the parties the 39090  
matters in controversy shall be resolved by arbitration in the 39091  
manner provided therein; 39092

(I) That operation under the financial agreement is 39093  
terminable by the corporation in the manner provided by Chapter 39094  
1728. of the Revised Code; 39095

(J) That the corporation shall, at all times prior to the 39096  
expiration or other termination of the financial agreement, remain 39097  
bound by Chapter 1728. of the Revised Code; 39098



~~(K) That all wages paid to laborers and mechanics employed for work on such projects, other than for residential structures containing seven or less family units, shall be paid at the prevailing rates of wages of laborers and mechanics for the class of work called for by the project, which wages shall be determined in accordance with the requirements of Chapter 4115. of the Revised Code for determination of prevailing wage rates, provided that the requirements of this division do not apply where the federal government or any of its agencies furnishes by law or grant all or any part of the funds used in connection with such project and prescribes predetermined minimum wages to be paid to such laborers and mechanics.~~

Modifications of the financial agreement may from time to time be made by agreement between the governing body of the municipal corporation and the community urban redevelopment corporation.

**Sec. 1751.01.** As used in this chapter:

(A)(1) "Basic health care services" means the following services when medically necessary:

(a) Physician's services, except when such services are supplemental under division (B) of this section;

(b) Inpatient hospital services;

(c) Outpatient medical services;

(d) Emergency health services;

(e) Urgent care services;

(f) Diagnostic laboratory services and diagnostic and therapeutic radiologic services;

(g) Diagnostic and treatment services, other than prescription drug services, for biologically based mental

illnesses; 39128

(h) Preventive health care services, including, but not 39129  
limited to, voluntary family planning services, infertility 39130  
services, periodic physical examinations, prenatal obstetrical 39131  
care, and well-child care; 39132

(i) Routine patient care for patients enrolled in an eligible 39133  
cancer clinical trial pursuant to section 3923.80 of the Revised 39134  
Code. 39135

"Basic health care services" does not include experimental 39136  
procedures. 39137

Except as provided by divisions (A)(2) and (3) of this 39138  
section in connection with the offering of coverage for diagnostic 39139  
and treatment services for biologically based mental illnesses, a 39140  
health insuring corporation shall not offer coverage for a health 39141  
care service, defined as a basic health care service by this 39142  
division, unless it offers coverage for all listed basic health 39143  
care services. However, this requirement does not apply to the 39144  
coverage of beneficiaries enrolled in medicare pursuant to a 39145  
medicare contract, or to the coverage of beneficiaries enrolled in 39146  
the federal employee health benefits program pursuant to 5 39147  
U.S.C.A. 8905, or to the coverage of medicaid recipients, ~~or to~~ 39148  
~~the coverage of participants of the children's buy-in program,~~ or 39149  
to the coverage of beneficiaries under any federal health care 39150  
program regulated by a federal regulatory body, or to the coverage 39151  
of beneficiaries under any contract covering officers or employees 39152  
of the state that has been entered into by the department of 39153  
administrative services. 39154

(2) A health insuring corporation may offer coverage for 39155  
diagnostic and treatment services for biologically based mental 39156  
illnesses without offering coverage for all other basic health 39157  
care services. A health insuring corporation may offer coverage 39158

for diagnostic and treatment services for biologically based 39159  
mental illnesses alone or in combination with one or more 39160  
supplemental health care services. However, a health insuring 39161  
corporation that offers coverage for any other basic health care 39162  
service shall offer coverage for diagnostic and treatment services 39163  
for biologically based mental illnesses in combination with the 39164  
offer of coverage for all other listed basic health care services. 39165

(3) A health insuring corporation that offers coverage for 39166  
basic health care services is not required to offer coverage for 39167  
diagnostic and treatment services for biologically based mental 39168  
illnesses in combination with the offer of coverage for all other 39169  
listed basic health care services if all of the following apply: 39170

(a) The health insuring corporation submits documentation 39171  
certified by an independent member of the American academy of 39172  
actuaries to the superintendent of insurance showing that incurred 39173  
claims for diagnostic and treatment services for biologically 39174  
based mental illnesses for a period of at least six months 39175  
independently caused the health insuring corporation's costs for 39176  
claims and administrative expenses for the coverage of basic 39177  
health care services to increase by more than one per cent per 39178  
year. 39179

(b) The health insuring corporation submits a signed letter 39180  
from an independent member of the American academy of actuaries to 39181  
the superintendent of insurance opining that the increase in costs 39182  
described in division (A)(3)(a) of this section could reasonably 39183  
justify an increase of more than one per cent in the annual 39184  
premiums or rates charged by the health insuring corporation for 39185  
the coverage of basic health care services. 39186

(c) The superintendent of insurance makes the following 39187  
determinations from the documentation and opinion submitted 39188  
pursuant to divisions (A)(3)(a) and (b) of this section: 39189

(i) Incurred claims for diagnostic and treatment services for 39190  
biologically based mental illnesses for a period of at least six 39191  
months independently caused the health insuring corporation's 39192  
costs for claims and administrative expenses for the coverage of 39193  
basic health care services to increase by more than one per cent 39194  
per year. 39195

(ii) The increase in costs reasonably justifies an increase 39196  
of more than one per cent in the annual premiums or rates charged 39197  
by the health insuring corporation for the coverage of basic 39198  
health care services. 39199

Any determination made by the superintendent under this 39200  
division is subject to Chapter 119. of the Revised Code. 39201

(B)(1) "Supplemental health care services" means any health 39202  
care services other than basic health care services that a health 39203  
insuring corporation may offer, alone or in combination with 39204  
either basic health care services or other supplemental health 39205  
care services, and includes: 39206

(a) Services of facilities for intermediate or long-term 39207  
care, or both; 39208

(b) Dental care services; 39209

(c) Vision care and optometric services including lenses and 39210  
frames; 39211

(d) Podiatric care or foot care services; 39212

(e) Mental health services, excluding diagnostic and 39213  
treatment services for biologically based mental illnesses; 39214

(f) Short-term outpatient evaluative and crisis-intervention 39215  
mental health services; 39216

(g) Medical or psychological treatment and referral services 39217  
for alcohol and drug abuse or addiction; 39218

(h) Home health services; 39219

(i) Prescription drug services;	39220
(j) Nursing services;	39221
(k) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	39222 39223
(l) Physical therapy services;	39224
(m) Chiropractic services;	39225
(n) Any other category of services approved by the superintendent of insurance.	39226 39227
(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.	39228 39229 39230 39231 39232
(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.	39233 39234 39235 39236 39237
(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.	39238 39239 39240 39241 39242 39243 39244
<del>(E) "Children's buy in program" has the same meaning as in section 5101.5211 of the Revised Code.</del>	39245 39246
<del>(F)</del> "Closed panel plan" means a health care plan that requires enrollees to use participating providers.	39247 39248
<del>(G)</del> <u>(F)</u> "Compensation" means remuneration for the provision of	39249

health care services, determined on other than a fee-for-service 39250  
or discounted-fee-for-service basis. 39251

~~(H)~~(G) "Contractual periodic prepayment" means the formula 39252  
for determining the premium rate for all subscribers of a health 39253  
insuring corporation. 39254

~~(I)~~(H) "Corporation" means a corporation formed under Chapter 39255  
1701. or 1702. of the Revised Code or the similar laws of another 39256  
state. 39257

~~(J)~~(I) "Emergency health services" means those health care 39258  
services that must be available on a seven-days-per-week, 39259  
twenty-four-hours-per-day basis in order to prevent jeopardy to an 39260  
enrollee's health status that would occur if such services were 39261  
not received as soon as possible, and includes, where appropriate, 39262  
provisions for transportation and indemnity payments or service 39263  
agreements for out-of-area coverage. 39264

~~(K)~~(J) "Enrollee" means any natural person who is entitled to 39265  
receive health care benefits provided by a health insuring 39266  
corporation. 39267

~~(L)~~(K) "Evidence of coverage" means any certificate, 39268  
agreement, policy, or contract issued to a subscriber that sets 39269  
out the coverage and other rights to which such person is entitled 39270  
under a health care plan. 39271

~~(M)~~(L) "Health care facility" means any facility, except a 39272  
health care practitioner's office, that provides preventive, 39273  
diagnostic, therapeutic, acute convalescent, rehabilitation, 39274  
mental health, mental retardation, intermediate care, or skilled 39275  
nursing services. 39276

~~(N)~~(M) "Health care services" means basic, supplemental, and 39277  
specialty health care services. 39278

~~(O)~~(N) "Health delivery network" means any group of providers 39279

or health care facilities, or both, or any representative thereof, 39280  
that have entered into an agreement to offer health care services 39281  
in a panel rather than on an individual basis. 39282

~~(P)~~(O) "Health insuring corporation" means a corporation, as 39283  
defined in division ~~(I)~~(H) of this section, that, pursuant to a 39284  
policy, contract, certificate, or agreement, pays for, reimburses, 39285  
or provides, delivers, arranges for, or otherwise makes available, 39286  
basic health care services, supplemental health care services, or 39287  
specialty health care services, or a combination of basic health 39288  
care services and either supplemental health care services or 39289  
specialty health care services, through either an open panel plan 39290  
or a closed panel plan. 39291

"Health insuring corporation" does not include a limited 39292  
liability company formed pursuant to Chapter 1705. of the Revised 39293  
Code, an insurer licensed under Title XXXIX of the Revised Code if 39294  
that insurer offers only open panel plans under which all 39295  
providers and health care facilities participating receive their 39296  
compensation directly from the insurer, a corporation formed by or 39297  
on behalf of a political subdivision or a department, office, or 39298  
institution of the state, or a public entity formed by or on 39299  
behalf of a board of county commissioners, a county board of 39300  
developmental disabilities, an alcohol and drug addiction services 39301  
board, a board of alcohol, drug addiction, and mental health 39302  
services, or a community mental health board, as those terms are 39303  
used in Chapters 340. and 5126. of the Revised Code. Except as 39304  
provided by division (D) of section 1751.02 of the Revised Code, 39305  
or as otherwise provided by law, no board, commission, agency, or 39306  
other entity under the control of a political subdivision may 39307  
accept insurance risk in providing for health care services. 39308  
However, nothing in this division shall be construed as 39309  
prohibiting such entities from purchasing the services of a health 39310  
insuring corporation or a third-party administrator licensed under 39311

Chapter 3959. of the Revised Code. 39312

~~(Q)~~(P) "Intermediary organization" means a health delivery 39313  
network or other entity that contracts with licensed health 39314  
insuring corporations or self-insured employers, or both, to 39315  
provide health care services, and that enters into contractual 39316  
arrangements with other entities for the provision of health care 39317  
services for the purpose of fulfilling the terms of its contracts 39318  
with the health insuring corporations and self-insured employers. 39319

~~(R)~~(O) "Intermediate care" means residential care above the 39320  
level of room and board for patients who require personal 39321  
assistance and health-related services, but who do not require 39322  
skilled nursing care. 39323

~~(S)~~(R) "Medicaid" has the same meaning as in section 5111.01 39324  
of the Revised Code. 39325

~~(T)~~(S) "Medical record" means the personal information that 39326  
relates to an individual's physical or mental condition, medical 39327  
history, or medical treatment. 39328

~~(U)~~(T) "Medicare" means the program established under Title 39329  
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 39330  
1395, as amended. 39331

~~(V)~~(U)(1) "Open panel plan" means a health care plan that 39332  
provides incentives for enrollees to use participating providers 39333  
and that also allows enrollees to use providers that are not 39334  
participating providers. 39335

(2) No health insuring corporation may offer an open panel 39336  
plan, unless the health insuring corporation is also licensed as 39337  
an insurer under Title XXXIX of the Revised Code, the health 39338  
insuring corporation, on June 4, 1997, holds a certificate of 39339  
authority or license to operate under Chapter 1736. or 1740. of 39340  
the Revised Code, or an insurer licensed under Title XXXIX of the 39341  
Revised Code is responsible for the out-of-network risk as 39342



evidenced by both an evidence of coverage filing under section 39343  
1751.11 of the Revised Code and a policy and certificate filing 39344  
under section 3923.02 of the Revised Code. 39345

~~(W)~~(V) "Panel" means a group of providers or health care 39346  
facilities that have joined together to deliver health care 39347  
services through a contractual arrangement with a health insuring 39348  
corporation, employer group, or other payor. 39349

~~(X)~~(W) "Person" has the same meaning as in section 1.59 of 39350  
the Revised Code, and, unless the context otherwise requires, 39351  
includes any insurance company holding a certificate of authority 39352  
under Title XXXIX of the Revised Code, any subsidiary and 39353  
affiliate of an insurance company, and any government agency. 39354

~~(Y)~~(X) "Premium rate" means any set fee regularly paid by a 39355  
subscriber to a health insuring corporation. A "premium rate" does 39356  
not include a one-time membership fee, an annual administrative 39357  
fee, or a nominal access fee, paid to a managed health care system 39358  
under which the recipient of health care services remains solely 39359  
responsible for any charges accessed for those services by the 39360  
provider or health care facility. 39361

~~(Z)~~(Y) "Primary care provider" means a provider that is 39362  
designated by a health insuring corporation to supervise, 39363  
coordinate, or provide initial care or continuing care to an 39364  
enrollee, and that may be required by the health insuring 39365  
corporation to initiate a referral for specialty care and to 39366  
maintain supervision of the health care services rendered to the 39367  
enrollee. 39368

~~(AA)~~(Z) "Provider" means any natural person or partnership of 39369  
natural persons who are licensed, certified, accredited, or 39370  
otherwise authorized in this state to furnish health care 39371  
services, or any professional association organized under Chapter 39372  
1785. of the Revised Code, provided that nothing in this chapter 39373

or other provisions of law shall be construed to preclude a health 39374  
insuring corporation, health care practitioner, or organized 39375  
health care group associated with a health insuring corporation 39376  
from employing certified nurse practitioners, certified nurse 39377  
anesthetists, clinical nurse specialists, certified nurse 39378  
midwives, dietitians, physician assistants, dental assistants, 39379  
dental hygienists, optometric technicians, or other allied health 39380  
personnel who are licensed, certified, accredited, or otherwise 39381  
authorized in this state to furnish health care services. 39382

~~(BB)~~(AA) "Provider sponsored organization" means a 39383  
corporation, as defined in division ~~(I)~~(H) of this section, that 39384  
is at least eighty per cent owned or controlled by one or more 39385  
hospitals, as defined in section 3727.01 of the Revised Code, or 39386  
one or more physicians licensed to practice medicine or surgery or 39387  
osteopathic medicine and surgery under Chapter 4731. of the 39388  
Revised Code, or any combination of such physicians and hospitals. 39389  
Such control is presumed to exist if at least eighty per cent of 39390  
the voting rights or governance rights of a provider sponsored 39391  
organization are directly or indirectly owned, controlled, or 39392  
otherwise held by any combination of the physicians and hospitals 39393  
described in this division. 39394

~~(CC)~~(BB) "Solicitation document" means the written materials 39395  
provided to prospective subscribers or enrollees, or both, and 39396  
used for advertising and marketing to induce enrollment in the 39397  
health care plans of a health insuring corporation. 39398

~~(DD)~~(CC) "Subscriber" means a person who is responsible for 39399  
making payments to a health insuring corporation for participation 39400  
in a health care plan, or an enrollee whose employment or other 39401  
status is the basis of eligibility for enrollment in a health 39402  
insuring corporation. 39403

~~(EE)~~(DD) "Urgent care services" means those health care 39404  
services that are appropriately provided for an unforeseen 39405

condition of a kind that usually requires medical attention 39406  
without delay but that does not pose a threat to the life, limb, 39407  
or permanent health of the injured or ill person, and may include 39408  
such health care services provided out of the health insuring 39409  
corporation's approved service area pursuant to indemnity payments 39410  
or service agreements. 39411

**Sec. 1751.04.** (A) Except as provided by division (D) of this 39412  
section, upon the receipt by the superintendent of insurance of a 39413  
complete application for a certificate of authority to establish 39414  
or operate a health insuring corporation, which application sets 39415  
forth or is accompanied by the information and documents required 39416  
by division (A) of section 1751.03 of the Revised Code, the 39417  
superintendent shall review the application and accompanying 39418  
documents and make findings as to whether the applicant for a 39419  
certificate of authority has done all of the following with 39420  
respect to any basic health care services and supplemental health 39421  
care services to be furnished: 39422

(1) Demonstrated the willingness and potential ability to 39423  
ensure that all basic health care services and supplemental health 39424  
care services described in the evidence of coverage will be 39425  
provided to all its enrollees as promptly as is appropriate and in 39426  
a manner that assures continuity; 39427

(2) Made effective arrangements to ensure that its enrollees 39428  
have reliable access to qualified providers in those specialties 39429  
that are generally available in the geographic area or areas to be 39430  
served by the applicant and that are necessary to provide all 39431  
basic health care services and supplemental health care services 39432  
described in the evidence of coverage; 39433

(3) Made appropriate arrangements for the availability of 39434  
short-term health care services in emergencies within the 39435  
geographic area or areas to be served by the applicant, 39436

twenty-four hours per day, seven days per week, and for the 39437  
provision of adequate coverage whenever an out-of-area emergency 39438  
arises; 39439

(4) Made appropriate arrangements for an ongoing evaluation 39440  
and assurance of the quality of health care services provided to 39441  
enrollees, including, if applicable, the development of a quality 39442  
assurance program complying with the requirements of sections 39443  
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 39444  
personnel, facilities, and equipment by or through which the 39445  
services are rendered; 39446

(5) Developed a procedure to gather and report statistics 39447  
relating to the cost and effectiveness of its operations, the 39448  
pattern of utilization of its services, and the quality, 39449  
availability, and accessibility of its services. 39450

(B) Based upon the information provided in the application 39451  
for issuance of a certificate of authority, the superintendent 39452  
shall determine whether or not the applicant meets the 39453  
requirements of division (A) of this section. If the 39454  
superintendent determines that the applicant does not meet these 39455  
requirements, the superintendent shall specify in what respects it 39456  
is deficient. However, the superintendent shall not deny an 39457  
application because the requirements of this section are not met 39458  
unless the applicant has been given an opportunity for a hearing 39459  
on that issue. 39460

(C) If the applicant requests a hearing, the superintendent 39461  
shall hold a hearing before denying an application because the 39462  
applicant does not meet the requirements of this section. The 39463  
hearing shall be held in accordance with Chapter 119. of the 39464  
Revised Code. 39465

(D) Nothing in this section requires the superintendent to 39466  
review or make findings with regard to an application and 39467

accompanying documents to establish or operate any of the	39468
following:	39469
(1) A health insuring corporation to cover solely medicaid recipients;	39470 39471
(2) A health insuring corporation to cover solely medicare beneficiaries;	39472 39473
(3) A health insuring corporation to cover solely medicaid recipients and medicare beneficiaries;	39474 39475
<del>(4) A health insuring corporation to cover solely participants of the children's buy in program;</del>	39476 39477
<del>(5) A health insuring corporation to cover solely medicaid recipients and participants of the children's buy in program;</del>	39478 39479
<del>(6) A health insuring corporation to cover solely medicaid recipients, medicare beneficiaries, and participants of the children's buy in program.</del>	39480 39481 39482
<b>Sec. 1751.11.</b> (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.	39483 39484 39485
(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	39486 39487 39488 39489 39490 39491 39492 39493 39494 39495 39496 39497

available under the subscriber's health care plan and information 39498  
on the health care plan's internal and external review processes. 39499

(C) No evidence of coverage, or amendment to the evidence of 39500  
coverage, shall be delivered, issued for delivery, renewed, or 39501  
used, until the form of the evidence of coverage or amendment has 39502  
been filed by the health insuring corporation with the 39503  
superintendent of insurance. If the superintendent does not 39504  
disapprove the evidence of coverage or amendment within sixty days 39505  
after it is filed it shall be deemed approved, unless the 39506  
superintendent sooner gives approval for the evidence of coverage 39507  
or amendment. With respect to an amendment to an approved evidence 39508  
of coverage, the superintendent only may disapprove provisions 39509  
amended or added to the evidence of coverage. If the 39510  
superintendent determines within the sixty-day period that any 39511  
evidence of coverage or amendment fails to meet the requirements 39512  
of this section, the superintendent shall so notify the health 39513  
insuring corporation and it shall be unlawful for the health 39514  
insuring corporation to use such evidence of coverage or 39515  
amendment. At any time, the superintendent, upon at least thirty 39516  
days' written notice to a health insuring corporation, may 39517  
withdraw an approval, deemed or actual, of any evidence of 39518  
coverage or amendment on any of the grounds stated in this 39519  
section. Such disapproval shall be effected by a written order, 39520  
which shall state the grounds for disapproval and shall be issued 39521  
in accordance with Chapter 119. of the Revised Code. 39522

(D) No evidence of coverage or amendment shall be delivered, 39523  
issued for delivery, renewed, or used: 39524

(1) If it contains provisions or statements that are 39525  
inequitable, untrue, misleading, or deceptive; 39526

(2) Unless it contains a clear, concise, and complete 39527  
statement of the following: 39528

(a) The health care services and insurance or other benefits, if any, to which an enrollee is entitled under the health care plan;	39529 39530 39531
(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;	39532 39533 39534
(c) An enrollee's personal financial obligation for noncovered services;	39535 39536
(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;	39537 39538 39539
(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.	39540 39541 39542 39543
(f) The method utilized by the health insuring corporation for resolving enrollee complaints;	39544 39545
(g) The utilization review, internal review, and external review procedures established under sections 1751.77 to 1751.85 of the Revised Code.	39546 39547 39548
(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:	39549 39550 39551 39552 39553 39554
(a) The enrollee's discharge from the hospital;	39555
(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	39556 39557 39558

precludes a health insuring corporation from engaging in 39559  
utilization review as described in the evidence of coverage. 39560

(c) The enrollee's reaching the limit for contractual 39561  
benefits; 39562

(d) The effective date of any new coverage. 39563

(4) Unless it contains a provision that states, in substance, 39564  
that the health insuring corporation is not a member of any 39565  
guaranty fund, and that in the event of the health insuring 39566  
corporation's insolvency, an enrollee is protected only to the 39567  
extent that the hold harmless provision required by section 39568  
1751.13 of the Revised Code applies to the health care services 39569  
rendered; 39570

(5) Unless it contains a provision that states, in substance, 39571  
that in the event of the insolvency of the health insuring 39572  
corporation, an enrollee may be financially responsible for health 39573  
care services rendered by a provider or health care facility that 39574  
is not under contract to the health insuring corporation, whether 39575  
or not the health insuring corporation authorized the use of the 39576  
provider or health care facility. 39577

(E) Notwithstanding divisions (C) and (D) of this section, a 39578  
health insuring corporation may use an evidence of coverage that 39579  
provides for the coverage of beneficiaries enrolled in medicare 39580  
pursuant to a medicare contract, or an evidence of coverage that 39581  
provides for the coverage of beneficiaries enrolled in the federal 39582  
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 39583  
an evidence of coverage that provides for the coverage of medicaid 39584  
recipients, ~~or an evidence of coverage that provides for coverage~~ 39585  
~~of participants of the children's buy in program,~~ or an evidence 39586  
of coverage that provides for the coverage of beneficiaries under 39587  
any other federal health care program regulated by a federal 39588  
regulatory body, or an evidence of coverage that provides for the 39589



coverage of beneficiaries under any contract covering officers or 39590  
employees of the state that has been entered into by the 39591  
department of administrative services, if both of the following 39592  
apply: 39593

(1) The evidence of coverage has been approved by the United 39594  
States department of health and human services, the United States 39595  
office of personnel management, the Ohio department of job and 39596  
family services, or the department of administrative services. 39597

(2) The evidence of coverage is filed with the superintendent 39598  
of insurance prior to use and is accompanied by documentation of 39599  
approval from the United States department of health and human 39600  
services, the United States office of personnel management, the 39601  
Ohio department of job and family services, or the department of 39602  
administrative services. 39603

**Sec. 1751.111.** (A)(1) This section applies to both of the 39604  
following: 39605

(a) A health insuring corporation that issues or requires the 39606  
use of a standardized identification card or an electronic 39607  
technology for submission and routing of prescription drug claims 39608  
pursuant to a policy, contract, or agreement for health care 39609  
services; 39610

(b) A person or entity that a health insuring corporation 39611  
contracts with to issue a standardized identification card or an 39612  
electronic technology described in division (A)(1)(a) of this 39613  
section. 39614

(2) Notwithstanding division (A)(1) of this section, this 39615  
section does not apply to the issuance or required use of a 39616  
standardized identification card or an electronic technology for 39617  
submission and routing of prescription drug claims in connection 39618  
with any of the following: 39619

(a) Coverage provided under the medicare advantage program operated pursuant to Part C of Title XVIII of the "Social Security Act," 49 Stat. 62 (1935), 42 U.S.C. 301, as amended.	39620 39621 39622
(b) Coverage provided under medicaid.	39623
(c) <del>Coverage provided under the children's buy-in program.</del>	39624
<del>(d)</del> Coverage provided under an employer's self-insurance plan or by any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of this section to the plan and its administrators.	39625 39626 39627 39628 39629
(B) A standardized identification card or an electronic technology issued or required to be used as provided in division (A)(1) of this section shall contain uniform prescription drug information in accordance with either division (B)(1) or (2) of this section.	39630 39631 39632 39633 39634
(1) The standardized identification card or the electronic technology shall be in a format and contain information fields approved by the national council for prescription drug programs or a successor organization, as specified in the council's or successor organization's pharmacy identification card implementation guide in effect on the first day of October most immediately preceding the issuance or required use of the standardized identification card or the electronic technology.	39635 39636 39637 39638 39639 39640 39641 39642
(2) If the health insuring corporation or the person under contract with the corporation to issue a standardized identification card or an electronic technology requires the information for the submission and routing of a claim, the standardized identification card or the electronic technology shall contain any of the following information:	39643 39644 39645 39646 39647 39648
(a) The health insuring corporation's name;	39649

(b) The subscriber's name, group number, and identification number; 39650  
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(c) A telephone number to inquire about pharmacy-related issues; 39652  
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(d) The issuer's international identification number, labeled as "ANSI BIN" or "RxBIN"; 39654  
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(e) The processor's control number, labeled as "RxPCN"; 39656

(f) The subscriber's pharmacy benefits group number if different from the subscriber's medical group number, labeled as "RxGrp." 39657  
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(C) If the standardized identification card or the electronic technology issued or required to be used as provided in division (A)(1) of this section is also used for submission and routing of nonpharmacy claims, the designation "Rx" is required to be included as part of the labels identified in divisions (B)(2)(d) and (e) of this section if the issuer's international identification number or the processor's control number is different for medical and pharmacy claims. 39660  
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(D) Each health insuring corporation described in division (A) of this section shall annually file a certificate with the superintendent of insurance certifying that it or any person it contracts with to issue a standardized identification card or electronic technology for submission and routing of prescription drug claims complies with this section. 39668  
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(E)(1) Except as provided in division (E)(2) of this section, if there is a change in the information contained in the standardized identification card or the electronic technology issued to a subscriber, the health insuring corporation or person under contract with the corporation to issue a standardized identification card or an electronic technology shall issue a new card or electronic technology to the subscriber. 39674  
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(2) A health insuring corporation or person under contract 39681  
with the corporation is not required under division (E)(1) of this 39682  
section to issue a new card or electronic technology to a 39683  
subscriber more than once during a twelve-month period. 39684

(F) Nothing in this section shall be construed as requiring a 39685  
health insuring corporation to produce more than one standardized 39686  
identification card or one electronic technology for use by 39687  
subscribers accessing health care benefits provided under a 39688  
policy, contract, or agreement for health care services. 39689

**Sec. 1751.12.** (A)(1) No contractual periodic prepayment and 39690  
no premium rate for nongroup and conversion policies for health 39691  
care services, or any amendment to them, may be used by any health 39692  
insuring corporation at any time until the contractual periodic 39693  
prepayment and premium rate, or amendment, have been filed with 39694  
the superintendent of insurance, and shall not be effective until 39695  
the expiration of sixty days after their filing unless the 39696  
superintendent sooner gives approval. The filing shall be 39697  
accompanied by an actuarial certification in the form prescribed 39698  
by the superintendent. The superintendent shall disapprove the 39699  
filing, if the superintendent determines within the sixty-day 39700  
period that the contractual periodic prepayment or premium rate, 39701  
or amendment, is not in accordance with sound actuarial principles 39702  
or is not reasonably related to the applicable coverage and 39703  
characteristics of the applicable class of enrollees. The 39704  
superintendent shall notify the health insuring corporation of the 39705  
disapproval, and it shall thereafter be unlawful for the health 39706  
insuring corporation to use the contractual periodic prepayment or 39707  
premium rate, or amendment. 39708

(2) No contractual periodic prepayment for group policies for 39709  
health care services shall be used until the contractual periodic 39710  
prepayment has been filed with the superintendent. The filing 39711

shall be accompanied by an actuarial certification in the form 39712  
prescribed by the superintendent. The superintendent may reject a 39713  
filing made under division (A)(2) of this section at any time, 39714  
with at least thirty days' written notice to a health insuring 39715  
corporation, if the contractual periodic prepayment is not in 39716  
accordance with sound actuarial principles or is not reasonably 39717  
related to the applicable coverage and characteristics of the 39718  
applicable class of enrollees. 39719

(3) At any time, the superintendent, upon at least thirty 39720  
days' written notice to a health insuring corporation, may 39721  
withdraw the approval given under division (A)(1) of this section, 39722  
deemed or actual, of any contractual periodic prepayment or 39723  
premium rate, or amendment, based on information that either of 39724  
the following applies: 39725

(a) The contractual periodic prepayment or premium rate, or 39726  
amendment, is not in accordance with sound actuarial principles. 39727

(b) The contractual periodic prepayment or premium rate, or 39728  
amendment, is not reasonably related to the applicable coverage 39729  
and characteristics of the applicable class of enrollees. 39730

(4) Any disapproval under division (A)(1) of this section, 39731  
any rejection of a filing made under division (A)(2) of this 39732  
section, or any withdrawal of approval under division (A)(3) of 39733  
this section, shall be effected by a written notice, which shall 39734  
state the specific basis for the disapproval, rejection, or 39735  
withdrawal and shall be issued in accordance with Chapter 119. of 39736  
the Revised Code. 39737

(B) Notwithstanding division (A) of this section, a health 39738  
insuring corporation may use a contractual periodic prepayment or 39739  
premium rate for policies used for the coverage of beneficiaries 39740  
enrolled in medicare pursuant to a medicare risk contract or 39741  
medicare cost contract, or for policies used for the coverage of 39742

beneficiaries enrolled in the federal employees health benefits 39743  
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 39744  
coverage of medicaid recipients, ~~or for policies used for coverage~~ 39745  
~~of participants of the children's buy in program,~~ or for policies 39746  
used for the coverage of beneficiaries under any other federal 39747  
health care program regulated by a federal regulatory body, or for 39748  
policies used for the coverage of beneficiaries under any contract 39749  
covering officers or employees of the state that has been entered 39750  
into by the department of administrative services, if both of the 39751  
following apply: 39752

(1) The contractual periodic prepayment or premium rate has 39753  
been approved by the United States department of health and human 39754  
services, the United States office of personnel management, the 39755  
department of job and family services, or the department of 39756  
administrative services. 39757

(2) The contractual periodic prepayment or premium rate is 39758  
filed with the superintendent prior to use and is accompanied by 39759  
documentation of approval from the United States department of 39760  
health and human services, the United States office of personnel 39761  
management, the department of job and family services, or the 39762  
department of administrative services. 39763

(C) The administrative expense portion of all contractual 39764  
periodic prepayment or premium rate filings submitted to the 39765  
superintendent for review must reflect the actual cost of 39766  
administering the product. The superintendent may require that the 39767  
administrative expense portion of the filings be itemized and 39768  
supported. 39769

(D)(1) Copayments must be reasonable and must not be a 39770  
barrier to the necessary utilization of services by enrollees. 39771

(2) A health insuring corporation, in order to ensure that 39772  
copayments are reasonable and not a barrier to the necessary 39773

utilization of basic health care services by enrollees, may do one 39774  
of the following: 39775

(a) Impose copayment charges on any single covered basic 39776  
health care service that does not exceed forty per cent of the 39777  
average cost to the health insuring corporation of providing the 39778  
service; 39779

(b) Impose copayment charges that annually do not exceed 39780  
twenty per cent of the total annual cost to the health insuring 39781  
corporation of providing all covered basic health care services, 39782  
including physician office visits, urgent care services, and 39783  
emergency health services, when aggregated as to all persons 39784  
covered under the filed product in question. In addition, annual 39785  
copayment charges as to each enrollee shall not exceed twenty per 39786  
cent of the total annual cost to the health insuring corporation 39787  
of providing all covered basic health care services, including 39788  
physician office visits, urgent care services, and emergency 39789  
health services, as to such enrollee. The total annual cost of 39790  
providing a health care service is the cost to the health insuring 39791  
corporation of providing the health care service to its enrollees 39792  
as reduced by any applicable provider discount. 39793

(3) To ensure that copayments are reasonable and not a 39794  
barrier to the utilization of basic health care services, a health 39795  
insuring corporation may not impose, in any contract year, on any 39796  
subscriber or enrollee, copayments that exceed two hundred per 39797  
cent of the average annual premium rate to subscribers or 39798  
enrollees. 39799

(4) For purposes of division (D) of this section, both of the 39800  
following apply: 39801

(a) Copayments imposed by health insuring corporations in 39802  
connection with a high deductible health plan that is linked to a 39803  
health savings account are reasonable and are not a barrier to the 39804

necessary utilization of services by enrollees. 39805

(b) Divisions (D)(2) and (3) of this section do not apply to 39806  
a high deductible health plan that is linked to a health savings 39807  
account. 39808

(E) A health insuring corporation shall not impose lifetime 39809  
maximums on basic health care services. However, a health insuring 39810  
corporation may establish a benefit limit for inpatient hospital 39811  
services that are provided pursuant to a policy, contract, 39812  
certificate, or agreement for supplemental health care services. 39813

(F) A health insuring corporation may require that an 39814  
enrollee pay an annual deductible that does not exceed one 39815  
thousand dollars per enrollee or two thousand dollars per family, 39816  
except that: 39817

(1) A health insuring corporation may impose higher 39818  
deductibles for high deductible health plans that are linked to 39819  
health savings accounts; 39820

(2) The superintendent may adopt rules allowing different 39821  
annual deductible amounts for plans with a medical savings 39822  
account, health reimbursement arrangement, flexible spending 39823  
account, or similar account; 39824

(3) A health insuring corporation may impose higher 39825  
deductibles under health plans if requested by the group contract, 39826  
policy, certificate, or agreement holder, or an individual seeking 39827  
coverage under an individual health plan. This shall not be 39828  
construed as requiring the health insuring corporation to create 39829  
customized health plans for group contract holders or individuals. 39830

(G) As used in this section, "health savings account" and 39831  
"high deductible health plan" have the same meanings as in the 39832  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 39833  
amended. 39834



**Sec. 1751.13.** (A)(1)(a) A health insuring corporation shall, 39835  
either directly or indirectly, enter into contracts for the 39836  
provision of health care services with a sufficient number and 39837  
types of providers and health care facilities to ensure that all 39838  
covered health care services will be accessible to enrollees from 39839  
a contracted provider or health care facility. 39840

(b) A health insuring corporation shall not refuse to 39841  
contract with a physician for the provision of health care 39842  
services or refuse to recognize a physician as a specialist on the 39843  
basis that the physician attended an educational program or a 39844  
residency program approved or certified by the American 39845  
osteopathic association. A health insuring corporation shall not 39846  
refuse to contract with a health care facility for the provision 39847  
of health care services on the basis that the health care facility 39848  
is certified or accredited by the American osteopathic association 39849  
or that the health care facility is an osteopathic hospital as 39850  
defined in section 3702.51 of the Revised Code. 39851

(c) Nothing in division (A)(1)(b) of this section shall be 39852  
construed to require a health insuring corporation to make a 39853  
benefit payment under a closed panel plan to a physician or health 39854  
care facility with which the health insuring corporation does not 39855  
have a contract, provided that none of the bases set forth in that 39856  
division are used as a reason for failing to make a benefit 39857  
payment. 39858

(2) When a health insuring corporation is unable to provide a 39859  
covered health care service from a contracted provider or health 39860  
care facility, the health insuring corporation must provide that 39861  
health care service from a noncontracted provider or health care 39862  
facility consistent with the terms of the enrollee's policy, 39863  
contract, certificate, or agreement. The health insuring 39864  
corporation shall either ensure that the health care service be 39865

provided at no greater cost to the enrollee than if the enrollee 39866  
had obtained the health care service from a contracted provider or 39867  
health care facility, or make other arrangements acceptable to the 39868  
superintendent of insurance. 39869

(3) Nothing in this section shall prohibit a health insuring 39870  
corporation from entering into contracts with out-of-state 39871  
providers or health care facilities that are licensed, certified, 39872  
accredited, or otherwise authorized in that state. 39873

(B)(1) A health insuring corporation shall, either directly 39874  
or indirectly, enter into contracts with all providers and health 39875  
care facilities through which health care services are provided to 39876  
its enrollees. 39877

(2) A health insuring corporation, upon written request, 39878  
shall assist its contracted providers in finding stop-loss or 39879  
reinsurance carriers. 39880

(C) A health insuring corporation shall file an annual 39881  
certificate with the superintendent certifying that all provider 39882  
contracts and contracts with health care facilities through which 39883  
health care services are being provided contain the following: 39884

(1) A description of the method by which the provider or 39885  
health care facility will be notified of the specific health care 39886  
services for which the provider or health care facility will be 39887  
responsible, including any limitations or conditions on such 39888  
services; 39889

(2) The specific hold harmless provision specifying 39890  
protection of enrollees set forth as follows: 39891

"[Provider/Health Care Facility] agrees that in no event, 39892  
including but not limited to nonpayment by the health insuring 39893  
corporation, insolvency of the health insuring corporation, or 39894  
breach of this agreement, shall [Provider/Health Care Facility] 39895  
bill, charge, collect a deposit from, seek remuneration or 39896

reimbursement from, or have any recourse against, a subscriber, 39897  
enrollee, person to whom health care services have been provided, 39898  
or person acting on behalf of the covered enrollee, for health 39899  
care services provided pursuant to this agreement. This does not 39900  
prohibit [Provider/Health Care Facility] from collecting 39901  
co-insurance, deductibles, or copayments as specifically provided 39902  
in the evidence of coverage, or fees for uncovered health care 39903  
services delivered on a fee-for-service basis to persons 39904  
referenced above, nor from any recourse against the health 39905  
insuring corporation or its successor." 39906

(3) Provisions requiring the provider or health care facility 39907  
to continue to provide covered health care services to enrollees 39908  
in the event of the health insuring corporation's insolvency or 39909  
discontinuance of operations. The provisions shall require the 39910  
provider or health care facility to continue to provide covered 39911  
health care services to enrollees as needed to complete any 39912  
medically necessary procedures commenced but unfinished at the 39913  
time of the health insuring corporation's insolvency or 39914  
discontinuance of operations. The completion of a medically 39915  
necessary procedure shall include the rendering of all covered 39916  
health care services that constitute medically necessary follow-up 39917  
care for that procedure. If an enrollee is receiving necessary 39918  
inpatient care at a hospital, the provisions may limit the 39919  
required provision of covered health care services relating to 39920  
that inpatient care in accordance with division (D)(3) of section 39921  
1751.11 of the Revised Code, and may also limit such required 39922  
provision of covered health care services to the period ending 39923  
thirty days after the health insuring corporation's insolvency or 39924  
discontinuance of operations. 39925

The provisions required by division (C)(3) of this section 39926  
shall not require any provider or health care facility to continue 39927  
to provide any covered health care service after the occurrence of 39928

any of the following:	39929
(a) The end of the thirty-day period following the entry of a liquidation order under Chapter 3903. of the Revised Code;	39930 39931
(b) The end of the enrollee's period of coverage for a contractual prepayment or premium;	39932 39933
(c) The enrollee obtains equivalent coverage with another health insuring corporation or insurer, or the enrollee's employer obtains such coverage for the enrollee;	39934 39935 39936
(d) The enrollee or the enrollee's employer terminates coverage under the contract;	39937 39938
(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.	39939 39940 39941
(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;	39942 39943 39944 39945 39946 39947 39948 39949
(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	39950 39951 39952 39953 39954 39955 39956 39957 39958 39959

complaints of enrollees, and requiring the provider or health care facility to comply with applicable state and federal laws related to the confidentiality of medical or health records. 39960  
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(6) A provision that states that contractual rights and responsibilities may not be assigned or delegated by the provider or health care facility without the prior written consent of the health insuring corporation; 39963  
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(7) A provision requiring the provider or health care facility to maintain adequate professional liability and malpractice insurance. The provision shall also require the provider or health care facility to notify the health insuring corporation not more than ten days after the provider's or health care facility's receipt of notice of any reduction or cancellation of such coverage. 39967  
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(8) A provision requiring the provider or health care facility to observe, protect, and promote the rights of enrollees as patients; 39974  
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(9) A provision requiring the provider or health care facility to provide health care services without discrimination on the basis of a patient's participation in the health care plan, age, sex, ethnicity, religion, sexual preference, health status, or disability, and without regard to the source of payments made for health care services rendered to a patient. This requirement shall not apply to circumstances when the provider or health care facility appropriately does not render services due to limitations arising from the provider's or health care facility's lack of training, experience, or skill, or due to licensing restrictions. 39977  
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(10) A provision containing the specifics of any obligation on the primary care provider to provide, or to arrange for the provision of, covered health care services twenty-four hours per day, seven days per week; 39987  
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(11) A provision setting forth procedures for the resolution of disputes arising out of the contract; 39991  
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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; 39993  
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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. 39999  
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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. 40002  
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(D)(1) No health insuring corporation contract with a provider or health care facility shall contain any of the following: 40013  
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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; 40016  
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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 40020  
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health insuring corporation's decision to deny or limit benefits 40022  
to the enrollee; 40023

(c) A provision that limits or otherwise restricts the 40024  
provider's or health care facility's ethical and legal 40025  
responsibility to fully advise enrollees about their medical 40026  
condition and about medically appropriate treatment options; 40027

(d) A provision that penalizes a provider or health care 40028  
facility for principally advocating for medically necessary health 40029  
care services; 40030

(e) A provision that penalizes a provider or health care 40031  
facility for providing information or testimony to a legislative 40032  
or regulatory body or agency. This shall not be construed to 40033  
prohibit a health insuring corporation from penalizing a provider 40034  
or health care facility that provides information or testimony 40035  
that is libelous or slanderous or that discloses trade secrets 40036  
which the provider or health care facility has no privilege or 40037  
permission to disclose. 40038

(f) A provision that violates Chapter 3963. of the Revised 40039  
Code. 40040

(2) Nothing in this division shall be construed to prohibit a 40041  
health insuring corporation from doing either of the following: 40042

(a) Making a determination not to reimburse or pay for a 40043  
particular medical treatment or other health care service; 40044

(b) Enforcing reasonable peer review or utilization review 40045  
protocols, or determining whether a particular provider or health 40046  
care facility has complied with these protocols. 40047

(E) Any contract between a health insuring corporation and an 40048  
intermediary organization shall clearly specify that the health 40049  
insuring corporation must approve or disapprove the participation 40050  
of any provider or health care facility with which the 40051

intermediary organization contracts. 40052

(F) If an intermediary organization that is not a health 40053  
delivery network contracting solely with self-insured employers 40054  
subcontracts with a provider or health care facility, the 40055  
subcontract with the provider or health care facility shall do all 40056  
of the following: 40057

(1) Contain the provisions required by divisions (C) and (G) 40058  
of this section, as made applicable to an intermediary 40059  
organization, without the inclusion of inducements or penalties 40060  
described in division (D) of this section; 40061

(2) Acknowledge that the health insuring corporation is a 40062  
third-party beneficiary to the agreement; 40063

(3) Acknowledge the health insuring corporation's role in 40064  
approving the participation of the provider or health care 40065  
facility, pursuant to division (E) of this section. 40066

(G) Any provider contract or contract with a health care 40067  
facility shall clearly specify the health insuring corporation's 40068  
statutory responsibility to monitor and oversee the offering of 40069  
covered health care services to its enrollees. 40070

(H)(1) A health insuring corporation shall maintain its 40071  
provider contracts and its contracts with health care facilities 40072  
at one or more of its places of business in this state, and shall 40073  
provide copies of these contracts to facilitate regulatory review 40074  
upon written notice by the superintendent of insurance. 40075

(2) Any contract with an intermediary organization that 40076  
accepts compensation shall include provisions requiring the 40077  
intermediary organization to provide the superintendent with 40078  
regulatory access to all books, records, financial information, 40079  
and documents related to the provision of health care services to 40080  
subscribers and enrollees under the contract. The contract shall 40081  
require the intermediary organization to maintain such books, 40082



records, financial information, and documents at its principal 40083  
place of business in this state and to preserve them for at least 40084  
three years in a manner that facilitates regulatory review. 40085

(I)(1) A health insuring corporation shall notify its 40086  
affected enrollees of the termination of a contract for the 40087  
provision of health care services between the health insuring 40088  
corporation and a primary care physician or hospital, by mail, 40089  
within thirty days after the termination of the contract. 40090

(a) Notice shall be given to subscribers of the termination 40091  
of a contract with a primary care physician if the subscriber, or 40092  
a dependent covered under the subscriber's health care coverage, 40093  
has received health care services from the primary care physician 40094  
within the previous twelve months or if the subscriber or 40095  
dependent has selected the physician as the subscriber's or 40096  
dependent's primary care physician within the previous twelve 40097  
months. 40098

(b) Notice shall be given to subscribers of the termination 40099  
of a contract with a hospital if the subscriber, or a dependent 40100  
covered under the subscriber's health care coverage, has received 40101  
health care services from that hospital within the previous twelve 40102  
months. 40103

(2) The health insuring corporation shall pay, in accordance 40104  
with the terms of the contract, for all covered health care 40105  
services rendered to an enrollee by a primary care physician or 40106  
hospital between the date of the termination of the contract and 40107  
five days after the notification of the contract termination is 40108  
mailed to a subscriber at the subscriber's last known address. 40109

(J) Divisions (A) and (B) of this section do not apply to any 40110  
health insuring corporation that, on June 4, 1997, holds a 40111  
certificate of authority or license to operate under Chapter 1740. 40112  
of the Revised Code. 40113

(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" 40144  
does not include group conversion coverage, coverage obtained 40145  
through open enrollment, or coverage issued on the basis of 40146  
membership in a group. 40147

(B) Except as provided in division (C) of this section, every 40148  
nongroup contract that is issued by a health insuring corporation 40149  
and that makes available basic health care services shall provide 40150  
an option for conversion to a contract issued on a direct-payment 40151  
basis to an enrollee covered by the nongroup contract. The option 40152  
for conversion shall be available: 40153

(1) Upon the death of the subscriber, to the surviving spouse 40154  
with respect to the spouse or dependents who were then covered by 40155  
the nongroup contract; 40156

(2) Upon the divorce, dissolution, or annulment of the 40157  
marriage of the subscriber, to the divorced spouse, or, in the 40158  
event of annulment, to the former spouse of the subscriber; 40159

(3) To a child solely with respect to the child, upon the 40160  
child's attaining the limiting age of coverage under the nongroup 40161  
contract while covered as a dependent under the contract. 40162

(C) The direct payment contract offered pursuant to division 40163  
(B) of this section shall not be made available to an enrollee if 40164  
any of the following applies: 40165

(1) The enrollee is, or is eligible to be, covered for 40166  
benefits at least comparable to the nongroup contract under any of 40167  
the following: 40168

(a) Medicaid; 40169

(b) ~~The children's buy-in program;~~ 40170

~~(c)~~ Medicare; 40171

~~(d)~~ (c) Any act of congress or law under this or any other 40172  
state of the United States providing coverage at least comparable 40173

to the benefits offered under division (C)(1)(a), or (b), ~~or (c)~~ 40174  
of this section. 40175

(2) The nongroup contract under which the enrollee was 40176  
covered was terminated due to nonpayment of a premium rate. 40177

(3) The enrollee is eligible for group coverage provided by, 40178  
or available through, an employer or association and the group 40179  
coverage provides benefits comparable to the benefits provided 40180  
under a direct payment contract. 40181

(D) The direct payment contract offered pursuant to division 40182  
(B) of this section shall provide benefits that are at least 40183  
comparable to the benefits provided by the nongroup contract under 40184  
which the enrollee was covered at the time of the occurrence of 40185  
any of the events set forth in division (B) of this section. The 40186  
coverage provided under the direct payment contract shall be 40187  
continuous, provided that the enrollee makes the required premium 40188  
rate payment within the thirty-day period immediately following 40189  
the occurrence of the event, and may be terminated for nonpayment 40190  
of any required premium rate payment. 40191

(E) The evidence of coverage of every nongroup contract shall 40192  
contain notice that an option for conversion to a contract issued 40193  
on a direct-payment basis is available, in accordance with this 40194  
section, to any enrollee covered by the contract. 40195

(F) Benefits otherwise payable to an enrollee under a direct 40196  
payment contract shall be reduced by the amount of any benefits 40197  
available to the enrollee under any applicable group health 40198  
insuring corporation contract or group sickness and accident 40199  
insurance policy. 40200

(G) Nothing in this section shall be construed as requiring a 40201  
health insuring corporation to offer nongroup contracts. 40202

(H) This section does not apply to any nongroup contract 40203  
offering only supplemental health care services or specialty 40204

health care services. 40205

**Sec. 1751.20.** (A) No health insuring corporation, or agent, 40206  
employee, or representative of a health insuring corporation, 40207  
shall use any advertisement or solicitation document, or shall 40208  
engage in any activity, that is unfair, untrue, misleading, or 40209  
deceptive. 40210

(B) No health insuring corporation shall use a name that is 40211  
deceptively similar to the name or description of any insurance or 40212  
surety corporation doing business in this state. 40213

(C) All solicitation documents, advertisements, evidences of 40214  
coverage, and enrollee identification cards used by a health 40215  
insuring corporation shall contain the health insuring 40216  
corporation's name. The use of a trade name, an insurance group 40217  
designation, the name of a parent company, the name of a division 40218  
of an affiliated insurance company, a service mark, a slogan, a 40219  
symbol, or other device, without the name of the health insuring 40220  
corporation as stated in its articles of incorporation, shall not 40221  
satisfy this requirement if the usage would have the capacity and 40222  
tendency to mislead or deceive persons as to the true identity of 40223  
the health insuring corporation. 40224

(D) No solicitation document or advertisement used by a 40225  
health insuring corporation shall contain any words, symbols, or 40226  
physical materials that are so similar in content, phraseology, 40227  
shape, color, or other characteristic to those used by an agency 40228  
of the federal government or this state, that prospective 40229  
enrollees may be led to believe that the solicitation document or 40230  
advertisement is connected with an agency of the federal 40231  
government or this state. 40232

(E) A health insuring corporation that provides basic health 40233  
care services may use the phrase "health maintenance organization" 40234  
or the abbreviation "HMO" in its marketing name, advertising, 40235

solicitation documents, or marketing literature, or in reference 40236  
to the phrase "doing business as" or the abbreviation "DBA." 40237

(F) This section does not apply to the coverage of 40238  
beneficiaries enrolled in medicare pursuant to a medicare risk 40239  
contract or medicare cost contract, or to the coverage of 40240  
beneficiaries enrolled in the federal employee health benefits 40241  
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 40242  
medicaid recipients, ~~or to the coverage of participants of the~~ 40243  
~~children's buy-in program,~~ or to the coverage of beneficiaries 40244  
under any federal health care program regulated by a federal 40245  
regulatory body, or to the coverage of beneficiaries under any 40246  
contract covering officers or employees of the state that has been 40247  
entered into by the department of administrative services. 40248

**Sec. 1751.31.** (A) Any changes in a health insuring 40249  
corporation's solicitation document shall be filed with the 40250  
superintendent of insurance. The superintendent, within sixty days 40251  
of filing, may disapprove any solicitation document or amendment 40252  
to it on any of the grounds stated in this section. Such 40253  
disapproval shall be effected by written notice to the health 40254  
insuring corporation. The notice shall state the grounds for 40255  
disapproval and shall be issued in accordance with Chapter 119. of 40256  
the Revised Code. 40257

(B) The solicitation document shall contain all information 40258  
necessary to enable a consumer to make an informed choice as to 40259  
whether or not to enroll in the health insuring corporation. The 40260  
information shall include a specific description of the health 40261  
care services to be available and the approximate number and type 40262  
of full-time equivalent medical practitioners. The information 40263  
shall be presented in the solicitation document in a manner that 40264  
is clear, concise, and intelligible to prospective applicants in 40265  
the proposed service area. 40266

(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 40299  
health insuring corporation's employees and agents. 40300

(F) Any person obligated for any part of a premium rate in 40301  
connection with an enrollment agreement, in addition to any right 40302  
otherwise available to revoke an offer, may cancel such agreement 40303  
within seventy-two hours after having signed the agreement or 40304  
offer to enroll. Cancellation occurs when written notice of the 40305  
cancellation is given to the health insuring corporation or its 40306  
agents or other representatives. A notice of cancellation mailed 40307  
to the health insuring corporation shall be considered to have 40308  
been filed on its postmark date. 40309

(G) Nothing in this section shall prohibit healthy lifestyle 40310  
programs. 40311

**Sec. 1751.34.** (A) Each health insuring corporation and each 40312  
applicant for a certificate of authority under this chapter shall 40313  
be subject to examination by the superintendent of insurance in 40314  
accordance with section 3901.07 of the Revised Code. Section 40315  
3901.07 of the Revised Code shall govern every aspect of the 40316  
examination, including the circumstances under and frequency with 40317  
which it is conducted, the authority of the superintendent and any 40318  
examiner or other person appointed by the superintendent, the 40319  
liability for the assessment of expenses incurred in conducting 40320  
the examination, and the remittance of the assessment to the 40321  
superintendent's examination fund. 40322

(B) The superintendent shall make an examination concerning 40323  
the matters subject to the superintendent's consideration in 40324  
section 1751.04 of the Revised Code as often as the superintendent 40325  
considers it necessary for the protection of the interests of the 40326  
people of this state. The expenses of such examinations shall be 40327  
assessed against the health insuring corporation being examined in 40328  
the manner in which expenses of examinations are assessed against 40329



an insurance company under section 3901.07 of the Revised Code. 40330  
Nothing in this division requires the superintendent to make an 40331  
examination of any of the following: 40332

(1) A health insuring corporation that covers solely medicaid 40333  
recipients; 40334

(2) A health insuring corporation that covers solely medicare 40335  
beneficiaries; 40336

(3) A health insuring corporation that covers solely medicaid 40337  
recipients and medicare beneficiaries; 40338

~~(4) A health insuring corporation that covers solely 40339  
participants of the children's buy in program; 40340~~

~~(5) A health insuring corporation that covers solely medicaid 40341  
recipients and participants of the children's buy in program; 40342~~

~~(6) A health insuring corporation that covers solely medicaid 40343  
recipients, medicare beneficiaries, and participants of the 40344  
children's buy in program. 40345~~

(C) An examination, pursuant to section 3901.07 of the 40346  
Revised Code, of an insurance company holding a certificate of 40347  
authority under this chapter to organize and operate a health 40348  
insuring corporation shall include an examination of the health 40349  
insuring corporation pursuant to this section and the examination 40350  
shall satisfy the requirements of divisions (A) and (B) of this 40351  
section. 40352

(D) The superintendent may conduct market conduct 40353  
examinations pursuant to section 3901.011 of the Revised Code of 40354  
any health insuring corporation as often as the superintendent 40355  
considers it necessary for the protection of the interests of 40356  
subscribers and enrollees. The expenses of such market conduct 40357  
examinations shall be assessed against the health insuring 40358  
corporation being examined. All costs, assessments, or fines 40359

collected under this division shall be paid into the state 40360  
treasury to the credit of the department of insurance operating 40361  
fund. 40362

**Sec. 1751.60.** (A) Except as provided for in divisions (E) and 40363  
(F) of this section, every provider or health care facility that 40364  
contracts with a health insuring corporation to provide health 40365  
care services to the health insuring corporation's enrollees or 40366  
subscribers shall seek compensation for covered services solely 40367  
from the health insuring corporation and not, under any 40368  
circumstances, from the enrollees or subscribers, except for 40369  
approved copayments and deductibles. 40370

(B) No subscriber or enrollee of a health insuring 40371  
corporation is liable to any contracting provider or health care 40372  
facility for the cost of any covered health care services, if the 40373  
subscriber or enrollee has acted in accordance with the evidence 40374  
of coverage. 40375

(C) Except as provided for in divisions (E) and (F) of this 40376  
section, every contract between a health insuring corporation and 40377  
provider or health care facility shall contain a provision 40378  
approved by the superintendent of insurance requiring the provider 40379  
or health care facility to seek compensation solely from the 40380  
health insuring corporation and not, under any circumstances, from 40381  
the subscriber or enrollee, except for approved copayments and 40382  
deductibles. 40383

(D) Nothing in this section shall be construed as preventing 40384  
a provider or health care facility from billing the enrollee or 40385  
subscriber of a health insuring corporation for noncovered 40386  
services. 40387

(E) Upon application by a health insuring corporation and a 40388  
provider or health care facility, the superintendent may waive the 40389  
requirements of divisions (A) and (C) of this section when, in 40390

addition to the reserve requirements contained in section 1751.28 40391  
of the Revised Code, the health insuring corporation provides 40392  
sufficient assurances to the superintendent that the provider or 40393  
health care facility has been provided with financial guarantees. 40394  
No waiver of the requirements of divisions (A) and (C) of this 40395  
section is effective as to enrollees or subscribers for whom the 40396  
health insuring corporation is compensated under a provider 40397  
agreement or risk contract entered into pursuant to Chapter 5111. 40398  
or 5115. of the Revised Code ~~or under the children's buy in~~ 40399  
~~program.~~ 40400

(F) The requirements of divisions (A) to (C) of this section 40401  
apply only to health care services provided to an enrollee or 40402  
subscriber prior to the effective date of a termination of a 40403  
contract between the health insuring corporation and the provider 40404  
or health care facility. 40405

**Sec. 1761.04.** (A) The licensing and operation of a credit 40406  
union share guaranty corporation is subject to the regulation of 40407  
the superintendent of insurance pursuant to Chapters 3901., 3903., 40408  
3905., 3925., 3927., 3929., 3937., 3941., and 3999. of the Revised 40409  
Code to the extent such laws are otherwise applicable and are not 40410  
in conflict with this chapter. 40411

(B) A credit union share guaranty corporation shall pay, by 40412  
the fifteenth day of April of each year, to the superintendent of 40413  
credit unions, an annual fee of one-half of one per cent of its 40414  
guarantee fund as shown by the corporation's last annual financial 40415  
report, but in no event shall such payment exceed ~~five~~ twenty-five 40416  
thousand dollars in any calendar year. 40417

(C) In addition to the specific powers and duties given the 40418  
superintendent of insurance and the superintendent of credit 40419  
unions under this chapter, the superintendents may independently, 40420  
pursuant to Chapter 119. of the Revised Code, adopt, amend, and 40421

rescind such rules as are necessary to implement the requirements 40422  
of this chapter. 40423

**Sec. 1776.83.** (A) A limited liability partnership and a 40424  
foreign limited liability partnership authorized to transact 40425  
business in this state shall file a biennial report in the office 40426  
of the secretary of state. The report shall contain all of the 40427  
following: 40428

(1) The name of the limited liability partnership and the 40429  
state or other jurisdiction under whose laws the foreign limited 40430  
liability partnership is formed; 40431

(2) The street address of the partnership's chief executive 40432  
office and, if the partnership's chief executive office is not in 40433  
this state, the street address of any office of the partnership in 40434  
this state; 40435

(3) If the partnership does not have an office in this state, 40436  
the name and street address of the partnership's current agent for 40437  
service of process. 40438

(B) A partnership shall file a biennial report between the 40439  
first day of April and the first day of July of each odd-numbered 40440  
year that follows the calendar year in which the partnership files 40441  
a statement of qualification or a foreign partnership becomes 40442  
authorized to transact business in this state. 40443

(C) The secretary of state may revoke the statement of 40444  
qualification of any partnership that fails to file a biennial 40445  
report when due or pay the required filing fee. To revoke a 40446  
statement, the secretary of state shall provide the partnership at 40447  
least sixty days' written notice of the intent to revoke, mailed 40448  
to the partnership at its chief executive office set forth in the 40449  
last filed statement of qualification or biennial report or sent 40450  
by electronic mail to the last electronic mail address provided to 40451

the secretary of state. The notice shall specify the report that 40452  
the partnership failed to file, the unpaid fee, and the effective 40453  
date of the revocation. The revocation is not effective if the 40454  
partnership files the report and pays the fee before the effective 40455  
date of the revocation. 40456

(D) A revocation under division (C) of this section affects 40457  
only a partnership's status as a limited liability partnership and 40458  
is not an event of dissolution of the partnership. 40459

(E) A partnership whose statement of qualification is revoked 40460  
may apply to the secretary of state for reinstatement within two 40461  
years after the effective date of the revocation. The application 40462  
for reinstatement shall state the name of the partnership, the 40463  
effective date of the revocation, and that the ground for 40464  
revocation either did not exist or has been corrected. 40465

(F) A reinstatement under division (E) of this section 40466  
relates back to and takes effect as of the effective date of the 40467  
revocation, and the partnership's status as a limited liability 40468  
partnership continues as if the revocation had never occurred. 40469

**Sec. 1785.06.** A professional association, within thirty days 40470  
after the thirtieth day of June in each even-numbered year, shall 40471  
furnish a statement to the secretary of state showing the names 40472  
and post-office addresses of all of the shareholders in the 40473  
association and certifying that all of the shareholders are duly 40474  
licensed, certificated, or otherwise legally authorized to render 40475  
within this state the same professional service for which the 40476  
association was organized or, in the case of a combination of 40477  
professional services described in division (B) of section 1785.01 40478  
of the Revised Code, to render within this state any of the 40479  
applicable types of professional services for which the 40480  
association was organized. This statement shall be made on a form 40481  
that the secretary of state shall prescribe, shall be signed by an 40482

officer of the association, and shall be filed in the office of 40483  
the secretary of state. 40484

If any professional association fails to file the biennial 40485  
statement within the time required by this section, the secretary 40486  
of state shall give notice of the failure by ~~certified~~ ordinary or 40487  
electronic mail, ~~return receipt requested~~, to the last known 40488  
physical or electronic address of the association or its agent. If 40489  
the biennial statement is not filed within thirty days after the 40490  
mailing of the notice, the secretary of state, upon the expiration 40491  
of that period, shall cancel the association's articles of 40492  
incorporation, give notice of the cancellation to the association 40493  
by ordinary or electronic mail sent to the last known physical or 40494  
electronic address of the association or its agent, and make a 40495  
notation of the cancellation on the records of the secretary of 40496  
state. 40497

A professional association whose articles have been canceled 40498  
pursuant to this section may be reinstated by filing an 40499  
application for reinstatement and the required biennial statement 40500  
or statements and by paying the reinstatement fee specified in 40501  
division (Q) of section 111.16 of the Revised Code. The rights, 40502  
privileges, and franchises of a professional association whose 40503  
articles have been reinstated are subject to section 1701.922 of 40504  
the Revised Code. The secretary of state shall inform the tax 40505  
commissioner of all cancellations and reinstatements under this 40506  
section. 40507

**Sec. 1901.02.** (A) The municipal courts established by section 40508  
1901.01 of the Revised Code have jurisdiction within the corporate 40509  
limits of their respective municipal corporations, or, for the 40510  
Clermont county municipal court, the Columbiana county municipal 40511  
court, and, effective January 1, 2008, the Erie county municipal 40512  
court, within the municipal corporation or unincorporated 40513

territory in which they are established, and are courts of record. 40514  
Each of the courts shall be styled 40515  
"..... municipal court," inserting 40516  
the name of the municipal corporation, except the following 40517  
courts, which shall be styled as set forth below: 40518

(1) The municipal court established in Chesapeake that shall 40519  
be styled and known as the "Lawrence county municipal court"; 40520

(2) The municipal court established in Cincinnati that shall 40521  
be styled and known as the "Hamilton county municipal court"; 40522

(3) The municipal court established in Ravenna that shall be 40523  
styled and known as the "Portage county municipal court"; 40524

(4) The municipal court established in Athens that shall be 40525  
styled and known as the "Athens county municipal court"; 40526

(5) The municipal court established in Columbus that shall be 40527  
styled and known as the "Franklin county municipal court"; 40528

(6) The municipal court established in London that shall be 40529  
styled and known as the "Madison county municipal court"; 40530

(7) The municipal court established in Newark that shall be 40531  
styled and known as the "Licking county municipal court"; 40532

(8) The municipal court established in Wooster that shall be 40533  
styled and known as the "Wayne county municipal court"; 40534

(9) The municipal court established in Wapakoneta that shall 40535  
be styled and known as the "Auglaize county municipal court"; 40536

(10) The municipal court established in Troy that shall be 40537  
styled and known as the "Miami county municipal court"; 40538

(11) The municipal court established in Bucyrus that shall be 40539  
styled and known as the "Crawford county municipal court"; 40540

(12) The municipal court established in Logan that shall be 40541  
styled and known as the "Hocking county municipal court"; 40542

- (13) The municipal court established in Urbana that shall be 40543  
styled and known as the "Champaign county municipal court"; 40544
- (14) The municipal court established in Jackson that shall be 40545  
styled and known as the "Jackson county municipal court"; 40546
- (15) The municipal court established in Springfield that 40547  
shall be styled and known as the "Clark county municipal court"; 40548
- (16) The municipal court established in Kenton that shall be 40549  
styled and known as the "Hardin county municipal court"; 40550
- (17) The municipal court established within Clermont county 40551  
in Batavia or in any other municipal corporation or unincorporated 40552  
territory within Clermont county that is selected by the 40553  
legislative authority of that court that shall be styled and known 40554  
as the "Clermont county municipal court"; 40555
- (18) The municipal court established in Wilmington that, 40556  
beginning July 1, 1992, shall be styled and known as the "Clinton 40557  
county municipal court"; 40558
- (19) The municipal court established in Port Clinton that 40559  
shall be styled and known as "the Ottawa county municipal court"; 40560
- (20) The municipal court established in Lancaster that, 40561  
beginning January 2, 2000, shall be styled and known as the 40562  
"Fairfield county municipal court"; 40563
- (21) The municipal court established within Columbiana county 40564  
in Lisbon or in any other municipal corporation or unincorporated 40565  
territory selected pursuant to division (I) of section 1901.021 of 40566  
the Revised Code, that shall be styled and known as the 40567  
"Columbiana county municipal court"; 40568
- (22) The municipal court established in Georgetown that, 40569  
beginning February 9, 2003, shall be styled and known as the 40570  
"Brown county municipal court"; 40571
- (23) The municipal court established in Mount Gilead that, 40572



beginning January 1, 2003, shall be styled and known as the 40573  
"Morrow county municipal court"; 40574

(24) The municipal court established in Greenville that, 40575  
beginning January 1, 2005, shall be styled and known as the "Darke 40576  
county municipal court"; 40577

(25) The municipal court established in Millersburg that, 40578  
beginning January 1, 2007, shall be styled and known as the 40579  
"Holmes county municipal court"; 40580

(26) The municipal court established in Carrollton that, 40581  
beginning January 1, 2007, shall be styled and known as the 40582  
"Carroll county municipal court"; 40583

(27) The municipal court established within Erie county in 40584  
Milan or established in any other municipal corporation or 40585  
unincorporated territory that is within Erie county, is within the 40586  
territorial jurisdiction of that court, and is selected by the 40587  
legislative authority of that court that, beginning January 1, 40588  
2008, shall be styled and known as the "Erie county municipal 40589  
court"; 40590

(28) The municipal court established in Ottawa that, 40591  
beginning January 1, 2011, shall be styled and known as the 40592  
"Putnam county municipal court"; 40593

(29) The municipal court established within Montgomery county 40594  
in any municipal corporation or unincorporated territory within 40595  
Montgomery county, except the municipal corporations of 40596  
Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, 40597  
Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton 40598  
and Butler, German, Harrison, Miami, and Washington townships, 40599  
that is selected by the legislative authority of that court and 40600  
that, beginning July 1, 2010, shall be styled and known as the 40601  
"Montgomery county municipal court." 40602

(B) In addition to the jurisdiction set forth in division (A) 40603

of this section, the municipal courts established by section 40604  
1901.01 of the Revised Code have jurisdiction as follows: 40605

The Akron municipal court has jurisdiction within Bath, 40606  
Richfield, and Springfield townships, and within the municipal 40607  
corporations of Fairlawn, Lakemore, and Mogadore, in Summit 40608  
county. 40609

The Alliance municipal court has jurisdiction within 40610  
Lexington, Marlboro, Paris, and Washington townships in Stark 40611  
county. 40612

The Ashland municipal court has jurisdiction within Ashland 40613  
county. 40614

The Ashtabula municipal court has jurisdiction within 40615  
Ashtabula, Plymouth, and Saybrook townships in Ashtabula county. 40616

The Athens county municipal court has jurisdiction within 40617  
Athens county. 40618

The Auglaize county municipal court has jurisdiction within 40619  
Auglaize county. 40620

The Avon Lake municipal court has jurisdiction within the 40621  
municipal corporations of Avon and Sheffield in Lorain county. 40622

The Barberton municipal court has jurisdiction within 40623  
Coventry, Franklin, and Green townships, within all of Copley 40624  
township except within the municipal corporation of Fairlawn, and 40625  
within the municipal corporations of Clinton and Norton, in Summit 40626  
county. 40627

The Bedford municipal court has jurisdiction within the 40628  
municipal corporations of Bedford Heights, Oakwood, Glenwillow, 40629  
Solon, Bentleyville, Chagrin Falls, Moreland Hills, Orange, 40630  
Warrensville Heights, North Randall, and Woodmere, and within 40631  
Warrensville and Chagrin Falls townships, in Cuyahoga county. 40632

The Bellefontaine municipal court has jurisdiction within 40633

Logan county. 40634

The Bellevue municipal court has jurisdiction within Lyme and 40635  
Sherman townships in Huron county and within York township in 40636  
Sandusky county. 40637

The Berea municipal court has jurisdiction within the 40638  
municipal corporations of Strongsville, Middleburgh Heights, Brook 40639  
Park, Westview, and Olmsted Falls, and within Olmsted township, in 40640  
Cuyahoga county. 40641

The Bowling Green municipal court has jurisdiction within the 40642  
municipal corporations of Bairdstown, Bloomdale, Bradner, Custar, 40643  
Cygnet, Grand Rapids, Haskins, Hoytville, Jerry City, Milton 40644  
Center, North Baltimore, Pemberville, Portage, Rising Sun, 40645  
Tontogany, Wayne, West Millgrove, and Weston, and within Bloom, 40646  
Center, Freedom, Grand Rapids, Henry, Jackson, Liberty, Middleton, 40647  
Milton, Montgomery, Plain, Portage, Washington, Webster, and 40648  
Weston townships in Wood county. 40649

Beginning February 9, 2003, the Brown county municipal court 40650  
has jurisdiction within Brown county. 40651

The Bryan municipal court has jurisdiction within Williams 40652  
county. 40653

The Cambridge municipal court has jurisdiction within 40654  
Guernsey county. 40655

The Campbell municipal court has jurisdiction within 40656  
Coitsville township in Mahoning county. 40657

The Canton municipal court has jurisdiction within Canton, 40658  
Lake, Nimishillen, Osnaburg, Pike, Plain, and Sandy townships in 40659  
Stark county. 40660

The Carroll county municipal court has jurisdiction within 40661  
Carroll county. 40662

The Celina municipal court has jurisdiction within Mercer 40663

county.	40664
The Champaign county municipal court has jurisdiction within Champaign county.	40665 40666
The Chardon municipal court has jurisdiction within Geauga county.	40667 40668
The Chillicothe municipal court has jurisdiction within Ross county.	40669 40670
The Circleville municipal court has jurisdiction within Pickaway county.	40671 40672
The Clark county municipal court has jurisdiction within Clark county.	40673 40674
The Clermont county municipal court has jurisdiction within Clermont county.	40675 40676
The Cleveland municipal court has jurisdiction within the municipal corporation of Bratenahl in Cuyahoga county.	40677 40678
Beginning July 1, 1992, the Clinton county municipal court has jurisdiction within Clinton county.	40679 40680
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.	40681 40682 40683 40684
The Coshocton municipal court has jurisdiction within Coshocton county.	40685 40686
The Crawford county municipal court has jurisdiction within Crawford county.	40687 40688
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,	40689 40690 40691 40692

Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg, 40693  
and Macedonia, in Summit county. 40694

Beginning January 1, 2005, the Darke county municipal court 40695  
has jurisdiction within Darke county except within the municipal 40696  
corporation of Bradford. 40697

The Defiance municipal court has jurisdiction within Defiance 40698  
county. 40699

The Delaware municipal court has jurisdiction within Delaware 40700  
county. 40701

The East Liverpool municipal court has jurisdiction within 40702  
Liverpool and St. Clair townships in Columbiana county. 40703

The Eaton municipal court has jurisdiction within Preble 40704  
county. 40705

The Elyria municipal court has jurisdiction within the 40706  
municipal corporations of Grafton, LaGrange, and North Ridgeville, 40707  
and within Elyria, Carlisle, Eaton, Columbia, Grafton, and 40708  
LaGrange townships, in Lorain county. 40709

Beginning January 1, 2008, the Erie county municipal court 40710  
has jurisdiction within Erie county except within the townships of 40711  
Florence, Huron, Perkins, and Vermilion and the municipal 40712  
corporations of Bay View, Castalia, Huron, Sandusky, and 40713  
Vermilion. 40714

The Fairborn municipal court has jurisdiction within the 40715  
municipal corporation of Beavercreek and within Bath and 40716  
Beavercreek townships in Greene county. 40717

Beginning January 2, 2000, the Fairfield county municipal 40718  
court has jurisdiction within Fairfield county. 40719

The Findlay municipal court has jurisdiction within all of 40720  
Hancock county except within Washington township. 40721

The Fostoria municipal court has jurisdiction within Loudon 40722

and Jackson townships in Seneca county, within Washington township 40723  
in Hancock county, and within Perry township, except within the 40724  
municipal corporation of West Millgrove, in Wood county. 40725

The Franklin municipal court has jurisdiction within Franklin 40726  
township in Warren county. 40727

The Franklin county municipal court has jurisdiction within 40728  
Franklin county. 40729

The Fremont municipal court has jurisdiction within Ballville 40730  
and Sandusky townships in Sandusky county. 40731

The Gallipolis municipal court has jurisdiction within Gallia 40732  
county. 40733

The Garfield Heights municipal court has jurisdiction within 40734  
the municipal corporations of Maple Heights, Walton Hills, Valley 40735  
View, Cuyahoga Heights, Newburgh Heights, Independence, and 40736  
Brecksville in Cuyahoga county. 40737

The Girard municipal court has jurisdiction within Liberty, 40738  
Vienna, and Hubbard townships in Trumbull county. 40739

The Hamilton municipal court has jurisdiction within Ross and 40740  
St. Clair townships in Butler county. 40741

The Hamilton county municipal court has jurisdiction within 40742  
Hamilton county. 40743

The Hardin county municipal court has jurisdiction within 40744  
Hardin county. 40745

The Hillsboro municipal court has jurisdiction within all of 40746  
Highland county except within Madison township. 40747

The Hocking county municipal court has jurisdiction within 40748  
Hocking county. 40749

The Holmes county municipal court has jurisdiction within 40750  
Holmes county. 40751

The Huron municipal court has jurisdiction within all of 40752  
Huron township in Erie county except within the municipal 40753  
corporation of Sandusky. 40754

The Ironton municipal court has jurisdiction within Aid, 40755  
Decatur, Elizabeth, Hamilton, Lawrence, Upper, and Washington 40756  
townships in Lawrence county. 40757

The Jackson county municipal court has jurisdiction within 40758  
Jackson county. 40759

The Kettering municipal court has jurisdiction within the 40760  
municipal corporations of Centerville and Moraine, and within 40761  
Washington township, in Montgomery county. 40762

Until January 2, 2000, the Lancaster municipal court has 40763  
jurisdiction within Fairfield county. 40764

The Lawrence county municipal court has jurisdiction within 40765  
the townships of Fayette, Mason, Perry, Rome, Symmes, Union, and 40766  
Windsor in Lawrence county. 40767

The Lebanon municipal court has jurisdiction within 40768  
Turtlecreek township in Warren county. 40769

The Licking county municipal court has jurisdiction within 40770  
Licking county. 40771

The Lima municipal court has jurisdiction within Allen 40772  
county. 40773

The Lorain municipal court has jurisdiction within the 40774  
municipal corporation of Sheffield Lake, and within Sheffield 40775  
township, in Lorain county. 40776

The Lyndhurst municipal court has jurisdiction within the 40777  
municipal corporations of Mayfield Heights, Gates Mills, Mayfield, 40778  
Highland Heights, and Richmond Heights in Cuyahoga county. 40779

The Madison county municipal court has jurisdiction within 40780  
Madison county. 40781

The Mansfield municipal court has jurisdiction within 40782  
Madison, Springfield, Sandusky, Franklin, Weller, Mifflin, Troy, 40783  
Washington, Monroe, Perry, Jefferson, and Worthington townships, 40784  
and within sections 35-36-31 and 32 of Butler township, in 40785  
Richland county. 40786

The Marietta municipal court has jurisdiction within 40787  
Washington county. 40788

The Marion municipal court has jurisdiction within Marion 40789  
county. 40790

The Marysville municipal court has jurisdiction within Union 40791  
county. 40792

The Mason municipal court has jurisdiction within Deerfield 40793  
township in Warren county. 40794

The Massillon municipal court has jurisdiction within 40795  
Bethlehem, Perry, Sugar Creek, Tuscarawas, Lawrence, and Jackson 40796  
townships in Stark county. 40797

The Maumee municipal court has jurisdiction within the 40798  
municipal corporations of Waterville and Whitehouse, within 40799  
Waterville and Providence townships, and within those portions of 40800  
Springfield, Monclova, and Swanton townships lying south of the 40801  
northerly boundary line of the Ohio turnpike, in Lucas county. 40802

The Medina municipal court has jurisdiction within the 40803  
municipal corporations of Briarwood Beach, Brunswick, 40804  
Chippewa-on-the-Lake, and Spencer and within the townships of 40805  
Brunswick Hills, Chatham, Granger, Hinckley, Lafayette, 40806  
Litchfield, Liverpool, Medina, Montville, Spencer, and York 40807  
townships, in Medina county. 40808

The Mentor municipal court has jurisdiction within the 40809  
municipal corporation of Mentor-on-the-Lake in Lake county. 40810

The Miami county municipal court has jurisdiction within 40811



Miami county and within the part of the municipal corporation of 40812  
Bradford that is located in Darke county. 40813

The Miamisburg municipal court has jurisdiction within the 40814  
municipal corporations of Germantown and West Carrollton, and 40815  
within German and Miami townships in Montgomery county. 40816

The Middletown municipal court has jurisdiction within 40817  
Madison township, and within all of Lemon township, except within 40818  
the municipal corporation of Monroe, in Butler county. 40819

Beginning July 1, 2010, the Montgomery county municipal court 40820  
has jurisdiction within all of Montgomery county except for the 40821  
municipal corporations of Centerville, Clayton, Dayton, Englewood, 40822  
Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, 40823  
Vandalia, and West Carrollton and Butler, German, Harrison, Miami, 40824  
and Washington townships. 40825

Beginning January 1, 2003, the Morrow county municipal court 40826  
has jurisdiction within Morrow county. 40827

The Mount Vernon municipal court has jurisdiction within Knox 40828  
county. 40829

The Napoleon municipal court has jurisdiction within Henry 40830  
county. 40831

The New Philadelphia municipal court has jurisdiction within 40832  
the municipal corporation of Dover, and within Auburn, Bucks, 40833  
Fairfield, Goshen, Jefferson, Warren, York, Dover, Franklin, 40834  
Lawrence, Sandy, Sugarcreek, and Wayne townships in Tuscarawas 40835  
county. 40836

The Newton Falls municipal court has jurisdiction within 40837  
Bristol, Bloomfield, Lordstown, Newton, Braceville, Southington, 40838  
Farmington, and Mesopotamia townships in Trumbull county. 40839

The Niles municipal court has jurisdiction within the 40840  
municipal corporation of McDonald, and within Weathersfield 40841

township in Trumbull county. 40842

The Norwalk municipal court has jurisdiction within all of 40843  
Huron county except within the municipal corporation of Bellevue 40844  
and except within Lyme and Sherman townships. 40845

The Oberlin municipal court has jurisdiction within the 40846  
municipal corporations of Amherst, Kipton, Rochester, South 40847  
Amherst, and Wellington, and within Henrietta, Russia, Camden, 40848  
Pittsfield, Brighton, Wellington, Penfield, Rochester, and 40849  
Huntington townships, and within all of Amherst township except 40850  
within the municipal corporation of Lorain, in Lorain county. 40851

The Oregon municipal court has jurisdiction within the 40852  
municipal corporation of Harbor View, and within Jerusalem 40853  
township, in Lucas county, and north within Maumee Bay and Lake 40854  
Erie to the boundary line between Ohio and Michigan between the 40855  
easterly boundary of the court and the easterly boundary of the 40856  
Toledo municipal court. 40857

The Ottawa county municipal court has jurisdiction within 40858  
Ottawa county. 40859

The Painesville municipal court has jurisdiction within 40860  
Painesville, Perry, Leroy, Concord, and Madison townships in Lake 40861  
county. 40862

The Parma municipal court has jurisdiction within the 40863  
municipal corporations of Parma Heights, Brooklyn, Linndale, North 40864  
Royalton, Broadview Heights, Seven Hills, and Brooklyn Heights in 40865  
Cuyahoga county. 40866

The Perrysburg municipal court has jurisdiction within the 40867  
municipal corporations of Luckey, Millbury, Northwood, Rossford, 40868  
and Walbridge, and within Perrysburg, Lake, and Troy townships, in 40869  
Wood county. 40870

The Portage county municipal court has jurisdiction within 40871

Portage county.	40872
The Portsmouth municipal court has jurisdiction within Scioto county.	40873 40874
The Putnam county municipal court has jurisdiction within Putnam county.	40875 40876
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.	40877 40878 40879 40880
The Sandusky municipal court has jurisdiction within the municipal corporations of Castalia and Bay View, and within Perkins township, in Erie county.	40881 40882 40883
The Shaker Heights municipal court has jurisdiction within the municipal corporations of University Heights, Beachwood, Pepper Pike, and Hunting Valley in Cuyahoga county.	40884 40885 40886
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.	40887 40888 40889 40890
The Sidney municipal court has jurisdiction within Shelby county.	40891 40892
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.	40893 40894 40895 40896 40897 40898
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.	40899 40900 40901

The Sylvania municipal court has jurisdiction within the 40902  
municipal corporations of Berkey and Holland, and within Sylvania, 40903  
Richfield, Spencer, and Harding townships, and within those 40904  
portions of Swanton, Monclova, and Springfield townships lying 40905  
north of the northerly boundary line of the Ohio turnpike, in 40906  
Lucas county. 40907

The Tiffin municipal court has jurisdiction within Adams, Big 40908  
Spring, Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, 40909  
Scipio, Seneca, Thompson, and Venice townships in Seneca county. 40910

The Toledo municipal court has jurisdiction within Washington 40911  
township, and within the municipal corporation of Ottawa Hills, in 40912  
Lucas county. 40913

The Upper Sandusky municipal court has jurisdiction within 40914  
Wyandot county. 40915

The Vandalia municipal court has jurisdiction within the 40916  
municipal corporations of Clayton, Englewood, and Union, and 40917  
within Butler, Harrison, and Randolph townships, in Montgomery 40918  
county. 40919

The Van Wert municipal court has jurisdiction within Van Wert 40920  
county. 40921

The Vermilion municipal court has jurisdiction within the 40922  
townships of Vermilion and Florence in Erie county and within all 40923  
of Brownhelm township except within the municipal corporation of 40924  
Lorain, in Lorain county. 40925

The Wadsworth municipal court has jurisdiction within the 40926  
municipal corporations of Gloria Glens Park, Lodi, Seville, and 40927  
Westfield Center, and within Guilford, Harrisville, Homer, Sharon, 40928  
Wadsworth, and Westfield townships in Medina county. 40929

The Warren municipal court has jurisdiction within Warren and 40930  
Champion townships, and within all of Howland township except 40931

within the municipal corporation of Niles, in Trumbull county. 40932

The Washington Court House municipal court has jurisdiction 40933  
within Fayette county. 40934

The Wayne county municipal court has jurisdiction within 40935  
Wayne county. 40936

The Willoughby municipal court has jurisdiction within the 40937  
municipal corporations of Eastlake, Wickliffe, Willowick, 40938  
Willoughby Hills, Kirtland, Kirtland Hills, Waite Hill, 40939  
Timberlake, and Lakeline, and within Kirtland township, in Lake 40940  
county. 40941

Through June 30, 1992, the Wilmington municipal court has 40942  
jurisdiction within Clinton county. 40943

The Xenia municipal court has jurisdiction within 40944  
Caesarcreek, Cedarville, Jefferson, Miami, New Jasper, Ross, 40945  
Silvercreek, Spring Valley, Sugarcreek, and Xenia townships in 40946  
Greene county. 40947

(C) As used in this section: 40948

(1) "Within a township" includes all land, including, but not 40949  
limited to, any part of any municipal corporation, that is 40950  
physically located within the territorial boundaries of that 40951  
township, whether or not that land or municipal corporation is 40952  
governmentally a part of the township. 40953

(2) "Within a municipal corporation" includes all land within 40954  
the territorial boundaries of the municipal corporation and any 40955  
townships that are coextensive with the municipal corporation. 40956

**Sec. 1901.06.** A municipal judge during the judge's term of 40957  
office shall be a qualified elector and a resident of the 40958  
territory of the court to which the judge is elected or appointed. 40959  
A municipal judge shall have been admitted to the practice of law 40960  
in this state and shall have been, for a total of at least six 40961

years preceding appointment or the commencement of the judge's 40962  
term, engaged in the practice of law ~~in this state~~ or served as a 40963  
judge of a court of record in any jurisdiction in the United 40964  
States, or both. At least two of the years of practice or service 40965  
that qualify a judge shall have been in this state. 40966

Except as provided in section 1901.08 of the Revised Code, 40967  
the first election of any newly created office of a municipal 40968  
judge shall be held at the next regular municipal election 40969  
occurring not less than one hundred days after the creation of the 40970  
office. Except as otherwise provided in division (G) of section 40971  
1901.01 of the Revised Code, the institution of a new municipal 40972  
court shall take place on the first day of January next after the 40973  
first election for the court. 40974

**Sec. 1901.18.** (A) Except as otherwise provided in this 40975  
division or section 1901.181 of the Revised Code, subject to the 40976  
monetary jurisdiction of municipal courts as set forth in section 40977  
1901.17 of the Revised Code, a municipal court has original 40978  
jurisdiction within its territory in all of the following actions 40979  
or proceedings and to perform all of the following functions: 40980

(1) In any civil action, of whatever nature or remedy, of 40981  
which judges of county courts have jurisdiction; 40982

(2) In any action or proceeding at law for the recovery of 40983  
money or personal property of which the court of common pleas has 40984  
jurisdiction; 40985

(3) In any action at law based on contract, to determine, 40986  
preserve, and enforce all legal and equitable rights involved in 40987  
the contract, to decree an accounting, reformation, or 40988  
cancellation of the contract, and to hear and determine all legal 40989  
and equitable remedies necessary or proper for a complete 40990  
determination of the rights of the parties to the contract; 40991

(4) In any action or proceeding for the sale of personal 40992  
property under chattel mortgage, lien, encumbrance, or other 40993  
charge, for the foreclosure and marshalling of liens on personal 40994  
property of that nature, and for the rendering of personal 40995  
judgment in the action or proceeding; 40996

(5) In any action or proceeding to enforce the collection of 40997  
its own judgments or the judgments rendered by any court within 40998  
the territory to which the municipal court has succeeded, and to 40999  
subject the interest of a judgment debtor in personal property to 41000  
satisfy judgments enforceable by the municipal court; 41001

(6) In any action or proceeding in the nature of 41002  
interpleader; 41003

(7) In any action of replevin; 41004

(8) In any action of forcible entry and detainer; 41005

(9) In any action concerning the issuance and enforcement of 41006  
temporary protection orders pursuant to section 2919.26 of the 41007  
Revised Code or protection orders pursuant to section 2903.213 of 41008  
the Revised Code or the enforcement of protection orders issued by 41009  
courts of another state, as defined in section 2919.27 of the 41010  
Revised Code; 41011

(10) If the municipal court has a housing or environmental 41012  
division, in any action over which the division is given 41013  
jurisdiction by section 1901.181 of the Revised Code, provided 41014  
that, except as specified in division (B) of that section, no 41015  
judge of the court other than the judge of the division shall hear 41016  
or determine any action over which the division has jurisdiction; 41017

(11) In any action brought pursuant to division (I) of 41018  
section ~~3733.11~~ 4781.40 of the Revised Code, if the residential 41019  
premises that are the subject of the action are located within the 41020  
territorial jurisdiction of the court; 41021

(12) In any civil action as described in division (B)(1) of 41022  
section 3767.41 of the Revised Code that relates to a public 41023  
nuisance, and, to the extent any provision of this chapter 41024  
conflicts or is inconsistent with a provision of that section, the 41025  
provision of that section shall control in the civil action. 41026

(B) The Cleveland municipal court also shall have 41027  
jurisdiction within its territory in all of the following actions 41028  
or proceedings and to perform all of the following functions: 41029

(1) In all actions and proceedings for the sale of real 41030  
property under lien of a judgment of the municipal court or a lien 41031  
for machinery, material, or fuel furnished or labor performed, 41032  
irrespective of amount, and, in those actions and proceedings, the 41033  
court may proceed to foreclose and marshal all liens and all 41034  
vested or contingent rights, to appoint a receiver, and to render 41035  
personal judgment irrespective of amount in favor of any party. 41036

(2) In all actions for the foreclosure of a mortgage on real 41037  
property given to secure the payment of money or the enforcement 41038  
of a specific lien for money or other encumbrance or charge on 41039  
real property, when the amount claimed by the plaintiff does not 41040  
exceed fifteen thousand dollars and the real property is situated 41041  
within the territory, and, in those actions, the court may proceed 41042  
to foreclose all liens and all vested and contingent rights and 41043  
may proceed to render judgments and make findings and orders 41044  
between the parties in the same manner and to the same extent as 41045  
in similar actions in the court of common pleas. 41046

(3) In all actions for the recovery of real property situated 41047  
within the territory to the same extent as courts of common pleas 41048  
have jurisdiction; 41049

(4) In all actions for injunction to prevent or terminate 41050  
violations of the ordinances and regulations of the city of 41051  
Cleveland enacted or promulgated under the police power of the 41052



city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 41053  
Constitution, over which the court of common pleas has or may have 41054  
jurisdiction, and, in those actions, the court may proceed to 41055  
render judgments and make findings and orders in the same manner 41056  
and to the same extent as in similar actions in the court of 41057  
common pleas. 41058

**Sec. 1901.261.** (A)(1) A municipal court may determine that 41059  
for the efficient operation of the court additional funds are 41060  
required to computerize the court, to make available computerized 41061  
legal research services, or to do both. Upon making a 41062  
determination that additional funds are required for either or 41063  
both of those purposes, the court shall include in its schedule of 41064  
fees and costs under section 1901.26 of the Revised Code one 41065  
additional fee not to exceed three dollars on the filing of each 41066  
cause of action or appeal equivalent to one described in division 41067  
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 41068  
direct the clerk of the court to charge the fee. 41069

(2) All fees collected under this section shall be paid to 41070  
the county treasurer if the court is a county-operated municipal 41071  
court or to the city treasurer if the court is not a 41072  
county-operated municipal court. The treasurer shall place the 41073  
funds from the fees in a separate fund to be disbursed upon an 41074  
order of the court, subject to an appropriation by the board of 41075  
county commissioners if the court is a county-operated municipal 41076  
court or by the legislative authority of the municipal corporation 41077  
if the court is not a county-operated municipal court, in an 41078  
amount not greater than the actual cost to the court of 41079  
computerizing the court, procuring and maintaining computerized 41080  
legal research services, or both. 41081

(3) If the court determines that the funds in the fund 41082  
described in division (A)(2) of this section are more than 41083

sufficient to satisfy the purpose for which the additional fee 41084  
described in division (A)(1) of this section was imposed, the 41085  
court may declare a surplus in the fund and, subject to an 41086  
appropriation by the board of county commissioners if the court is 41087  
a county-operated municipal court or by the legislative authority 41088  
of the municipal corporation if the court is not a county-operated 41089  
municipal court, expend those surplus funds for other appropriate 41090  
technological expenses of the court. 41091

(B)(1) A municipal court may determine that, for the 41092  
efficient operation of the court, additional funds are required to 41093  
computerize the office of the clerk of the court and, upon that 41094  
determination, may include in its schedule of fees and costs under 41095  
section 1901.26 of the Revised Code an additional fee not to 41096  
exceed ten dollars on the filing of each cause of action or 41097  
appeal, on the filing, docketing, and endorsing of each 41098  
certificate of judgment, or on the docketing and indexing of each 41099  
aid in execution or petition to vacate, revive, or modify a 41100  
judgment that is equivalent to one described in division (A), (P), 41101  
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 41102  
to division (B)(2) of this section, all moneys collected under 41103  
division (B)(1) of this section shall be paid to the county 41104  
treasurer if the court is a county-operated municipal court or to 41105  
the city treasurer if the court is not a county-operated municipal 41106  
court. The treasurer shall place the funds from the fees in a 41107  
separate fund to be disbursed, upon an order of the municipal 41108  
court and subject to an appropriation by the board of county 41109  
commissioners if the court is a county-operated municipal court or 41110  
by the legislative authority of the municipal corporation if the 41111  
court is not a county-operated municipal court, in an amount no 41112  
greater than the actual cost to the court of procuring and 41113  
maintaining computer systems for the office of the clerk of the 41114  
municipal court. 41115

(2) If a municipal court makes the determination described in 41116  
division (B)(1) of this section, the board of county commissioners 41117  
of the county if the court is a county-operated municipal court or 41118  
the legislative authority of the municipal corporation if the 41119  
court is not a county-operated municipal court, may issue one or 41120  
more general obligation bonds for the purpose of procuring and 41121  
maintaining the computer systems for the office of the clerk of 41122  
the municipal court. In addition to the purposes stated in 41123  
division (B)(1) of this section for which the moneys collected 41124  
under that division may be expended, the moneys additionally may 41125  
be expended to pay debt charges and financing costs related to any 41126  
general obligation bonds issued pursuant to division (B)(2) of 41127  
this section as they become due. General obligation bonds issued 41128  
pursuant to division (B)(2) of this section are Chapter 133. 41129  
securities. 41130

**Sec. 1901.262.** (A) A municipal court may establish by rule 41131  
procedures for the resolution of disputes between parties. Any 41132  
procedures so adopted shall include, but are not limited to, 41133  
mediation. If the court establishes any procedures under this 41134  
division, the court may include in the court's schedule of fees 41135  
and costs under section 1901.26 of the Revised Code a reasonable 41136  
fee, that is to be collected on the filing of each civil or 41137  
criminal action or proceeding, and that is to be used to implement 41138  
the procedures, and the court shall direct the clerk of the court 41139  
to charge the fee. 41140

(B) All fees collected under division (A) of this section 41141  
shall be paid to the county treasurer if the court is a 41142  
county-operated municipal court or to the city treasurer if the 41143  
court is not a county-operated municipal court. The treasurer 41144  
shall place the funds from the fees in a separate fund to be 41145  
disbursed upon an order of the court, subject to an appropriation 41146  
by the board of county commissioners if the court is a 41147

county-operated municipal court or by the legislative authority of 41148  
the municipal corporation if the court is not a county-operated 41149  
municipal court. 41150

(C) If the court determines that the amount of the moneys in 41151  
the fund described in division (B) of this section is more than 41152  
the amount sufficient to satisfy the purpose for which the 41153  
additional fee described in division (A) of this section was 41154  
imposed, the court may declare a surplus in the fund and, subject 41155  
to an appropriation by the board of county commissioners if the 41156  
court is a county-operated municipal court or by the legislative 41157  
authority of the municipal corporation if the court is not a 41158  
county-operated municipal court, expend the surplus moneys for 41159  
other appropriate expenses of the court. 41160

**Sec. 1901.41.** (A) Notwithstanding ~~section~~ sections 149.381 41161  
and 149.39 of the Revised Code and subject to division (E) of this 41162  
section, each municipal court, by rule, may order the destruction 41163  
or other disposition of the files of cases that have been finally 41164  
disposed of by the court for at least five years as follows: 41165

(1) If a case has been finally disposed of for at least five 41166  
years, but less than fifteen years prior to the adoption of the 41167  
rule of court for destruction or other disposition of the files, 41168  
the court may order the files destroyed or otherwise disposed of 41169  
only if the court first complies with division (B)(1) of this 41170  
section; 41171

(2) If a case has been finally disposed of for fifteen years 41172  
or more prior to the adoption of the rule of court for destruction 41173  
or other disposition of the files, the court may order the files 41174  
destroyed or otherwise disposed of without having copied or 41175  
reproduced the files prior to their destruction. 41176

(B)(1) Except as otherwise provided in this division, all 41177  
files destroyed or otherwise disposed of under division (A)(1) of 41178

this section shall be copied or reproduced prior to their 41179  
destruction or disposition in the manner and according to the 41180  
procedure prescribed in section 9.01 of the Revised Code. The 41181  
copies or reproductions of the files made pursuant to section 9.01 41182  
of the Revised Code shall be retained and preserved by the court 41183  
for a period of ten years after the destruction of the original 41184  
files in accordance with this section, after which the copies or 41185  
reproductions themselves may be destroyed or otherwise disposed 41186  
of. 41187

Files destroyed or otherwise disposed of under division 41188  
(A)(1) of this section that are solely concerned with criminal 41189  
prosecutions for minor misdemeanor offenses or that are concerned 41190  
solely with minor misdemeanor traffic prosecutions do not have to 41191  
be copied or reproduced in any manner or under any procedure prior 41192  
to their destruction or disposition as provided in this section. 41193

(2) Files destroyed or otherwise disposed of under division 41194  
(A)(2) of this section do not have to be copied or reproduced in 41195  
any manner or under any procedure prior to their destruction or 41196  
disposition. 41197

(C) Nothing in this section permits or shall be construed as 41198  
permitting the destruction or other disposition of the files in 41199  
the Cleveland municipal court of cases involving the following 41200  
actions and proceedings: 41201

(1) The sale of real property in an action to foreclose and 41202  
marshal all liens on the real property; 41203

(2) The sale of real property in an action to foreclose a 41204  
mortgage on the real property; 41205

(3) The determination of rights in the title to real property 41206  
either in the form of a creditor's bill or in any other action 41207  
intended to determine or adjudicate the right, title, and interest 41208  
of a person or persons in the ownership of a parcel or parcels of 41209

real property or any interest therein. 41210

(D) All dockets, indexes, journals, and cash books of the 41211  
court shall be retained and preserved by the court for at least 41212  
twenty-five years unless they are reproduced in the manner and 41213  
according to the procedure prescribed in section 9.01 of the 41214  
Revised Code, in which case the reproductions shall be retained 41215  
and preserved by the court at least until the expiration of the 41216  
twenty-five year period for which the originals would have had to 41217  
have been retained. Court dockets, indexes, journals, and cash 41218  
books, and all other court records also shall be subject to 41219  
destruction or other disposition under section ~~149.39~~ 149.381 of 41220  
the Revised Code. 41221

(E) Notwithstanding ~~section~~ sections 149.381 and 149.39 of 41222  
the Revised Code, each clerk of a municipal court shall retain 41223  
documentation regarding each criminal conviction and plea of 41224  
guilty involving a case that is or was before the court. The 41225  
documentation shall be in a form that is admissible as evidence in 41226  
a criminal proceeding as evidence of a prior conviction or that is 41227  
readily convertible to or producible in a form that is admissible 41228  
as evidence in a criminal proceeding as evidence of a prior 41229  
conviction and may be retained in any form authorized by section 41230  
9.01 of the Revised Code. The clerk shall retain this 41231  
documentation for a period of fifty years after the entry of 41232  
judgment in the case, except that documentation regarding cases 41233  
solely concerned with minor misdemeanor offenses or minor 41234  
misdemeanor traffic offenses shall be retained as provided in 41235  
divisions (A) and (B) of this section, and documentation regarding 41236  
other misdemeanor traffic offenses shall be retained for a period 41237  
of twenty-five years after the entry of judgment in the case. This 41238  
section shall apply to records currently retained and to records 41239  
created on or after September 23, 2004. 41240

Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 41241  
Gilead in Morrow county, and in all other municipal corporations 41242  
having a population of more than one hundred fifty, other than 41243  
Batavia in Clermont county, not being the site of a municipal 41244  
court nor a place where a judge of the Auglaize county, Crawford 41245  
county, Jackson county, Miami county, Montgomery county, Portage 41246  
county, or Wayne county municipal court sits as required pursuant 41247  
to section 1901.021 of the Revised Code or by designation of the 41248  
judges pursuant to section 1901.021 of the Revised Code, the mayor 41249  
of the municipal corporation has jurisdiction, except as provided 41250  
in divisions (B), (C), and (E) of this section and subject to the 41251  
limitation contained in section 1905.03 and the limitation 41252  
contained in section 1905.031 of the Revised Code, to hear and 41253  
determine any prosecution for the violation of an ordinance of the 41254  
municipal corporation, to hear and determine any case involving a 41255  
violation of a vehicle parking or standing ordinance of the 41256  
municipal corporation unless the violation is required to be 41257  
handled by a parking violations bureau or joint parking violations 41258  
bureau pursuant to Chapter 4521. of the Revised Code, and to hear 41259  
and determine all criminal causes involving any moving traffic 41260  
violation occurring on a state highway located within the 41261  
boundaries of the municipal corporation, subject to the 41262  
limitations of sections 2937.08 and 2938.04 of the Revised Code. 41263

(B)(1) In Georgetown in Brown county, in Mount Gilead in 41264  
Morrow county, and in all other municipal corporations having a 41265  
population of more than one hundred fifty, other than Batavia in 41266  
Clermont county, not being the site of a municipal court nor a 41267  
place where a judge of a court listed in division (A) of this 41268  
section sits as required pursuant to section 1901.021 of the 41269  
Revised Code or by designation of the judges pursuant to section 41270  
1901.021 of the Revised Code, the mayor of the municipal 41271  
corporation has jurisdiction, subject to the limitation contained 41272

in section 1905.03 of the Revised Code, to hear and determine 41273  
prosecutions involving a violation of an ordinance of the 41274  
municipal corporation relating to operating a vehicle while under 41275  
the influence of alcohol, a drug of abuse, or a combination of 41276  
them or relating to operating a vehicle with a prohibited 41277  
concentration of alcohol, a controlled substance, or a metabolite 41278  
of a controlled substance in the whole blood, blood serum or 41279  
plasma, breath, or urine, and to hear and determine criminal 41280  
causes involving a violation of section 4511.19 of the Revised 41281  
Code that occur on a state highway located within the boundaries 41282  
of the municipal corporation, subject to the limitations of 41283  
sections 2937.08 and 2938.04 of the Revised Code, only if the 41284  
person charged with the violation, within six years of the date of 41285  
the violation charged, has not been convicted of or pleaded guilty 41286  
to any of the following: 41287

(a) A violation of an ordinance of any municipal corporation 41288  
relating to operating a vehicle while under the influence of 41289  
alcohol, a drug of abuse, or a combination of them or relating to 41290  
operating a vehicle with a prohibited concentration of alcohol, a 41291  
controlled substance, or a metabolite of a controlled substance in 41292  
the whole blood, blood serum or plasma, breath, or urine; 41293

(b) A violation of section 4511.19 of the Revised Code; 41294

(c) A violation of any ordinance of any municipal corporation 41295  
or of any section of the Revised Code that regulates the operation 41296  
of vehicles, streetcars, and trackless trolleys upon the highways 41297  
or streets, to which all of the following apply: 41298

(i) The person, in the case in which the conviction was 41299  
obtained or the plea of guilty was entered, had been charged with 41300  
a violation of an ordinance of a type described in division 41301  
(B)(1)(a) of this section, or with a violation of section 4511.19 41302  
of the Revised Code; 41303



(ii) The charge of the violation described in division 41304  
(B)(1)(c)(i) of this section was dismissed or reduced; 41305

(iii) The violation of which the person was convicted or to 41306  
which the person pleaded guilty arose out of the same facts and 41307  
circumstances and the same act as did the charge that was 41308  
dismissed or reduced. 41309

(d) A violation of a statute of the United States or of any 41310  
other state or a municipal ordinance of a municipal corporation 41311  
located in any other state that is substantially similar to 41312  
section 4511.19 of the Revised Code. 41313

(2) The mayor of a municipal corporation does not have 41314  
jurisdiction to hear and determine any prosecution or criminal 41315  
cause involving a violation described in division (B)(1)(a) or (b) 41316  
of this section, regardless of where the violation occurred, if 41317  
the person charged with the violation, within six years of the 41318  
violation charged, has been convicted of or pleaded guilty to any 41319  
violation listed in division (B)(1)(a), (b), (c), or (d) of this 41320  
section. 41321

If the mayor of a municipal corporation, in hearing a 41322  
prosecution involving a violation of an ordinance of the municipal 41323  
corporation the mayor serves relating to operating a vehicle while 41324  
under the influence of alcohol, a drug of abuse, or a combination 41325  
of them or relating to operating a vehicle with a prohibited 41326  
concentration of alcohol, a controlled substance, or a metabolite 41327  
of a controlled substance in the whole blood, blood serum or 41328  
plasma, breath, or urine, or in hearing a criminal cause involving 41329  
a violation of section 4511.19 of the Revised Code, determines 41330  
that the person charged, within six years of the violation 41331  
charged, has been convicted of or pleaded guilty to any violation 41332  
listed in division (B)(1)(a), (b), (c), or (d) of this section, 41333  
the mayor immediately shall transfer the case to the county court 41334  
or municipal court with jurisdiction over the violation charged, 41335

in accordance with section 1905.032 of the Revised Code. 41336

(C)(1) In Georgetown in Brown county, in Mount Gilead in 41337  
Morrow county, and in all other municipal corporations having a 41338  
population of more than one hundred fifty, other than Batavia in 41339  
Clermont county, not being the site of a municipal court and not 41340  
being a place where a judge of a court listed in division (A) of 41341  
this section sits as required pursuant to section 1901.021 of the 41342  
Revised Code or by designation of the judges pursuant to section 41343  
1901.021 of the Revised Code, the mayor of the municipal 41344  
corporation, subject to sections 1901.031, 2937.08, and 2938.04 of 41345  
the Revised Code, has jurisdiction to hear and determine 41346  
prosecutions involving a violation of a municipal ordinance that 41347  
is substantially equivalent to division (A) of section 4510.14 or 41348  
section 4510.16 of the Revised Code and to hear and determine 41349  
criminal causes that involve a moving traffic violation, that 41350  
involve a violation of division (A) of section 4510.14 or section 41351  
4510.16 of the Revised Code, and that occur on a state highway 41352  
located within the boundaries of the municipal corporation only if 41353  
all of the following apply regarding the violation and the person 41354  
charged: 41355

(a) Regarding a violation of section 4510.16 of the Revised 41356  
Code or a violation of a municipal ordinance that is substantially 41357  
equivalent to that division, the person charged with the 41358  
violation, within six years of the date of the violation charged, 41359  
has not been convicted of or pleaded guilty to any of the 41360  
following: 41361

(i) A violation of section 4510.16 of the Revised Code; 41362

(ii) A violation of a municipal ordinance that is 41363  
substantially equivalent to section 4510.16 of the Revised Code; 41364

(iii) A violation of any municipal ordinance or section of 41365  
the Revised Code that regulates the operation of vehicles, 41366

streetcars, and trackless trolleys upon the highways or streets, 41367  
in a case in which, after a charge against the person of a 41368  
violation of a type described in division (C)(1)(a)(i) or (ii) of 41369  
this section was dismissed or reduced, the person is convicted of 41370  
or pleads guilty to a violation that arose out of the same facts 41371  
and circumstances and the same act as did the charge that was 41372  
dismissed or reduced. 41373

(b) Regarding a violation of division (A) of section 4510.14 41374  
of the Revised Code or a violation of a municipal ordinance that 41375  
is substantially equivalent to that division, the person charged 41376  
with the violation, within six years of the date of the violation 41377  
charged, has not been convicted of or pleaded guilty to any of the 41378  
following: 41379

(i) A violation of division (A) of section 4510.14 of the 41380  
Revised Code; 41381

(ii) A violation of a municipal ordinance that is 41382  
substantially equivalent to division (A) of section 4510.14 of the 41383  
Revised Code; 41384

(iii) A violation of any municipal ordinance or section of 41385  
the Revised Code that regulates the operation of vehicles, 41386  
streetcars, and trackless trolleys upon the highways or streets in 41387  
a case in which, after a charge against the person of a violation 41388  
of a type described in division (C)(1)(b)(i) or (ii) of this 41389  
section was dismissed or reduced, the person is convicted of or 41390  
pleads guilty to a violation that arose out of the same facts and 41391  
circumstances and the same act as did the charge that was 41392  
dismissed or reduced. 41393

(2) The mayor of a municipal corporation does not have 41394  
jurisdiction to hear and determine any prosecution or criminal 41395  
cause involving a violation described in division (C)(1)(a)(i) or 41396  
(ii) of this section if the person charged with the violation, 41397

within six years of the violation charged, has been convicted of 41398  
or pleaded guilty to any violation listed in division 41399  
(C)(1)(a)(i), (ii), or (iii) of this section and does not have 41400  
jurisdiction to hear and determine any prosecution or criminal 41401  
cause involving a violation described in division (C)(1)(b)(i) or 41402  
(ii) of this section if the person charged with the violation, 41403  
within six years of the violation charged, has been convicted of 41404  
or pleaded guilty to any violation listed in division 41405  
(C)(1)(b)(i), (ii), or (iii) of this section. 41406

(3) If the mayor of a municipal corporation, in hearing a 41407  
prosecution involving a violation of an ordinance of the municipal 41408  
corporation the mayor serves that is substantially equivalent to 41409  
division (A) of section 4510.14 or section 4510.16 of the Revised 41410  
Code or a violation of division (A) of section 4510.14 or section 41411  
4510.16 of the Revised Code, determines that, under division 41412  
(C)(2) of this section, mayors do not have jurisdiction of the 41413  
prosecution, the mayor immediately shall transfer the case to the 41414  
county court or municipal court with jurisdiction over the 41415  
violation in accordance with section 1905.032 of the Revised Code. 41416

(D) If the mayor of a municipal corporation has jurisdiction 41417  
pursuant to division (B)(1) of this section to hear and determine 41418  
a prosecution or criminal cause involving a violation described in 41419  
division (B)(1)(a) or (b) of this section, the authority of the 41420  
mayor to hear or determine the prosecution or cause is subject to 41421  
the limitation contained in division (C) of section 1905.03 of the 41422  
Revised Code. If the mayor of a municipal corporation has 41423  
jurisdiction pursuant to division (A) or (C) of this section to 41424  
hear and determine a prosecution or criminal cause involving a 41425  
violation other than a violation described in division (B)(1)(a) 41426  
or (b) of this section, the authority of the mayor to hear or 41427  
determine the prosecution or cause is subject to the limitation 41428  
contained in division (C) of section 1905.031 of the Revised Code. 41429

(E)(1) The mayor of a municipal corporation does not have 41430  
jurisdiction to hear and determine any prosecution or criminal 41431  
cause involving any of the following: 41432

(a) A violation of section 2919.25 or 2919.27 of the Revised 41433  
Code; 41434

(b) A violation of section 2903.11, 2903.12, 2903.13, 41435  
2903.211, or 2911.211 of the Revised Code that involves a person 41436  
who was a family or household member of the defendant at the time 41437  
of the violation; 41438

(c) A violation of a municipal ordinance that is 41439  
substantially equivalent to an offense described in division 41440  
(E)(1)(a) or (b) of this section and that involves a person who 41441  
was a family or household member of the defendant at the time of 41442  
the violation. 41443

(2) The mayor of a municipal corporation does not have 41444  
jurisdiction to hear and determine a motion filed pursuant to 41445  
section 2919.26 of the Revised Code or filed pursuant to a 41446  
municipal ordinance that is substantially equivalent to that 41447  
section or to issue a protection order pursuant to that section or 41448  
a substantially equivalent municipal ordinance. 41449

(3) As used in this section, "family or household member" has 41450  
the same meaning as in section 2919.25 of the Revised Code. 41451

(F) In keeping a docket and files, the mayor, and a mayor's 41452  
court magistrate appointed under section 1905.05 of the Revised 41453  
Code, shall be governed by the laws pertaining to county courts. 41454

**Sec. 1907.13.** A county court judge, at the time of filing a 41455  
nominating petition for the office or at the time of appointment 41456  
to the office and during the judge's term of office, shall be a 41457  
qualified elector and a resident of the county court district in 41458  
which the judge is elected or appointed. A county court judge does 41459

not have to be a resident of an area of separate jurisdiction in 41460  
the county court district to which the judge may be assigned 41461  
pursuant to section 1907.15 of the Revised Code. Every county 41462  
court judge shall have been admitted to the practice of law in 41463  
this state and shall have been engaged, for a total of at least 41464  
six years preceding the judge's appointment or the commencement of 41465  
the judge's term, in the practice of law in ~~this state~~ any 41466  
jurisdiction in the United States, except that the six-year 41467  
practice requirement does not apply to a county court judge who is 41468  
holding office on ~~the effective date of this amendment~~ July 2, 41469  
2010, and who subsequently is a candidate for that office. At 41470  
least two of the years of practice that qualify a judge shall have 41471  
been in this state. 41472

Judges shall be elected by the electors of the county court 41473  
district at the general election in even-numbered years as set 41474  
forth in section 1907.11 of the Revised Code for a term of six 41475  
years commencing on the first day of January following the 41476  
election for the county court or on the dates specified in section 41477  
1907.11 of the Revised Code for particular county court judges. 41478  
Their successors shall be elected in even-numbered years every six 41479  
years. 41480

All candidates for county court judge shall be nominated by 41481  
petition. The nominating petition shall be in the general form and 41482  
signed and verified as prescribed by section 3513.261 of the 41483  
Revised Code and shall be signed by the lesser of fifty qualified 41484  
electors of the county court district or a number of qualified 41485  
electors of the county court district not less than one per cent 41486  
of the number of electors who voted for governor at the most 41487  
recent regular state election in the district. A nominating 41488  
petition shall not be accepted for filing or filed if it appears 41489  
on its face to contain signatures aggregating in number more than 41490  
twice the minimum aggregate number of signatures required by this 41491

section. A nominating petition shall be filed with the board of 41492  
elections not later than four p.m. of the ninetieth day before the 41493  
day of the general election. 41494

**Sec. 1907.261.** (A)(1) A county court may determine that for 41495  
the efficient operation of the court additional funds are required 41496  
to computerize the court, to make available computerized legal 41497  
research services, or to do both. Upon making a determination that 41498  
additional funds are required for either or both of those 41499  
purposes, the court shall include in its schedule of fees and 41500  
costs under section 1907.24 of the Revised Code one additional fee 41501  
not to exceed three dollars on the filing of each cause of action 41502  
or appeal equivalent to one described in division (A), (Q), or (U) 41503  
of section 2303.20 of the Revised Code and shall direct the clerk 41504  
of the court to charge the fee. 41505

(2) All fees collected under this section shall be paid to 41506  
the county treasurer. The treasurer shall place the funds from the 41507  
fees in a separate fund to be disbursed upon an order of the 41508  
court, subject to an appropriation by the board of county 41509  
commissioners, in an amount not greater than the actual cost to 41510  
the court of computerizing the court, procuring and maintaining 41511  
computerized legal research services, or both. 41512

(3) If the court determines that the funds in the fund 41513  
described in division (A)(2) of this section are more than 41514  
sufficient to satisfy the purpose for which the additional fee 41515  
described in division (A)(1) of this section was imposed, the 41516  
court may declare a surplus in the fund and, subject to an 41517  
appropriation by the board of county commissioners, expend those 41518  
surplus funds for other appropriate technological expenses of the 41519  
court. 41520

(B)(1) A county court may determine that, for the efficient 41521  
operation of the court, additional funds are required to 41522

computerize the office of the clerk of the court and, upon that 41523  
determination, may include in its schedule of fees and costs under 41524  
section 1907.24 of the Revised Code an additional fee not to 41525  
exceed ten dollars on the filing of each cause of action or 41526  
appeal, on the filing, docketing, and endorsing of each 41527  
certificate of judgment, or on the docketing and indexing of each 41528  
aid in execution or petition to vacate, revive, or modify a 41529  
judgment that is equivalent to one described in division (A), (P), 41530  
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 41531  
to division (B)(2) of this section, all moneys collected under 41532  
division (B)(1) of this section shall be paid to the county 41533  
treasurer. The treasurer shall place the funds from the fees in a 41534  
separate fund to be disbursed, upon an order of the county court 41535  
and subject to an appropriation by the board of county 41536  
commissioners, in an amount no greater than the actual cost to the 41537  
court of procuring and maintaining computer systems for the office 41538  
of the clerk of the county court. 41539

(2) If a county court makes the determination described in 41540  
division (B)(1) of this section, the board of county commissioners 41541  
of that county may issue one or more general obligation bonds for 41542  
the purpose of procuring and maintaining the computer systems for 41543  
the office of the clerk of the county court. In addition to the 41544  
purposes stated in division (B)(1) of this section for which the 41545  
moneys collected under that division may be expended, the moneys 41546  
additionally may be expended to pay debt charges and financing 41547  
costs related to any general obligation bonds issued pursuant to 41548  
division (B)(2) of this section as they become due. General 41549  
obligation bonds issued pursuant to division (B)(2) of this 41550  
section are Chapter 133. securities. 41551

**Sec. 1907.262.** (A) A county court may establish by rule 41552  
procedures for the resolution of disputes between parties. Any 41553  
procedures so adopted shall include, but are not limited to, 41554



mediation. If the court establishes any procedures under this 41555  
division, the court may include in the court's schedule of fees 41556  
and costs under section 1907.24 of the Revised Code a reasonable 41557  
fee, that is to be collected on the filing of each civil or 41558  
criminal action or proceeding, and that is to be used to implement 41559  
the procedures, and the court shall direct the clerk of the court 41560  
to charge the fee. 41561

(B) All fees collected under division (A) of this section 41562  
shall be paid to the county treasurer. The treasurer shall place 41563  
the funds from the fees in a separate fund to be disbursed upon an 41564  
order of the court, subject to an appropriation by the board of 41565  
county commissioners. 41566

(C) If the court determines that the amount of the moneys in 41567  
the fund described in division (B) of this section is more than 41568  
the amount sufficient to satisfy the purpose for which the 41569  
additional fee described in division (A) of this section was 41570  
imposed, the court may declare a surplus in the fund and, subject 41571  
to an appropriation by the board of county commissioners, expend 41572  
the surplus moneys for other appropriate expenses of the court. 41573

**Sec. 1907.53.** (A)(1) Each judge of a county court may appoint 41574  
a bailiff on a full-time or part-time basis. The bailiff shall 41575  
receive compensation as prescribed by the appointing judge, and 41576  
the compensation is payable in semimonthly installments from the 41577  
treasury of the county or other authorized fund. Before entering 41578  
upon the duties of the office, a bailiff shall take an oath to 41579  
faithfully perform those duties and shall give a bond of not less 41580  
than three thousand dollars, as the appointing judge prescribes, 41581  
conditioned on the faithful performance of the duties as bailiff. 41582

(2) The board of county commissioners may purchase motor 41584  
vehicles for the use of the bailiff that the court determines 41585

necessary to perform the duties of the office. The board, upon 41586  
approval by the court, shall pay all expenses, maintenance, and 41587  
upkeep of the vehicles from the county treasury or other 41588  
authorized fund. Any allowances, costs, and expenses for the 41589  
operation of private motor vehicles by the bailiffs for official 41590  
duties, including the cost of oil, gasoline, and maintenance, 41591  
shall be prescribed by the court and subject to the approval of 41592  
the board and shall be paid from the county treasury or other 41593  
authorized fund. 41594

(B)(1) In a county court district in which no bailiff is 41595  
appointed pursuant to division (A)(1) of this section, every 41596  
deputy sheriff of the county, every police officer of a municipal 41597  
corporation within the jurisdiction of the court, every member of 41598  
a township or joint ~~township~~ police district police force, and 41599  
every police constable of a township within the county court 41600  
district is ex officio a bailiff of the court in and for the 41601  
county, municipal corporation, or township within which the deputy 41602  
sheriff, police officer, police force member, or police constable 41603  
is commissioned and shall perform, in respect to cases within that 41604  
jurisdiction and without additional compensation, any duties that 41605  
are required by a judge of the court or by the clerk of the court. 41606

(2) At the request of a county court judge, a deputy sheriff 41607  
or constable shall attend the county court while a trial is in 41608  
progress. 41609

(C)(1) A bailiff and an ex officio bailiff shall perform for 41610  
the county court services similar to those performed by the 41611  
sheriff for the court of common pleas and shall perform any other 41612  
duties that are required by rule of court. 41613

(2) The bailiff may administer oaths to witnesses and jurors 41614  
and receive verdicts in the same manner and form and to the same 41615  
extent as the clerk or deputy clerks of the county court. The 41616  
bailiff may approve all undertakings and bonds given in actions of 41617

replevin and all redelivery bonds in attachments. 41618

(D) Bailiffs and deputy bailiffs are in the unclassified 41619  
civil service. 41620

**Sec. 1909.11.** A county court judge has jurisdiction in any 41621  
action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 41622  
of the Revised Code if the residential premises that are the 41623  
subject of the action are located within the territorial 41624  
jurisdiction of the judge's county court district. 41625

**Sec. 1923.01.** (A) As provided in this chapter, any judge of a 41626  
county or municipal court or a court of common pleas, within the 41627  
judge's proper area of jurisdiction, may inquire about persons who 41628  
make unlawful and forcible entry into lands or tenements and 41629  
detain them, and about persons who make a lawful and peaceable 41630  
entry into lands or tenements and hold them unlawfully and by 41631  
force. If, upon the inquiry, it is found that an unlawful and 41632  
forcible entry has been made and the lands or tenements are 41633  
detained, or that, after a lawful entry, lands or tenements are 41634  
held unlawfully and by force, a judge shall cause the plaintiff in 41635  
an action under this chapter to have restitution of the lands or 41636  
tenements. 41637

(B) An action shall be brought under this chapter within two 41638  
years after the cause of action accrues. 41639

(C) As used in this chapter: 41640

(1) "Tenant" means a person who is entitled under a rental 41641  
agreement to the use or occupancy of premises, other than premises 41642  
located in a manufactured home park, to the exclusion of others, 41643  
except that as used in division (A)(6) of section 1923.02 and 41644  
section 1923.051 of the Revised Code, "tenant" includes a 41645  
manufactured home park resident. 41646

(2) "Landlord" means the owner, lessor, or sublessor of 41647

premises, or the agent or person the landlord authorizes to manage 41648  
premises or to receive rent from a tenant under a rental 41649  
agreement, except, if required by the facts of the action to which 41650  
the term is applied, "landlord" means a park operator. 41651

(3) "Resident" has the same meaning as in section ~~3733.01~~ 41652  
4781.01 of the Revised Code. 41653

(4) "Residential premises" has the same meaning as in section 41654  
5321.01 of the Revised Code, except, if required by the facts of 41655  
the action to which the term is applied, "residential premises" 41656  
has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised 41657  
Code. 41658

(5) "Rental agreement" means any agreement or lease, written 41659  
or oral, that establishes or modifies the terms, conditions, 41660  
rules, or other provisions concerning the use or occupancy of 41661  
premises by one of the parties to the agreement or lease, except 41662  
that "rental agreement," as used in division (A)(13) of section 41663  
1923.02 of the Revised Code and where the context requires as used 41664  
in this chapter, means a rental agreement as defined in division 41665  
(D) of section 5322.01 of the Revised Code. 41666

(6) "Controlled substance" has the same meaning as in section 41667  
3719.01 of the Revised Code. 41668

(7) "School premises" has the same meaning as in section 41669  
2925.01 of the Revised Code. 41670

(8) "Sexually oriented offense" and "child-victim oriented 41671  
offense" have the same meanings as in section 2950.01 of the 41672  
Revised Code. 41673

(9) "Recreational vehicle" and "mobile home" have the same 41674  
meanings as in section 4501.01 of the Revised Code. 41675

(10) "Manufactured home" has the same meaning as in section 41676  
3781.06 of the Revised Code. 41677

(11) "Manufactured home park" has the same meaning as in 41678  
section ~~3733.01~~ 4781.01 of the Revised Code and also means any 41679  
tract of land upon which one or two manufactured or mobile homes 41680  
used for habitation are parked, either free of charge or for 41681  
revenue purposes, pursuant to rental agreements between the owners 41682  
of the manufactured or mobile homes and the owner of the tract of 41683  
land. 41684

(12) "Park operator" has the same meaning as in section 41685  
~~3733.01~~ 4781.01 of the Revised Code and also means a landlord of 41686  
premises upon which one or two manufactured or mobile homes used 41687  
for habitation are parked, either free of charge or for revenue 41688  
purposes, pursuant to rental agreements between the owners of the 41689  
manufactured or mobile homes and a landlord who is not licensed as 41690  
a manufactured home park operator pursuant to Chapter ~~3733.~~ 4781. 41691  
of the Revised Code. 41692

(13) "Personal property" means tangible personal property 41693  
other than a manufactured home, mobile home, or recreational 41694  
vehicle that is the subject of an action under this chapter. 41695

(14) "Preschool or child day-care center premises" has the 41696  
same meaning as in section 2950.034 of the Revised Code. 41697

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 41698  
as follows: 41699

(1) Against tenants or manufactured home park residents 41700  
holding over their terms; 41701

(2) Against tenants or manufactured home park residents in 41702  
possession under an oral tenancy, who are in default in the 41703  
payment of rent as provided in division (B) of this section; 41704

(3) In sales of real estate, on executions, orders, or other 41705  
judicial process, when the judgment debtor was in possession at 41706  
the time of the rendition of the judgment or decree, by virtue of 41707

which the sale was made; 41708

(4) In sales by executors, administrators, or guardians, and 41709  
on partition, when any of the parties to the complaint were in 41710  
possession at the commencement of the action, after the sales, so 41711  
made on execution or otherwise, have been examined by the proper 41712  
court and adjudged legal; 41713

(5) When the defendant is an occupier of lands or tenements, 41714  
without color of title, and the complainant has the right of 41715  
possession to them; 41716

(6) In any other case of the unlawful and forcible detention 41717  
of lands or tenements. For purposes of this division, in addition 41718  
to any other type of unlawful and forcible detention of lands or 41719  
tenements, such a detention may be determined to exist when both 41720  
of the following apply: 41721

(a) A tenant fails to vacate residential premises within 41722  
three days after both of the following occur: 41723

(i) The tenant's landlord has actual knowledge of or has 41724  
reasonable cause to believe that the tenant, any person in the 41725  
tenant's household, or any person on the premises with the consent 41726  
of the tenant previously has or presently is engaged in a 41727  
violation of Chapter 2925. or 3719. of the Revised Code, or of a 41728  
municipal ordinance that is substantially similar to any section 41729  
in either of those chapters, which involves a controlled substance 41730  
and which occurred in, is occurring in, or otherwise was or is 41731  
connected with the premises, whether or not the tenant or other 41732  
person has been charged with, has pleaded guilty to or been 41733  
convicted of, or has been determined to be a delinquent child for 41734  
an act that, if committed by an adult, would be a violation as 41735  
described in this division. For purposes of this division, a 41736  
landlord has "actual knowledge of or has reasonable cause to 41737  
believe" that a tenant, any person in the tenant's household, or 41738

any person on the premises with the consent of the tenant 41739  
previously has or presently is engaged in a violation as described 41740  
in this division if a search warrant was issued pursuant to 41741  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 41742  
affidavit presented to obtain the warrant named or described the 41743  
tenant or person as the individual to be searched and particularly 41744  
described the tenant's premises as the place to be searched, named 41745  
or described one or more controlled substances to be searched for 41746  
and seized, stated substantially the offense under Chapter 2925. 41747  
or 3719. of the Revised Code or the substantially similar 41748  
municipal ordinance that occurred in, is occurring in, or 41749  
otherwise was or is connected with the tenant's premises, and 41750  
states the factual basis for the affiant's belief that the 41751  
controlled substances are located on the tenant's premises; the 41752  
warrant was properly executed by a law enforcement officer and any 41753  
controlled substance described in the affidavit was found by that 41754  
officer during the search and seizure; and, subsequent to the 41755  
search and seizure, the landlord was informed by that or another 41756  
law enforcement officer of the fact that the tenant or person has 41757  
or presently is engaged in a violation as described in this 41758  
division and it occurred in, is occurring in, or otherwise was or 41759  
is connected with the tenant's premises. 41760

(ii) The landlord gives the tenant the notice required by 41761  
division (C) of section 5321.17 of the Revised Code. 41762

(b) The court determines, by a preponderance of the evidence, 41763  
that the tenant, any person in the tenant's household, or any 41764  
person on the premises with the consent of the tenant previously 41765  
has or presently is engaged in a violation as described in 41766  
division (A)(6)(a)(i) of this section. 41767

(7) In cases arising out of Chapter 5313. of the Revised 41768  
Code. In those cases, the court has the authority to declare a 41769  
forfeiture of the vendee's rights under a land installment 41770

contract and to grant any other claims arising out of the 41771  
contract. 41772

(8) Against tenants who have breached an obligation that is 41773  
imposed by section 5321.05 of the Revised Code, other than the 41774  
obligation specified in division (A)(9) of that section, and that 41775  
materially affects health and safety. Prior to the commencement of 41776  
an action under this division, notice shall be given to the tenant 41777  
and compliance secured with section 5321.11 of the Revised Code. 41778

(9) Against tenants who have breached an obligation imposed 41779  
upon them by a written rental agreement; 41780

(10) Against manufactured home park residents who have 41781  
defaulted in the payment of rent or breached the terms of a rental 41782  
agreement with a park operator. Nothing in this division precludes 41783  
the commencement of an action under division (A)(12) of this 41784  
section when the additional circumstances described in that 41785  
division apply. 41786

(11) Against manufactured home park residents who have 41787  
committed two material violations of the rules of the manufactured 41788  
home park, of the ~~public health council~~ manufactured homes 41789  
commission, or of applicable state and local health and safety 41790  
codes and who have been notified of the violations in compliance 41791  
with section ~~3733.13~~ 4781.45 of the Revised Code; 41792

(12) Against a manufactured home park resident, or the estate 41793  
of a manufactured home park resident, who as a result of death or 41794  
otherwise has been absent from the manufactured home park for a 41795  
period of thirty consecutive days prior to the commencement of an 41796  
action under this division and whose manufactured home or mobile 41797  
home, or recreational vehicle that is parked in the manufactured 41798  
home park, has been left unoccupied for that thirty-day period, 41799  
without notice to the park operator and without payment of rent 41800  
due under the rental agreement with the park operator; 41801



(13) Against occupants of self-service storage facilities, as 41802  
defined in division (A) of section 5322.01 of the Revised Code, 41803  
who have breached the terms of a rental agreement or violated 41804  
section 5322.04 of the Revised Code; 41805

(14) Against any resident or occupant who, pursuant to a 41806  
rental agreement, resides in or occupies residential premises 41807  
located within one thousand feet of any school premises or 41808  
preschool or child day-care center premises and to whom both of 41809  
the following apply: 41810

(a) The resident's or occupant's name appears on the state 41811  
registry of sex offenders and child-victim offenders maintained 41812  
under section 2950.13 of the Revised Code. 41813

(b) The state registry of sex offenders and child-victim 41814  
offenders indicates that the resident or occupant was convicted of 41815  
or pleaded guilty to a sexually oriented offense or a child-victim 41816  
oriented offense in a criminal prosecution and was not sentenced 41817  
to a serious youthful offender dispositional sentence for that 41818  
offense. 41819

(15) Against any tenant who permits any person to occupy 41820  
residential premises located within one thousand feet of any 41821  
school premises or preschool or child day-care center premises if 41822  
both of the following apply to the person: 41823

(a) The person's name appears on the state registry of sex 41824  
offenders and child-victim offenders maintained under section 41825  
2950.13 of the Revised Code. 41826

(b) The state registry of sex offenders and child-victim 41827  
offenders indicates that the person was convicted of or pleaded 41828  
guilty to a sexually oriented offense or a child-victim oriented 41829  
offense in a criminal prosecution and was not sentenced to a 41830  
serious youthful offender dispositional sentence for that offense. 41831

(B) If a tenant or manufactured home park resident holding 41832

under an oral tenancy is in default in the payment of rent, the 41833  
tenant or resident forfeits the right of occupancy, and the 41834  
landlord may, at the landlord's option, terminate the tenancy by 41835  
notifying the tenant or resident, as provided in section 1923.04 41836  
of the Revised Code, to leave the premises, for the restitution of 41837  
which an action may then be brought under this chapter. 41838

(C)(1) If a tenant or any other person with the tenant's 41839  
permission resides in or occupies residential premises that are 41840  
located within one thousand feet of any school premises and is a 41841  
resident or occupant of the type described in division (A)(14) of 41842  
this section or a person of the type described in division (A)(15) 41843  
of this section, the landlord for those residential premises, upon 41844  
discovery that the tenant or other person is a resident, occupant, 41845  
or person of that nature, may terminate the rental agreement or 41846  
tenancy for those residential premises by notifying the tenant and 41847  
all other occupants, as provided in section 1923.04 of the Revised 41848  
Code, to leave the premises. 41849

(2) If a landlord is authorized to terminate a rental 41850  
agreement or tenancy pursuant to division (C)(1) of this section 41851  
but does not so terminate the rental agreement or tenancy, the 41852  
landlord is not liable in a tort or other civil action in damages 41853  
for any injury, death, or loss to person or property that 41854  
allegedly result from that decision. 41855

(D) This chapter does not apply to a student tenant as 41856  
defined by division (H) of section 5321.01 of the Revised Code 41857  
when the college or university proceeds to terminate a rental 41858  
agreement pursuant to section 5321.031 of the Revised Code. 41859

**Sec. 1923.061.** (A) Any defense in an action under this 41860  
chapter may be asserted at trial. 41861

(B) In an action for possession of residential premises based 41862  
upon nonpayment of the rent or in an action for rent when the 41863

tenant or manufactured home park resident is in possession, the 41864  
tenant or resident may counterclaim for any amount ~~he~~ the tenant 41865  
or resident may recover under the rental agreement or under 41866  
Chapter ~~3733-~~ 4781. or 5321. of the Revised Code. In that event, 41867  
the court from time to time may order the tenant or resident to 41868  
pay into court all or part of the past due rent and rent becoming 41869  
due during the pendency of the action. After trial and judgment, 41870  
the party to whom a net judgment is owed shall be paid first from 41871  
the money paid into court, and any balance shall be satisfied as 41872  
any other judgment. If no rent remains due after application of 41873  
this division, judgment shall be entered for the tenant or 41874  
resident in the action for possession. If the tenant or resident 41875  
has paid into court an amount greater than that necessary to 41876  
satisfy a judgment obtained by the landlord, the balance shall be 41877  
returned by the court to the tenant or resident. 41878

**Sec. 1923.15.** During any proceeding involving residential 41879  
premises under this chapter, the court may order an appropriate 41880  
governmental agency to inspect the residential premises. If the 41881  
agency determines and the court finds conditions which constitute 41882  
a violation of section ~~3733.10~~ 4781.38 or 5321.04 of the Revised 41883  
Code, and if the premises have been vacated or are to be restored 41884  
to the landlord, the court may issue an order forbidding the 41885  
re-rental of the property until such conditions are corrected. If 41886  
the agency determines and the court finds such conditions, and if 41887  
the court finds that the tenant or manufactured home park resident 41888  
may remain in possession, the court may order such conditions 41889  
corrected. If such conditions have been caused by the tenant or 41890  
resident, the court may award damages to the landlord equal to the 41891  
reasonable cost of correcting such conditions. 41892

**Sec. 2105.09.** (A) The county auditor, unless ~~he~~ the auditor 41893  
acts pursuant to division (C) of this section, shall take 41894

possession of real property escheated to the state that is located 41895  
in ~~his~~ the auditor's county and outside the incorporated area of a 41896  
city. The auditor shall take possession in the name of the state 41897  
and sell the property at public auction, at the county seat of the 41898  
county, to the highest bidder, after having given thirty days' 41899  
notice of the intended sale in a newspaper ~~published within of~~ 41900  
general circulation in the county or as provided in section 7.16 41901  
of the Revised Code. 41902

On the application of the auditor, the court of common pleas 41903  
shall appoint three disinterested freeholders of the county to 41904  
appraise the real property. The freeholders shall be governed by 41905  
the same rule as appraisers in sheriffs' or administrators' sales. 41906  
The auditor shall sell the property at not less than two thirds of 41907  
its appraised value and may sell it for cash, or for one-third 41908  
cash and the balance in equal annual payments, the deferred 41909  
payments to be amply secured. Upon payment of the whole 41910  
consideration, the auditor shall execute a deed to the purchaser, 41911  
in the name and on behalf of the state. The proceeds of the sale 41912  
shall be paid by the auditor to the county treasurer. 41913

If there is a regularly organized agricultural society within 41914  
the county, the treasurer shall pay the greater of six hundred 41915  
dollars or five per cent of the proceeds, in any case, to the 41916  
society. The excess of the proceeds, or the whole thereof if there 41917  
is no regularly organized agricultural society within the county, 41918  
shall be distributed as follows: 41919

(1) Twenty-five per cent shall be paid equally to the 41920  
townships of the county; 41921

(2) Seventy per cent shall be paid into the state treasury to 41922  
the credit of the agro Ohio fund created under section 901.04 of 41923  
the Revised Code; 41924

(3) Five per cent shall be credited to the county general 41925

fund for such lawful purposes as the board of county commissioners provides. 41926  
41927

(B) The legislative authority of a city within which are 41928  
lands escheated to the state, unless it acts pursuant to division 41929  
(C) of this section, shall take possession of the lands for the 41930  
city, and the title to the lands shall vest in the city. The city 41931  
shall use the premises primarily for health, welfare, or 41932  
recreational purposes, or may lease them at such prices and for 41933  
such purposes as it considers proper. With the approval of the tax 41934  
commissioner, the city may sell the lands or any undivided 41935  
interest in the lands, in the same manner as is provided in the 41936  
sale of land not needed for any municipal purposes; provided, that 41937  
the net proceeds from the rent or sale of the premises shall be 41938  
devoted to health, welfare, or recreational purposes. 41939

(C) As an alternative to the procedure prescribed in 41940  
divisions (A) and (B) of this section, the county auditor, or if 41941  
the real property is located within the incorporated area of a 41942  
city, the legislative authority of that city by an affirmative 41943  
vote of at least a majority of its members, may request the 41944  
probate court to direct the administrator or executor of the 41945  
estate that contains the escheated property to commence an action 41946  
in the probate court for authority to sell the real property in 41947  
the manner provided in Chapter 2127. of the Revised Code. The 41948  
proceeds from the sale of real property that is located outside 41949  
the incorporated area of a city shall be distributed by the court 41950  
in the same manner as the proceeds are distributed under division 41951  
(A) of this section. The proceeds from the sale of real property 41952  
that is located within the incorporated area of a city shall be 41953  
distributed by the court in the same manner as the proceeds are 41954  
distributed under division (B) of this section. 41955

**Sec. 2151.011.** (A) As used in the Revised Code: 41956

(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;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in certified foster homes;

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	41987 41988
(B) As used in this chapter:	41989
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	41990 41991 41992 41993 41994 41995
(2) "Adult" means an individual who is eighteen years of age or older.	41996 41997
(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.	41998 41999 42000 42001
(4) <u>"Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.</u>	42002 42003 42004 42005 42006 42007
(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.	42008 42009 42010
<del>(5)</del> (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	42011 42012 42013 42014 42015 42016 42017

age. 42018

~~(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. 42019  
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~~(7)~~(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education. 42026  
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~~(8)~~(9) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code. 42034  
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~~(9)~~(10) "Commit" means to vest custody as ordered by the court. 42036  
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~~(10)~~(11) "Counseling" includes both of the following: 42038

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child. 42039  
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(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional 42044  
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counseling. 42049

~~(11)~~(12) "Custodian" means a person who has legal custody of 42050  
a child or a public children services agency or private child 42051  
placing agency that has permanent, temporary, or legal custody of 42052  
a child. 42053

~~(12)~~(13) "Delinquent child" has the same meaning as in 42054  
section 2152.02 of the Revised Code. 42055

~~(13)~~(14) "Detention" means the temporary care of children 42056  
pending court adjudication or disposition, or execution of a court 42057  
order, in a public or private facility designed to physically 42058  
restrict the movement and activities of children. 42059

~~(14)~~(15) "Developmental disability" has the same meaning as 42060  
in section 5123.01 of the Revised Code. 42061

~~(15)~~(16) "Differential response approach" means an approach 42062  
that a public children services agency may use to respond to 42063  
accepted reports of child abuse or neglect with either an 42064  
alternative response or a traditional response. 42065

(17) "Foster caregiver" has the same meaning as in section 42066  
5103.02 of the Revised Code. 42067

~~(16)~~(18) "Guardian" means a person, association, or 42068  
corporation that is granted authority by a probate court pursuant 42069  
to Chapter 2111. of the Revised Code to exercise parental rights 42070  
over a child to the extent provided in the court's order and 42071  
subject to the residual parental rights of the child's parents. 42072

~~(17)~~(19) "Habitual truant" means any child of compulsory 42073  
school age who is absent without legitimate excuse for absence 42074  
from the public school the child is supposed to attend for five or 42075  
more consecutive school days, seven or more school days in one 42076  
school month, or twelve or more school days in a school year. 42077

~~(18)~~(20) "Juvenile traffic offender" has the same meaning as 42078

in section 2152.02 of the Revised Code. 42079

~~(19)~~(21) "Legal custody" means a legal status that vests in 42080  
the custodian the right to have physical care and control of the 42081  
child and to determine where and with whom the child shall live, 42082  
and the right and duty to protect, train, and discipline the child 42083  
and to provide the child with food, shelter, education, and 42084  
medical care, all subject to any residual parental rights, 42085  
privileges, and responsibilities. An individual granted legal 42086  
custody shall exercise the rights and responsibilities personally 42087  
unless otherwise authorized by any section of the Revised Code or 42088  
by the court. 42089

~~(20)~~(22) A "legitimate excuse for absence from the public 42090  
school the child is supposed to attend" includes, but is not 42091  
limited to, any of the following: 42092

(a) The fact that the child in question has enrolled in and 42093  
is attending another public or nonpublic school in this or another 42094  
state; 42095

(b) The fact that the child in question is excused from 42096  
attendance at school for any of the reasons specified in section 42097  
3321.04 of the Revised Code; 42098

(c) The fact that the child in question has received an age 42099  
and schooling certificate in accordance with section 3331.01 of 42100  
the Revised Code. 42101

~~(21)~~(23) "Mental illness" and "mentally ill person subject to 42102  
hospitalization by court order" have the same meanings as in 42103  
section 5122.01 of the Revised Code. 42104

~~(22)~~(24) "Mental injury" means any behavioral, cognitive, 42105  
emotional, or mental disorder in a child caused by an act or 42106  
omission that is described in section 2919.22 of the Revised Code 42107  
and is committed by the parent or other person responsible for the 42108  
child's care. 42109

~~(23)~~(25) "Mentally retarded person" has the same meaning as 42110  
in section 5123.01 of the Revised Code. 42111

~~(24)~~(26) "Nonsecure care, supervision, or training" means 42112  
care, supervision, or training of a child in a facility that does 42113  
not confine or prevent movement of the child within the facility 42114  
or from the facility. 42115

~~(25)~~(27) "Of compulsory school age" has the same meaning as 42116  
in section 3321.01 of the Revised Code. 42117

~~(26)~~(28) "Organization" means any institution, public, 42118  
semipublic, or private, and any private association, society, or 42119  
agency located or operating in the state, incorporated or 42120  
unincorporated, having among its functions the furnishing of 42121  
protective services or care for children, or the placement of 42122  
children in certified foster homes or elsewhere. 42123

~~(27)~~(29) "Out-of-home care" means detention facilities, 42124  
shelter facilities, certified children's crisis care facilities, 42125  
certified foster homes, placement in a prospective adoptive home 42126  
prior to the issuance of a final decree of adoption, 42127  
organizations, certified organizations, child day-care centers, 42128  
type A family day-care homes, child care provided by type B family 42129  
day-care home providers and by in-home aides, group home 42130  
providers, group homes, institutions, state institutions, 42131  
residential facilities, residential care facilities, residential 42132  
camps, day camps, public schools, chartered nonpublic schools, 42133  
educational service centers, hospitals, and medical clinics that 42134  
are responsible for the care, physical custody, or control of 42135  
children. 42136

~~(28)~~(30) "Out-of-home care child abuse" means any of the 42137  
following when committed by a person responsible for the care of a 42138  
child in out-of-home care: 42139

(a) Engaging in sexual activity with a child in the person's 42140

care;	42141
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	42142 42143 42144
(c) Use of restraint procedures on a child that cause injury or pain;	42145 42146
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	42147 42148 42149
(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.	42150 42151 42152 42153 42154
<del>(29)</del> (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:	42155 42156 42157
(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;	42158 42159 42160
(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;	42161 42162 42163 42164
(c) Failure to develop a process for all of the following:	42165
(i) Administration of prescription drugs or psychotropic drugs for the child;	42166 42167
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	42168 42169
(iii) Reporting to the licensed physician who prescribed the	42170

drug all unfavorable or dangerous side effects from the use of the drug. 42171  
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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; 42173  
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(e) Confinement of the child to a locked room without monitoring by staff; 42176  
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(f) Failure to provide ongoing security for all prescription and nonprescription medication; 42178  
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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. 42180  
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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. 42183  
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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. 42189  
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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. 42194  
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~~(33)~~(35) "Person responsible for a child's care in out-of-home care" means any of the following: 42197  
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(a) Any foster caregiver, in-home aide, or provider; 42199

(b) Any administrator, employee, or agent of any of the 42200

following: a public or private detention facility; shelter 42201  
facility; certified children's crisis care facility; organization; 42202  
certified organization; child day-care center; type A family 42203  
day-care home; certified type B family day-care home; group home; 42204  
institution; state institution; residential facility; residential 42205  
care facility; residential camp; day camp; school district; 42206  
community school; chartered nonpublic school; educational service 42207  
center; hospital; or medical clinic; 42208

(c) Any person who supervises or coaches children as part of 42209  
an extracurricular activity sponsored by a school district, public 42210  
school, or chartered nonpublic school; 42211

(d) Any other person who performs a similar function with 42212  
respect to, or has a similar relationship to, children. 42213

~~(34)~~(36) "Physically impaired" means having one or more of 42214  
the following conditions that substantially limit one or more of 42215  
an individual's major life activities, including self-care, 42216  
receptive and expressive language, learning, mobility, and 42217  
self-direction: 42218

(a) A substantial impairment of vision, speech, or hearing; 42219

(b) A congenital orthopedic impairment; 42220

(c) An orthopedic impairment caused by disease, rheumatic 42221  
fever or any other similar chronic or acute health problem, or 42222  
amputation or another similar cause. 42223

~~(35)~~(37) "Placement for adoption" means the arrangement by a 42224  
public children services agency or a private child placing agency 42225  
with a person for the care and adoption by that person of a child 42226  
of whom the agency has permanent custody. 42227

~~(36)~~(38) "Placement in foster care" means the arrangement by 42228  
a public children services agency or a private child placing 42229  
agency for the out-of-home care of a child of whom the agency has 42230

temporary custody or permanent custody. 42231

~~(37)~~(39) "Planned permanent living arrangement" means an 42232  
order of a juvenile court pursuant to which both of the following 42233  
apply: 42234

(a) The court gives legal custody of a child to a public 42235  
children services agency or a private child placing agency without 42236  
the termination of parental rights. 42237

(b) The order permits the agency to make an appropriate 42238  
placement of the child and to enter into a written agreement with 42239  
a foster care provider or with another person or agency with whom 42240  
the child is placed. 42241

~~(38)~~(40) "Practice of social work" and "practice of 42242  
professional counseling" have the same meanings as in section 42243  
4757.01 of the Revised Code. 42244

~~(39)~~(41) "Sanction, service, or condition" means a sanction, 42245  
service, or condition created by court order following an 42246  
adjudication that a child is an unruly child that is described in 42247  
division (A)(4) of section 2152.19 of the Revised Code. 42248

~~(40)~~(42) "Protective supervision" means an order of 42249  
disposition pursuant to which the court permits an abused, 42250  
neglected, dependent, or unruly child to remain in the custody of 42251  
the child's parents, guardian, or custodian and stay in the 42252  
child's home, subject to any conditions and limitations upon the 42253  
child, the child's parents, guardian, or custodian, or any other 42254  
person that the court prescribes, including supervision as 42255  
directed by the court for the protection of the child. 42256

~~(41)~~(43) "Psychiatrist" has the same meaning as in section 42257  
5122.01 of the Revised Code. 42258

~~(42)~~(44) "Psychologist" has the same meaning as in section 42259  
4732.01 of the Revised Code. 42260

~~(43)~~(45) "Residential camp" means a program in which the 42261  
care, physical custody, or control of children is accepted 42262  
overnight for recreational or recreational and educational 42263  
purposes. 42264

~~(44)~~(46) "Residential care facility" means an institution, 42265  
residence, or facility that is licensed by the department of 42266  
mental health under section 5119.22 of the Revised Code and that 42267  
provides care for a child. 42268

~~(45)~~(47) "Residential facility" means a home or facility that 42269  
is licensed by the department of developmental disabilities under 42270  
section 5123.19 of the Revised Code and in which a child with a 42271  
developmental disability resides. 42272

~~(46)~~(48) "Residual parental rights, privileges, and 42273  
responsibilities" means those rights, privileges, and 42274  
responsibilities remaining with the natural parent after the 42275  
transfer of legal custody of the child, including, but not 42276  
necessarily limited to, the privilege of reasonable visitation, 42277  
consent to adoption, the privilege to determine the child's 42278  
religious affiliation, and the responsibility for support. 42279

~~(47)~~(49) "School day" means the school day established by the 42280  
state board of education pursuant to section 3313.48 of the 42281  
Revised Code. 42282

~~(48)~~(50) "School month" and "school year" have the same 42283  
meanings as in section 3313.62 of the Revised Code. 42284

~~(49)~~(51) "Secure correctional facility" means a facility 42285  
under the direction of the department of youth services that is 42286  
designed to physically restrict the movement and activities of 42287  
children and used for the placement of children after adjudication 42288  
and disposition. 42289

~~(50)~~(52) "Sexual activity" has the same meaning as in section 42290  
2907.01 of the Revised Code. 42291



~~(51)~~(53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

~~(52)~~(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

~~(53)~~(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(56) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

**Sec. 2151.3515.** As used in sections 2151.3515 to 2151.3530 of the Revised Code:

(A) "Deserted child" means a child whose parent has voluntarily delivered the child to an emergency medical service worker, peace officer, or hospital employee without expressing an intent to return for the child.

(B) "Emergency medical service organization," "emergency medical technician-basic," "emergency medical technician-intermediate," "first responder," and "paramedic" have

the same meanings as in section 4765.01 of the Revised Code. 42322

(C) "Emergency medical service worker" means a first 42323  
responder, emergency medical technician-basic, emergency medical 42324  
technician-intermediate, or paramedic. 42325

(D) "Hospital" has the same meaning as in section 3727.01 of 42326  
the Revised Code. 42327

(E) "Hospital employee" means any of the following persons: 42328

(1) A physician who has been granted privileges to practice 42329  
at the hospital; 42330

(2) A nurse, physician assistant, or nursing assistant 42331  
employed by the hospital; 42332

(3) An authorized person employed by the hospital who is 42333  
acting under the direction of a physician described in division 42334  
(E)(1) of this section. 42335

(F) "Law enforcement agency" means an organization or entity 42336  
made up of peace officers. 42337

(G) "Nurse" means a person who is licensed under Chapter 42338  
4723. of the Revised Code to practice as a registered nurse or 42339  
licensed practical nurse. 42340

(H) "Nursing assistant" means a person designated by a 42341  
hospital as a nurse aide or nursing assistant whose job is to aid 42342  
nurses, physicians, and physician assistants in the performance of 42343  
their duties. 42344

(I) "Peace officer" means a sheriff, deputy sheriff, 42345  
constable, police officer of a township or joint ~~township~~ police 42346  
district, marshal, deputy marshal, municipal police officer, or a 42347  
state highway patrol trooper. 42348

(J) "Physician" and "physician assistant" have the same 42349  
meanings as in section 4730.01 of the Revised Code. 42350

Sec. 2151.412. (A) Each public children services agency and 42351  
private child placing agency shall prepare and maintain a case 42352  
plan for any child to whom the agency is providing services and to 42353  
whom any of the following applies: 42354

(1) The agency filed a complaint pursuant to section 2151.27 42355  
of the Revised Code alleging that the child is an abused, 42356  
neglected, or dependent child; 42357

(2) The agency has temporary or permanent custody of the 42358  
child; 42359

(3) The child is living at home subject to an order for 42360  
protective supervision; 42361

(4) The child is in a planned permanent living arrangement. 42362

Except as provided by division (A)(2) of section 5103.153 of 42363  
the Revised Code, a private child placing agency providing 42364  
services to a child who is the subject of a voluntary permanent 42365  
custody surrender agreement entered into under division (B)(2) of 42366  
section 5103.15 of the Revised Code is not required to prepare and 42367  
maintain a case plan for that child. 42368

(B) Each public children services agency shall prepare and 42369  
maintain a case plan or a family service plan for any child for 42370  
whom the agency is providing in-home services pursuant to an 42371  
alternative response. 42372

(C)(1) The director of job and family services shall adopt 42373  
rules pursuant to Chapter 119. of the Revised Code setting forth 42374  
the content and format of case plans required by division (A) of 42375  
this section and establishing procedures for developing, 42376  
implementing, and changing the case plans. The rules shall at a 42377  
minimum comply with the requirements of Title IV-E of the "Social 42378  
Security Act," 94 Stat. 501, 42 U.S.C. 671 (1980), as amended. 42379

(2) The director of job and family services shall adopt rules 42380

pursuant to Chapter 119. of the Revised Code requiring public 42381  
children services agencies and private child placing agencies to 42382  
maintain case plans for children and their families who are 42383  
receiving services in their homes from the agencies and for whom 42384  
case plans are not required by division (A) of this section. The 42385  
rules for public children services agencies shall include the 42386  
requirements for case plans or family service plans maintained for 42387  
children and their families who are receiving services in their 42388  
homes from public children services agencies pursuant to an 42389  
alternative response. The agencies shall maintain case plans and 42390  
family service plans as required by those rules; however, the case 42391  
plans and family service plans shall not be subject to any other 42392  
provision of this section except as specifically required by the 42393  
rules. 42394

~~(C)~~(D) Each public children services agency and private child 42395  
placing agency that is required by division (A) of this section to 42396  
maintain a case plan shall file the case plan with the court prior 42397  
to the child's adjudicatory hearing but no later than thirty days 42398  
after the earlier of the date on which the complaint in the case 42399  
was filed or the child was first placed into shelter care. If the 42400  
agency does not have sufficient information prior to the 42401  
adjudicatory hearing to complete any part of the case plan, the 42402  
agency shall specify in the case plan the additional information 42403  
necessary to complete each part of the case plan and the steps 42404  
that will be taken to obtain that information. All parts of the 42405  
case plan shall be completed by the earlier of thirty days after 42406  
the adjudicatory hearing or the date of the dispositional hearing 42407  
for the child. 42408

~~(D)~~(E) Any agency that is required by division (A) of this 42409  
section to prepare a case plan shall attempt to obtain an 42410  
agreement among all parties, including, but not limited to, the 42411  
parents, guardian, or custodian of the child and the guardian ad 42412

litem of the child regarding the content of the case plan. If all 42413  
parties agree to the content of the case plan and the court 42414  
approves it, the court shall journalize it as part of its 42415  
dispositional order. If the agency cannot obtain an agreement upon 42416  
the contents of the case plan or the court does not approve it, 42417  
the parties shall present evidence on the contents of the case 42418  
plan at the dispositional hearing. The court, based upon the 42419  
evidence presented at the dispositional hearing and the best 42420  
interest of the child, shall determine the contents of the case 42421  
plan and journalize it as part of the dispositional order for the 42422  
child. 42423

~~(E)~~(F)(1) All parties, including the parents, guardian, or 42424  
custodian of the child, are bound by the terms of the journalized 42425  
case plan. A party that fails to comply with the terms of the 42426  
journalized case plan may be held in contempt of court. 42427

(2) Any party may propose a change to a substantive part of 42428  
the case plan, including, but not limited to, the child's 42429  
placement and the visitation rights of any party. A party 42430  
proposing a change to the case plan shall file the proposed change 42431  
with the court and give notice of the proposed change in writing 42432  
before the end of the day after the day of filing it to all 42433  
parties and the child's guardian ad litem. All parties and the 42434  
guardian ad litem shall have seven days from the date the notice 42435  
is sent to object to and request a hearing on the proposed change. 42436

(a) If it receives a timely request for a hearing, the court 42437  
shall schedule a hearing pursuant to section 2151.417 of the 42438  
Revised Code to be held no later than thirty days after the 42439  
request is received by the court. The court shall give notice of 42440  
the date, time, and location of the hearing to all parties and the 42441  
guardian ad litem. The agency may implement the proposed change 42442  
after the hearing, if the court approves it. The agency shall not 42443  
implement the proposed change unless it is approved by the court. 42444

(b) If it does not receive a timely request for a hearing, 42445  
the court may approve the proposed change without a hearing. If 42446  
the court approves the proposed change without a hearing, it shall 42447  
journalize the case plan with the change not later than fourteen 42448  
days after the change is filed with the court. If the court does 42449  
not approve the proposed change to the case plan, it shall 42450  
schedule a hearing to be held pursuant to section 2151.417 of the 42451  
Revised Code no later than thirty days after the expiration of the 42452  
fourteen-day time period and give notice of the date, time, and 42453  
location of the hearing to all parties and the guardian ad litem 42454  
of the child. If, despite the requirements of division ~~(E)~~(F)(2) 42455  
of this section, the court neither approves and journalizes the 42456  
proposed change nor conducts a hearing, the agency may implement 42457  
the proposed change not earlier than fifteen days after it is 42458  
submitted to the court. 42459

(3) If an agency has reasonable cause to believe that a child 42460  
is suffering from illness or injury and is not receiving proper 42461  
care and that an appropriate change in the child's case plan is 42462  
necessary to prevent immediate or threatened physical or emotional 42463  
harm, to believe that a child is in immediate danger from the 42464  
child's surroundings and that an immediate change in the child's 42465  
case plan is necessary to prevent immediate or threatened physical 42466  
or emotional harm to the child, or to believe that a parent, 42467  
guardian, custodian, or other member of the child's household has 42468  
abused or neglected the child and that the child is in danger of 42469  
immediate or threatened physical or emotional harm from that 42470  
person unless the agency makes an appropriate change in the 42471  
child's case plan, it may implement the change without prior 42472  
agreement or a court hearing and, before the end of the next day 42473  
after the change is made, give all parties, the guardian ad litem 42474  
of the child, and the court notice of the change. Before the end 42475  
of the third day after implementing the change in the case plan, 42476  
the agency shall file a statement of the change with the court and 42477

give notice of the filing accompanied by a copy of the statement 42478  
to all parties and the guardian ad litem. All parties and the 42479  
guardian ad litem shall have ten days from the date the notice is 42480  
sent to object to and request a hearing on the change. 42481

(a) If it receives a timely request for a hearing, the court 42482  
shall schedule a hearing pursuant to section 2151.417 of the 42483  
Revised Code to be held no later than thirty days after the 42484  
request is received by the court. The court shall give notice of 42485  
the date, time, and location of the hearing to all parties and the 42486  
guardian ad litem. The agency shall continue to administer the 42487  
case plan with the change after the hearing, if the court approves 42488  
the change. If the court does not approve the change, the court 42489  
shall make appropriate changes to the case plan and shall 42490  
journalize the case plan. 42491

(b) If it does not receive a timely request for a hearing, 42492  
the court may approve the change without a hearing. If the court 42493  
approves the change without a hearing, it shall journalize the 42494  
case plan with the change within fourteen days after receipt of 42495  
the change. If the court does not approve the change to the case 42496  
plan, it shall schedule a hearing under section 2151.417 of the 42497  
Revised Code to be held no later than thirty days after the 42498  
expiration of the fourteen-day time period and give notice of the 42499  
date, time, and location of the hearing to all parties and the 42500  
guardian ad litem of the child. 42501

~~(F)~~(G)(1) All case plans for children in temporary custody 42502  
shall have the following general goals: 42503

(a) Consistent with the best interest and special needs of 42504  
the child, to achieve a safe out-of-home placement in the least 42505  
restrictive, most family-like setting available and in close 42506  
proximity to the home from which the child was removed or the home 42507  
in which the child will be permanently placed; 42508

(b) To eliminate with all due speed the need for the 42509  
out-of-home placement so that the child can safely return home. 42510

(2) The director of job and family services shall adopt rules 42511  
pursuant to Chapter 119. of the Revised Code setting forth the 42512  
general goals of case plans for children subject to dispositional 42513  
orders for protective supervision, a planned permanent living 42514  
arrangement, or permanent custody. 42515

~~(G)~~(H) In the agency's development of a case plan and the 42516  
court's review of the case plan, the child's health and safety 42517  
shall be the paramount concern. The agency and the court shall be 42518  
guided by the following general priorities: 42519

(1) A child who is residing with or can be placed with the 42520  
child's parents within a reasonable time should remain in their 42521  
legal custody even if an order of protective supervision is 42522  
required for a reasonable period of time; 42523

(2) If both parents of the child have abandoned the child, 42524  
have relinquished custody of the child, have become incapable of 42525  
supporting or caring for the child even with reasonable 42526  
assistance, or have a detrimental effect on the health, safety, 42527  
and best interest of the child, the child should be placed in the 42528  
legal custody of a suitable member of the child's extended family; 42529

(3) If a child described in division ~~(G)~~(H)(2) of this 42530  
section has no suitable member of the child's extended family to 42531  
accept legal custody, the child should be placed in the legal 42532  
custody of a suitable nonrelative who shall be made a party to the 42533  
proceedings after being given legal custody of the child; 42534

(4) If the child has no suitable member of the child's 42535  
extended family to accept legal custody of the child and no 42536  
suitable nonrelative is available to accept legal custody of the 42537  
child and, if the child temporarily cannot or should not be placed 42538  
with the child's parents, guardian, or custodian, the child should 42539



be placed in the temporary custody of a public children services 42540  
agency or a private child placing agency; 42541

(5) If the child cannot be placed with either of the child's 42542  
parents within a reasonable period of time or should not be placed 42543  
with either, if no suitable member of the child's extended family 42544  
or suitable nonrelative is available to accept legal custody of 42545  
the child, and if the agency has a reasonable expectation of 42546  
placing the child for adoption, the child should be committed to 42547  
the permanent custody of the public children services agency or 42548  
private child placing agency; 42549

(6) If the child is to be placed for adoption or foster care, 42550  
the placement shall not be delayed or denied on the basis of the 42551  
child's or adoptive or foster family's race, color, or national 42552  
origin. 42553

~~(H)~~(I) The case plan for a child in temporary custody shall 42554  
include at a minimum the following requirements if the child is or 42555  
has been the victim of abuse or neglect or if the child witnessed 42556  
the commission in the child's household of abuse or neglect 42557  
against a sibling of the child, a parent of the child, or any 42558  
other person in the child's household: 42559

(1) A requirement that the child's parents, guardian, or 42560  
custodian participate in mandatory counseling; 42561

(2) A requirement that the child's parents, guardian, or 42562  
custodian participate in any supportive services that are required 42563  
by or provided pursuant to the child's case plan. 42564

~~(I)~~(J) A case plan may include, as a supplement, a plan for 42565  
locating a permanent family placement. The supplement shall not be 42566  
considered part of the case plan for purposes of division ~~(D)~~(E) 42567  
of this section. 42568

**Sec. 2151.421.** (A)(1)(a) No person described in division 42569

(A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; registered nurse; licensed practical nurse; visiting nurse; other health care professional; licensed psychologist; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp or child day camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person, other than a cleric, rendering spiritual

treatment through prayer in accordance with the tenets of a 42603  
well-recognized religion; employee of a county department of job 42604  
and family services who is a professional and who works with 42605  
children and families; superintendent, board member, or employee 42606  
of a county board of developmental disabilities; investigative 42607  
agent contracted with by a county board of developmental 42608  
disabilities; employee of the department of developmental 42609  
disabilities; employee of a facility or home that provides respite 42610  
care in accordance with section 5123.171 of the Revised Code; 42611  
employee of a home health agency; employee of an entity that 42612  
provides homemaker services; a person performing the duties of an 42613  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 42614  
or third party employed by a public children services agency to 42615  
assist in providing child or family related services. 42616

(2) Except as provided in division (A)(3) of this section, an 42617  
attorney or a physician is not required to make a report pursuant 42618  
to division (A)(1) of this section concerning any communication 42619  
the attorney or physician receives from a client or patient in an 42620  
attorney-client or physician-patient relationship, if, in 42621  
accordance with division (A) or (B) of section 2317.02 of the 42622  
Revised Code, the attorney or physician could not testify with 42623  
respect to that communication in a civil or criminal proceeding. 42624

(3) The client or patient in an attorney-client or 42625  
physician-patient relationship described in division (A)(2) of 42626  
this section is deemed to have waived any testimonial privilege 42627  
under division (A) or (B) of section 2317.02 of the Revised Code 42628  
with respect to any communication the attorney or physician 42629  
receives from the client or patient in that attorney-client or 42630  
physician-patient relationship, and the attorney or physician 42631  
shall make a report pursuant to division (A)(1) of this section 42632  
with respect to that communication, if all of the following apply: 42633

(a) The client or patient, at the time of the communication, 42634

is either a child under eighteen years of age or a mentally 42635  
retarded, developmentally disabled, or physically impaired person 42636  
under twenty-one years of age. 42637

(b) The attorney or physician knows, or has reasonable cause 42638  
to suspect based on facts that would cause a reasonable person in 42639  
similar position to suspect, as a result of the communication or 42640  
any observations made during that communication, that the client 42641  
or patient has suffered or faces a threat of suffering any 42642  
physical or mental wound, injury, disability, or condition of a 42643  
nature that reasonably indicates abuse or neglect of the client or 42644  
patient. 42645

(c) The abuse or neglect does not arise out of the client's 42646  
or patient's attempt to have an abortion without the notification 42647  
of her parents, guardian, or custodian in accordance with section 42648  
2151.85 of the Revised Code. 42649

(4)(a) No cleric and no person, other than a volunteer, 42650  
designated by any church, religious society, or faith acting as a 42651  
leader, official, or delegate on behalf of the church, religious 42652  
society, or faith who is acting in an official or professional 42653  
capacity, who knows, or has reasonable cause to believe based on 42654  
facts that would cause a reasonable person in a similar position 42655  
to believe, that a child under eighteen years of age or a mentally 42656  
retarded, developmentally disabled, or physically impaired child 42657  
under twenty-one years of age has suffered or faces a threat of 42658  
suffering any physical or mental wound, injury, disability, or 42659  
condition of a nature that reasonably indicates abuse or neglect 42660  
of the child, and who knows, or has reasonable cause to believe 42661  
based on facts that would cause a reasonable person in a similar 42662  
position to believe, that another cleric or another person, other 42663  
than a volunteer, designated by a church, religious society, or 42664  
faith acting as a leader, official, or delegate on behalf of the 42665  
church, religious society, or faith caused, or poses the threat of 42666

causing, the wound, injury, disability, or condition that 42667  
reasonably indicates abuse or neglect shall fail to immediately 42668  
report that knowledge or reasonable cause to believe to the entity 42669  
or persons specified in this division. Except as provided in 42670  
section 5120.173 of the Revised Code, the person making the report 42671  
shall make it to the public children services agency or a 42672  
municipal or county peace officer in the county in which the child 42673  
resides or in which the abuse or neglect is occurring or has 42674  
occurred. In the circumstances described in section 5120.173 of 42675  
the Revised Code, the person making the report shall make it to 42676  
the entity specified in that section. 42677

(b) Except as provided in division (A)(4)(c) of this section, 42678  
a cleric is not required to make a report pursuant to division 42679  
(A)(4)(a) of this section concerning any communication the cleric 42680  
receives from a penitent in a cleric-penitent relationship, if, in 42681  
accordance with division (C) of section 2317.02 of the Revised 42682  
Code, the cleric could not testify with respect to that 42683  
communication in a civil or criminal proceeding. 42684

(c) The penitent in a cleric-penitent relationship described 42685  
in division (A)(4)(b) of this section is deemed to have waived any 42686  
testimonial privilege under division (C) of section 2317.02 of the 42687  
Revised Code with respect to any communication the cleric receives 42688  
from the penitent in that cleric-penitent relationship, and the 42689  
cleric shall make a report pursuant to division (A)(4)(a) of this 42690  
section with respect to that communication, if all of the 42691  
following apply: 42692

(i) The penitent, at the time of the communication, is either 42693  
a child under eighteen years of age or a mentally retarded, 42694  
developmentally disabled, or physically impaired person under 42695  
twenty-one years of age. 42696

(ii) The cleric knows, or has reasonable cause to believe 42697  
based on facts that would cause a reasonable person in a similar 42698

position to believe, as a result of the communication or any 42699  
observations made during that communication, the penitent has 42700  
suffered or faces a threat of suffering any physical or mental 42701  
wound, injury, disability, or condition of a nature that 42702  
reasonably indicates abuse or neglect of the penitent. 42703

(iii) The abuse or neglect does not arise out of the 42704  
penitent's attempt to have an abortion performed upon a child 42705  
under eighteen years of age or upon a mentally retarded, 42706  
developmentally disabled, or physically impaired person under 42707  
twenty-one years of age without the notification of her parents, 42708  
guardian, or custodian in accordance with section 2151.85 of the 42709  
Revised Code. 42710

(d) Divisions (A)(4)(a) and (c) of this section do not apply 42711  
in a cleric-penitent relationship when the disclosure of any 42712  
communication the cleric receives from the penitent is in 42713  
violation of the sacred trust. 42714

(e) As used in divisions (A)(1) and (4) of this section, 42715  
"cleric" and "sacred trust" have the same meanings as in section 42716  
2317.02 of the Revised Code. 42717

(B) Anyone who knows, or has reasonable cause to suspect 42718  
based on facts that would cause a reasonable person in similar 42719  
circumstances to suspect, that a child under eighteen years of age 42720  
or a mentally retarded, developmentally disabled, or physically 42721  
impaired person under twenty-one years of age has suffered or 42722  
faces a threat of suffering any physical or mental wound, injury, 42723  
disability, or other condition of a nature that reasonably 42724  
indicates abuse or neglect of the child may report or cause 42725  
reports to be made of that knowledge or reasonable cause to 42726  
suspect to the entity or persons specified in this division. 42727  
Except as provided in section 5120.173 of the Revised Code, a 42728  
person making a report or causing a report to be made under this 42729  
division shall make it or cause it to be made to the public 42730

children services agency or to a municipal or county peace 42731  
officer. In the circumstances described in section 5120.173 of the 42732  
Revised Code, a person making a report or causing a report to be 42733  
made under this division shall make it or cause it to be made to 42734  
the entity specified in that section. 42735

(C) Any report made pursuant to division (A) or (B) of this 42736  
section shall be made forthwith either by telephone or in person 42737  
and shall be followed by a written report, if requested by the 42738  
receiving agency or officer. The written report shall contain: 42739

(1) The names and addresses of the child and the child's 42740  
parents or the person or persons having custody of the child, if 42741  
known; 42742

(2) The child's age and the nature and extent of the child's 42743  
injuries, abuse, or neglect that is known or reasonably suspected 42744  
or believed, as applicable, to have occurred or of the threat of 42745  
injury, abuse, or neglect that is known or reasonably suspected or 42746  
believed, as applicable, to exist, including any evidence of 42747  
previous injuries, abuse, or neglect; 42748

(3) Any other information that might be helpful in 42749  
establishing the cause of the injury, abuse, or neglect that is 42750  
known or reasonably suspected or believed, as applicable, to have 42751  
occurred or of the threat of injury, abuse, or neglect that is 42752  
known or reasonably suspected or believed, as applicable, to 42753  
exist. 42754

Any person, who is required by division (A) of this section 42755  
to report child abuse or child neglect that is known or reasonably 42756  
suspected or believed to have occurred, may take or cause to be 42757  
taken color photographs of areas of trauma visible on a child and, 42758  
if medically indicated, cause to be performed radiological 42759  
examinations of the child. 42760

(D) As used in this division, "children's advocacy center" 42761

and "sexual abuse of a child" have the same meanings as in section 42762  
2151.425 of the Revised Code. 42763

(1) When a municipal or county peace officer receives a 42764  
report concerning the possible abuse or neglect of a child or the 42765  
possible threat of abuse or neglect of a child, upon receipt of 42766  
the report, the municipal or county peace officer who receives the 42767  
report shall refer the report to the appropriate public children 42768  
services agency. 42769

(2) When a public children services agency receives a report 42770  
pursuant to this division or division (A) or (B) of this section, 42771  
upon receipt of the report, the public children services agency 42772  
shall do both of the following: 42773

(a) Comply with section 2151.422 of the Revised Code; 42774

(b) If the county served by the agency is also served by a 42775  
children's advocacy center and the report alleges sexual abuse of 42776  
a child or another type of abuse of a child that is specified in 42777  
the memorandum of understanding that creates the center as being 42778  
within the center's jurisdiction, comply regarding the report with 42779  
the protocol and procedures for referrals and investigations, with 42780  
the coordinating activities, and with the authority or 42781  
responsibility for performing or providing functions, activities, 42782  
and services stipulated in the interagency agreement entered into 42783  
under section 2151.428 of the Revised Code relative to that 42784  
center. 42785

(E) No township, municipal, or county peace officer shall 42786  
remove a child about whom a report is made pursuant to this 42787  
section from the child's parents, stepparents, or guardian or any 42788  
other persons having custody of the child without consultation 42789  
with the public children services agency, unless, in the judgment 42790  
of the officer, and, if the report was made by physician, the 42791  
physician, immediate removal is considered essential to protect 42792



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.

(F)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (H)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any

person. The public children services agency shall report each case 42825  
to the uniform statewide automated child welfare information 42826  
system that the department of job and family services shall 42827  
maintain in accordance with section 5101.13 of the Revised Code. 42828  
The public children services agency shall submit a report of its 42829  
investigation, in writing, to the law enforcement agency. 42830

(2) The public children services agency shall make any 42831  
recommendations to the county prosecuting attorney or city 42832  
director of law that it considers necessary to protect any 42833  
children that are brought to its attention. 42834

(G)(1)(a) Except as provided in division (H)(3) of this 42835  
section, anyone or any hospital, institution, school, health 42836  
department, or agency participating in the making of reports under 42837  
division (A) of this section, anyone or any hospital, institution, 42838  
school, health department, or agency participating in good faith 42839  
in the making of reports under division (B) of this section, and 42840  
anyone participating in good faith in a judicial proceeding 42841  
resulting from the reports, shall be immune from any civil or 42842  
criminal liability for injury, death, or loss to person or 42843  
property that otherwise might be incurred or imposed as a result 42844  
of the making of the reports or the participation in the judicial 42845  
proceeding. 42846

(b) Notwithstanding section 4731.22 of the Revised Code, the 42847  
physician-patient privilege shall not be a ground for excluding 42848  
evidence regarding a child's injuries, abuse, or neglect, or the 42849  
cause of the injuries, abuse, or neglect in any judicial 42850  
proceeding resulting from a report submitted pursuant to this 42851  
section. 42852

(2) In any civil or criminal action or proceeding in which it 42853  
is alleged and proved that participation in the making of a report 42854  
under this section was not in good faith or participation in a 42855  
judicial proceeding resulting from a report made under this 42856

section was not in good faith, the court shall award the 42857  
prevailing party reasonable attorney's fees and costs and, if a 42858  
civil action or proceeding is voluntarily dismissed, may award 42859  
reasonable attorney's fees and costs to the party against whom the 42860  
civil action or proceeding is brought. 42861

(H)(1) Except as provided in divisions (H)(4) and (N) of this 42862  
section, a report made under this section is confidential. The 42863  
information provided in a report made pursuant to this section and 42864  
the name of the person who made the report shall not be released 42865  
for use, and shall not be used, as evidence in any civil action or 42866  
proceeding brought against the person who made the report. Nothing 42867  
in this division shall preclude the use of reports of other 42868  
incidents of known or suspected abuse or neglect in a civil action 42869  
or proceeding brought pursuant to division (M) of this section 42870  
against a person who is alleged to have violated division (A)(1) 42871  
of this section, provided that any information in a report that 42872  
would identify the child who is the subject of the report or the 42873  
maker of the report, if the maker of the report is not the 42874  
defendant or an agent or employee of the defendant, has been 42875  
redacted. In a criminal proceeding, the report is admissible in 42876  
evidence in accordance with the Rules of Evidence and is subject 42877  
to discovery in accordance with the Rules of Criminal Procedure. 42878

(2) No person shall permit or encourage the unauthorized 42879  
dissemination of the contents of any report made under this 42880  
section. 42881

(3) A person who knowingly makes or causes another person to 42882  
make a false report under division (B) of this section that 42883  
alleges that any person has committed an act or omission that 42884  
resulted in a child being an abused child or a neglected child is 42885  
guilty of a violation of section 2921.14 of the Revised Code. 42886

(4) If a report is made pursuant to division (A) or (B) of 42887  
this section and the child who is the subject of the report dies 42888

for any reason at any time after the report is made, but before 42889  
the child attains eighteen years of age, the public children 42890  
services agency or municipal or county peace officer to which the 42891  
report was made or referred, on the request of the child fatality 42892  
review board, shall submit a summary sheet of information 42893  
providing a summary of the report to the review board of the 42894  
county in which the deceased child resided at the time of death. 42895  
On the request of the review board, the agency or peace officer 42896  
may, at its discretion, make the report available to the review 42897  
board. If the county served by the public children services agency 42898  
is also served by a children's advocacy center and the report of 42899  
alleged sexual abuse of a child or another type of abuse of a 42900  
child is specified in the memorandum of understanding that creates 42901  
the center as being within the center's jurisdiction, the agency 42902  
or center shall perform the duties and functions specified in this 42903  
division in accordance with the interagency agreement entered into 42904  
under section 2151.428 of the Revised Code relative to that 42905  
advocacy center. 42906

(5) A public children services agency shall advise a person 42907  
alleged to have inflicted abuse or neglect on a child who is the 42908  
subject of a report made pursuant to this section, including a 42909  
report alleging sexual abuse of a child or another type of abuse 42910  
of a child referred to a children's advocacy center pursuant to an 42911  
interagency agreement entered into under section 2151.428 of the 42912  
Revised Code, in writing of the disposition of the investigation. 42913  
The agency shall not provide to the person any information that 42914  
identifies the person who made the report, statements of 42915  
witnesses, or police or other investigative reports. 42916

(I) Any report that is required by this section, other than a 42917  
report that is made to the state highway patrol as described in 42918  
section 5120.173 of the Revised Code, shall result in protective 42919  
services and emergency supportive services being made available by 42920

the public children services agency on behalf of the children 42921  
about whom the report is made, in an effort to prevent further 42922  
neglect or abuse, to enhance their welfare, and, whenever 42923  
possible, to preserve the family unit intact. The agency required 42924  
to provide the services shall be the agency conducting the 42925  
investigation of the report pursuant to section 2151.422 of the 42926  
Revised Code. 42927

(J)(1) Each public children services agency shall prepare a 42928  
memorandum of understanding that is signed by all of the 42929  
following: 42930

(a) If there is only one juvenile judge in the county, the 42931  
juvenile judge of the county or the juvenile judge's 42932  
representative; 42933

(b) If there is more than one juvenile judge in the county, a 42934  
juvenile judge or the juvenile judges' representative selected by 42935  
the juvenile judges or, if they are unable to do so for any 42936  
reason, the juvenile judge who is senior in point of service or 42937  
the senior juvenile judge's representative; 42938

(c) The county peace officer; 42939

(d) All chief municipal peace officers within the county; 42940

(e) Other law enforcement officers handling child abuse and 42941  
neglect cases in the county; 42942

(f) The prosecuting attorney of the county; 42943

(g) If the public children services agency is not the county 42944  
department of job and family services, the county department of 42945  
job and family services; 42946

(h) The county humane society; 42947

(i) If the public children services agency participated in 42948  
the execution of a memorandum of understanding under section 42949  
2151.426 of the Revised Code establishing a children's advocacy 42950

center, each participating member of the children's advocacy center established by the memorandum. 42951  
42952

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. 42953  
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(3) A memorandum of understanding shall include all of the following: 42972  
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(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect; 42974  
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(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or 42976  
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neglected. 42983

(4) If a public children services agency participated in the 42984  
execution of a memorandum of understanding under section 2151.426 42985  
of the Revised Code establishing a children's advocacy center, the 42986  
agency shall incorporate the contents of that memorandum in the 42987  
memorandum prepared pursuant to this section. 42988

(5) The clerk of the court of common pleas in the county may 42989  
sign the memorandum of understanding prepared under division 42990  
(J)(1) of this section. If the clerk signs the memorandum of 42991  
understanding, the clerk shall execute all relevant 42992  
responsibilities as required of officials specified in the 42993  
memorandum. 42994

(K)(1) Except as provided in division (K)(4) of this section, 42995  
a person who is required to make a report pursuant to division (A) 42996  
of this section may make a reasonable number of requests of the 42997  
public children services agency that receives or is referred the 42998  
report, or of the children's advocacy center that is referred the 42999  
report if the report is referred to a children's advocacy center 43000  
pursuant to an interagency agreement entered into under section 43001  
2151.428 of the Revised Code, to be provided with the following 43002  
information: 43003

(a) Whether the agency or center has initiated an 43004  
investigation of the report; 43005

(b) Whether the agency or center is continuing to investigate 43006  
the report; 43007

(c) Whether the agency or center is otherwise involved with 43008  
the child who is the subject of the report; 43009

(d) The general status of the health and safety of the child 43010  
who is the subject of the report; 43011

(e) Whether the report has resulted in the filing of a 43012

complaint in juvenile court or of criminal charges in another 43013  
court. 43014

(2) A person may request the information specified in 43015  
division (K)(1) of this section only if, at the time the report is 43016  
made, the person's name, address, and telephone number are 43017  
provided to the person who receives the report. 43018

When a municipal or county peace officer or employee of a 43019  
public children services agency receives a report pursuant to 43020  
division (A) or (B) of this section the recipient of the report 43021  
shall inform the person of the right to request the information 43022  
described in division (K)(1) of this section. The recipient of the 43023  
report shall include in the initial child abuse or child neglect 43024  
report that the person making the report was so informed and, if 43025  
provided at the time of the making of the report, shall include 43026  
the person's name, address, and telephone number in the report. 43027

Each request is subject to verification of the identity of 43028  
the person making the report. If that person's identity is 43029  
verified, the agency shall provide the person with the information 43030  
described in division (K)(1) of this section a reasonable number 43031  
of times, except that the agency shall not disclose any 43032  
confidential information regarding the child who is the subject of 43033  
the report other than the information described in those 43034  
divisions. 43035

(3) A request made pursuant to division (K)(1) of this 43036  
section is not a substitute for any report required to be made 43037  
pursuant to division (A) of this section. 43038

(4) If an agency other than the agency that received or was 43039  
referred the report is conducting the investigation of the report 43040  
pursuant to section 2151.422 of the Revised Code, the agency 43041  
conducting the investigation shall comply with the requirements of 43042  
division (K) of this section. 43043



(L) The director of job and family services shall adopt rules 43044  
in accordance with Chapter 119. of the Revised Code to implement 43045  
this section. The department of job and family services may enter 43046  
into a plan of cooperation with any other governmental entity to 43047  
aid in ensuring that children are protected from abuse and 43048  
neglect. The department shall make recommendations to the attorney 43049  
general that the department determines are necessary to protect 43050  
children from child abuse and child neglect. 43051

(M) Whoever violates division (A) of this section is liable 43052  
for compensatory and exemplary damages to the child who would have 43053  
been the subject of the report that was not made. A person who 43054  
brings a civil action or proceeding pursuant to this division 43055  
against a person who is alleged to have violated division (A)(1) 43056  
of this section may use in the action or proceeding reports of 43057  
other incidents of known or suspected abuse or neglect, provided 43058  
that any information in a report that would identify the child who 43059  
is the subject of the report or the maker of the report, if the 43060  
maker is not the defendant or an agent or employee of the 43061  
defendant, has been redacted. 43062

(N)(1) As used in this division: 43063

(a) "Out-of-home care" includes a nonchartered nonpublic 43064  
school if the alleged child abuse or child neglect, or alleged 43065  
threat of child abuse or child neglect, described in a report 43066  
received by a public children services agency allegedly occurred 43067  
in or involved the nonchartered nonpublic school and the alleged 43068  
perpetrator named in the report holds a certificate, permit, or 43069  
license issued by the state board of education under section 43070  
3301.071 or Chapter 3319. of the Revised Code. 43071

(b) "Administrator, director, or other chief administrative 43072  
officer" means the superintendent of the school district if the 43073  
out-of-home care entity subject to a report made pursuant to this 43074  
section is a school operated by the district. 43075

(2) No later than the end of the day following the day on 43076  
which a public children services agency receives a report of 43077  
alleged child abuse or child neglect, or a report of an alleged 43078  
threat of child abuse or child neglect, that allegedly occurred in 43079  
or involved an out-of-home care entity, the agency shall provide 43080  
written notice of the allegations contained in and the person 43081  
named as the alleged perpetrator in the report to the 43082  
administrator, director, or other chief administrative officer of 43083  
the out-of-home care entity that is the subject of the report 43084  
unless the administrator, director, or other chief administrative 43085  
officer is named as an alleged perpetrator in the report. If the 43086  
administrator, director, or other chief administrative officer of 43087  
an out-of-home care entity is named as an alleged perpetrator in a 43088  
report of alleged child abuse or child neglect, or a report of an 43089  
alleged threat of child abuse or child neglect, that allegedly 43090  
occurred in or involved the out-of-home care entity, the agency 43091  
shall provide the written notice to the owner or governing board 43092  
of the out-of-home care entity that is the subject of the report. 43093  
The agency shall not provide witness statements or police or other 43094  
investigative reports. 43095

(3) No later than three days after the day on which a public 43096  
children services agency that conducted the investigation as 43097  
determined pursuant to section 2151.422 of the Revised Code makes 43098  
a disposition of an investigation involving a report of alleged 43099  
child abuse or child neglect, or a report of an alleged threat of 43100  
child abuse or child neglect, that allegedly occurred in or 43101  
involved an out-of-home care entity, the agency shall send written 43102  
notice of the disposition of the investigation to the 43103  
administrator, director, or other chief administrative officer and 43104  
the owner or governing board of the out-of-home care entity. The 43105  
agency shall not provide witness statements or police or other 43106  
investigative reports. 43107

(O) As used in this section, "investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

**Sec. 2151.424.** (A) If a child has been placed in a certified 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. 43138  
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(B) The agency shall use the traditional response for the following types of accepted reports: 43143  
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(1) Physical abuse resulting in serious injury or that creates a serious and immediate risk to a child's health and safety. 43145  
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(2) Sexual abuse. 43148

(3) Child fatality. 43149

(4) Reports requiring a specialized assessment as identified by rule adopted by the department. 43150  
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(5) Reports requiring a third party investigative procedure as identified by rule adopted by the department. 43152  
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(C) For all other child abuse and neglect reports, an alternative response shall be the preferred response, whenever appropriate and in accordance with rules adopted by the department. 43154  
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**Sec. 2151.541.** (A)(1) The juvenile judge may determine that, 43158  
for the efficient operation of the juvenile court, additional 43159  
funds are required to computerize the court, to make available 43160  
computerized legal research services, or both. Upon making a 43161  
determination that additional funds are required for either or 43162  
both of those purposes, the judge shall do one of the following: 43163

(a) If ~~he~~ the judge is clerk of the court, charge one 43164  
additional fee not to exceed three dollars on the filing of each 43165  
cause of action or appeal under division (A), (Q), or (U) of 43166

section 2303.20 of the Revised Code; 43167

(b) If the clerk of the court of common pleas serves as the 43168  
clerk of the juvenile court pursuant to section 2151.12 of the 43169  
Revised Code, authorize and direct the clerk to charge one 43170  
additional fee not to exceed three dollars on the filing of each 43171  
cause of action or appeal under division (A), (Q), or (U) of 43172  
section 2303.20 of the Revised Code. 43173

(2) All moneys collected under division (A)(1) of this 43174  
section shall be paid to the county treasurer. The treasurer shall 43175  
place the moneys from the fees in a separate fund to be disbursed, 43176  
upon an order of the juvenile judge, subject to an appropriation 43177  
by the board of county commissioners, in an amount no greater than 43178  
the actual cost to the court of procuring and maintaining 43179  
computerization of the court, computerized legal research 43180  
services, or both. 43181

(3) If the court determines that the funds in the fund 43182  
described in division (A)(2) of this section are more than 43183  
sufficient to satisfy the purpose for which the additional fee 43184  
described in division (A)(1) of this section was imposed, the 43185  
court may declare a surplus in the fund and, subject to an 43186  
appropriation by the board of county commissioners, expend those 43187  
surplus funds for other appropriate technological expenses of the 43188  
court. 43189

(B)(1) If the juvenile judge is the clerk of the juvenile 43190  
court, ~~he~~ the judge may determine that, for the efficient 43191  
operation of ~~his~~ the juvenile court, additional funds are required 43192  
to computerize the clerk's office and, upon that determination, 43193  
may charge an additional fee, not to exceed ten dollars, on the 43194  
filing of each cause of action or appeal, on the filing, 43195  
docketing, and endorsing of each certificate of judgment, or on 43196  
the docketing and indexing of each aid in execution or petition to 43197  
vacate, revive, or modify a judgment under divisions (A), (P), 43198

(Q), (T), and (U) of section 2303.20 of the Revised Code. Subject 43199  
to division (B)(2) of this section, all moneys collected under 43200  
this division shall be paid to the county treasurer to be 43201  
disbursed, upon an order of the juvenile judge and subject to 43202  
appropriation by the board of county commissioners, in an amount 43203  
no greater than the actual cost to the juvenile court of procuring 43204  
and maintaining computer systems for the clerk's office. 43205

(2) If the juvenile judge makes the determination described 43206  
in division (B)(1) of this section, the board of county 43207  
commissioners may issue one or more general obligation bonds for 43208  
the purpose of procuring and maintaining the computer systems for 43209  
the office of the clerk of the juvenile court. In addition to the 43210  
purposes stated in division (B)(1) of this section for which the 43211  
moneys collected under that division may be expended, the moneys 43212  
additionally may be expended to pay debt charges on and financing 43213  
costs related to any general obligation bonds issued pursuant to 43214  
this division as they become due. General obligation bonds issued 43215  
pursuant to this division are Chapter 133. securities. 43216

**Sec. 2152.72.** (A) This section applies only to a child who is 43217  
or previously has been adjudicated a delinquent child for an act 43218  
to which any of the following applies: 43219

(1) The act is a violation of section 2903.01, 2903.02, 43220  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 43221  
2907.05 of the Revised Code. 43222

(2) The act is a violation of section 2923.01 of the Revised 43223  
Code and involved an attempt to commit aggravated murder or 43224  
murder. 43225

(3) The act would be a felony if committed by an adult, and 43226  
the court determined that the child, if an adult, would be guilty 43227  
of a specification found in section 2941.141, 2941.144, or 43228  
2941.145 of the Revised Code or in another section of the Revised 43229

Code that relates to the possession or use of a firearm during the 43230  
commission of the act for which the child was adjudicated a 43231  
delinquent child. 43232

(4) The act would be an offense of violence that is a felony 43233  
if committed by an adult, and the court determined that the child, 43234  
if an adult, would be guilty of a specification found in section 43235  
2941.1411 of the Revised Code or in another section of the Revised 43236  
Code that relates to the wearing or carrying of body armor during 43237  
the commission of the act for which the child was adjudicated a 43238  
delinquent child. 43239

(B)(1) Except as provided in division (E) of this section, a 43240  
public children services agency, private child placing agency, 43241  
private noncustodial agency, or court, the department of youth 43242  
services, or another private or government entity shall not place 43243  
a child in a certified foster home or for adoption until it 43244  
provides the foster caregivers or prospective adoptive parents 43245  
with all of the following: 43246

(a) A written report describing the child's social history; 43247

(b) A written report describing all the acts committed by the 43248  
child the entity knows of that resulted in the child being 43249  
adjudicated a delinquent child and the disposition made by the 43250  
court, unless the records pertaining to the acts have been sealed 43251  
pursuant to section 2151.356 of the Revised Code; 43252

(c) A written report describing any other violent act 43253  
committed by the child of which the entity is aware; 43254

(d) The substantial and material conclusions and 43255  
recommendations of any psychiatric or psychological examination 43256  
conducted on the child or, if no psychological or psychiatric 43257  
examination of the child is available, the substantial and 43258  
material conclusions and recommendations of an examination to 43259  
detect mental and emotional disorders conducted in compliance with 43260

the requirements of Chapter 4757. of the Revised Code by an 43261  
independent social worker, social worker, professional clinical 43262  
counselor, or professional counselor licensed under that chapter. 43263  
The entity shall not provide any part of a psychological, 43264  
psychiatric, or mental and emotional disorder examination to the 43265  
foster caregivers or prospective adoptive parents other than the 43266  
substantial and material conclusions. 43267

(2) Notwithstanding sections 2151.356 to 2151.358 of the 43268  
Revised Code, if records of an adjudication that a child is a 43269  
delinquent child have been sealed pursuant to those sections and 43270  
an entity knows the records have been sealed, the entity shall 43271  
provide the foster caregivers or prospective adoptive parents a 43272  
written statement that the records of a prior adjudication have 43273  
been sealed. 43274

(C)(1) The entity that places the child in a certified foster 43275  
home or for adoption shall conduct a psychological examination of 43276  
the child unless either of the following applies: 43277

(a) An entity is not required to conduct the examination if 43278  
an examination was conducted no more than one year prior to the 43279  
child's placement, and division (C)(1)(b) of this section does not 43280  
apply. 43281

(b) An entity is not required to conduct the examination if a 43282  
foster caregiver seeks to adopt the foster caregiver's foster 43283  
child, and an examination was conducted no more than two years 43284  
prior to the date the foster caregiver seeks to adopt the child. 43285

(2) No later than sixty days after placing the child, the 43286  
entity shall provide the foster caregiver or prospective adoptive 43287  
parents a written report detailing the substantial and material 43288  
conclusions and recommendations of the examination conducted 43289  
pursuant to this division. 43290

(D)(1) Except as provided in divisions (D)(2) and (3) of this 43291



section, the expenses of conducting the examinations and preparing 43292  
the reports and assessment required by division (B) or (C) of this 43293  
section shall be paid by the entity that places the child in the 43294  
certified foster home or for adoption. 43295

(2) When a juvenile court grants temporary or permanent 43296  
custody of a child pursuant to any section of the Revised Code, 43297  
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 43298  
Revised Code, to a public children services agency or private 43299  
child placing agency, the court shall provide the agency the 43300  
information described in division (B) of this section, pay the 43301  
expenses of preparing that information, and, if a new examination 43302  
is required to be conducted, pay the expenses of conducting the 43303  
examination described in division (C) of this section. On receipt 43304  
of the information described in division (B) of this section, the 43305  
agency shall provide to the court written acknowledgment that the 43306  
agency received the information. The court shall keep the 43307  
acknowledgment and provide a copy to the agency. On the motion of 43308  
the agency, the court may terminate the order granting temporary 43309  
or permanent custody of the child to that agency, if the court 43310  
does not provide the information described in division (B) of this 43311  
section. 43312

(3) If one of the following entities is placing a child in a 43313  
certified foster home or for adoption with the assistance of or by 43314  
contracting with a public children services agency, private child 43315  
placing agency, or a private noncustodial agency, the entity shall 43316  
provide the agency with the information described in division (B) 43317  
of this section, pay the expenses of preparing that information, 43318  
and, if a new examination is required to be conducted, pay the 43319  
expenses of conducting the examination described in division (C) 43320  
of this section: 43321

(a) The department of youth services if the placement is 43322  
pursuant to any section of the Revised Code including section 43323

2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised Code; 43324  
43325

(b) A juvenile court with temporary or permanent custody of a child pursuant to section 2151.354 or 2152.19 of the Revised Code; 43326  
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(c) A public children services agency or private child placing agency with temporary or permanent custody of the child. 43328  
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The agency receiving the information described in division (B) of this section shall provide the entity described in division (D)(3)(a) to (c) of this section that sent the information written acknowledgment that the agency received the information and provided it to the foster caregivers or prospective adoptive parents. The entity shall keep the acknowledgment and provide a copy to the agency. An entity that places a child in a certified foster home or for adoption with the assistance of or by contracting with an agency remains responsible to provide the information described in division (B) of this section to the foster caregivers or prospective adoptive parents unless the entity receives written acknowledgment that the agency provided the information. 43330  
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(E) If a child is placed in a certified foster home as a result of an emergency removal of the child from home pursuant to division (D) of section 2151.31 of the Revised Code, an emergency change in the child's case plan pursuant to division ~~(E)~~(F)(3) of section 2151.412 of the Revised Code, or an emergency placement by the department of youth services pursuant to this chapter or Chapter 5139. of the Revised Code, the entity that places the child in the certified foster home shall provide the information described in division (B) of this section no later than ninety-six hours after the child is placed in the certified foster home. 43343  
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(F) On receipt of the information described in divisions (B) and (C) of this section, the foster caregiver or prospective 43353  
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adoptive parents shall provide to the entity that places the child 43355  
in the foster caregiver's or prospective adoptive parents' home a 43356  
written acknowledgment that the foster caregiver or prospective 43357  
adoptive parents received the information. The entity shall keep 43358  
the acknowledgment and provide a copy to the foster caregiver or 43359  
prospective adoptive parents. 43360

(G) No person employed by an entity subject to this section 43361  
and made responsible by that entity for the child's placement in a 43362  
certified foster home or for adoption shall fail to provide the 43363  
foster caregivers or prospective adoptive parents with the 43364  
information required by divisions (B) and (C) of this section. 43365

(H) It is not a violation of any duty of confidentiality 43366  
provided for in the Revised Code or a code of professional 43367  
responsibility for a person or government entity to provide the 43368  
substantial and material conclusions and recommendations of a 43369  
psychiatric or psychological examination, or an examination to 43370  
detect mental and emotional disorders, in accordance with division 43371  
(B)(1)(d) or (C) of this section. 43372

(I) As used in this section: 43373

(1) "Body armor" has the same meaning as in section 2941.1411 43374  
of the Revised Code. 43375

(2) "Firearm" has the same meaning as in section 2923.11 of 43376  
the Revised Code. 43377

**Sec. 2301.01.** There shall be a court of common pleas in each 43378  
county held by one or more judges, each of whom has been admitted 43379  
to practice as an attorney at law in this state and has, for a 43380  
total of at least six years preceding the judge's appointment or 43381  
commencement of the judge's term, engaged in the practice of law 43382  
~~in this state~~ or served as a judge of a court of record in any 43383  
jurisdiction in the United States, or both, resides in ~~said~~ the 43384

county, and is elected by the electors therein. At least two of 43385  
the years of practice or service that qualify a judge shall have 43386  
been in this state. Each judge shall be elected for six years at 43387  
the general election immediately preceding the year in which the 43388  
term, as provided in sections 2301.02 and 2301.03 of the Revised 43389  
Code, commences, and the judge's successor shall be elected at the 43390  
general election immediately preceding the expiration of ~~such~~ that 43391  
term. 43392

**Sec. 2301.031.** (A)(1) The domestic relations judges of a 43393  
domestic relations division created by section 2301.03 of the 43394  
Revised Code may determine that, for the efficient operation of 43395  
their division, additional funds are required to computerize the 43396  
division, to make available computerized legal research services, 43397  
or both. Upon making a determination that additional funds are 43398  
required for either or both of those purposes, the judges shall do 43399  
one of the following: 43400

(a) Authorize and direct the clerk or a deputy clerk of the 43401  
division to charge one additional fee not to exceed three dollars 43402  
on the filing of each cause of action or appeal under division 43403  
(A), (Q), or (U) of section 2303.20 of the Revised Code; 43404

(b) If the clerk of the court of common pleas serves as the 43405  
clerk of the division, authorize and direct the clerk of the court 43406  
of common pleas to charge one additional fee not to exceed three 43407  
dollars on the filing of each cause of action or appeal under 43408  
division (A), (Q), or (U) of section 2303.20 of the Revised Code. 43409

(2) All moneys collected under division (A)(1) of this 43410  
section shall be paid to the county treasurer. The treasurer shall 43411  
place the moneys from the fees in a separate fund to be disbursed, 43412  
upon an order of the domestic relations judges, subject to an 43413  
appropriation by the board of county commissioners, in an amount 43414  
no greater than the actual cost to the division of procuring and 43415

maintaining computerization of the court, computerized legal 43416  
research services, or both. 43417

(3) If the court determines that the funds in the fund 43418  
described in division (A)(2) of this section are more than 43419  
sufficient to satisfy the purpose for which the additional fee 43420  
described in division (A)(1) of this section was imposed, the 43421  
court may declare a surplus in the fund and, subject to an 43422  
appropriation by the board of county commissioners, expend those 43423  
surplus funds for other appropriate technological expenses of the 43424  
court. 43425

(B)(1) If the clerk of the court of common pleas is not 43426  
serving as the clerk of a juvenile or domestic relations division 43427  
created by section 2301.03 of the Revised Code, the juvenile or 43428  
domestic relations judges may determine that, for the efficient 43429  
operation of their division, additional funds are required to 43430  
computerize the office of the clerk of their division and, upon 43431  
that determination, may authorize and direct the clerk or a deputy 43432  
clerk of their division to charge an additional fee, not to exceed 43433  
ten dollars, on the filing of each cause of action or appeal, on 43434  
the filing, docketing, and endorsing of each certificate of 43435  
judgment, or on the docketing and indexing of each aid in 43436  
execution or petition to vacate, revive, or modify a judgment 43437  
under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of 43438  
the Revised Code. Subject to division (B)(2) of this section, all 43439  
moneys collected under this division shall be paid to the county 43440  
treasurer to be disbursed, upon an order of the juvenile or 43441  
domestic relations judges and subject to appropriation by the 43442  
board of county commissioners, in an amount no greater than the 43443  
actual cost to the juvenile or domestic relations division of 43444  
procuring and maintaining computer systems for the clerk's office. 43445

(2) If juvenile or domestic relations judges make the 43446  
determination described in division (B)(1) of this section, the 43447

board of county commissioners may issue one or more general 43448  
obligation bonds for the purpose of procuring and maintaining the 43449  
computer systems for the office of the clerk of the juvenile or 43450  
domestic relations division. In addition to the purposes stated in 43451  
division (B)(1) of this section for which the moneys collected 43452  
under that division may be expended, the moneys additionally may 43453  
be expended to pay debt charges on and financing costs related to 43454  
any general obligation bonds issued pursuant to this division as 43455  
they become due. General obligation bonds issued pursuant to this 43456  
division are Chapter 133. securities. 43457

**Sec. 2303.201.** (A)(1) The court of common pleas of any county 43458  
may determine that for the efficient operation of the court 43459  
additional funds are required to computerize the court, to make 43460  
available computerized legal research services, or to do both. 43461  
Upon making a determination that additional funds are required for 43462  
either or both of those purposes, the court shall authorize and 43463  
direct the clerk of the court of common pleas to charge one 43464  
additional fee, not to exceed three dollars, on the filing of each 43465  
cause of action or appeal under divisions (A), (Q), and (U) of 43466  
section 2303.20 of the Revised Code. 43467

(2) All fees collected under division (A)(1) of this section 43468  
shall be paid to the county treasurer. The treasurer shall place 43469  
the funds from the fees in a separate fund to be disbursed, upon 43470  
an order of the court, subject to an appropriation by the board of 43471  
county commissioners, in an amount not greater than the actual 43472  
cost to the court of procuring and maintaining computerization of 43473  
the court, computerized legal research services, or both. 43474

(3) If the court determines that the funds in the fund 43475  
described in division (A)(2) of this section are more than 43476  
sufficient to satisfy the purpose for which the additional fee 43477  
described in division (A)(1) of this section was imposed, the 43478

court may declare a surplus in the fund and, subject to an 43479  
appropriation by the board of county commissioners, expend those 43480  
surplus funds for other appropriate technological expenses of the 43481  
court. 43482

(B)(1) The court of common pleas of any county may determine 43483  
that, for the efficient operation of the court, additional funds 43484  
are required to computerize the office of the clerk of the court 43485  
of common pleas and, upon that determination, authorize and direct 43486  
the clerk of the court of common pleas to charge an additional 43487  
fee, not to exceed ten dollars, on the filing of each cause of 43488  
action or appeal, on the filing, docketing, and endorsing of each 43489  
certificate of judgment, or on the docketing and indexing of each 43490  
aid in execution or petition to vacate, revive, or modify a 43491  
judgment under divisions (A), (P), (Q), (T), and (U) of section 43492  
2303.20 of the Revised Code. Subject to division (B)(2) of this 43493  
section, all moneys collected under division (B)(1) of this 43494  
section shall be paid to the county treasurer to be disbursed, 43495  
upon an order of the court of common pleas and subject to 43496  
appropriation by the board of county commissioners, in an amount 43497  
no greater than the actual cost to the court of procuring and 43498  
maintaining computer systems for the office of the clerk of the 43499  
court of common pleas. 43500

(2) If the court of common pleas of a county makes the 43501  
determination described in division (B)(1) of this section, the 43502  
board of county commissioners of that county may issue one or more 43503  
general obligation bonds for the purpose of procuring and 43504  
maintaining the computer systems for the office of the clerk of 43505  
the court of common pleas. In addition to the purposes stated in 43506  
division (B)(1) of this section for which the moneys collected 43507  
under that division may be expended, the moneys additionally may 43508  
be expended to pay debt charges on and financing costs related to 43509  
any general obligation bonds issued pursuant to division (B)(2) of 43510

this section as they become due. General obligation bonds issued 43511  
pursuant to division (B)(2) of this section are Chapter 133. 43512  
securities. 43513

(C) The court of common pleas shall collect the sum of 43514  
twenty-six dollars as additional filing fees in each new civil 43515  
action or proceeding for the charitable public purpose of 43516  
providing financial assistance to legal aid societies that operate 43517  
within the state and to support the office of the state public 43518  
defender. This division does not apply to proceedings concerning 43519  
annulments, dissolutions of marriage, divorces, legal separation, 43520  
spousal support, marital property or separate property 43521  
distribution, support, or other domestic relations matters; to a 43522  
juvenile division of a court of common pleas; to a probate 43523  
division of a court of common pleas, except that the additional 43524  
filing fees shall apply to name change, guardianship, adoption, 43525  
and decedents' estate proceedings; or to an execution on a 43526  
judgment, proceeding in aid of execution, or other post-judgment 43527  
proceeding arising out of a civil action. The filing fees required 43528  
to be collected under this division shall be in addition to any 43529  
other filing fees imposed in the action or proceeding and shall be 43530  
collected at the time of the filing of the action or proceeding. 43531  
The court shall not waive the payment of the additional filing 43532  
fees in a new civil action or proceeding unless the court waives 43533  
the advanced payment of all filing fees in the action or 43534  
proceeding. All such moneys collected during a month except for an 43535  
amount equal to up to one per cent of those moneys retained to 43536  
cover administrative costs shall be transmitted on or before the 43537  
twentieth day of the following month by the clerk of the court to 43538  
the treasurer of state in a manner prescribed by the treasurer of 43539  
state or by the Ohio legal assistance foundation. The treasurer of 43540  
state shall deposit four per cent of the funds collected under 43541  
this division to the credit of the civil case filing fee fund 43542  
established under section 120.07 of the Revised Code and 43543



ninety-six per cent of the funds collected under this division to 43544  
the credit of the legal aid fund established under section 120.52 43545  
of the Revised Code. 43546

The court may retain up to one per cent of the moneys it 43547  
collects under this division to cover administrative costs, 43548  
including the hiring of any additional personnel necessary to 43549  
implement this division. If the court fails to transmit to the 43550  
treasurer of state the moneys the court collects under this 43551  
division in a manner prescribed by the treasurer of state or by 43552  
the Ohio legal assistance foundation, the court shall forfeit the 43553  
moneys the court retains under this division to cover 43554  
administrative costs, including the hiring of any additional 43555  
personnel necessary to implement this division, and shall transmit 43556  
to the treasurer of state all moneys collected under this 43557  
division, including the forfeited amount retained for 43558  
administrative costs, for deposit in the legal aid fund. 43559

(D) On and after the thirtieth day after December 9, 1994, 43560  
the court of common pleas shall collect the sum of thirty-two 43561  
dollars as additional filing fees in each new action or proceeding 43562  
for annulment, divorce, or dissolution of marriage for the purpose 43563  
of funding shelters for victims of domestic violence pursuant to 43564  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 43565  
required to be collected under this division shall be in addition 43566  
to any other filing fees imposed in the action or proceeding and 43567  
shall be collected at the time of the filing of the action or 43568  
proceeding. The court shall not waive the payment of the 43569  
additional filing fees in a new action or proceeding for 43570  
annulment, divorce, or dissolution of marriage unless the court 43571  
waives the advanced payment of all filing fees in the action or 43572  
proceeding. On or before the twentieth day of each month, all 43573  
moneys collected during the immediately preceding month pursuant 43574  
to this division shall be deposited by the clerk of the court into 43575

the county treasury in the special fund used for deposit of 43576  
additional marriage license fees as described in section 3113.34 43577  
of the Revised Code. Upon their deposit into the fund, the moneys 43578  
shall be retained in the fund and expended only as described in 43579  
section 3113.34 of the Revised Code. 43580

(E)(1) The court of common pleas may determine that, for the 43581  
efficient operation of the court, additional funds are necessary 43582  
to acquire and pay for special projects of the court, including, 43583  
but not limited to, the acquisition of additional facilities or 43584  
the rehabilitation of existing facilities, the acquisition of 43585  
equipment, the hiring and training of staff, community service 43586  
programs, mediation or dispute resolution services, the employment 43587  
of magistrates, the training and education of judges, acting 43588  
judges, and magistrates, and other related services. Upon that 43589  
determination, the court by rule may charge a fee, in addition to 43590  
all other court costs, on the filing of each criminal cause, civil 43591  
action or proceeding, or judgment by confession. 43592

If the court of common pleas offers a special program or 43593  
service in cases of a specific type, the court by rule may assess 43594  
an additional charge in a case of that type, over and above court 43595  
costs, to cover the special program or service. The court shall 43596  
adjust the special assessment periodically, but not retroactively, 43597  
so that the amount assessed in those cases does not exceed the 43598  
actual cost of providing the service or program. 43599

All moneys collected under division (E) of this section shall 43600  
be paid to the county treasurer for deposit into either a general 43601  
special projects fund or a fund established for a specific special 43602  
project. Moneys from a fund of that nature shall be disbursed upon 43603  
an order of the court, subject to an appropriation by the board of 43604  
county commissioners, in an amount no greater than the actual cost 43605  
to the court of a project. If a specific fund is terminated 43606  
because of the discontinuance of a program or service established 43607

under division (E) of this section, the court may order, subject 43608  
to an appropriation by the board of county commissioners, that 43609  
moneys remaining in the fund be transferred to an account 43610  
established under this division for a similar purpose. 43611

(2) As used in division (E) of this section: 43612

(a) "Criminal cause" means a charge alleging the violation of 43613  
a statute or ordinance, or subsection of a statute or ordinance, 43614  
that requires a separate finding of fact or a separate plea before 43615  
disposition and of which the defendant may be found guilty, 43616  
whether filed as part of a multiple charge on a single summons, 43617  
citation, or complaint or as a separate charge on a single 43618  
summons, citation, or complaint. "Criminal cause" does not include 43619  
separate violations of the same statute or ordinance, or 43620  
subsection of the same statute or ordinance, unless each charge is 43621  
filed on a separate summons, citation, or complaint. 43622

(b) "Civil action or proceeding" means any civil litigation 43623  
that must be determined by judgment entry. 43624

**Sec. 2305.01.** Except as otherwise provided by this section or 43625  
section 2305.03 of the Revised Code, the court of common pleas has 43626  
original jurisdiction in all civil cases in which the sum or 43627  
matter in dispute exceeds the exclusive original jurisdiction of 43628  
county courts and appellate jurisdiction from the decisions of 43629  
boards of county commissioners. The court of common pleas shall 43630  
not have jurisdiction, in any tort action to which the amounts 43631  
apply, to award punitive or exemplary damages that exceed the 43632  
amounts set forth in section 2315.21 of the Revised Code. The 43633  
court of common pleas shall not have jurisdiction in any tort 43634  
action to which the limits apply to enter judgment on an award of 43635  
compensatory damages for noneconomic loss in excess of the limits 43636  
set forth in section 2315.18 of the Revised Code. 43637

The court of common pleas may on its own motion transfer for 43638

trial any action in the court to any municipal court in the county 43639  
having concurrent jurisdiction of the subject matter of, and the 43640  
parties to, the action, if the amount sought by the plaintiff does 43641  
not exceed one thousand dollars and if the judge or presiding 43642  
judge of the municipal court concurs in the proposed transfer. 43643  
Upon the issuance of an order of transfer, the clerk of courts 43644  
shall remove to the designated municipal court the entire case 43645  
file. Any untaxed portion of the common pleas deposit for court 43646  
costs shall be remitted to the municipal court by the clerk of 43647  
courts to be applied in accordance with section 1901.26 of the 43648  
Revised Code, and the costs taxed by the municipal court shall be 43649  
added to any costs taxed in the common pleas court. 43650

The court of common pleas has jurisdiction in any action 43651  
brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the 43652  
Revised Code if the residential premises that are the subject of 43653  
the action are located within the territorial jurisdiction of the 43654  
court. 43655

The courts of common pleas of Adams, Athens, Belmont, Brown, 43656  
Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, 43657  
Meigs, Monroe, Scioto, and Washington counties have jurisdiction 43658  
beyond the north or northwest shore of the Ohio river extending to 43659  
the opposite shore line, between the extended boundary lines of 43660  
any adjacent counties or adjacent state. Each of those courts of 43661  
common pleas has concurrent jurisdiction on the Ohio river with 43662  
any adjacent court of common pleas that borders on that river and 43663  
with any court of Kentucky or of West Virginia that borders on the 43664  
Ohio river and that has jurisdiction on the Ohio river under the 43665  
law of Kentucky or the law of West Virginia, whichever is 43666  
applicable, or under federal law. 43667

**Sec. 2305.232.** (A) No person who gives aid or advice in an 43668  
emergency situation relating to the prevention of an imminent 43669

release of hazardous material, to the clean-up or disposal of 43670  
hazardous material that has been released, or to the related 43671  
mitigation of the effects of a release of hazardous material, nor 43672  
the public or private employer of such a person, is liable in 43673  
civil damages as a result of the aid or advice if all of the 43674  
following apply: 43675

(1) The aid or advice was given at the request of: 43676

(a) A sheriff, the chief of police or other chief officer of 43677  
the law enforcement agency of a municipal corporation, the chief 43678  
of police of a township police district or joint police district, 43679  
the chief of a fire department, the state fire marshal, the 43680  
director of environmental protection, the chairperson of the 43681  
public utilities commission, the superintendent of the state 43682  
highway patrol, the executive director of the emergency management 43683  
agency, the chief executive of a municipal corporation, ~~or~~ the 43684  
authorized representative of any such official, or the legislative 43685  
authority of a township or county; or 43686

(b) The owner or manufacturer of the hazardous material, an 43687  
association of manufacturers of the hazardous material, or a 43688  
hazardous material mutual aid group. 43689

(2) The person giving the aid or advice acted without 43690  
anticipating remuneration for self or the person's employer from 43691  
the governmental official, authority, or agency that requested the 43692  
aid or advice; 43693

(3) The person giving the aid or advice was specially 43694  
qualified by training or experience to give the aid or advice; 43695

(4) Neither the person giving the aid or advice nor the 43696  
public or private employer of the person giving the aid or advice 43697  
was responsible for causing the release or threat of release nor 43698  
would otherwise be liable for damages caused by the release; 43699

(5) The person giving the aid or advice did not engage in 43700

willful, wanton, or reckless misconduct or grossly negligent 43701  
conduct in giving the aid or advice; 43702

(6) The person giving the aid or advice notified the 43703  
emergency response section of the environmental protection agency 43704  
prior to giving the aid or advice. 43705

(B) The immunity conferred by this section does not limit the 43706  
liability of any person whose action caused or contributed to the 43707  
release of hazardous material. That person is liable for any 43708  
enhancement of damages caused by the person giving aid or advice 43709  
under this section unless the enhancement of damages was caused by 43710  
the willful, wanton, or reckless misconduct or grossly negligent 43711  
conduct of the person giving aid or advice. 43712

(C) This section does not apply to any person rendering care, 43713  
assistance, or advice in response to a discharge of oil when that 43714  
person's immunity from liability is subject to determination under 43715  
section 2305.39 of the Revised Code. 43716

(D) As used in this section: 43717

(1) "Hazardous material" means any material designated as 43718  
such under the "Hazardous Materials Transportation Act," 88 Stat. 43719  
2156 (1975), 49 U.S.C.A. 1803, as amended. 43720

(2) "Mutual aid group" means any group formed at the federal, 43721  
state, regional, or local level whose members agree to respond to 43722  
incidents involving hazardous material whether or not they 43723  
shipped, transported, manufactured, or were at all connected with 43724  
the hazardous material involved in a particular incident. 43725

(3) "Discharge" and "oil" have the same meanings as in 43726  
section 2305.39 of the Revised Code. 43727

**Sec. 2317.02.** The following persons shall not testify in 43728  
certain respects: 43729

(A)(1) An attorney, concerning a communication made to the 43730

attorney by a client in that relation or the attorney's advice to 43731  
a client, except that the attorney may testify by express consent 43732  
of the client or, if the client is deceased, by the express 43733  
consent of the surviving spouse or the executor or administrator 43734  
of the estate of the deceased client. However, if the client 43735  
voluntarily testifies or is deemed by section 2151.421 of the 43736  
Revised Code to have waived any testimonial privilege under this 43737  
division, the attorney may be compelled to testify on the same 43738  
subject. 43739

The testimonial privilege established under this division 43740  
does not apply concerning a communication between a client who has 43741  
since died and the deceased client's attorney if the communication 43742  
is relevant to a dispute between parties who claim through that 43743  
deceased client, regardless of whether the claims are by testate 43744  
or intestate succession or by inter vivos transaction, and the 43745  
dispute addresses the competency of the deceased client when the 43746  
deceased client executed a document that is the basis of the 43747  
dispute or whether the deceased client was a victim of fraud, 43748  
undue influence, or duress when the deceased client executed a 43749  
document that is the basis of the dispute. 43750

(2) An attorney, concerning a communication made to the 43751  
attorney by a client in that relationship or the attorney's advice 43752  
to a client, except that if the client is an insurance company, 43753  
the attorney may be compelled to testify, subject to an in camera 43754  
inspection by a court, about communications made by the client to 43755  
the attorney or by the attorney to the client that are related to 43756  
the attorney's aiding or furthering an ongoing or future 43757  
commission of bad faith by the client, if the party seeking 43758  
disclosure of the communications has made a prima facie showing of 43759  
bad faith, fraud, or criminal misconduct by the client. 43760

(B)(1) A physician or a dentist concerning a communication 43761  
made to the physician or dentist by a patient in that relation or 43762

the physician's or dentist's advice to a patient, except as 43763  
otherwise provided in this division, division (B)(2), and division 43764  
(B)(3) of this section, and except that, if the patient is deemed 43765  
by section 2151.421 of the Revised Code to have waived any 43766  
testimonial privilege under this division, the physician may be 43767  
compelled to testify on the same subject. 43768

The testimonial privilege established under this division 43769  
does not apply, and a physician or dentist may testify or may be 43770  
compelled to testify, in any of the following circumstances: 43771

(a) In any civil action, in accordance with the discovery 43772  
provisions of the Rules of Civil Procedure in connection with a 43773  
civil action, or in connection with a claim under Chapter 4123. of 43774  
the Revised Code, under any of the following circumstances: 43775

(i) If the patient or the guardian or other legal 43776  
representative of the patient gives express consent; 43777

(ii) If the patient is deceased, the spouse of the patient or 43778  
the executor or administrator of the patient's estate gives 43779  
express consent; 43780

(iii) If a medical claim, dental claim, chiropractic claim, 43781  
or optometric claim, as defined in section 2305.113 of the Revised 43782  
Code, an action for wrongful death, any other type of civil 43783  
action, or a claim under Chapter 4123. of the Revised Code is 43784  
filed by the patient, the personal representative of the estate of 43785  
the patient if deceased, or the patient's guardian or other legal 43786  
representative. 43787

(b) In any civil action concerning court-ordered treatment or 43788  
services received by a patient, if the court-ordered treatment or 43789  
services were ordered as part of a case plan journalized under 43790  
section 2151.412 of the Revised Code or the court-ordered 43791  
treatment or services are necessary or relevant to dependency, 43792  
neglect, or abuse or temporary or permanent custody proceedings 43793



under Chapter 2151. of the Revised Code. 43794

(c) In any criminal action concerning any test or the results 43795  
of any test that determines the presence or concentration of 43796  
alcohol, a drug of abuse, a combination of them, a controlled 43797  
substance, or a metabolite of a controlled substance in the 43798  
patient's whole blood, blood serum or plasma, breath, urine, or 43799  
other bodily substance at any time relevant to the criminal 43800  
offense in question. 43801

(d) In any criminal action against a physician or dentist. In 43802  
such an action, the testimonial privilege established under this 43803  
division does not prohibit the admission into evidence, in 43804  
accordance with the Rules of Evidence, of a patient's medical or 43805  
dental records or other communications between a patient and the 43806  
physician or dentist that are related to the action and obtained 43807  
by subpoena, search warrant, or other lawful means. A court that 43808  
permits or compels a physician or dentist to testify in such an 43809  
action or permits the introduction into evidence of patient 43810  
records or other communications in such an action shall require 43811  
that appropriate measures be taken to ensure that the 43812  
confidentiality of any patient named or otherwise identified in 43813  
the records is maintained. Measures to ensure confidentiality that 43814  
may be taken by the court include sealing its records or deleting 43815  
specific information from its records. 43816

(e)(i) If the communication was between a patient who has 43817  
since died and the deceased patient's physician or dentist, the 43818  
communication is relevant to a dispute between parties who claim 43819  
through that deceased patient, regardless of whether the claims 43820  
are by testate or intestate succession or by inter vivos 43821  
transaction, and the dispute addresses the competency of the 43822  
deceased patient when the deceased patient executed a document 43823  
that is the basis of the dispute or whether the deceased patient 43824  
was a victim of fraud, undue influence, or duress when the 43825

deceased patient executed a document that is the basis of the 43826  
dispute. 43827

(ii) If neither the spouse of a patient nor the executor or 43828  
administrator of that patient's estate gives consent under 43829  
division (B)(1)(a)(ii) of this section, testimony or the 43830  
disclosure of the patient's medical records by a physician, 43831  
dentist, or other health care provider under division (B)(1)(e)(i) 43832  
of this section is a permitted use or disclosure of protected 43833  
health information, as defined in 45 C.F.R. 160.103, and an 43834  
authorization or opportunity to be heard shall not be required. 43835

(iii) Division (B)(1)(e)(i) of this section does not require 43836  
a mental health professional to disclose psychotherapy notes, as 43837  
defined in 45 C.F.R. 164.501. 43838

(iv) An interested person who objects to testimony or 43839  
disclosure under division (B)(1)(e)(i) of this section may seek a 43840  
protective order pursuant to Civil Rule 26. 43841

(v) A person to whom protected health information is 43842  
disclosed under division (B)(1)(e)(i) of this section shall not 43843  
use or disclose the protected health information for any purpose 43844  
other than the litigation or proceeding for which the information 43845  
was requested and shall return the protected health information to 43846  
the covered entity or destroy the protected health information, 43847  
including all copies made, at the conclusion of the litigation or 43848  
proceeding. 43849

(2)(a) If any law enforcement officer submits a written 43850  
statement to a health care provider that states that an official 43851  
criminal investigation has begun regarding a specified person or 43852  
that a criminal action or proceeding has been commenced against a 43853  
specified person, that requests the provider to supply to the 43854  
officer copies of any records the provider possesses that pertain 43855  
to any test or the results of any test administered to the 43856

specified person to determine the presence or concentration of 43857  
alcohol, a drug of abuse, a combination of them, a controlled 43858  
substance, or a metabolite of a controlled substance in the 43859  
person's whole blood, blood serum or plasma, breath, or urine at 43860  
any time relevant to the criminal offense in question, and that 43861  
conforms to section 2317.022 of the Revised Code, the provider, 43862  
except to the extent specifically prohibited by any law of this 43863  
state or of the United States, shall supply to the officer a copy 43864  
of any of the requested records the provider possesses. If the 43865  
health care provider does not possess any of the requested 43866  
records, the provider shall give the officer a written statement 43867  
that indicates that the provider does not possess any of the 43868  
requested records. 43869

(b) If a health care provider possesses any records of the 43870  
type described in division (B)(2)(a) of this section regarding the 43871  
person in question at any time relevant to the criminal offense in 43872  
question, in lieu of personally testifying as to the results of 43873  
the test in question, the custodian of the records may submit a 43874  
certified copy of the records, and, upon its submission, the 43875  
certified copy is qualified as authentic evidence and may be 43876  
admitted as evidence in accordance with the Rules of Evidence. 43877  
Division (A) of section 2317.422 of the Revised Code does not 43878  
apply to any certified copy of records submitted in accordance 43879  
with this division. Nothing in this division shall be construed to 43880  
limit the right of any party to call as a witness the person who 43881  
administered the test to which the records pertain, the person 43882  
under whose supervision the test was administered, the custodian 43883  
of the records, the person who made the records, or the person 43884  
under whose supervision the records were made. 43885

(3)(a) If the testimonial privilege described in division 43886  
(B)(1) of this section does not apply as provided in division 43887  
(B)(1)(a)(iii) of this section, a physician or dentist may be 43888

compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the physician or dentist by the patient in question in that relation, or the physician's or dentist's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(b) If the testimonial privilege described in division (B)(1) of this section does not apply to a physician or dentist as provided in division (B)(1)(c) of this section, the physician or dentist, in lieu of personally testifying as to the results of the test in question, may submit a certified copy of those results, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of results submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test in question, the person under whose supervision the test was administered, the custodian of the results of the test, the person who compiled the results, or the person under whose supervision the results were compiled.

(4) The testimonial privilege described in division (B)(1) of this section is not waived when a communication is made by a physician to a pharmacist or when there is communication between a patient and a pharmacist in furtherance of the physician-patient relation.

(5)(a) As used in divisions (B)(1) to (4) of this section, "communication" means acquiring, recording, or transmitting any

information, in any manner, concerning any facts, opinions, or 43921  
statements necessary to enable a physician or dentist to diagnose, 43922  
treat, prescribe, or act for a patient. A "communication" may 43923  
include, but is not limited to, any medical or dental, office, or 43924  
hospital communication such as a record, chart, letter, 43925  
memorandum, laboratory test and results, x-ray, photograph, 43926  
financial statement, diagnosis, or prognosis. 43927

(b) As used in division (B)(2) of this section, "health care 43928  
provider" means a hospital, ambulatory care facility, long-term 43929  
care facility, pharmacy, emergency facility, or health care 43930  
practitioner. 43931

(c) As used in division (B)(5)(b) of this section: 43932

(i) "Ambulatory care facility" means a facility that provides 43933  
medical, diagnostic, or surgical treatment to patients who do not 43934  
require hospitalization, including a dialysis center, ambulatory 43935  
surgical facility, cardiac catheterization facility, diagnostic 43936  
imaging center, extracorporeal shock wave lithotripsy center, home 43937  
health agency, inpatient hospice, birthing center, radiation 43938  
therapy center, emergency facility, and an urgent care center. 43939  
"Ambulatory health care facility" does not include the private 43940  
office of a physician or dentist, whether the office is for an 43941  
individual or group practice. 43942

(ii) "Emergency facility" means a hospital emergency 43943  
department or any other facility that provides emergency medical 43944  
services. 43945

(iii) "Health care practitioner" has the same meaning as in 43946  
section 4769.01 of the Revised Code. 43947

(iv) "Hospital" has the same meaning as in section 3727.01 of 43948  
the Revised Code. 43949

(v) "Long-term care facility" means a nursing home, 43950  
residential care facility, or home for the aging, as those terms 43951

are defined in section 3721.01 of the Revised Code; an adult care 43952  
facility, as defined in section ~~3722.01~~ 5119.70 of the Revised 43953  
Code; a nursing facility or intermediate care facility for the 43954  
mentally retarded, as those terms are defined in section 5111.20 43955  
of the Revised Code; a facility or portion of a facility certified 43956  
as a skilled nursing facility under Title XVIII of the "Social 43957  
Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 43958

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 43959  
the Revised Code. 43960

(d) As used in divisions (B)(1) and (2) of this section, 43961  
"drug of abuse" has the same meaning as in section 4506.01 of the 43962  
Revised Code. 43963

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 43964  
apply to doctors of medicine, doctors of osteopathic medicine, 43965  
doctors of podiatry, and dentists. 43966

(7) Nothing in divisions (B)(1) to (6) of this section 43967  
affects, or shall be construed as affecting, the immunity from 43968  
civil liability conferred by section 307.628 of the Revised Code 43969  
or the immunity from civil liability conferred by section 2305.33 43970  
of the Revised Code upon physicians who report an employee's use 43971  
of a drug of abuse, or a condition of an employee other than one 43972  
involving the use of a drug of abuse, to the employer of the 43973  
employee in accordance with division (B) of that section. As used 43974  
in division (B)(7) of this section, "employee," "employer," and 43975  
"physician" have the same meanings as in section 2305.33 of the 43976  
Revised Code. 43977

(C)(1) A cleric, when the cleric remains accountable to the 43978  
authority of that cleric's church, denomination, or sect, 43979  
concerning a confession made, or any information confidentially 43980  
communicated, to the cleric for a religious counseling purpose in 43981  
the cleric's professional character. The cleric may testify by 43982

express consent of the person making the communication, except 43983  
when the disclosure of the information is in violation of a sacred 43984  
trust and except that, if the person voluntarily testifies or is 43985  
deemed by division (A)(4)(c) of section 2151.421 of the Revised 43986  
Code to have waived any testimonial privilege under this division, 43987  
the cleric may be compelled to testify on the same subject except 43988  
when disclosure of the information is in violation of a sacred 43989  
trust. 43990

(2) As used in division (C) of this section: 43991

(a) "Cleric" means a member of the clergy, rabbi, priest, 43992  
Christian Science practitioner, or regularly ordained, accredited, 43993  
or licensed minister of an established and legally cognizable 43994  
church, denomination, or sect. 43995

(b) "Sacred trust" means a confession or confidential 43996  
communication made to a cleric in the cleric's ecclesiastical 43997  
capacity in the course of discipline enjoined by the church to 43998  
which the cleric belongs, including, but not limited to, the 43999  
Catholic Church, if both of the following apply: 44000

(i) The confession or confidential communication was made 44001  
directly to the cleric. 44002

(ii) The confession or confidential communication was made in 44003  
the manner and context that places the cleric specifically and 44004  
strictly under a level of confidentiality that is considered 44005  
inviolable by canon law or church doctrine. 44006

(D) Husband or wife, concerning any communication made by one 44007  
to the other, or an act done by either in the presence of the 44008  
other, during coverture, unless the communication was made, or act 44009  
done, in the known presence or hearing of a third person competent 44010  
to be a witness; and such rule is the same if the marital relation 44011  
has ceased to exist; 44012

(E) A person who assigns a claim or interest, concerning any 44013

matter in respect to which the person would not, if a party, be 44014  
permitted to testify; 44015

(F) A person who, if a party, would be restricted under 44016  
section 2317.03 of the Revised Code, when the property or thing is 44017  
sold or transferred by an executor, administrator, guardian, 44018  
trustee, heir, devisee, or legatee, shall be restricted in the 44019  
same manner in any action or proceeding concerning the property or 44020  
thing. 44021

(G)(1) A school guidance counselor who holds a valid educator 44022  
license from the state board of education as provided for in 44023  
section 3319.22 of the Revised Code, a person licensed under 44024  
Chapter 4757. of the Revised Code as a professional clinical 44025  
counselor, professional counselor, social worker, independent 44026  
social worker, marriage and family therapist or independent 44027  
marriage and family therapist, or registered under Chapter 4757. 44028  
of the Revised Code as a social work assistant concerning a 44029  
confidential communication received from a client in that relation 44030  
or the person's advice to a client unless any of the following 44031  
applies: 44032

(a) The communication or advice indicates clear and present 44033  
danger to the client or other persons. For the purposes of this 44034  
division, cases in which there are indications of present or past 44035  
child abuse or neglect of the client constitute a clear and 44036  
present danger. 44037

(b) The client gives express consent to the testimony. 44038

(c) If the client is deceased, the surviving spouse or the 44039  
executor or administrator of the estate of the deceased client 44040  
gives express consent. 44041

(d) The client voluntarily testifies, in which case the 44042  
school guidance counselor or person licensed or registered under 44043  
Chapter 4757. of the Revised Code may be compelled to testify on 44044



the same subject. 44045

(e) The court in camera determines that the information 44046  
communicated by the client is not germane to the counselor-client, 44047  
marriage and family therapist-client, or social worker-client 44048  
relationship. 44049

(f) A court, in an action brought against a school, its 44050  
administration, or any of its personnel by the client, rules after 44051  
an in-camera inspection that the testimony of the school guidance 44052  
counselor is relevant to that action. 44053

(g) The testimony is sought in a civil action and concerns 44054  
court-ordered treatment or services received by a patient as part 44055  
of a case plan journalized under section 2151.412 of the Revised 44056  
Code or the court-ordered treatment or services are necessary or 44057  
relevant to dependency, neglect, or abuse or temporary or 44058  
permanent custody proceedings under Chapter 2151. of the Revised 44059  
Code. 44060

(2) Nothing in division (G)(1) of this section shall relieve 44061  
a school guidance counselor or a person licensed or registered 44062  
under Chapter 4757. of the Revised Code from the requirement to 44063  
report information concerning child abuse or neglect under section 44064  
2151.421 of the Revised Code. 44065

(H) A mediator acting under a mediation order issued under 44066  
division (A) of section 3109.052 of the Revised Code or otherwise 44067  
issued in any proceeding for divorce, dissolution, legal 44068  
separation, annulment, or the allocation of parental rights and 44069  
responsibilities for the care of children, in any action or 44070  
proceeding, other than a criminal, delinquency, child abuse, child 44071  
neglect, or dependent child action or proceeding, that is brought 44072  
by or against either parent who takes part in mediation in 44073  
accordance with the order and that pertains to the mediation 44074  
process, to any information discussed or presented in the 44075

mediation process, to the allocation of parental rights and 44076  
responsibilities for the care of the parents' children, or to the 44077  
awarding of parenting time rights in relation to their children; 44078

(I) A communications assistant, acting within the scope of 44079  
the communication assistant's authority, when providing 44080  
telecommunications relay service pursuant to section 4931.06 of 44081  
the Revised Code or Title II of the "Communications Act of 1934," 44082  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 44083  
made through a telecommunications relay service. Nothing in this 44084  
section shall limit the obligation of a communications assistant 44085  
to divulge information or testify when mandated by federal law or 44086  
regulation or pursuant to subpoena in a criminal proceeding. 44087

Nothing in this section shall limit any immunity or privilege 44088  
granted under federal law or regulation. 44089

(J)(1) A chiropractor in a civil proceeding concerning a 44090  
communication made to the chiropractor by a patient in that 44091  
relation or the chiropractor's advice to a patient, except as 44092  
otherwise provided in this division. The testimonial privilege 44093  
established under this division does not apply, and a chiropractor 44094  
may testify or may be compelled to testify, in any civil action, 44095  
in accordance with the discovery provisions of the Rules of Civil 44096  
Procedure in connection with a civil action, or in connection with 44097  
a claim under Chapter 4123. of the Revised Code, under any of the 44098  
following circumstances: 44099

(a) If the patient or the guardian or other legal 44100  
representative of the patient gives express consent. 44101

(b) If the patient is deceased, the spouse of the patient or 44102  
the executor or administrator of the patient's estate gives 44103  
express consent. 44104

(c) If a medical claim, dental claim, chiropractic claim, or 44105  
optometric claim, as defined in section 2305.113 of the Revised 44106

Code, an action for wrongful death, any other type of civil 44107  
action, or a claim under Chapter 4123. of the Revised Code is 44108  
filed by the patient, the personal representative of the estate of 44109  
the patient if deceased, or the patient's guardian or other legal 44110  
representative. 44111

(2) If the testimonial privilege described in division (J)(1) 44112  
of this section does not apply as provided in division (J)(1)(c) 44113  
of this section, a chiropractor may be compelled to testify or to 44114  
submit to discovery under the Rules of Civil Procedure only as to 44115  
a communication made to the chiropractor by the patient in 44116  
question in that relation, or the chiropractor's advice to the 44117  
patient in question, that related causally or historically to 44118  
physical or mental injuries that are relevant to issues in the 44119  
medical claim, dental claim, chiropractic claim, or optometric 44120  
claim, action for wrongful death, other civil action, or claim 44121  
under Chapter 4123. of the Revised Code. 44122

(3) The testimonial privilege established under this division 44123  
does not apply, and a chiropractor may testify or be compelled to 44124  
testify, in any criminal action or administrative proceeding. 44125

(4) As used in this division, "communication" means 44126  
acquiring, recording, or transmitting any information, in any 44127  
manner, concerning any facts, opinions, or statements necessary to 44128  
enable a chiropractor to diagnose, treat, or act for a patient. A 44129  
communication may include, but is not limited to, any 44130  
chiropractic, office, or hospital communication such as a record, 44131  
chart, letter, memorandum, laboratory test and results, x-ray, 44132  
photograph, financial statement, diagnosis, or prognosis. 44133

(K)(1) Except as provided under division (K)(2) of this 44134  
section, a critical incident stress management team member 44135  
concerning a communication received from an individual who 44136  
receives crisis response services from the team member, or the 44137  
team member's advice to the individual, during a debriefing 44138

session. 44139

(2) The testimonial privilege established under division 44140  
(K)(1) of this section does not apply if any of the following are 44141  
true: 44142

(a) The communication or advice indicates clear and present 44143  
danger to the individual who receives crisis response services or 44144  
to other persons. For purposes of this division, cases in which 44145  
there are indications of present or past child abuse or neglect of 44146  
the individual constitute a clear and present danger. 44147

(b) The individual who received crisis response services 44148  
gives express consent to the testimony. 44149

(c) If the individual who received crisis response services 44150  
is deceased, the surviving spouse or the executor or administrator 44151  
of the estate of the deceased individual gives express consent. 44152

(d) The individual who received crisis response services 44153  
voluntarily testifies, in which case the team member may be 44154  
compelled to testify on the same subject. 44155

(e) The court in camera determines that the information 44156  
communicated by the individual who received crisis response 44157  
services is not germane to the relationship between the individual 44158  
and the team member. 44159

(f) The communication or advice pertains or is related to any 44160  
criminal act. 44161

(3) As used in division (K) of this section: 44162

(a) "Crisis response services" means consultation, risk 44163  
assessment, referral, and on-site crisis intervention services 44164  
provided by a critical incident stress management team to 44165  
individuals affected by crisis or disaster. 44166

(b) "Critical incident stress management team member" or 44167  
"team member" means an individual specially trained to provide 44168

crisis response services as a member of an organized community or 44169  
local crisis response team that holds membership in the Ohio 44170  
critical incident stress management network. 44171

(c) "Debriefing session" means a session at which crisis 44172  
response services are rendered by a critical incident stress 44173  
management team member during or after a crisis or disaster. 44174

(L)(1) Subject to division (L)(2) of this section and except 44175  
as provided in division (L)(3) of this section, an employee 44176  
assistance professional, concerning a communication made to the 44177  
employee assistance professional by a client in the employee 44178  
assistance professional's official capacity as an employee 44179  
assistance professional. 44180

(2) Division (L)(1) of this section applies to an employee 44181  
assistance professional who meets either or both of the following 44182  
requirements: 44183

(a) Is certified by the employee assistance certification 44184  
commission to engage in the employee assistance profession; 44185

(b) Has education, training, and experience in all of the 44186  
following: 44187

(i) Providing workplace-based services designed to address 44188  
employer and employee productivity issues; 44189

(ii) Providing assistance to employees and employees' 44190  
dependents in identifying and finding the means to resolve 44191  
personal problems that affect the employees or the employees' 44192  
performance; 44193

(iii) Identifying and resolving productivity problems 44194  
associated with an employee's concerns about any of the following 44195  
matters: health, marriage, family, finances, substance abuse or 44196  
other addiction, workplace, law, and emotional issues; 44197

(iv) Selecting and evaluating available community resources; 44198

(v) Making appropriate referrals;	44199
(vi) Local and national employee assistance agreements;	44200
(vii) Client confidentiality.	44201
(3) Division (L)(1) of this section does not apply to any of the following:	44202 44203
(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;	44204 44205 44206 44207
(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;	44208 44209 44210
(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;	44211 44212 44213
(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;	44214 44215 44216
(e) A civil or criminal malpractice action brought against the employee assistance professional;	44217 44218
(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;	44219 44220 44221
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	44222 44223
<b>Sec. 2317.422.</b> (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	44224 44225 44226 44227

3721.01 of the Revised Code, and adult care facilities required to 44228  
be licensed pursuant to Chapter ~~3722~~. 5119. of the Revised Code, 44229  
in lieu of the testimony in open court of their custodian, person 44230  
who made them, or person under whose supervision they were made, 44231  
may be qualified as authentic evidence if any such person endorses 44232  
thereon the person's verified certification identifying such 44233  
records, giving the mode and time of their preparation, and 44234  
stating that they were prepared in the usual course of the 44235  
business of the institution. Such records, copies, or photographs 44236  
may not be qualified by certification as provided in this section 44237  
unless the party intending to offer them delivers a copy of them, 44238  
or of their relevant portions, to the attorney of record for each 44239  
adverse party not less than five days before trial. Nothing in 44240  
this section shall be construed to limit the right of any party to 44241  
call the custodian, person who made such records, or person under 44242  
whose supervision they were made, as a witness. 44243

(B) Division (A) of this section does not apply to any 44244  
certified copy of the results of any test given to determine the 44245  
presence or concentration of alcohol, a drug of abuse, a 44246  
combination of them, a controlled substance, or a metabolite of a 44247  
controlled substance in a patient's whole blood, blood serum or 44248  
plasma, breath, or urine at any time relevant to a criminal 44249  
offense that is submitted in a criminal action or proceeding in 44250  
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 44251  
of the Revised Code. 44252

**Sec. 2329.26.** (A) Lands and tenements taken in execution 44253  
shall not be sold until all of the following occur: 44254

(1)(a) Except as otherwise provided in division (A)(1)(b) of 44255  
this section, the judgment creditor who seeks the sale of the 44256  
lands and tenements or the judgment creditor's attorney does both 44257  
of the following: 44258

(i) Causes a written notice of the date, time, and place of the sale to be served in accordance with divisions (A) and (B) of Civil Rule 5 upon the judgment debtor and upon each other party to the action in which the judgment giving rise to the execution was rendered;

(ii) At least seven calendar days prior to the date of the sale, files with the clerk of the court that rendered the judgment giving rise to the execution a copy of the written notice described in division (A)(1)(a)(i) of this section with proof of service endorsed on the copy in the form described in division (D) of Civil Rule 5.

(b) Service of the written notice described in division (A)(1)(a)(i) of this section is not required to be made upon any party who is in default for failure to appear in the action in which the judgment giving rise to the execution was rendered.

(2) The officer taking the lands and tenements gives public notice of the date, time, and place of the sale once a week for at least three consecutive weeks before the day of sale by advertisement in a newspaper ~~published in and~~ of general circulation in the county. The newspaper shall meet the requirements of section 7.12 of the Revised Code. The court ordering the sale may designate in the order of sale the newspaper in which this public notice shall be published, ~~and this public notice is subject to division (A) of section 2329.27 of the Revised Code.~~

(3) The officer taking the lands and tenements shall collect the purchaser's information required by section 2329.271 of the Revised Code.

(B) A sale of lands and tenements taken in execution may be set aside in accordance with division (A) or (B) of section 2329.27 of the Revised Code.



**Sec. 2335.05.** In all cases or proceedings not specified in 44290  
sections 2335.06 and 2335.08 of the Revised Code, except as 44291  
otherwise provided in section 2335.061 of the Revised Code, each 44292  
person subpoenaed as a witness shall be allowed one dollar for 44293  
each day's attendance and the mileage allowed in courts of record. 44294  
~~When~~ If not subpoenaed each person called upon to testify in a 44295  
case or proceeding shall receive twenty-five cents. Such fee shall 44296  
be taxed in the bill of costs, and if incurred in a state or 44297  
ordinance case, or in a proceeding before a public officer, board, 44298  
or commission, the fee shall be paid out of the proper public 44299  
treasury, upon the certificate of the court, officer, board, or 44300  
commission conducting the proceeding. 44301

**Sec. 2335.06.** ~~Each~~ (A) Except as otherwise provided in 44302  
section 2335.061 of the Revised Code, each witness in civil cases 44303  
shall receive the following fees: 44304

~~(A)(1)~~ Twelve dollars for each full day's attendance and six 44305  
dollars for each half day's attendance at a court of record, 44306  
mayor's court, or before a person authorized to take depositions, 44307  
to be taxed in the bill of costs. Each witness shall also receive 44308  
reimbursement for each mile necessarily traveled to and from the 44309  
witness's place of residence to the place of giving testimony, to 44310  
be taxed in the bill of costs. The board of county commissioners 44311  
of each county shall set the reimbursement rate for each mile 44312  
necessarily traveled by a witness in a civil case in the common 44313  
pleas court, any division of the common pleas court, a county 44314  
court, or a county-operated municipal court. The rate shall not 44315  
exceed fifty and one-half cents for each mile. 44316

~~(B)(2)~~ For attending a coroner's inquest, the same fees and 44317  
mileage provided by division (A)(1) of this section, payable from 44318  
the county treasury on the certificate of the coroner. 44319

~~(C)~~(B) As used in this section, "full day's attendance" means 44320  
a day on which a witness is required or requested to be present at 44321  
proceedings before and after twelve noon regardless of whether the 44322  
witness actually testifies; "half day's attendance" means a day on 44323  
which a witness is required or requested to be present at 44324  
proceedings either before or after twelve noon, but not both, 44325  
regardless of whether the witness actually testifies. 44326

**Sec. 2335.061.** (A) As used in this section: 44327

(1) "Coroner" has the same meaning as in section 313.01 of 44328  
the Revised Code, and includes the following: 44329

(a) The coroner of a county other than a county in which the 44330  
death occurred or the dead human body was found if the coroner of 44331  
that other county performed services for the county in which the 44332  
death occurred or the dead human body was found; 44333

(b) A medical examiner appointed by the governing authority 44334  
of a county to perform the duties of a coroner set forth in 44335  
Chapter 313. of the Revised Code. 44336

(2) "Deposition fee" means the amount derived by multiplying 44337  
the hourly rate by the number of hours a coroner or deputy coroner 44338  
spent preparing for and giving expert testimony at a deposition in 44339  
a civil action pursuant to this section. 44340

(3) "Deputy coroner" means a pathologist serving as a deputy 44341  
coroner. 44342

(4) "Expert testimony" means testimony given by a coroner or 44343  
deputy coroner as an expert witness pursuant to this section and 44344  
the Rules of Evidence. 44345

(5) "Fact testimony" means testimony given by a coroner or 44346  
deputy coroner regarding the performance of the duties of the 44347  
coroner as set forth in Chapter 313. of the Revised Code. "Fact 44348  
testimony" does not include expert testimony. 44349

(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.

(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.

(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:

(a) The name of the coroner or deputy coroner whose testimony is sought;

(b) A brief statement of the issues upon which the party seeks expert testimony from the coroner or deputy coroner;

(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;

(d) A statement of the obligations of the coroner or deputy coroner under division (C) of this section.

(2) The notice under division (B)(1) of this section shall be served together with the subpoena.

(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 44380  
after receiving the statement described in this division. Upon the 44381  
conclusion of the coroner's or deputy coroner's expert testimony, 44382  
the coroner or deputy coroner shall file a statement with the 44383  
court on behalf of the county in which the coroner or deputy 44384  
coroner holds office or is appointed or employed showing the fee 44385  
due and how the coroner or deputy coroner calculated the fee. The 44386  
coroner or deputy coroner shall serve a copy of the statement on 44387  
each of the parties. 44388

(D) For good cause shown, the court may permit a coroner or 44389  
deputy coroner who has not been served with a subpoena under 44390  
division (B) of this section to give expert testimony at a trial, 44391  
hearing, or deposition in a civil action. Unless good cause is 44392  
shown, the failure of a party to file with the court the notice 44393  
described in division (B)(1) of this section prohibits the party 44394  
from having a coroner or deputy coroner subpoenaed to give expert 44395  
testimony at a trial, hearing, or deposition in a civil action or 44396  
from otherwise calling the coroner or a deputy coroner to give 44397  
expert testimony at a trial, hearing, or deposition in a civil 44398  
action. 44399

(E) In the event of a dispute as to the contents of the 44400  
notice filed by a party under division (B) of this section or as 44401  
to the nature of the testimony sought from or given by a coroner 44402  
or a deputy coroner at a trial, hearing, or deposition in a civil 44403  
action, the court shall determine whether the testimony sought 44404  
from or given by the coroner or deputy coroner is expert testimony 44405  
or fact testimony. In making this determination, the court shall 44406  
consider all of the following: 44407

(1) The definitions of "expert testimony" and "fact 44408  
testimony" set forth in this section; 44409

(2) All applicable rules of evidence; 44410

(3) Any other information that the court considers relevant. 44411

(F) Nothing in this section shall be construed to alter, 44412  
amend, or supersede the requirements of the Rules of Civil 44413  
Procedure or the Rules of Evidence. 44414

**Sec. 2501.02.** Each judge of a court of appeals shall have 44415  
been admitted to practice as an attorney at law in this state and 44416  
have, for a total of six years preceding the judge's appointment 44417  
or commencement of the judge's term, engaged in the practice of 44418  
law ~~in this state~~ or served as a judge of a court of record in any 44419  
jurisdiction in the United States, or both. At least two of the 44420  
years of practice or service that qualify a judge shall have been 44421  
in this state. One judge shall be chosen in each court of appeals 44422  
district every two years, and shall hold office for six years, 44423  
beginning on the ninth day of February next after the judge's 44424  
election. 44425

In addition to the original jurisdiction conferred by Section 44426  
3 of Article IV, Ohio Constitution, the court shall have 44427  
jurisdiction upon an appeal upon questions of law to review, 44428  
affirm, modify, set aside, or reverse judgments or final orders of 44429  
courts of record inferior to the court of appeals within the 44430  
district, including the finding, order, or judgment of a juvenile 44431  
court that a child is delinquent, neglected, abused, or dependent, 44432  
for prejudicial error committed by such lower court. 44433

The court, on good cause shown, may issue writs of 44434  
supersedeas in any case, and all other writs, not specially 44435  
provided for or prohibited by statute, necessary to enforce the 44436  
administration of justice. 44437

**Sec. 2503.01.** The supreme court shall consist of a chief 44438  
justice and six justices, each of whom has been admitted to 44439  
practice as an attorney at law in this state and has, for a total 44440

of at least six years preceding ~~his~~ appointment or commencement of 44441  
~~his~~ the justice's term, engaged in the practice of law ~~in this~~ 44442  
~~state~~ or served as a judge of a court of record in any 44443  
jurisdiction of the United States, or both. At least two of the 44444  
years of practice or service that qualify a justice shall have 44445  
been in this state. 44446

**Sec. 2744.05.** Notwithstanding any other provisions of the 44447  
Revised Code or rules of a court to the contrary, in an action 44448  
against a political subdivision to recover damages for injury, 44449  
death, or loss to person or property caused by an act or omission 44450  
in connection with a governmental or proprietary function: 44451

(A) Punitive or exemplary damages shall not be awarded. 44452

(B)(1) If a claimant receives or is entitled to receive 44453  
benefits for injuries or loss allegedly incurred from a policy or 44454  
policies of insurance or any other source, the benefits shall be 44455  
disclosed to the court, and the amount of the benefits shall be 44456  
deducted from any award against a political subdivision recovered 44457  
by that claimant. No insurer or other person is entitled to bring 44458  
an action under a subrogation provision in an insurance or other 44459  
contract against a political subdivision with respect to those 44460  
benefits. 44461

The amount of the benefits shall be deducted from an award 44462  
against a political subdivision under division (B)(1) of this 44463  
section regardless of whether the claimant may be under an 44464  
obligation to pay back the benefits upon recovery, in whole or in 44465  
part, for the claim. A claimant whose benefits have been deducted 44466  
from an award under division (B)(1) of this section is not 44467  
considered fully compensated and shall not be required to 44468  
reimburse a subrogated claim for benefits deducted from an award 44469  
pursuant to division (B)(1) of this section. 44470

(2) Nothing in division (B)(1) of this section shall be 44471

construed to do either of the following: 44472

(a) Limit the rights of a beneficiary under a life insurance 44473  
policy or the rights of sureties under fidelity or surety bonds; 44474

(b) Prohibit the department of job and family services from 44475  
recovering from the political subdivision, pursuant to section 44476  
5101.58 of the Revised Code, the cost of medical assistance 44477  
benefits provided under ~~sections 5101.5211 to 5101.5216~~ or Chapter 44478  
5107.~~7~~ or 5111. of the Revised Code. 44479

(C)(1) There shall not be any limitation on compensatory 44480  
damages that represent the actual loss of the person who is 44481  
awarded the damages. However, except in wrongful death actions 44482  
brought pursuant to Chapter 2125. of the Revised Code, damages 44483  
that arise from the same cause of action, transaction or 44484  
occurrence, or series of transactions or occurrences and that do 44485  
not represent the actual loss of the person who is awarded the 44486  
damages shall not exceed two hundred fifty thousand dollars in 44487  
favor of any one person. The limitation on damages that do not 44488  
represent the actual loss of the person who is awarded the damages 44489  
provided in this division does not apply to court costs that are 44490  
awarded to a plaintiff, or to interest on a judgment rendered in 44491  
favor of a plaintiff, in an action against a political 44492  
subdivision. 44493

(2) As used in this division, "the actual loss of the person 44494  
who is awarded the damages" includes all of the following: 44495

(a) All wages, salaries, or other compensation lost by the 44496  
person injured as a result of the injury, including wages, 44497  
salaries, or other compensation lost as of the date of a judgment 44498  
and future expected lost earnings of the person injured; 44499

(b) All expenditures of the person injured or another person 44500  
on behalf of the person injured for medical care or treatment, for 44501  
rehabilitation services, or for other care, treatment, services, 44502

products, or accommodations that were necessary because of the 44503  
injury; 44504

(c) All expenditures to be incurred in the future, as 44505  
determined by the court, by the person injured or another person 44506  
on behalf of the person injured for medical care or treatment, for 44507  
rehabilitation services, or for other care, treatment, services, 44508  
products, or accommodations that will be necessary because of the 44509  
injury; 44510

(d) All expenditures of a person whose property was injured 44511  
or destroyed or of another person on behalf of the person whose 44512  
property was injured or destroyed in order to repair or replace 44513  
the property that was injured or destroyed; 44514

(e) All expenditures of the person injured or of the person 44515  
whose property was injured or destroyed or of another person on 44516  
behalf of the person injured or of the person whose property was 44517  
injured or destroyed in relation to the actual preparation or 44518  
presentation of the claim involved; 44519

(f) Any other expenditures of the person injured or of the 44520  
person whose property was injured or destroyed or of another 44521  
person on behalf of the person injured or of the person whose 44522  
property was injured or destroyed that the court determines 44523  
represent an actual loss experienced because of the personal or 44524  
property injury or property loss. 44525

"The actual loss of the person who is awarded the damages" 44526  
does not include any fees paid or owed to an attorney for any 44527  
services rendered in relation to a personal or property injury or 44528  
property loss, and does not include any damages awarded for pain 44529  
and suffering, for the loss of society, consortium, companionship, 44530  
care, assistance, attention, protection, advice, guidance, 44531  
counsel, instruction, training, or education of the person 44532  
injured, for mental anguish, or for any other intangible loss. 44533



<b>Sec. 2901.01.</b> (A) As used in the Revised Code:	44534
(1) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.	44535 44536
(2) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.	44537 44538
(3) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.	44539 44540 44541
(4) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.	44542 44543 44544 44545 44546
(5) "Serious physical harm to persons" means any of the following:	44547 44548
(a) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;	44549 44550 44551
(b) Any physical harm that carries a substantial risk of death;	44552 44553
(c) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;	44554 44555 44556
(d) Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement;	44557 44558 44559
(e) Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.	44560 44561 44562

(6) "Serious physical harm to property" means any physical	44563
harm to property that does either of the following:	44564
(a) Results in substantial loss to the value of the property	44565
or requires a substantial amount of time, effort, or money to	44566
repair or replace;	44567
(b) Temporarily prevents the use or enjoyment of the property	44568
or substantially interferes with its use or enjoyment for an	44569
extended period of time.	44570
(7) "Risk" means a significant possibility, as contrasted	44571
with a remote possibility, that a certain result may occur or that	44572
certain circumstances may exist.	44573
(8) "Substantial risk" means a strong possibility, as	44574
contrasted with a remote or significant possibility, that a	44575
certain result may occur or that certain circumstances may exist.	44576
(9) "Offense of violence" means any of the following:	44577
(a) A violation of section 2903.01, 2903.02, 2903.03,	44578
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,	44579
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03,	44580
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11,	44581
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04,	44582
2921.34, or 2923.161, of division (A)(1), (2), or (3) of section	44583
2911.12, or of division (B)(1), (2), (3), or (4) of section	44584
2919.22 of the Revised Code or felonious sexual penetration in	44585
violation of former section 2907.12 of the Revised Code;	44586
(b) A violation of an existing or former municipal ordinance	44587
or law of this or any other state or the United States,	44588
substantially equivalent to any section, division, or offense	44589
listed in division (A)(9)(a) of this section;	44590
(c) An offense, other than a traffic offense, under an	44591
existing or former municipal ordinance or law of this or any other	44592

state or the United States, committed purposely or knowingly, and 44593  
involving physical harm to persons or a risk of serious physical 44594  
harm to persons; 44595

(d) A conspiracy or attempt to commit, or complicity in 44596  
committing, any offense under division (A)(9)(a), (b), or (c) of 44597  
this section. 44598

(10)(a) "Property" means any property, real or personal, 44599  
tangible or intangible, and any interest or license in that 44600  
property. "Property" includes, but is not limited to, cable 44601  
television service, other telecommunications service, 44602  
telecommunications devices, information service, computers, data, 44603  
computer software, financial instruments associated with 44604  
computers, other documents associated with computers, or copies of 44605  
the documents, whether in machine or human readable form, trade 44606  
secrets, trademarks, copyrights, patents, and property protected 44607  
by a trademark, copyright, or patent. "Financial instruments 44608  
associated with computers" include, but are not limited to, 44609  
checks, drafts, warrants, money orders, notes of indebtedness, 44610  
certificates of deposit, letters of credit, bills of credit or 44611  
debit cards, financial transaction authorization mechanisms, 44612  
marketable securities, or any computer system representations of 44613  
any of them. 44614

(b) As used in division (A)(10) of this section, "trade 44615  
secret" has the same meaning as in section 1333.61 of the Revised 44616  
Code, and "telecommunications service" and "information service" 44617  
have the same meanings as in section 2913.01 of the Revised Code. 44618

(c) As used in divisions (A)(10) and (13) of this section, 44619  
"cable television service," "computer," "computer software," 44620  
"computer system," "computer network," "data," and 44621  
"telecommunications device" have the same meanings as in section 44622  
2913.01 of the Revised Code. 44623

- (11) "Law enforcement officer" means any of the following: 44624
- (a) A sheriff, deputy sheriff, constable, police officer of a 44625  
township or joint ~~township~~ police district, marshal, deputy 44626  
marshal, municipal police officer, member of a police force 44627  
employed by a metropolitan housing authority under division (D) of 44628  
section 3735.31 of the Revised Code, or state highway patrol 44629  
trooper; 44630
- (b) An officer, agent, or employee of the state or any of its 44631  
agencies, instrumentalities, or political subdivisions, upon whom, 44632  
by statute, a duty to conserve the peace or to enforce all or 44633  
certain laws is imposed and the authority to arrest violators is 44634  
conferred, within the limits of that statutory duty and authority; 44635
- (c) A mayor, in the mayor's capacity as chief conservator of 44636  
the peace within the mayor's municipal corporation; 44637
- (d) A member of an auxiliary police force organized by 44638  
county, township, or municipal law enforcement authorities, within 44639  
the scope of the member's appointment or commission; 44640
- (e) A person lawfully called pursuant to section 311.07 of 44641  
the Revised Code to aid a sheriff in keeping the peace, for the 44642  
purposes and during the time when the person is called; 44643
- (f) A person appointed by a mayor pursuant to section 737.01 44644  
of the Revised Code as a special patrolling officer during riot or 44645  
emergency, for the purposes and during the time when the person is 44646  
appointed; 44647
- (g) A member of the organized militia of this state or the 44648  
armed forces of the United States, lawfully called to duty to aid 44649  
civil authorities in keeping the peace or protect against domestic 44650  
violence; 44651
- (h) A prosecuting attorney, assistant prosecuting attorney, 44652  
secret service officer, or municipal prosecutor; 44653

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;	44654 44655
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	44656 44657 44658
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	44659 44660
(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;	44661 44662 44663 44664
(m) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	44665 44666 44667 44668 44669 44670 44671 44672 44673
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	44674 44675 44676 44677
(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:	44678 44679 44680 44681 44682 44683
(a) Any controlled substance, as defined in section 3719.01	44684

of the Revised Code, or any device or paraphernalia; 44685

(b) Any unlawful gambling device or paraphernalia; 44686

(c) Any dangerous ordnance or obscene material. 44687

(14) A person is "not guilty by reason of insanity" relative 44688  
to a charge of an offense only if the person proves, in the manner 44689  
specified in section 2901.05 of the Revised Code, that at the time 44690  
of the commission of the offense, the person did not know, as a 44691  
result of a severe mental disease or defect, the wrongfulness of 44692  
the person's acts. 44693

(B)(1)(a) Subject to division (B)(2) of this section, as used 44694  
in any section contained in Title XXIX of the Revised Code that 44695  
sets forth a criminal offense, "person" includes all of the 44696  
following: 44697

(i) An individual, corporation, business trust, estate, 44698  
trust, partnership, and association; 44699

(ii) An unborn human who is viable. 44700

(b) As used in any section contained in Title XXIX of the 44701  
Revised Code that does not set forth a criminal offense, "person" 44702  
includes an individual, corporation, business trust, estate, 44703  
trust, partnership, and association. 44704

(c) As used in division (B)(1)(a) of this section: 44705

(i) "Unborn human" means an individual organism of the 44706  
species *Homo sapiens* from fertilization until live birth. 44707

(ii) "Viable" means the stage of development of a human fetus 44708  
at which there is a realistic possibility of maintaining and 44709  
nourishing of a life outside the womb with or without temporary 44710  
artificial life-sustaining support. 44711

(2) Notwithstanding division (B)(1)(a) of this section, in no 44712  
case shall the portion of the definition of the term "person" that 44713  
is set forth in division (B)(1)(a)(ii) of this section be applied 44714

or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners:

(a) Except as otherwise provided in division (B)(2)(a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 of the Revised Code, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence, but that does violate section 2919.12, division (B) of section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the Revised Code, may be punished as a violation of section 2919.12, division (B) of section 2919.13, or section 2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. Consent is sufficient under this division if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with section 2919.12 of the Revised Code.

(b) In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:

(i) Her delivery of a stillborn baby;

(ii) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;

(iii) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;

(iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;

(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(C) As used in Title XXIX of the Revised Code:

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.

(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.

(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.

(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

**Sec. 2903.33.** As used in sections 2903.33 to 2903.36 of the Revised Code:

(A) "Care facility" means any of the following:

(1) Any "home" as defined in section 3721.10 or 5111.20 of



the Revised Code; 44776

(2) Any "residential facility" as defined in section 5123.19 44777  
of the Revised Code; 44778

(3) Any institution or facility operated or provided by the 44779  
department of mental health or by the department of developmental 44780  
disabilities pursuant to sections 5119.02 and 5123.03 of the 44781  
Revised Code; 44782

(4) Any "residential facility" as defined in section 5119.22 44783  
of the Revised Code; 44784

(5) Any unit of any hospital, as defined in section 3701.01 44785  
of the Revised Code, that provides the same services as a nursing 44786  
home, as defined in section 3721.01 of the Revised Code; 44787

(6) Any institution, residence, or facility that provides, 44788  
for a period of more than twenty-four hours, whether for a 44789  
consideration or not, accommodations to one individual or two 44790  
unrelated individuals who are dependent upon the services of 44791  
others; 44792

(7) Any "adult care facility" as defined in section ~~3722.01~~ 44793  
5119.70 of the Revised Code; 44794

(8) Any adult foster home certified ~~by the department of~~ 44795  
~~aging or its designee~~ under section ~~173.36~~ 5119.692 of the Revised 44796  
Code. 44797

(B) "Abuse" means knowingly causing physical harm or 44798  
recklessly causing serious physical harm to a person by physical 44799  
contact with the person or by the inappropriate use of a physical 44800  
or chemical restraint, medication, or isolation on the person. 44801

(C)(1) "Gross neglect" means knowingly failing to provide a 44802  
person with any treatment, care, goods, or service that is 44803  
necessary to maintain the health or safety of the person when the 44804  
failure results in physical harm or serious physical harm to the 44805

person. 44806

(2) "Neglect" means recklessly failing to provide a person 44807  
with any treatment, care, goods, or service that is necessary to 44808  
maintain the health or safety of the person when the failure 44809  
results in serious physical harm to the person. 44810

(D) "Inappropriate use of a physical or chemical restraint, 44811  
medication, or isolation" means the use of physical or chemical 44812  
restraint, medication, or isolation as punishment, for staff 44813  
convenience, excessively, as a substitute for treatment, or in 44814  
quantities that preclude habilitation and treatment. 44815

**Sec. 2907.15.** (A) As used in this section: 44816

(1) "Public retirement system" means the public employees 44817  
retirement system, state teachers retirement system, school 44818  
employees retirement system, Ohio police and fire pension fund, 44819  
state highway patrol retirement system, or a municipal retirement 44820  
system of a municipal corporation of this state. 44821

(2) "Government deferred compensation program" means such a 44822  
program offered by the Ohio public employees deferred compensation 44823  
board; a municipal corporation; ~~or~~ a governmental unit, as defined 44824  
in section 148.06 of the Revised Code, or a program styled as a 44825  
supplemental employee deferral plan offered by the treasurer of 44826  
state. 44827

(3) "Deferred compensation program participant" means a 44828  
"participating employee" or "continuing member," as defined in 44829  
section 148.01 of the Revised Code, or any other public employee 44830  
who has funds in a government deferred compensation program. 44831

(4) "Alternative retirement plan" means an alternative 44832  
retirement plan provided pursuant to Chapter 3305. of the Revised 44833  
Code. 44834

(5) "Prosecutor" has the same meaning as in section 2935.01 44835

of the Revised Code. 44836

In any case in which a sentencing court orders restitution to 44837  
the victim under section 2929.18 or 2929.28 of the Revised Code 44838  
for a violation of section 2907.02, 2907.03, 2907.04, or 2907.05 44839  
of the Revised Code and in which the offender is a government 44840  
deferred compensation program participant, is an electing 44841  
employee, as defined in section 3305.01 of the Revised Code, or is 44842  
a member of, or receiving a pension, benefit, or allowance, other 44843  
than a survivorship benefit, from, a public retirement system and 44844  
committed the offense against a child, student, patient, or other 44845  
person with whom the offender had contact in the context of the 44846  
offender's public employment, at the request of the victim the 44847  
prosecutor shall file a motion with the sentencing court 44848  
specifying the government deferred compensation program, 44849  
alternative retirement plan, or public retirement system and 44850  
requesting that the court issue an order requiring the government 44851  
deferred compensation program, alternative retirement plan, or 44852  
public retirement system to withhold the amount required as 44853  
restitution from one or more of the following: any payment to be 44854  
made from a government deferred compensation program, any payment 44855  
or benefit under an alternative retirement plan, or under a 44856  
pension, annuity, allowance, or any other benefit, other than a 44857  
survivorship benefit, that has been or is in the future granted to 44858  
the offender; from any payment of accumulated employee 44859  
contributions standing to the offender's credit with the 44860  
government deferred compensation program, alternative retirement 44861  
plan, or public retirement system; or from any payment of any 44862  
other amounts to be paid to the offender pursuant to section 44863  
113.42 or Chapter 145., 148., 742., 3307., 3309., or 5505. of the 44864  
Revised Code on withdrawal of contributions. The motion may be 44865  
filed at any time subsequent to the conviction of the offender or 44866  
entry of a guilty plea. On the filing of the motion, the clerk of 44867  
the court in which the motion is filed shall notify the offender 44868

and the government deferred compensation program, alternative 44869  
retirement plan, or public retirement system, in writing, of all 44870  
of the following: that the motion was filed; that the offender 44871  
will be granted a hearing on the issuance of the requested order 44872  
if the offender files a written request for a hearing with the 44873  
clerk prior to the expiration of thirty days after the offender 44874  
receives the notice; that, if a hearing is requested, the court 44875  
will schedule a hearing as soon as possible and notify the 44876  
offender and the government deferred compensation program, 44877  
alternative retirement plan, or public retirement system of the 44878  
date, time, and place of the hearing; that, if a hearing is 44879  
conducted, it will be limited to a consideration of whether the 44880  
offender can show good cause why the order should not be issued; 44881  
that, if a hearing is conducted, the court will not issue the 44882  
order if the court determines, based on evidence presented at the 44883  
hearing by the offender, that there is good cause for the order 44884  
not to be issued; that the court will issue the order if a hearing 44885  
is not requested or if a hearing is conducted but the court does 44886  
not determine, based on evidence presented at the hearing by the 44887  
offender, that there is good cause for the order not to be issued; 44888  
and that, if the order is issued, the government deferred 44889  
compensation program, alternative retirement plan, or public 44890  
retirement system specified in the motion will be required to 44891  
withhold the amount required as restitution from payments to the 44892  
offender. 44893

(B) In any case in which a motion requesting the issuance of 44894  
a withholding order as described in division (A) of this section 44895  
is filed, the offender may receive a hearing on the motion by 44896  
delivering a written request for a hearing to the court prior to 44897  
the expiration of thirty days after the offender's receipt of the 44898  
notice provided pursuant to division (A) of this section. If the 44899  
offender requests a hearing within the prescribed time, the court 44900  
shall schedule a hearing as soon as possible after the request is 44901

made and notify the offender and the government deferred 44902  
compensation program, alternative retirement plan, or public 44903  
retirement system of the date, time, and place of the hearing. A 44904  
hearing scheduled under this division shall be limited to a 44905  
consideration of whether there is good cause, based on evidence 44906  
presented by the offender, for the requested order not to be 44907  
issued. If the court determines, based on evidence presented by 44908  
the offender, that there is good cause for the order not to be 44909  
issued, the court shall deny the motion and shall not issue the 44910  
order. Good cause for not issuing the order includes a 44911  
determination by the court that the order would severely impact 44912  
the offender's ability to support the offender's dependents. 44913

If the offender does not request a hearing within the 44914  
prescribed time or the court conducts a hearing but does not 44915  
determine, based on evidence presented by the offender, that there 44916  
is good cause for the order not to be issued, the court shall 44917  
order the government deferred compensation program, alternative 44918  
retirement plan, or public retirement system to withhold the 44919  
amount required as restitution from one or more of the following: 44920  
any payments to be made from a government deferred compensation 44921  
program, any payment or benefit under an alternative retirement 44922  
plan, or under a pension, annuity, allowance, or under any other 44923  
benefit, other than a survivorship benefit, that has been or is in 44924  
the future granted to the offender; from any payment of 44925  
accumulated employee contributions standing to the offender's 44926  
credit with the government deferred compensation program, 44927  
alternative retirement plan, or public retirement system; or from 44928  
any payment of any other amounts to be paid to the offender upon 44929  
withdrawal of contributions pursuant to Chapter 145., 148., 742., 44930  
3307., 3309., or 5505. of the Revised Code and to continue the 44931  
withholding for that purpose, in accordance with the order, out of 44932  
each payment to be made on or after the date of issuance of the 44933  
order, until further order of the court. On receipt of an order 44934

issued under this division, the government deferred compensation 44935  
program, alternative retirement plan, or public retirement system 44936  
shall withhold the amount required as restitution, in accordance 44937  
with the order, from any such payments and immediately forward the 44938  
amount withheld to the clerk of the court in which the order was 44939  
issued for payment to the person to whom restitution is to be 44940  
made. The order shall not apply to any portion of payments made 44941  
from a government deferred compensation program, alternative 44942  
retirement plan, or public retirement system to a person other 44943  
than the offender pursuant to a previously issued domestic court 44944  
order. 44945

(C) Service of a notice required by division (A) or (B) of 44946  
this section shall be effected in the same manner as provided in 44947  
the Rules of Civil Procedure for the service of process. 44948

(D) Upon the filing of charges under section 2907.02, 44949  
2907.03, 2907.04, or 2907.05 of the Revised Code against a person 44950  
who is a deferred compensation program participant, an electing 44951  
employee participating in an alternative retirement plan, or a 44952  
member of, or receiving a pension benefit, or allowance, other 44953  
than a survivorship benefit, from a public retirement system for 44954  
an offense against a child, student, patient, or other person with 44955  
whom the offender had contact in the context of the offender's 44956  
public employment, the prosecutor shall send written notice that 44957  
charges have been filed against that person to the appropriate 44958  
government deferred compensation program, alternative retirement 44959  
plan, or public retirement system. The notice shall specifically 44960  
identify the person charged. 44961

**Sec. 2915.01.** As used in this chapter: 44962

(A) "Bookmaking" means the business of receiving or paying 44963  
off bets. 44964

(B) "Bet" means the hazarding of anything of value upon the 44965

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;

(4) Any equipment, device, apparatus, or paraphernalia  
specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in  
violation of this chapter.

(G) "Gambling offense" means any of the following:

(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;

(2) A violation of an existing or former municipal ordinance 44995  
or law of this or any other state or the United States 44996  
substantially equivalent to any section listed in division (G)(1) 44997  
of this section or a violation of section 2915.06 of the Revised 44998  
Code as it existed prior to July 1, 1996; 44999

(3) An offense under an existing or former municipal 45000  
ordinance or law of this or any other state or the United States, 45001  
of which gambling is an element; 45002

(4) A conspiracy or attempt to commit, or complicity in 45003  
committing, any offense under division (G)(1), (2), or (3) of this 45004  
section. 45005

(H) Except as otherwise provided in this chapter, "charitable 45006  
organization" means any tax exempt religious, educational, 45007  
veteran's, fraternal, sporting, service, nonprofit medical, 45008  
volunteer rescue service, volunteer firefighter's, senior 45009  
citizen's, historic railroad educational, youth athletic, amateur 45010  
athletic, or youth athletic park organization. An organization is 45011  
tax exempt if the organization is, and has received from the 45012  
internal revenue service a determination letter that currently is 45013  
in effect stating that the organization is, exempt from federal 45014  
income taxation under subsection 501(a) and described in 45015  
subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 45016  
501(c)(19) of the Internal Revenue Code, or if the organization is 45017  
a sporting organization that is exempt from federal income 45018  
taxation under subsection 501(a) and is described in subsection 45019  
501(c)(7) of the Internal Revenue Code. To qualify as a charitable 45020  
organization, an organization, except a volunteer rescue service 45021  
or volunteer firefighter's organization, shall have been in 45022  
continuous existence as such in this state for a period of two 45023  
years immediately preceding either the making of an application 45024  
for a bingo license under section 2915.08 of the Revised Code or 45025  
the conducting of any game of chance as provided in division (D) 45026



of section 2915.02 of the Revised Code. A charitable organization 45027  
that is exempt from federal income taxation under subsection 45028  
501(a) and described in subsection 501(c)(3) of the Internal 45029  
Revenue Code and that is created by a veteran's organization, a 45030  
fraternal organization, or a sporting organization does not have 45031  
to have been in continuous existence as such in this state for a 45032  
period of two years immediately preceding either the making of an 45033  
application for a bingo license under section 2915.08 of the 45034  
Revised Code or the conducting of any game of chance as provided 45035  
in division (D) of section 2915.02 of the Revised Code. 45036

(I) "Religious organization" means any church, body of 45037  
communicants, or group that is not organized or operated for 45038  
profit and that gathers in common membership for regular worship 45039  
and religious observances. 45040

(J) "Educational organization" means any organization within 45041  
this state that is not organized for profit, the primary purpose 45042  
of which is to educate and develop the capabilities of individuals 45043  
through instruction by means of operating or contributing to the 45044  
support of a school, academy, college, or university. 45045

(K) "Veteran's organization" means any individual post or 45046  
state headquarters of a national veteran's association or an 45047  
auxiliary unit of any individual post of a national veteran's 45048  
association, which post, state headquarters, or auxiliary unit is 45049  
incorporated as a nonprofit corporation and either has received a 45050  
letter from the state headquarters of the national veteran's 45051  
association indicating that the individual post or auxiliary unit 45052  
is in good standing with the national veteran's association or has 45053  
received a letter from the national veteran's association 45054  
indicating that the state headquarters is in good standing with 45055  
the national veteran's association. As used in this division, 45056  
"national veteran's association" means any veteran's association 45057  
that has been in continuous existence as such for a period of at 45058

least five years and either is incorporated by an act of the 45059  
United States congress or has a national dues-paying membership of 45060  
at least five thousand persons. 45061

(L) "Volunteer firefighter's organization" means any 45062  
organization of volunteer firefighters, as defined in section 45063  
146.01 of the Revised Code, that is organized and operated 45064  
exclusively to provide financial support for a volunteer fire 45065  
department or a volunteer fire company and that is recognized or 45066  
ratified by a county, municipal corporation, or township. 45067

(M) "Fraternal organization" means any society, order, state 45068  
headquarters, or association within this state, except a college 45069  
or high school fraternity, that is not organized for profit, that 45070  
is a branch, lodge, or chapter of a national or state 45071  
organization, that exists exclusively for the common business or 45072  
sodality of its members. 45073

(N) "Volunteer rescue service organization" means any 45074  
organization of volunteers organized to function as an emergency 45075  
medical service organization, as defined in section 4765.01 of the 45076  
Revised Code. 45077

(O) "Service organization" means either of the following: 45078

(1) Any organization, not organized for profit, that is 45079  
organized and operated exclusively to provide, or to contribute to 45080  
the support of organizations or institutions organized and 45081  
operated exclusively to provide, medical and therapeutic services 45082  
for persons who are crippled, born with birth defects, or have any 45083  
other mental or physical defect or those organized and operated 45084  
exclusively to protect, or to contribute to the support of 45085  
organizations or institutions organized and operated exclusively 45086  
to protect, animals from inhumane treatment or provide immediate 45087  
shelter to victims of domestic violence; 45088

(2) Any organization that is described in subsection 45089

509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 45090  
and is either a governmental unit or an organization that is tax 45091  
exempt under subsection 501(a) and described in subsection 45092  
501(c)(3) of the Internal Revenue Code and that is an 45093  
organization, not organized for profit, that is organized and 45094  
operated primarily to provide, or to contribute to the support of 45095  
organizations or institutions organized and operated primarily to 45096  
provide, medical and therapeutic services for persons who are 45097  
crippled, born with birth defects, or have any other mental or 45098  
physical defect. 45099

(P) "Nonprofit medical organization" means either of the 45100  
following: 45101

(1) Any organization that has been incorporated as a 45102  
nonprofit corporation for at least five years and that has 45103  
continuously operated and will be operated exclusively to provide, 45104  
or to contribute to the support of organizations or institutions 45105  
organized and operated exclusively to provide, hospital, medical, 45106  
research, or therapeutic services for the public; 45107

(2) Any organization that is described and qualified under 45108  
subsection 501(c)(3) of the Internal Revenue Code, that has been 45109  
incorporated as a nonprofit corporation for at least five years, 45110  
and that has continuously operated and will be operated primarily 45111  
to provide, or to contribute to the support of organizations or 45112  
institutions organized and operated primarily to provide, 45113  
hospital, medical, research, or therapeutic services for the 45114  
public. 45115

(Q) "Senior citizen's organization" means any private 45116  
organization, not organized for profit, that is organized and 45117  
operated exclusively to provide recreational or social services 45118  
for persons who are fifty-five years of age or older and that is 45119  
described and qualified under subsection 501(c)(3) of the Internal 45120  
Revenue Code. 45121

(R) "Charitable bingo game" means any bingo game described in 45122  
division (S)(1) or (2) of this section that is conducted by a 45123  
charitable organization that has obtained a license pursuant to 45124  
section 2915.08 of the Revised Code and the proceeds of which are 45125  
used for a charitable purpose. 45126

(S) "Bingo" means either of the following: 45127

(1) A game with all of the following characteristics: 45128

(a) The participants use bingo cards or sheets, including 45129  
paper formats and electronic representation or image formats, that 45130  
are divided into twenty-five spaces arranged in five horizontal 45131  
and five vertical rows of spaces, with each space, except the 45132  
central space, being designated by a combination of a letter and a 45133  
number and with the central space being designated as a free 45134  
space. 45135

(b) The participants cover the spaces on the bingo cards or 45136  
sheets that correspond to combinations of letters and numbers that 45137  
are announced by a bingo game operator. 45138

(c) A bingo game operator announces combinations of letters 45139  
and numbers that appear on objects that a bingo game operator 45140  
selects by chance, either manually or mechanically, from a 45141  
receptacle that contains seventy-five objects at the beginning of 45142  
each game, each object marked by a different combination of a 45143  
letter and a number that corresponds to one of the seventy-five 45144  
possible combinations of a letter and a number that can appear on 45145  
the bingo cards or sheets. 45146

(d) The winner of the bingo game includes any participant who 45147  
properly announces during the interval between the announcements 45148  
of letters and numbers as described in division (S)(1)(c) of this 45149  
section, that a predetermined and preannounced pattern of spaces 45150  
has been covered on a bingo card or sheet being used by the 45151  
participant. 45152

(2) Instant bingo, punch boards, and raffles.	45153
(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.	45154 45155 45156
(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.	45157 45158 45159 45160 45161 45162 45163 45164 45165 45166 45167 45168
(V) "Participant" means any person who plays bingo.	45169
(W) "Bingo session" means a period that includes both of the following:	45170 45171
(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;	45172 45173 45174
(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.	45175 45176 45177
(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide	45178 45179 45180 45181 45182 45183

auxiliary unit or society of a charitable organization conducting 45184  
bingo, provided all of the following apply: 45185

(1) The auxiliary unit or society has been in existence as a 45186  
bona fide auxiliary unit or society of the charitable organization 45187  
for at least two years prior to conducting bingo. 45188

(2) The person who purchases the food or beverage receives 45189  
nothing of value except the food or beverage and items customarily 45190  
received with the purchase of that food or beverage. 45191

(3) The food and beverages are sold at customary and 45192  
reasonable prices. 45193

(Y) "Security personnel" includes any person who either is a 45194  
sheriff, deputy sheriff, marshal, deputy marshal, township 45195  
constable, or member of an organized police department of a 45196  
municipal corporation or has successfully completed a peace 45197  
officer's training course pursuant to sections 109.71 to 109.79 of 45198  
the Revised Code and who is hired to provide security for the 45199  
premises on which bingo is conducted. 45200

(Z) "Charitable purpose" means that the net profit of bingo, 45201  
other than instant bingo, is used by, or is given, donated, or 45202  
otherwise transferred to, any of the following: 45203

(1) Any organization that is described in subsection 45204  
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 45205  
and is either a governmental unit or an organization that is tax 45206  
exempt under subsection 501(a) and described in subsection 45207  
501(c)(3) of the Internal Revenue Code; 45208

(2) A veteran's organization that is a post, chapter, or 45209  
organization of veterans, or an auxiliary unit or society of, or a 45210  
trust or foundation for, any such post, chapter, or organization 45211  
organized in the United States or any of its possessions, at least 45212  
seventy-five per cent of the members of which are veterans and 45213  
substantially all of the other members of which are individuals 45214

who are spouses, widows, or widowers of veterans, or such 45215  
individuals, provided that no part of the net earnings of such 45216  
post, chapter, or organization inures to the benefit of any 45217  
private shareholder or individual, and further provided that the 45218  
net profit is used by the post, chapter, or organization for the 45219  
charitable purposes set forth in division (B)(12) of section 45220  
5739.02 of the Revised Code, is used for awarding scholarships to 45221  
or for attendance at an institution mentioned in division (B)(12) 45222  
of section 5739.02 of the Revised Code, is donated to a 45223  
governmental agency, or is used for nonprofit youth activities, 45224  
the purchase of United States or Ohio flags that are donated to 45225  
schools, youth groups, or other bona fide nonprofit organizations, 45226  
promotion of patriotism, or disaster relief; 45227

(3) A fraternal organization that has been in continuous 45228  
existence in this state for fifteen years and that uses the net 45229  
profit exclusively for religious, charitable, scientific, 45230  
literary, or educational purposes, or for the prevention of 45231  
cruelty to children or animals, if contributions for such use 45232  
would qualify as a deductible charitable contribution under 45233  
subsection 170 of the Internal Revenue Code; 45234

(4) A volunteer firefighter's organization that uses the net 45235  
profit for the purposes set forth in division (L) of this section. 45236

(AA) "Internal Revenue Code" means the "Internal Revenue Code 45237  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 45238  
amended. 45239

(BB) "Youth athletic organization" means any organization, 45240  
not organized for profit, that is organized and operated 45241  
exclusively to provide financial support to, or to operate, 45242  
athletic activities for persons who are twenty-one years of age or 45243  
younger by means of sponsoring, organizing, operating, or 45244  
contributing to the support of an athletic team, club, league, or 45245  
association. 45246

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

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

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

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

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

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

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



and used, in accordance with this chapter. For purposes of this 45278  
chapter, "bingo supplies" are not to be considered equipment used 45279  
to conduct a bingo game. 45280

(FF) "Instant bingo" means a form of bingo that uses folded 45281  
or banded tickets or paper cards with perforated break-open tabs, 45282  
a face of which is covered or otherwise hidden from view to 45283  
conceal a number, letter, or symbol, or set of numbers, letters, 45284  
or symbols, some of which have been designated in advance as prize 45285  
winners. "Instant bingo" includes seal cards. "Instant bingo" does 45286  
not include any device that is activated by the insertion of a 45287  
coin, currency, token, or an equivalent, and that contains as one 45288  
of its components a video display monitor that is capable of 45289  
displaying numbers, letters, symbols, or characters in winning or 45290  
losing combinations. 45291

(GG) "Seal card" means a form of instant bingo that uses 45292  
instant bingo tickets in conjunction with a board or placard that 45293  
contains one or more seals that, when removed or opened, reveal 45294  
predesignated winning numbers, letters, or symbols. 45295

(HH) "Raffle" means a form of bingo in which the one or more 45296  
prizes are won by one or more persons who have purchased a raffle 45297  
ticket. The one or more winners of the raffle are determined by 45298  
drawing a ticket stub or other detachable section from a 45299  
receptacle containing ticket stubs or detachable sections 45300  
corresponding to all tickets sold for the raffle. "Raffle" does 45301  
not include the drawing of a ticket stub or other detachable 45302  
section of a ticket purchased to attend a professional sporting 45303  
event if both of the following apply: 45304

(1) The ticket stub or other detachable section is used to 45305  
select the winner of a free prize given away at the professional 45306  
sporting event; and 45307

(2) The cost of the ticket is the same as the cost of a 45308

ticket to the professional sporting event on days when no free prize is given away. 45309  
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(II) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number. 45311  
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(JJ) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards. 45320  
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(KK) "Net profit" means gross profit minus expenses. 45322

(LL) "Expenses" means the reasonable amount of gross profit actually expended for all of the following: 45323  
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(1) The purchase or lease of bingo supplies; 45325

(2) The annual license fee required under section 2915.08 of the Revised Code; 45326  
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(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code; 45328  
45329

(4) Audits and accounting services; 45330

(5) Safes; 45331

(6) Cash registers; 45332

(7) Hiring security personnel; 45333

(8) Advertising bingo; 45334

(9) Renting premises in which to conduct a bingo session; 45335

(10) Tables and chairs; 45336

(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;	45337 45338 45339 45340
(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;	45341 45342
(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.	45343 45344 45345 45346
(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.	45347 45348 45349
(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.	45350 45351 45352 45353
(OO) "Suspend" means to interrupt temporarily 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.	45354 45355 45356 45357
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:	45358 45359
(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;	45360 45361 45362
(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.	45363 45364 45365
(QQ) "Manufacturer" means any person who assembles completed	45366

bingo supplies from raw materials, other items, or subparts or who 45367  
modifies, converts, adds to, or removes parts from bingo supplies 45368  
to further their promotion or sale. 45369

(RR) "Gross annual revenues" means the annual gross receipts 45370  
derived from the conduct of bingo described in division (S)(1) of 45371  
this section plus the annual net profit derived from the conduct 45372  
of bingo described in division (S)(2) of this section. 45373

(SS) "Instant bingo ticket dispenser" means a mechanical 45374  
device that dispenses an instant bingo ticket or card as the sole 45375  
item of value dispensed and that has the following 45376  
characteristics: 45377

(1) It is activated upon the insertion of United States 45378  
currency. 45379

(2) It performs no gaming functions. 45380

(3) It does not contain a video display monitor or generate 45381  
noise. 45382

(4) It is not capable of displaying any numbers, letters, 45383  
symbols, or characters in winning or losing combinations. 45384

(5) It does not simulate or display rolling or spinning 45385  
reels. 45386

(6) It is incapable of determining whether a dispensed bingo 45387  
ticket or card is a winning or nonwinning ticket or card and 45388  
requires a winning ticket or card to be paid by a bingo game 45389  
operator. 45390

(7) It may provide accounting and security features to aid in 45391  
accounting for the instant bingo tickets or cards it dispenses. 45392

(8) It is not part of an electronic network and is not 45393  
interactive. 45394

(TT)(1) "Electronic bingo aid" means an electronic device 45395  
used by a participant to monitor bingo cards or sheets purchased 45396

at the time and place of a bingo session and that does all of the following: 45397  
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(a) It provides a means for a participant to input numbers and letters announced by a bingo caller. 45399  
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(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device. 45401  
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(c) It identifies a winning bingo pattern. 45404

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play. 45405  
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(UU) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number. 45408  
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(VV)(1) "Slot machine" means either of the following: 45410

(a) 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 who gives the thing of value in the hope of gain; 45411  
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(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. 45415  
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(2) "Slot machine" does not include a skill-based amusement machine or an instant bingo ticket dispenser. 45419  
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(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. 45421  
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(XX) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under 45425  
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subsection 501(a) and described in subsection 501(c)(3) of the 45427  
Internal Revenue Code and is a charitable organization as defined 45428  
in this section. A "charitable instant bingo organization" does 45429  
not include a charitable organization that is exempt from federal 45430  
income taxation under subsection 501(a) and described in 45431  
subsection 501(c)(3) of the Internal Revenue Code and that is 45432  
created by a veteran's organization, a fraternal organization, or 45433  
a sporting organization in regards to bingo conducted or assisted 45434  
by a veteran's organization, a fraternal organization, or a 45435  
sporting organization pursuant to section 2915.13 of the Revised 45436  
Code. 45437

(YY) "Game flare" means the board or placard that accompanies 45438  
each deal of instant bingo tickets and that has printed on or 45439  
affixed to it the following information for the game: 45440

(1) The name of the game; 45441

(2) The manufacturer's name or distinctive logo; 45442

(3) The form number; 45443

(4) The ticket count; 45444

(5) The prize structure, including the number of winning 45445  
instant bingo tickets by denomination and the respective winning 45446  
symbol or number combinations for the winning instant bingo 45447  
tickets; 45448

(6) The cost per play; 45449

(7) The serial number of the game. 45450

(ZZ) "Historic railroad educational organization" means an 45451  
organization that is exempt from federal income taxation under 45452  
subsection 501(a) and described in subsection 501(c)(3) of the 45453  
Internal Revenue Code, that owns in fee simple the tracks and the 45454  
right\_of\_way of a historic railroad that the organization restores 45455  
or maintains and on which the organization provides excursions as 45456

part of a program to promote tourism and educate visitors 45457  
regarding the role of railroad transportation in Ohio history, and 45458  
that received as donations from a charitable organization that 45459  
holds a license to conduct bingo under this chapter an amount 45460  
equal to at least fifty per cent of that licensed charitable 45461  
organization's net proceeds from the conduct of bingo during each 45462  
of the five years preceding June 30, 2003. "Historic railroad" 45463  
means all or a portion of the tracks and right-of-way of a 45464  
railroad that was owned and operated by a for-profit common 45465  
carrier in this state at any time prior to January 1, 1950. 45466

(AAA)(1) "Skill-based amusement machine" means a mechanical, 45467  
video, digital, or electronic device that rewards the player or 45468  
players, if at all, only with merchandise prizes or with 45469  
redeemable vouchers redeemable only for merchandise prizes, 45470  
provided that with respect to rewards for playing the game all of 45471  
the following apply: 45472

(a) The wholesale value of a merchandise prize awarded as a 45473  
result of the single play of a machine does not exceed ten 45474  
dollars; 45475

(b) Redeemable vouchers awarded for any single play of a 45476  
machine are not redeemable for a merchandise prize with a 45477  
wholesale value of more than ten dollars; 45478

(c) Redeemable vouchers are not redeemable for a merchandise 45479  
prize that has a wholesale value of more than ten dollars times 45480  
the fewest number of single plays necessary to accrue the 45481  
redeemable vouchers required to obtain that prize; and 45482

(d) Any redeemable vouchers or merchandise prizes are 45483  
distributed at the site of the skill-based amusement machine at 45484  
the time of play. 45485

A card for the purchase of gasoline is a redeemable voucher 45486  
for purposes of division (AAA)(1) of this section even if the 45487

skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(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 45518  
play. 45519

(b) Advance play for a single game, play, contest, 45520  
competition, or tournament participation may be purchased. The 45521  
cost of the contest, competition, or tournament participation may 45522  
be greater than a single noncontest, competition, or tournament 45523  
play. 45524

(c) To the extent that the machine is used in a contest, 45525  
competition, or tournament, that contest, competition, or 45526  
tournament has a defined starting and ending date and is open to 45527  
participants in competition for scoring and ranking results toward 45528  
the awarding of redeemable vouchers or merchandise prizes that are 45529  
stated prior to the start of the contest, competition, or 45530  
tournament. 45531

(4) For purposes of division (AAA)(1) of this section, the 45532  
mere presence of a device, such as a pin-setting, ball-releasing, 45533  
or scoring mechanism, that does not contribute to or affect the 45534  
outcome of the play of the game does not make the device a 45535  
skill-based amusement machine. 45536

(BBB) "Merchandise prize" means any item of value, but shall 45537  
not include any of the following: 45538

(1) Cash, gift cards, or any equivalent thereof; 45539

(2) Plays on games of chance, state lottery tickets, bingo, 45540  
or instant bingo; 45541

(3) Firearms, tobacco, or alcoholic beverages; or 45542

(4) A redeemable voucher that is redeemable for any of the 45543  
items listed in division (BBB)(1), (2), or (3) of this section. 45544

(CCC) "Redeemable voucher" means any ticket, token, coupon, 45545  
receipt, or other noncash representation of value. 45546

(DDD) "Pool not conducted for profit" means a scheme in which 45547

a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(EEE) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the Ohio league of sportsmen, and that has been in continuous existence in this state for a period of three years.

(FFF) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

**Sec. 2917.40.** (A) As used in this section:

(1) "Live entertainment performance" means any live speech; any live musical performance, including a concert; any live dramatic performance; any live variety show; and any other live 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 ~~turnstiles~~ 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 45578  
presentation and the primary component of which is acting, 45579  
dancing, a motion picture, a demonstration of skills or talent 45580  
other than singing or playing an instrument, an athletic event, an 45581  
exhibition, or a speech. 45582

(4) "Facility" means any structure that has a roof or partial 45583  
roof and that has walls that wholly surround the area on all 45584  
sides, including, but not limited to, a stadium, hall, arena, 45585  
armory, auditorium, ballroom, exhibition hall, convention center, 45586  
or music hall. 45587

(5) "Person" includes, in addition to an individual or entity 45588  
specified in division (C) of section 1.59 of the Revised Code, any 45589  
governmental entity. 45590

(B)(1) No person shall sell, offer to sell, or offer in 45591  
return for a donation any ticket that is not numbered and that 45592  
does not correspond to a specific seat for admission to either of 45593  
the following: 45594

(a) A live entertainment performance that is not exempted 45595  
under division (D) of this section, that is held in a restricted 45596  
entertainment area, and for which more than eight thousand tickets 45597  
are offered to the public; 45598

(b) A concert that is not exempted under division (D) of this 45599  
section and for which more than three thousand tickets are offered 45600  
to the public. 45601

(2) No person shall advertise any live entertainment 45602  
performance as described in division (B)(1)(a) of this section or 45603  
any concert as described in division (B)(1)(b) of this section, 45604  
unless the advertisement contains the words "Reserved Seats Only." 45605

(C) Unless exempted by division (D)(1) of this section, no 45606  
person who owns or operates any restricted entertainment area 45607  
shall fail to open, maintain, and properly staff at least the 45608

number of entrances designated under division (E) of this section 45609  
for a minimum of ninety minutes prior to the scheduled start of 45610  
any live entertainment performance that is held in the restricted 45611  
entertainment area and for which more than three thousand tickets 45612  
are sold, offered for sale, or offered in return for a donation. 45613

(D)(1) A live entertainment performance, other than a 45614  
concert, is exempted from the provisions of divisions (B) and (C) 45615  
of this section if both of the following apply: 45616

(a) The restricted entertainment area in which the 45617  
performance is held has at least eight entrances or, if both 45618  
entrances and separate admission ~~turnstiles~~ turnstiles or similar 45619  
devices are used, has at least eight ~~turnstiles~~ turnstiles or 45620  
similar devices; 45621

(b) The eight entrances or, if applicable, the eight 45622  
~~turnstiles~~ turnstiles or similar devices are opened, maintained, 45623  
and properly staffed at least one hour prior to the scheduled 45624  
start of the performance. 45625

(2)(a) The chief of the police department of a township 45626  
police district or joint police district in the case of a facility 45627  
located within the district, the officer responsible for public 45628  
safety within a municipal corporation in the case of a facility 45629  
located within the municipal corporation, or the county sheriff in 45630  
the case of a facility located outside the boundaries of a 45631  
township or joint police district or municipal corporation may, 45632  
upon application of the sponsor of a concert covered by division 45633  
(B) of this section, exempt the concert from the provisions of 45634  
that division if the official finds that the health, safety, and 45635  
welfare of the participants and spectators would not be 45636  
substantially affected by failure to comply with the provisions of 45637  
that division. 45638

In determining whether to grant an exemption, the official 45639

shall consider the following factors: 45640

(i) The size and design of the facility in which the concert 45641  
is scheduled; 45642

(ii) The size, age, and anticipated conduct of the crowd 45643  
expected to attend the concert; 45644

(iii) The ability of the sponsor to manage and control the 45645  
expected crowd. 45646

If the sponsor of any concert desires to obtain an exemption 45647  
under this division, the sponsor shall apply to the appropriate 45648  
official on a form prescribed by that official. The official shall 45649  
issue an order that grants or denies the exemption within five 45650  
days after receipt of the application. The sponsor may appeal any 45651  
order that denies an exemption to the court of common pleas of the 45652  
county in which the facility is located. 45653

(b) If an official grants an exemption under division 45654  
(D)(2)(a) of this section, the official shall designate an on-duty 45655  
law enforcement officer to be present at the concert. The 45656  
designated officer has authority to issue orders to all security 45657  
personnel at the concert to protect the health, safety, and 45658  
welfare of the participants and spectators. 45659

(3) Notwithstanding division (D)(2) of this section, in the 45660  
case of a concert held in a facility located on the campus of an 45661  
educational institution covered by section 3345.04 of the Revised 45662  
Code, a state university law enforcement officer appointed 45663  
pursuant to sections 3345.04 and 3345.21 of the Revised Code shall 45664  
do both of the following: 45665

(a) Exercise the authority to grant exemptions provided by 45666  
division (D)(2)(a) of this section in lieu of an official 45667  
designated in that division; 45668

(b) If the officer grants an exemption under division 45669

(D)(3)(a) of this section, designate an on-duty state university law enforcement officer to be present at the concert. The designated officer has authority to issue orders to all security personnel at the concert to protect the health, safety, and welfare of the participants and spectators.

(E)(1) Unless a live entertainment performance is exempted by division (D)(1) of this section, the chief of the police department of a township police district or joint police district in the case of a restricted entertainment area located within the district, the officer responsible for public safety within a municipal corporation in the case of a restricted entertainment area located within the municipal corporation, or the county sheriff in the case of a restricted entertainment area located outside the boundaries of a township or joint police district or municipal corporation shall designate, for purposes of division (C) of this section, the minimum number of entrances required to be opened, maintained, and staffed at each live entertainment performance so as to permit crowd control and reduce congestion at the entrances. The designation shall be based on such factors as the size and nature of the crowd expected to attend the live entertainment performance, the length of time prior to the live entertainment performance that crowds are expected to congregate at the entrances, and the amount of security provided at the restricted entertainment area.

(2) Notwithstanding division (E)(1) of this section, a state university law enforcement officer appointed pursuant to sections 3345.04 and 3345.21 of the Revised Code shall designate the number of entrances required to be opened, maintained, and staffed in the case of a live entertainment performance that is held at a restricted entertainment area located on the campus of an educational institution covered by section 3345.04 of the Revised Code.

(F) No person shall enter into any contract for a live entertainment performance, that does not permit or require compliance with this section.

(G)(1) This section does not apply to a live entertainment performance held in a restricted entertainment area if one admission ticket entitles the holder to view or participate in three or more different games, rides, activities, or live entertainment performances occurring simultaneously at different sites within the restricted entertainment area and if the initial admittance entrance to the restricted entertainment area, for which the ticket is required, is separate from the entrance to any specific live entertainment performance and an additional ticket is not required for admission to the particular live entertainment performance.

(2) This section does not apply to a symphony orchestra performance, a ballet performance, horse races, dances, or fairs.

(H) This section does not prohibit the legislative authority of any municipal corporation from imposing additional requirements, not in conflict with this section, for the promotion or holding of live entertainment performances.

(I) Whoever violates division (B), (C), or (F) of this section is guilty of a misdemeanor of the first degree. If any individual suffers physical harm to ~~his~~ the individual's person as a result of a violation of this section, the sentencing court shall consider this factor in favor of imposing a term of imprisonment upon the offender.

**Sec. 2919.271.** (A)(1)(a) If a defendant is charged with a violation of section 2919.27 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court may order an evaluation of the mental condition of the defendant if the court determines that either of the following criteria

apply: 45733

(i) If the alleged violation is a violation of a protection 45734  
order issued or consent agreement approved pursuant to section 45735  
2919.26 or 3113.31 of the Revised Code, that the violation 45736  
allegedly involves conduct by the defendant that caused physical 45737  
harm to the person or property of a family or household member 45738  
covered by the order or agreement, or conduct by the defendant 45739  
that caused a family or household member to believe that the 45740  
defendant would cause physical harm to that member or that 45741  
member's property. 45742

(ii) If the alleged violation is a violation of a protection 45743  
order issued pursuant to section 2903.213 or 2903.214 of the 45744  
Revised Code or a protection order issued by a court of another 45745  
state, that the violation allegedly involves conduct by the 45746  
defendant that caused physical harm to the person or property of 45747  
the person covered by the order, or conduct by the defendant that 45748  
caused the person covered by the order to believe that the 45749  
defendant would cause physical harm to that person or that 45750  
person's property. 45751

(b) If a defendant is charged with a violation of section 45752  
2903.211 of the Revised Code or of a municipal ordinance that is 45753  
substantially similar to that section, the court may order an 45754  
evaluation of the mental condition of the defendant. 45755

(2) An evaluation ordered under division (A)(1) of this 45756  
section shall be completed no later than thirty days from the date 45757  
the order is entered pursuant to that division. In that order, the 45758  
court shall do either of the following: 45759

(a) Order that the evaluation of the mental condition of the 45760  
defendant be preceded by an examination conducted either by a 45761  
forensic center that is designated by the department of mental 45762  
health to conduct examinations and make evaluations of defendants 45763



charged with violations of section 2903.211 or 2919.27 of the Revised Code or of substantially similar municipal ordinances in the area in which the court is located, or by any other program or facility that is designated by the department of mental health or the department of developmental disabilities to conduct examinations and make evaluations of defendants charged with violations of section 2903.211 or 2919.27 of the Revised Code or of substantially similar municipal ordinances, and that is operated by either department or is certified by either department as being in compliance with the standards established under division ~~(I)~~(H) of section 5119.01 of the Revised Code or division (C) of section 5123.04 of the Revised Code.

(b) Designate a center, program, or facility other than one designated by the department of mental health or the department of developmental disabilities, as described in division (A)(2)(a) of this section, to conduct the evaluation and preceding examination of the mental condition of the defendant.

Whether the court acts pursuant to division (A)(2)(a) or (b) of this section, the court may designate examiners other than the personnel of the center, program, facility, or department involved to make the evaluation and preceding examination of the mental condition of the defendant.

(B) If the court considers that additional evaluations of the mental condition of a defendant are necessary following the evaluation authorized by division (A) of this section, the court may order up to two additional similar evaluations. These evaluations shall be completed no later than thirty days from the date the applicable court order is entered. If more than one evaluation of the mental condition of the defendant is ordered under this division, the prosecutor and the defendant may recommend to the court an examiner whom each prefers to perform one of the evaluations and preceding examinations.

(C)(1) The court may order a defendant who has been released on bail to submit to an examination under division (A) or (B) of this section. The examination shall be conducted either at the detention facility in which the defendant would have been confined if the defendant had not been released on bail, or, if so specified by the center, program, facility, or examiners involved, at the premises of the center, program, or facility. Additionally, the examination shall be conducted at the times established by the examiners involved. If such a defendant refuses to submit to an examination or a complete examination as required by the court or the center, program, facility, or examiners involved, the court may amend the conditions of the bail of the defendant and order the sheriff to take the defendant into custody and deliver the defendant to the detention facility in which the defendant would have been confined if the defendant had not been released on bail, or, if so specified by the center, program, facility, or examiners involved, to the premises of the center, program, or facility, for purposes of the examination.

(2) A defendant who has not been released on bail shall be examined at the detention facility in which the defendant is confined or, if so specified by the center, program, facility, or examiners involved, at the premises of the center, program, or facility.

(D) The examiner of the mental condition of a defendant under division (A) or (B) of this section shall file a written report with the court within thirty days after the entry of an order for the evaluation of the mental condition of the defendant. The report shall contain the findings of the examiner; the facts in reasonable detail on which the findings are based; the opinion of the examiner as to the mental condition of the defendant; the opinion of the examiner as to whether the defendant represents a substantial risk of physical harm to other persons as manifested

by evidence of recent homicidal or other violent behavior, 45828  
evidence of recent threats that placed other persons in reasonable 45829  
fear of violent behavior and serious physical harm, or evidence of 45830  
present dangerousness; and the opinion of the examiner as to the 45831  
types of treatment or counseling that the defendant needs. The 45832  
court shall provide copies of the report to the prosecutor and 45833  
defense counsel. 45834

(E) The costs of any evaluation and preceding examination of 45835  
a defendant that is ordered pursuant to division (A) or (B) of 45836  
this section shall be taxed as court costs in the criminal case. 45837

(F) If the examiner considers it necessary in order to make 45838  
an accurate evaluation of the mental condition of a defendant, an 45839  
examiner under division (A) or (B) of this section may request any 45840  
family or household member of the defendant to provide the 45841  
examiner with information. A family or household member may, but 45842  
is not required to, provide information to the examiner upon 45843  
receipt of the request. 45844

(G) As used in this section: 45845

(1) "Bail" includes a recognizance. 45846

(2) "Examiner" means a psychiatrist, a licensed independent 45847  
social worker who is employed by a forensic center that is 45848  
certified as being in compliance with the standards established 45849  
under division ~~(I)~~(H) of section 5119.01 or division (C) of 45850  
section 5123.04 of the Revised Code, a licensed professional 45851  
clinical counselor who is employed at a forensic center that is 45852  
certified as being in compliance with such standards, or a 45853  
licensed clinical psychologist, except that in order to be an 45854  
examiner, a licensed clinical psychologist shall meet the criteria 45855  
of division (I)(1) of section 5122.01 of the Revised Code or be 45856  
employed to conduct examinations by the department of mental 45857  
health or by a forensic center certified as being in compliance 45858

with the standards established under division ~~(I)~~(H) of section 45859  
5119.01 or division (C) of section 5123.04 of the Revised Code 45860  
that is designated by the department of mental health. 45861

(3) "Family or household member" has the same meaning as in 45862  
section 2919.25 of the Revised Code. 45863

(4) "Prosecutor" has the same meaning as in section 2935.01 45864  
of the Revised Code. 45865

(5) "Psychiatrist" and "licensed clinical psychologist" have 45866  
the same meanings as in section 5122.01 of the Revised Code. 45867

(6) "Protection order issued by a court of another state" has 45868  
the same meaning as in section 2919.27 of the Revised Code. 45869

**Sec. 2921.41.** (A) No public official or party official shall 45870  
commit any theft offense, as defined in division (K) of section 45871  
2913.01 of the Revised Code, when either of the following applies: 45872

(1) The offender uses the offender's office in aid of 45873  
committing the offense or permits or assents to its use in aid of 45874  
committing the offense; 45875

(2) The property or service involved is owned by this state, 45876  
any other state, the United States, a county, a municipal 45877  
corporation, a township, or any political subdivision, department, 45878  
or agency of any of them, is owned by a political party, or is 45879  
part of a political campaign fund. 45880

(B) Whoever violates this section is guilty of theft in 45881  
office. Except as otherwise provided in this division, theft in 45882  
office is a felony of the fifth degree. If the value of property 45883  
or services stolen is five hundred dollars or more and is less 45884  
than five thousand dollars, theft in office is a felony of the 45885  
fourth degree. If the value of property or services stolen is five 45886  
thousand dollars or more, theft in office is a felony of the third 45887  
degree. 45888

(C)(1) A public official or party official who pleads guilty to theft in office and whose plea is accepted by the court or a public official or party official against whom a verdict or finding of guilt for committing theft in office is returned is forever disqualified from holding any public office, employment, or position of trust in this state.

(2)(a) A court that imposes sentence for a violation of this section based on conduct described in division (A)(2) of this section shall require the public official or party official who is convicted of or pleads guilty to the offense to make restitution for all of the property or the service that is the subject of the offense, in addition to the term of imprisonment and any fine imposed. A court that imposes sentence for a violation of this section based on conduct described in division (A)(1) of this section and that determines at trial that this state or a political subdivision of this state if the offender is a public official, or a political party in the United States or this state if the offender is a party official, suffered actual loss as a result of the offense shall require the offender to make restitution to the state, political subdivision, or political party for all of the actual loss experienced, in addition to the term of imprisonment and any fine imposed.

(b)(i) In any case in which a sentencing court is required to order restitution under division (C)(2)(a) of this section and in which the offender, at the time of the commission of the offense or at any other time, was a member of the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, or the state highway patrol retirement system; was an electing employee, as defined in section 3305.01 of the Revised Code, participating in an alternative retirement plan provided pursuant to Chapter 3305. of the Revised Code; was a participating

employee or continuing member, as defined in section 148.01 of the Revised Code, in a deferred compensation program offered by the Ohio public employees deferred compensation board; was an officer or employee of a municipal corporation who was a participant in a deferred compensation program offered by that municipal corporation; was an officer or employee of a government unit, as defined in section 148.06 of the Revised Code, who was a participant in a deferred compensation program offered by that government unit, was a participant in a deferred compensation program styled as a supplemental employee deferral plan offered by the treasurer of state, or was a participating employee, continuing member, or participant in any deferred compensation program described in this division and a member of a retirement system specified in this division or a retirement system of a municipal corporation, the entity to which restitution is to be made may file a motion with the sentencing court specifying any retirement system, any provider as defined in section 3305.01 of the Revised Code, and any deferred compensation program of which the offender was a member, electing employee, participating employee, continuing member, or participant and requesting the court to issue an order requiring the specified retirement system, the specified provider under the alternative retirement plan, or the specified deferred compensation program, or, if more than one is specified in the motion, the applicable combination of these, to withhold the amount required as restitution from any payment that is to be made under a pension, annuity, or allowance, under an option in the alternative retirement plan, under a participant account, as defined in section 148.01 of the Revised Code, or under any other type of benefit, other than a survivorship benefit, that has been or is in the future granted to the offender, from any payment of accumulated employee contributions standing to the offender's credit with that retirement system, that provider of the option under the alternative retirement plan,

or that deferred compensation program, or, if more than one is 45954  
specified in the motion, the applicable combination of these, and 45955  
from any payment of any other amounts to be paid to the offender 45956  
upon the offender's withdrawal of the offender's contributions 45957  
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 45958  
the Revised Code. A motion described in this division may be filed 45959  
at any time subsequent to the conviction of the offender or entry 45960  
of a guilty plea. Upon the filing of the motion, the clerk of the 45961  
court in which the motion is filed shall notify the offender, the 45962  
specified retirement system, the specified provider under the 45963  
alternative retirement plan, or the specified deferred 45964  
compensation program, or, if more than one is specified in the 45965  
motion, the applicable combination of these, in writing, of all of 45966  
the following: that the motion was filed; that the offender will 45967  
be granted a hearing on the issuance of the requested order if the 45968  
offender files a written request for a hearing with the clerk 45969  
prior to the expiration of thirty days after the offender receives 45970  
the notice; that, if a hearing is requested, the court will 45971  
schedule a hearing as soon as possible and notify the offender, 45972  
any specified retirement system, any specified provider under an 45973  
alternative retirement plan, and any specified deferred 45974  
compensation program of the date, time, and place of the hearing; 45975  
that, if a hearing is conducted, it will be limited only to a 45976  
consideration of whether the offender can show good cause why the 45977  
requested order should not be issued; that, if a hearing is 45978  
conducted, the court will not issue the requested order if the 45979  
court determines, based on evidence presented at the hearing by 45980  
the offender, that there is good cause for the requested order not 45981  
to be issued; that the court will issue the requested order if a 45982  
hearing is not requested or if a hearing is conducted but the 45983  
court does not determine, based on evidence presented at the 45984  
hearing by the offender, that there is good cause for the 45985  
requested order not to be issued; and that, if the requested order 45986

is issued, any retirement system, any provider under an 45987  
alternative retirement plan, and any deferred compensation program 45988  
specified in the motion will be required to withhold the amount 45989  
required as restitution from payments to the offender. 45990

(ii) In any case in which a sentencing court is required to 45991  
order restitution under division (C)(2)(a) of this section and in 45992  
which a motion requesting the issuance of a withholding order as 45993  
described in division (C)(2)(b)(i) of this section is filed, the 45994  
offender may receive a hearing on the motion by delivering a 45995  
written request for a hearing to the court prior to the expiration 45996  
of thirty days after the offender's receipt of the notice provided 45997  
pursuant to division (C)(2)(b)(i) of this section. If a request 45998  
for a hearing is made by the offender within the prescribed time, 45999  
the court shall schedule a hearing as soon as possible after the 46000  
request is made and shall notify the offender, the specified 46001  
retirement system, the specified provider under the alternative 46002  
retirement plan, or the specified deferred compensation program, 46003  
or, if more than one is specified in the motion, the applicable 46004  
combination of these, of the date, time, and place of the hearing. 46005  
A hearing scheduled under this division shall be limited to a 46006  
consideration of whether there is good cause, based on evidence 46007  
presented by the offender, for the requested order not to be 46008  
issued. If the court determines, based on evidence presented by 46009  
the offender, that there is good cause for the order not to be 46010  
issued, the court shall deny the motion and shall not issue the 46011  
requested order. If the offender does not request a hearing within 46012  
the prescribed time or if the court conducts a hearing but does 46013  
not determine, based on evidence presented by the offender, that 46014  
there is good cause for the order not to be issued, the court 46015  
shall order the specified retirement system, the specified 46016  
provider under the alternative retirement plan, or the specified 46017  
deferred compensation program, or, if more than one is specified 46018  
in the motion, the applicable combination of these, to withhold 46019



the amount required as restitution under division (C)(2)(a) of 46020  
this section from any payments to be made under a pension, 46021  
annuity, or allowance, under a participant account, as defined in 46022  
section 148.01 of the Revised Code, under an option in the 46023  
alternative retirement plan, or under any other type of benefit, 46024  
other than a survivorship benefit, that has been or is in the 46025  
future granted to the offender, from any payment of accumulated 46026  
employee contributions standing to the offender's credit with that 46027  
retirement system, that provider under the alternative retirement 46028  
plan, or that deferred compensation program, or, if more than one 46029  
is specified in the motion, the applicable combination of these, 46030  
and from any payment of any other amounts to be paid to the 46031  
offender upon the offender's withdrawal of the offender's 46032  
contributions pursuant to Chapter 145., 148., 742., 3307., 3309., 46033  
or 5505. of the Revised Code, and to continue the withholding for 46034  
that purpose, in accordance with the order, out of each payment to 46035  
be made on or after the date of issuance of the order, until 46036  
further order of the court. Upon receipt of an order issued under 46037  
this division, the public employees retirement system, the Ohio 46038  
police and fire pension fund, the state teachers retirement 46039  
system, the school employees retirement system, the state highway 46040  
patrol retirement system, a municipal corporation retirement 46041  
system, the provider under the alternative retirement plan, and 46042  
the deferred compensation program offered by the Ohio public 46043  
employees deferred compensation board, treasurer of state, a 46044  
municipal corporation, or a government unit, as defined in section 46045  
148.06 of the Revised Code, whichever are applicable, shall 46046  
withhold the amount required as restitution, in accordance with 46047  
the order, from any such payments and immediately shall forward 46048  
the amount withheld to the clerk of the court in which the order 46049  
was issued for payment to the entity to which restitution is to be 46050  
made. 46051

(iii) Service of a notice required by division (C)(2)(b)(i) 46052

or (ii) of this section shall be effected in the same manner as 46053  
provided in the Rules of Civil Procedure for the service of 46054  
process. 46055

(D) Upon the filing of charges against a person under this 46056  
section, the prosecutor, as defined in section 2935.01 of the 46057  
Revised Code, who is assigned the case shall send written notice 46058  
that charges have been filed against that person to the public 46059  
employees retirement system, the Ohio police and fire pension 46060  
fund, the state teachers retirement system, the school employees 46061  
retirement system, the state highway patrol retirement system, the 46062  
provider under an alternative retirement plan, any municipal 46063  
corporation retirement system in this state, and the deferred 46064  
compensation program offered by the Ohio public employees deferred 46065  
compensation board, treasurer of state, a municipal corporation, 46066  
or a government unit, as defined in section 148.06 of the Revised 46067  
Code. The written notice shall specifically identify the person 46068  
charged. 46069

**Sec. 2925.03.** (A) No person shall knowingly do any of the 46070  
following: 46071

(1) Sell or offer to sell a controlled substance; 46072

(2) Prepare for shipment, ship, transport, deliver, prepare 46073  
for distribution, or distribute a controlled substance, when the 46074  
offender knows or has reasonable cause to believe that the 46075  
controlled substance is intended for sale or resale by the 46076  
offender or another person. 46077

(B) This section does not apply to any of the following: 46078

(1) Manufacturers, licensed health professionals authorized 46079  
to prescribe drugs, pharmacists, owners of pharmacies, and other 46080  
persons whose conduct is in accordance with Chapters 3719., 4715., 46081  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 46082

(2) If the offense involves an anabolic steroid, any person 46083  
who is conducting or participating in a research project involving 46084  
the use of an anabolic steroid if the project has been approved by 46085  
the United States food and drug administration; 46086

(3) Any person who sells, offers for sale, prescribes, 46087  
dispenses, or administers for livestock or other nonhuman species 46088  
an anabolic steroid that is expressly intended for administration 46089  
through implants to livestock or other nonhuman species and 46090  
approved for that purpose under the "Federal Food, Drug, and 46091  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 46092  
and is sold, offered for sale, prescribed, dispensed, or 46093  
administered for that purpose in accordance with that act. 46094

(C) Whoever violates division (A) of this section is guilty 46095  
of one of the following: 46096

(1) If the drug involved in the violation is any compound, 46097  
mixture, preparation, or substance included in schedule I or 46098  
schedule II, with the exception of marihuana, formaldehyde, 46099  
cocaine, L.S.D., heroin, and hashish, whoever violates division 46100  
(A) of this section is guilty of aggravated trafficking in drugs. 46101  
The penalty for the offense shall be determined as follows: 46102

(a) Except as otherwise provided in division (C)(1)(b), (c), 46103  
(d), (e), or (f) of this section, aggravated trafficking in drugs 46104  
is a felony of the fourth degree, and division (C) of section 46105  
2929.13 of the Revised Code applies in determining whether to 46106  
impose a prison term on the offender. 46107

(b) Except as otherwise provided in division (C)(1)(c), (d), 46108  
(e), or (f) of this section, if the offense was committed in the 46109  
vicinity of a school or in the vicinity of a juvenile, aggravated 46110  
trafficking in drugs is a felony of the third degree, and division 46111  
(C) of section 2929.13 of the Revised Code applies in determining 46112  
whether to impose a prison term on the offender. 46113

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated trafficking in drugs is a felony of the third degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the

vicinity of a juvenile, aggravated trafficking in drugs is a 46146  
felony of the first degree, the offender is a major drug offender, 46147  
and the court shall impose as a mandatory prison term the maximum 46148  
prison term prescribed for a felony of the first degree and may 46149  
impose an additional prison term prescribed for a major drug 46150  
offender under division (D)(3)(b) of section 2929.14 of the 46151  
Revised Code. 46152

(2) If the drug involved in the violation is any compound, 46153  
mixture, preparation, or substance included in schedule III, IV, 46154  
or V, whoever violates division (A) of this section is guilty of 46155  
trafficking in drugs. The penalty for the offense shall be 46156  
determined as follows: 46157

(a) Except as otherwise provided in division (C)(2)(b), (c), 46158  
(d), or (e) of this section, trafficking in drugs is a felony of 46159  
the fifth degree, and division (C) of section 2929.13 of the 46160  
Revised Code applies in determining whether to impose a prison 46161  
term on the offender. 46162

(b) Except as otherwise provided in division (C)(2)(c), (d), 46163  
or (e) of this section, if the offense was committed in the 46164  
vicinity of a school or in the vicinity of a juvenile, trafficking 46165  
in drugs is a felony of the fourth degree, and division (C) of 46166  
section 2929.13 of the Revised Code applies in determining whether 46167  
to impose a prison term on the offender. 46168

(c) Except as otherwise provided in this division, if the 46169  
amount of the drug involved equals or exceeds the bulk amount but 46170  
is less than five times the bulk amount, trafficking in drugs is a 46171  
felony of the fourth degree, and there is a presumption for a 46172  
prison term for the offense. If the amount of the drug involved is 46173  
within that range and if the offense was committed in the vicinity 46174  
of a school or in the vicinity of a juvenile, trafficking in drugs 46175  
is a felony of the third degree, and there is a presumption for a 46176  
prison term for the offense. 46177

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), or (g) of this section, trafficking in marihuana is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d), (e), (f), or (g) of this section, if the offense was committed in

the vicinity of a school or in the vicinity of a juvenile, 46210  
trafficking in marihuana is a felony of the fourth degree, and 46211  
division (C) of section 2929.13 of the Revised Code applies in 46212  
determining whether to impose a prison term on the offender. 46213

(c) Except as otherwise provided in this division, if the 46214  
amount of the drug involved equals or exceeds two hundred grams 46215  
but is less than one thousand grams, trafficking in marihuana is a 46216  
felony of the fourth degree, and division (C) of section 2929.13 46217  
of the Revised Code applies in determining whether to impose a 46218  
prison term on the offender. If the amount of the drug involved is 46219  
within that range and if the offense was committed in the vicinity 46220  
of a school or in the vicinity of a juvenile, trafficking in 46221  
marihuana is a felony of the third degree, and division (C) of 46222  
section 2929.13 of the Revised Code applies in determining whether 46223  
to impose a prison term on the offender. 46224

(d) Except as otherwise provided in this division, if the 46225  
amount of the drug involved equals or exceeds one thousand grams 46226  
but is less than five thousand grams, trafficking in marihuana is 46227  
a felony of the third degree, and division (C) of section 2929.13 46228  
of the Revised Code applies in determining whether to impose a 46229  
prison term on the offender. If the amount of the drug involved is 46230  
within that range and if the offense was committed in the vicinity 46231  
of a school or in the vicinity of a juvenile, trafficking in 46232  
marihuana is a felony of the second degree, and there is a 46233  
presumption that a prison term shall be imposed for the offense. 46234

(e) Except as otherwise provided in this division, if the 46235  
amount of the drug involved equals or exceeds five thousand grams 46236  
but is less than twenty thousand grams, trafficking in marihuana 46237  
is a felony of the third degree, and there is a presumption that a 46238  
prison term shall be imposed for the offense. If the amount of the 46239  
drug involved is within that range and if the offense was 46240  
committed in the vicinity of a school or in the vicinity of a 46241

juvenile, trafficking in marihuana is a felony of the second 46242  
degree, and there is a presumption that a prison term shall be 46243  
imposed for the offense. 46244

(f) Except as otherwise provided in this division, if the 46245  
amount of the drug involved equals or exceeds twenty thousand 46246  
grams, trafficking in marihuana is a felony of the second degree, 46247  
and the court shall impose as a mandatory prison term the maximum 46248  
prison term prescribed for a felony of the second degree. If the 46249  
amount of the drug involved equals or exceeds twenty thousand 46250  
grams and if the offense was committed in the vicinity of a school 46251  
or in the vicinity of a juvenile, trafficking in marihuana is a 46252  
felony of the first degree, and the court shall impose as a 46253  
mandatory prison term the maximum prison term prescribed for a 46254  
felony of the first degree. 46255

(g) Except as otherwise provided in this division, if the 46256  
offense involves a gift of twenty grams or less of marihuana, 46257  
trafficking in marihuana is a minor misdemeanor upon a first 46258  
offense and a misdemeanor of the third degree upon a subsequent 46259  
offense. If the offense involves a gift of twenty grams or less of 46260  
marihuana and if the offense was committed in the vicinity of a 46261  
school or in the vicinity of a juvenile, trafficking in marihuana 46262  
is a misdemeanor of the third degree. 46263

(4) If the drug involved in the violation is cocaine or a 46264  
compound, mixture, preparation, or substance containing cocaine, 46265  
whoever violates division (A) of this section is guilty of 46266  
trafficking in cocaine. The penalty for the offense shall be 46267  
determined as follows: 46268

(a) Except as otherwise provided in division (C)(4)(b), (c), 46269  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 46270  
felony of the fifth degree, and division (C) of section 2929.13 of 46271  
the Revised Code applies in determining whether to impose a prison 46272  
term on the offender. 46273



(b) Except as otherwise provided in division (C)(4)(c), (d), 46274  
(e), (f), or (g) of this section, if the offense was committed in 46275  
the vicinity of a school or in the vicinity of a juvenile, 46276  
trafficking in cocaine is a felony of the fourth degree, and 46277  
division (C) of section 2929.13 of the Revised Code applies in 46278  
determining whether to impose a prison term on the offender. 46279

(c) Except as otherwise provided in this division, if the 46280  
amount of the drug involved equals or exceeds five grams but is 46281  
less than ten grams of cocaine that is not crack cocaine or equals 46282  
or exceeds one gram but is less than five grams of crack cocaine, 46283  
trafficking in cocaine is a felony of the fourth degree, and there 46284  
is a presumption for a prison term for the offense. If the amount 46285  
of the drug involved is within one of those ranges and if the 46286  
offense was committed in the vicinity of a school or in the 46287  
vicinity of a juvenile, trafficking in cocaine is a felony of the 46288  
third degree, and there is a presumption for a prison term for the 46289  
offense. 46290

(d) Except as otherwise provided in this division, if the 46291  
amount of the drug involved equals or exceeds ten grams but is 46292  
less than one hundred grams of cocaine that is not crack cocaine 46293  
or equals or exceeds five grams but is less than ten grams of 46294  
crack cocaine, trafficking in cocaine is a felony of the third 46295  
degree, and the court shall impose as a mandatory prison term one 46296  
of the prison terms prescribed for a felony of the third degree. 46297  
If the amount of the drug involved is within one of those ranges 46298  
and if the offense was committed in the vicinity of a school or in 46299  
the vicinity of a juvenile, trafficking in cocaine is a felony of 46300  
the second degree, and the court shall impose as a mandatory 46301  
prison term one of the prison terms prescribed for a felony of the 46302  
second degree. 46303

(e) Except as otherwise provided in this division, if the 46304  
amount of the drug involved equals or exceeds one hundred grams 46305

but is less than five hundred grams of cocaine that is not crack 46306  
cocaine or equals or exceeds ten grams but is less than 46307  
twenty-five grams of crack cocaine, trafficking in cocaine is a 46308  
felony of the second degree, and the court shall impose as a 46309  
mandatory prison term one of the prison terms prescribed for a 46310  
felony of the second degree. If the amount of the drug involved is 46311  
within one of those ranges and if the offense was committed in the 46312  
vicinity of a school or in the vicinity of a juvenile, trafficking 46313  
in cocaine is a felony of the first degree, and the court shall 46314  
impose as a mandatory prison term one of the prison terms 46315  
prescribed for a felony of the first degree. 46316

(f) If the amount of the drug involved equals or exceeds five 46317  
hundred grams but is less than one thousand grams of cocaine that 46318  
is not crack cocaine or equals or exceeds twenty-five grams but is 46319  
less than one hundred grams of crack cocaine and regardless of 46320  
whether the offense was committed in the vicinity of a school or 46321  
in the vicinity of a juvenile, trafficking in cocaine is a felony 46322  
of the first degree, and the court shall impose as a mandatory 46323  
prison term one of the prison terms prescribed for a felony of the 46324  
first degree. 46325

(g) If the amount of the drug involved equals or exceeds one 46326  
thousand grams of cocaine that is not crack cocaine or equals or 46327  
exceeds one hundred grams of crack cocaine and regardless of 46328  
whether the offense was committed in the vicinity of a school or 46329  
in the vicinity of a juvenile, trafficking in cocaine is a felony 46330  
of the first degree, the offender is a major drug offender, and 46331  
the court shall impose as a mandatory prison term the maximum 46332  
prison term prescribed for a felony of the first degree and may 46333  
impose an additional mandatory prison term prescribed for a major 46334  
drug offender under division (D)(3)(b) of section 2929.14 of the 46335  
Revised Code. 46336

(5) If the drug involved in the violation is L.S.D. or a 46337

compound, mixture, preparation, or substance containing L.S.D., 46338  
whoever violates division (A) of this section is guilty of 46339  
trafficking in L.S.D. The penalty for the offense shall be 46340  
determined as follows: 46341

(a) Except as otherwise provided in division (C)(5)(b), (c), 46342  
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 46343  
felony of the fifth degree, and division (C) of section 2929.13 of 46344  
the Revised Code applies in determining whether to impose a prison 46345  
term on the offender. 46346

(b) Except as otherwise provided in division (C)(5)(c), (d), 46347  
(e), (f), or (g) of this section, if the offense was committed in 46348  
the vicinity of a school or in the vicinity of a juvenile, 46349  
trafficking in L.S.D. is a felony of the fourth degree, and 46350  
division (C) of section 2929.13 of the Revised Code applies in 46351  
determining whether to impose a prison term on the offender. 46352

(c) Except as otherwise provided in this division, if the 46353  
amount of the drug involved equals or exceeds ten unit doses but 46354  
is less than fifty unit doses of L.S.D. in a solid form or equals 46355  
or exceeds one gram but is less than five grams of L.S.D. in a 46356  
liquid concentrate, liquid extract, or liquid distillate form, 46357  
trafficking in L.S.D. is a felony of the fourth degree, and there 46358  
is a presumption for a prison term for the offense. If the amount 46359  
of the drug involved is within that range and if the offense was 46360  
committed in the vicinity of a school or in the vicinity of a 46361  
juvenile, trafficking in L.S.D. is a felony of the third degree, 46362  
and there is a presumption for a prison term for the offense. 46363

(d) Except as otherwise provided in this division, if the 46364  
amount of the drug involved equals or exceeds fifty unit doses but 46365  
is less than two hundred fifty unit doses of L.S.D. in a solid 46366  
form or equals or exceeds five grams but is less than twenty-five 46367  
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 46368  
distillate form, trafficking in L.S.D. is a felony of the third 46369

degree, and the court shall impose as a mandatory prison term one 46370  
of the prison terms prescribed for a felony of the third degree. 46371  
If the amount of the drug involved is within that range and if the 46372  
offense was committed in the vicinity of a school or in the 46373  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 46374  
second degree, and the court shall impose as a mandatory prison 46375  
term one of the prison terms prescribed for a felony of the second 46376  
degree. 46377

(e) Except as otherwise provided in this division, if the 46378  
amount of the drug involved equals or exceeds two hundred fifty 46379  
unit doses but is less than one thousand unit doses of L.S.D. in a 46380  
solid form or equals or exceeds twenty-five grams but is less than 46381  
one hundred grams of L.S.D. in a liquid concentrate, liquid 46382  
extract, or liquid distillate form, trafficking in L.S.D. is a 46383  
felony of the second degree, and the court shall impose as a 46384  
mandatory prison term one of the prison terms prescribed for a 46385  
felony of the second degree. If the amount of the drug involved is 46386  
within that range and if the offense was committed in the vicinity 46387  
of a school or in the vicinity of a juvenile, trafficking in 46388  
L.S.D. is a felony of the first degree, and the court shall impose 46389  
as a mandatory prison term one of the prison terms prescribed for 46390  
a felony of the first degree. 46391

(f) If the amount of the drug involved equals or exceeds one 46392  
thousand unit doses but is less than five thousand unit doses of 46393  
L.S.D. in a solid form or equals or exceeds one hundred grams but 46394  
is less than five hundred grams of L.S.D. in a liquid concentrate, 46395  
liquid extract, or liquid distillate form and regardless of 46396  
whether the offense was committed in the vicinity of a school or 46397  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 46398  
of the first degree, and the court shall impose as a mandatory 46399  
prison term one of the prison terms prescribed for a felony of the 46400  
first degree. 46401

(g) If the amount of the drug involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of trafficking in heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(6)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the

fourth degree, and there is a presumption for a prison term for 46434  
the offense. If the amount of the drug involved is within that 46435  
range and if the offense was committed in the vicinity of a school 46436  
or in the vicinity of a juvenile, trafficking in heroin is a 46437  
felony of the third degree, and there is a presumption for a 46438  
prison term for the offense. 46439

(d) Except as otherwise provided in this division, if the 46440  
amount of the drug involved equals or exceeds fifty unit doses but 46441  
is less than one hundred unit doses or equals or exceeds five 46442  
grams but is less than ten grams, trafficking in heroin is a 46443  
felony of the third degree, and there is a presumption for a 46444  
prison term for the offense. If the amount of the drug involved is 46445  
within that range and if the offense was committed in the vicinity 46446  
of a school or in the vicinity of a juvenile, trafficking in 46447  
heroin is a felony of the second degree, and there is a 46448  
presumption for a prison term for the offense. 46449

(e) Except as otherwise provided in this division, if the 46450  
amount of the drug involved equals or exceeds one hundred unit 46451  
doses but is less than five hundred unit doses or equals or 46452  
exceeds ten grams but is less than fifty grams, trafficking in 46453  
heroin is a felony of the second degree, and the court shall 46454  
impose as a mandatory prison term one of the prison terms 46455  
prescribed for a felony of the second degree. If the amount of the 46456  
drug involved is within that range and if the offense was 46457  
committed in the vicinity of a school or in the vicinity of a 46458  
juvenile, trafficking in heroin is a felony of the first degree, 46459  
and the court shall impose as a mandatory prison term one of the 46460  
prison terms prescribed for a felony of the first degree. 46461

(f) If the amount of the drug involved equals or exceeds five 46462  
hundred unit doses but is less than two thousand five hundred unit 46463  
doses or equals or exceeds fifty grams but is less than two 46464  
hundred fifty grams and regardless of whether the offense was 46465

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree and may impose an additional mandatory prison term prescribed for a major drug offender under division (D)(3)(b) of section 2929.14 of the Revised Code.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of trafficking in hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), or (f) of this section, trafficking in hashish is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(7)(c), (d), (e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the

amount of the drug involved equals or exceeds ten grams but is 46497  
less than fifty grams of hashish in a solid form or equals or 46498  
exceeds two grams but is less than ten grams of hashish in a 46499  
liquid concentrate, liquid extract, or liquid distillate form, 46500  
trafficking in hashish is a felony of the fourth degree, and 46501  
division (C) of section 2929.13 of the Revised Code applies in 46502  
determining whether to impose a prison term on the offender. If 46503  
the amount of the drug involved is within that range and if the 46504  
offense was committed in the vicinity of a school or in the 46505  
vicinity of a juvenile, trafficking in hashish is a felony of the 46506  
third degree, and division (C) of section 2929.13 of the Revised 46507  
Code applies in determining whether to impose a prison term on the 46508  
offender. 46509

(d) Except as otherwise provided in this division, if the 46510  
amount of the drug involved equals or exceeds fifty grams but is 46511  
less than two hundred fifty grams of hashish in a solid form or 46512  
equals or exceeds ten grams but is less than fifty grams of 46513  
hashish in a liquid concentrate, liquid extract, or liquid 46514  
distillate form, trafficking in hashish is a felony of the third 46515  
degree, and division (C) of section 2929.13 of the Revised Code 46516  
applies in determining whether to impose a prison term on the 46517  
offender. If the amount of the drug involved is within that range 46518  
and if the offense was committed in the vicinity of a school or in 46519  
the vicinity of a juvenile, trafficking in hashish is a felony of 46520  
the second degree, and there is a presumption that a prison term 46521  
shall be imposed for the offense. 46522

(e) Except as otherwise provided in this division, if the 46523  
amount of the drug involved equals or exceeds two hundred fifty 46524  
grams but is less than one thousand grams of hashish in a solid 46525  
form or equals or exceeds fifty grams but is less than two hundred 46526  
grams of hashish in a liquid concentrate, liquid extract, or 46527  
liquid distillate form, trafficking in hashish is a felony of the 46528



third degree, and there is a presumption that a prison term shall 46529  
be imposed for the offense. If the amount of the drug involved is 46530  
within that range and if the offense was committed in the vicinity 46531  
of a school or in the vicinity of a juvenile, trafficking in 46532  
hashish is a felony of the second degree, and there is a 46533  
presumption that a prison term shall be imposed for the offense. 46534

(f) Except as otherwise provided in this division, if the 46535  
amount of the drug involved equals or exceeds one thousand grams 46536  
of hashish in a solid form or equals or exceeds two hundred grams 46537  
of hashish in a liquid concentrate, liquid extract, or liquid 46538  
distillate form, trafficking in hashish is a felony of the second 46539  
degree, and the court shall impose as a mandatory prison term the 46540  
maximum prison term prescribed for a felony of the second degree. 46541  
If the amount of the drug involved is within that range and if the 46542  
offense was committed in the vicinity of a school or in the 46543  
vicinity of a juvenile, trafficking in hashish is a felony of the 46544  
first degree, and the court shall impose as a mandatory prison 46545  
term the maximum prison term prescribed for a felony of the first 46546  
degree. 46547

(8) If the drug involved in the violation is formaldehyde, 46548  
whoever violates division (A) of this section is guilty of 46549  
trafficking in formaldehyde. The penalty for the offense shall be 46550  
determined as follows: 46551

(a) Except as otherwise provided in this division, if the 46552  
amount of the drug involved is more than twenty grams of 46553  
formaldehyde, in liquid concentrate, liquid extract, or liquid 46554  
distillate form, trafficking in formaldehyde is a felony of the 46555  
fourth degree, and division (C) of section 2929.13 of the Revised 46556  
Code applies in determining whether to impose a prison term on the 46557  
offender. If the offense was committed in the vicinity of a school 46558  
or in the vicinity of a juvenile, trafficking in formaldehyde is a 46559  
felony of the third degree, and division (C) of section 2929.13 of 46560

the Revised Code applies in determining whether to impose a prison term on the offender. 46561  
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(b) If the amount of the drug involved is twenty grams or less of formaldehyde, in liquid concentrate, liquid extract, or liquid distillate form, trafficking in formaldehyde is a minor misdemeanor on the first offense and a misdemeanor of the third degree upon a subsequent offense. 46563  
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(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender: 46568  
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(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to 46576  
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divisions (H)(2) and (3) of this section, as if that remaining amount was a fine imposed under division (H)(1) of this section.

(2) The court shall suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section.

(3) If the offender is a professionally licensed person, the court immediately shall comply with section 2925.38 of the Revised Code.

(E) When a person is charged with the sale of or offer to sell a bulk amount or a multiple of a bulk amount of a controlled substance, the jury, or the court trying the accused, shall determine the amount of the controlled substance involved at the time of the offense and, if a guilty verdict is returned, shall return the findings as part of the verdict. In any such case, it is unnecessary to find and return the exact amount of the controlled substance involved, and it is sufficient if the finding and return is to the effect that the amount of the controlled substance involved is the requisite amount, or that the amount of the controlled substance involved is less than the requisite amount.

(F)(1) Notwithstanding any contrary provision of section 3719.21 of the Revised Code and except as provided in division (H) of this section, the clerk of the court shall pay any mandatory fine imposed pursuant to division (D)(1) of this section and any fine other than a mandatory fine that is imposed for a violation of this section pursuant to division (A) or (B)(5) of section 2929.18 of the Revised Code to the county, township, municipal corporation, park district, as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender. However, the clerk shall not pay a mandatory fine so imposed to a law

enforcement agency unless the agency has adopted a written 46625  
internal control policy under division (F)(2) of this section that 46626  
addresses the use of the fine moneys that it receives. Each agency 46627  
shall use the mandatory fines so paid to subsidize the agency's 46628  
law enforcement efforts that pertain to drug offenses, in 46629  
accordance with the written internal control policy adopted by the 46630  
recipient agency under division (F)(2) of this section. 46631

(2)(a) Prior to receiving any fine moneys under division 46632  
(F)(1) of this section or division (B) of section 2925.42 of the 46633  
Revised Code, a law enforcement agency shall adopt a written 46634  
internal control policy that addresses the agency's use and 46635  
disposition of all fine moneys so received and that provides for 46636  
the keeping of detailed financial records of the receipts of those 46637  
fine moneys, the general types of expenditures made out of those 46638  
fine moneys, and the specific amount of each general type of 46639  
expenditure. The policy shall not provide for or permit the 46640  
identification of any specific expenditure that is made in an 46641  
ongoing investigation. All financial records of the receipts of 46642  
those fine moneys, the general types of expenditures made out of 46643  
those fine moneys, and the specific amount of each general type of 46644  
expenditure by an agency are public records open for inspection 46645  
under section 149.43 of the Revised Code. Additionally, a written 46646  
internal control policy adopted under this division is such a 46647  
public record, and the agency that adopted it shall comply with 46648  
it. 46649

(b) Each law enforcement agency that receives in any calendar 46650  
year any fine moneys under division (F)(1) of this section or 46651  
division (B) of section 2925.42 of the Revised Code shall prepare 46652  
a report covering the calendar year that cumulates all of the 46653  
information contained in all of the public financial records kept 46654  
by the agency pursuant to division (F)(2)(a) of this section for 46655  
that calendar year, and shall send a copy of the cumulative 46656

report, no later than the first day of March in the calendar year 46657  
following the calendar year covered by the report, to the attorney 46658  
general. Each report received by the attorney general is a public 46659  
record open for inspection under section 149.43 of the Revised 46660  
Code. Not later than the fifteenth day of April in the calendar 46661  
year in which the reports are received, the attorney general shall 46662  
send to the president of the senate and the speaker of the house 46663  
of representatives a written notification that does all of the 46664  
following: 46665

(i) Indicates that the attorney general has received from law 46666  
enforcement agencies reports of the type described in this 46667  
division that cover the previous calendar year and indicates that 46668  
the reports were received under this division; 46669

(ii) Indicates that the reports are open for inspection under 46670  
section 149.43 of the Revised Code; 46671

(iii) Indicates that the attorney general will provide a copy 46672  
of any or all of the reports to the president of the senate or the 46673  
speaker of the house of representatives upon request. 46674

(3) As used in division (F) of this section: 46675

(a) "Law enforcement agencies" includes, but is not limited 46676  
to, the state board of pharmacy and the office of a prosecutor. 46677

(b) "Prosecutor" has the same meaning as in section 2935.01 46678  
of the Revised Code. 46679

(G) When required under division (D)(2) of this section or 46680  
any other provision of this chapter, the court shall suspend for 46681  
not less than six months or more than five years the driver's or 46682  
commercial driver's license or permit of any person who is 46683  
convicted of or pleads guilty to any violation of this section or 46684  
any other specified provision of this chapter. If an offender's 46685  
driver's or commercial driver's license or permit is suspended 46686  
pursuant to this division, the offender, at any time after the 46687

expiration of two years from the day on which the offender's 46688  
sentence was imposed or from the day on which the offender finally 46689  
was released from a prison term under the sentence, whichever is 46690  
later, may file a motion with the sentencing court requesting 46691  
termination of the suspension; upon the filing of such a motion 46692  
and the court's finding of good cause for the termination, the 46693  
court may terminate the suspension. 46694

(H)(1) In addition to any prison term authorized or required 46695  
by division (C) of this section and sections 2929.13 and 2929.14 46696  
of the Revised Code, in addition to any other penalty or sanction 46697  
imposed for the offense under this section or sections 2929.11 to 46698  
2929.18 of the Revised Code, and in addition to the forfeiture of 46699  
property in connection with the offense as prescribed in Chapter 46700  
2981. of the Revised Code, the court that sentences an offender 46701  
who is convicted of or pleads guilty to a violation of division 46702  
(A) of this section may impose upon the offender an additional 46703  
fine specified for the offense in division (B)(4) of section 46704  
2929.18 of the Revised Code. A fine imposed under division (H)(1) 46705  
of this section is not subject to division (F) of this section and 46706  
shall be used solely for the support of one or more eligible 46707  
alcohol and drug addiction programs in accordance with divisions 46708  
(H)(2) and (3) of this section. 46709

(2) The court that imposes a fine under division (H)(1) of 46710  
this section shall specify in the judgment that imposes the fine 46711  
one or more eligible alcohol and drug addiction programs for the 46712  
support of which the fine money is to be used. No alcohol and drug 46713  
addiction program shall receive or use money paid or collected in 46714  
satisfaction of a fine imposed under division (H)(1) of this 46715  
section unless the program is specified in the judgment that 46716  
imposes the fine. No alcohol and drug addiction program shall be 46717  
specified in the judgment unless the program is an eligible 46718  
alcohol and drug addiction program and, except as otherwise 46719

provided in division (H)(2) of this section, unless the program is 46720  
located in the county in which the court that imposes the fine is 46721  
located or in a county that is immediately contiguous to the 46722  
county in which that court is located. If no eligible alcohol and 46723  
drug addiction program is located in any of those counties, the 46724  
judgment may specify an eligible alcohol and drug addiction 46725  
program that is located anywhere within this state. 46726

(3) Notwithstanding any contrary provision of section 3719.21 46727  
of the Revised Code, the clerk of the court shall pay any fine 46728  
imposed under division (H)(1) of this section to the eligible 46729  
alcohol and drug addiction program specified pursuant to division 46730  
(H)(2) of this section in the judgment. The eligible alcohol and 46731  
drug addiction program that receives the fine moneys shall use the 46732  
moneys only for the alcohol and drug addiction services identified 46733  
in the application for certification under section 3793.06 of the 46734  
Revised Code or in the application for a license under section 46735  
3793.11 of the Revised Code filed with the department of alcohol 46736  
and drug addiction services by the alcohol and drug addiction 46737  
program specified in the judgment. 46738

(4) Each alcohol and drug addiction program that receives in 46739  
a calendar year any fine moneys under division (H)(3) of this 46740  
section shall file an annual report covering that calendar year 46741  
with the court of common pleas and the board of county 46742  
commissioners of the county in which the program is located, with 46743  
the court of common pleas and the board of county commissioners of 46744  
each county from which the program received the moneys if that 46745  
county is different from the county in which the program is 46746  
located, and with the attorney general. The alcohol and drug 46747  
addiction program shall file the report no later than the first 46748  
day of March in the calendar year following the calendar year in 46749  
which the program received the fine moneys. The report shall 46750  
include statistics on the number of persons served by the alcohol 46751

and drug addiction program, identify the types of alcohol and drug 46752  
addiction services provided to those persons, and include a 46753  
specific accounting of the purposes for which the fine moneys 46754  
received were used. No information contained in the report shall 46755  
identify, or enable a person to determine the identity of, any 46756  
person served by the alcohol and drug addiction program. Each 46757  
report received by a court of common pleas, a board of county 46758  
commissioners, or the attorney general is a public record open for 46759  
inspection under section 149.43 of the Revised Code. 46760

(5) As used in divisions (H)(1) to (5) of this section: 46761

(a) "Alcohol and drug addiction program" and "alcohol and 46762  
drug addiction services" have the same meanings as in section 46763  
3793.01 of the Revised Code. 46764

(b) "Eligible alcohol and drug addiction program" means an 46765  
alcohol and drug addiction program that is certified under section 46766  
3793.06 of the Revised Code or licensed under section 3793.11 of 46767  
the Revised Code by the department of alcohol and drug addiction 46768  
services. 46769

(I) As used in this section, "drug" includes any substance 46770  
that is represented to be a drug. 46771

**Sec. 2929.71.** (A) As used in this section: 46772

(1) "Agency" means any law enforcement agency, other public 46773  
agency, or public official involved in the investigation or 46774  
prosecution of the offender or in the investigation of the fire or 46775  
explosion in an aggravated arson, arson, or criminal damaging or 46776  
endangering case. An "agency" includes, but is not limited to, a 46777  
sheriff's office, a municipal corporation, township, or township 46778  
or joint police district police department, the office of a 46779  
prosecuting attorney, city director of law, village solicitor, or 46780  
similar chief legal officer of a municipal corporation, the fire 46781



marshal's office, a municipal corporation, township, or township 46782  
fire district fire department, the office of a fire prevention 46783  
officer, and any state, county, or municipal corporation crime 46784  
laboratory. 46785

(2) "Assets" includes all forms of real or personal property. 46786

(3) "Itemized statement" means the statement of costs 46787  
described in division (B) of this section. 46788

(4) "Offender" means the person who has been convicted of or 46789  
pleaded guilty to committing, attempting to commit, or complicity 46790  
in committing a violation of section 2909.02 or 2909.03 of the 46791  
Revised Code, or, when the means used are fire or explosion, 46792  
division (A)(2) of section 2909.06 of the Revised Code. 46793

(5) "Costs" means the reasonable value of the time spent by 46794  
an officer or employee of an agency on the aggravated arson, 46795  
arson, or criminal damaging or endangering case, any moneys spent 46796  
by the agency on that case, and the reasonable fair market value 46797  
of resources used or expended by the agency on that case. 46798

(B) Prior to the sentencing of an offender, the court shall 46799  
enter an order that directs agencies that wish to be reimbursed by 46800  
the offender for the costs they incurred in the investigation or 46801  
prosecution of the offender or in the investigation of the fire or 46802  
explosion involved in the case, to file with the court within a 46803  
specified time an itemized statement of those costs. The order 46804  
also shall require that a copy of the itemized statement be given 46805  
to the offender or offender's attorney within the specified time. 46806  
Only itemized statements so filed and given shall be considered at 46807  
the hearing described in division (C) of this section. 46808

(C) The court shall set a date for a hearing on all the 46809  
itemized statements filed with it and given to the offender or the 46810  
offender's attorney in accordance with division (B) of this 46811  
section. The hearing shall be held prior to the sentencing of the 46812

offender, but may be held on the same day as the sentencing. 46813  
Notice of the hearing date shall be given to the offender or the 46814  
offender's attorney and to the agencies whose itemized statements 46815  
are involved. At the hearing, each agency has the burden of 46816  
establishing by a preponderance of the evidence that the costs set 46817  
forth in its itemized statement were incurred in the investigation 46818  
or prosecution of the offender or in the investigation of the fire 46819  
or explosion involved in the case, and of establishing by a 46820  
preponderance of the evidence that the offender has assets 46821  
available for the reimbursement of all or a portion of the costs. 46822

The offender may cross-examine all witnesses and examine all 46823  
documentation presented by the agencies at the hearing, and the 46824  
offender may present at the hearing witnesses and documentation 46825  
the offender has obtained without a subpoena or a subpoena duces 46826  
tecum or, in the case of documentation, that belongs to the 46827  
offender. The offender also may issue subpoenas and subpoenas 46828  
duces tecum for, and present and examine at the hearing, witnesses 46829  
and documentation, subject to the following applying to the 46830  
witnesses or documentation subpoenaed: 46831

(1) The testimony of witnesses subpoenaed or documentation 46832  
subpoenaed is material to the preparation or presentation by the 46833  
offender of the offender's defense to the claims of the agencies 46834  
for a reimbursement of costs; 46835

(2) If witnesses to be subpoenaed are personnel of an agency 46836  
or documentation to be subpoenaed belongs to an agency, the 46837  
personnel or documentation may be subpoenaed only if the agency 46838  
involved has indicated, pursuant to this division, that it intends 46839  
to present the personnel as witnesses or use the documentation at 46840  
the hearing. The offender shall submit, in writing, a request to 46841  
an agency as described in this division to ascertain whether the 46842  
agency intends to present various personnel as witnesses or to use 46843  
particular documentation. The request shall indicate that the 46844

offender is considering issuing subpoenas to personnel of the 46845  
agency who are specifically named or identified by title or 46846  
position, or for documentation of the agency that is specifically 46847  
described or generally identified, and shall request the agency to 46848  
indicate, in writing, whether it intends to present such personnel 46849  
as witnesses or to use such documentation at the hearing. The 46850  
agency shall promptly reply to the request of the offender. An 46851  
agency is prohibited from presenting personnel as witnesses or 46852  
from using documentation at the hearing if it indicates to the 46853  
offender it does not intend to do so in response to a request of 46854  
the offender under this division, or if it fails to reply or 46855  
promptly reply to such a request. 46856

(D) Following the hearing, the court shall determine which of 46857  
the agencies established by a preponderance of the evidence that 46858  
costs set forth in their itemized statements were incurred as 46859  
described in division (C) of this section and that the offender 46860  
has assets available for reimbursement purposes. The court also 46861  
shall determine whether the offender has assets available to 46862  
reimburse all such agencies, in whole or in part, for their 46863  
established costs, and if it determines that the assets are 46864  
available, it shall order the offender, as part of the offender's 46865  
sentence, to reimburse the agencies from the offender's assets for 46866  
all or a specified portion of their established costs. 46867

**Sec. 2935.01.** As used in this chapter: 46868

(A) "Magistrate" has the same meaning as in section 2931.01 46869  
of the Revised Code. 46870

(B) "Peace officer" includes, except as provided in section 46871  
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 46872  
deputy marshal; member of the organized police department of any 46873  
municipal corporation, including a member of the organized police 46874  
department of a municipal corporation in an adjoining state 46875

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 the Revised Code; police constable of any township; police officer of a township or joint ~~township~~ police district; a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation

as provided in Parts 1542. and 1544. of Title 49 of the Code of 46909  
Federal Regulations, as amended; the house of representatives 46910  
sergeant at arms if the house of representatives sergeant at arms 46911  
has arrest authority pursuant to division (E)(1) of section 46912  
101.311 of the Revised Code; and an assistant house of 46913  
representatives sergeant at arms; officer or employee of the 46914  
bureau of criminal identification and investigation established 46915  
pursuant to section 109.51 of the Revised Code who has been 46916  
awarded a certificate by the executive director of the Ohio peace 46917  
officer training commission attesting to the officer's or 46918  
employee's satisfactory completion of an approved state, county, 46919  
municipal, or department of natural resources peace officer basic 46920  
training program and who is providing assistance upon request to a 46921  
law enforcement officer or emergency assistance to a peace officer 46922  
pursuant to section 109.54 or 109.541 of the Revised Code; a state 46923  
fire marshal law enforcement officer described in division (A)(23) 46924  
of section 109.71 of the Revised Code; and, for the purpose of 46925  
arrests within those areas, for the purposes of Chapter 5503. of 46926  
the Revised Code, and the filing of and service of process 46927  
relating to those offenses witnessed or investigated by them, the 46928  
superintendent and troopers of the state highway patrol. 46929

(C) "Prosecutor" includes the county prosecuting attorney and 46930  
any assistant prosecutor designated to assist the county 46931  
prosecuting attorney, and, in the case of courts inferior to 46932  
courts of common pleas, includes the village solicitor, city 46933  
director of law, or similar chief legal officer of a municipal 46934  
corporation, any such officer's assistants, or any attorney 46935  
designated by the prosecuting attorney of the county to appear for 46936  
the prosecution of a given case. 46937

(D) "Offense," except where the context specifically 46938  
indicates otherwise, includes felonies, misdemeanors, and 46939  
violations of ordinances of municipal corporations and other 46940

public bodies authorized by law to adopt penal regulations. 46941

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 46942  
deputy marshal, municipal police officer, township constable, 46943  
police officer of a township or joint ~~township~~ police district, 46944  
member of a police force employed by a metropolitan housing 46945  
authority under division (D) of section 3735.31 of the Revised 46946  
Code, member of a police force employed by a regional transit 46947  
authority under division (Y) of section 306.35 of the Revised 46948  
Code, state university law enforcement officer appointed under 46949  
section 3345.04 of the Revised Code, veterans' home police officer 46950  
appointed under section 5907.02 of the Revised Code, special 46951  
police officer employed by a port authority under section 4582.04 46952  
or 4582.28 of the Revised Code, or a special police officer 46953  
employed by a municipal corporation at a municipal airport, or 46954  
other municipal air navigation facility, that has scheduled 46955  
operations, as defined in section 119.3 of Title 14 of the Code of 46956  
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 46957  
required to be under a security program and is governed by 46958  
aviation security rules of the transportation security 46959  
administration of the United States department of transportation 46960  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 46961  
Federal Regulations, as amended, shall arrest and detain, until a 46962  
warrant can be obtained, a person found violating, within the 46963  
limits of the political subdivision, metropolitan housing 46964  
authority housing project, regional transit authority facilities 46965  
or areas of a municipal corporation that have been agreed to by a 46966  
regional transit authority and a municipal corporation located 46967  
within its territorial jurisdiction, college, university, 46968  
veterans' home operated under Chapter 5907. of the Revised Code, 46969  
port authority, or municipal airport or other municipal air 46970  
navigation facility, in which the peace officer is appointed, 46971  
employed, or elected, a law of this state, an ordinance of a 46972

municipal corporation, or a resolution of a township. 46973

(2) A peace officer of the department of natural resources, a 46974  
state fire marshal law enforcement officer described in division 46975  
(A)(23) of section 109.71 of the Revised Code, or an individual 46976  
designated to perform law enforcement duties under section 46977  
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 46978  
detain, until a warrant can be obtained, a person found violating, 46979  
within the limits of the peace officer's, state fire marshal law 46980  
enforcement officer's, or individual's territorial jurisdiction, a 46981  
law of this state. 46982

(3) The house sergeant at arms, if the house sergeant at arms 46983  
has arrest authority pursuant to division (E)(1) of section 46984  
101.311 of the Revised Code, and an assistant house sergeant at 46985  
arms shall arrest and detain, until a warrant can be obtained, a 46986  
person found violating, within the limits of the sergeant at 46987  
arms's or assistant sergeant at arms's territorial jurisdiction 46988  
specified in division (D)(1)(a) of section 101.311 of the Revised 46989  
Code or while providing security pursuant to division (D)(1)(f) of 46990  
section 101.311 of the Revised Code, a law of this state, an 46991  
ordinance of a municipal corporation, or a resolution of a 46992  
township. 46993

(B)(1) When there is reasonable ground to believe that an 46994  
offense of violence, the offense of criminal child enticement as 46995  
defined in section 2905.05 of the Revised Code, the offense of 46996  
public indecency as defined in section 2907.09 of the Revised 46997  
Code, the offense of domestic violence as defined in section 46998  
2919.25 of the Revised Code, the offense of violating a protection 46999  
order as defined in section 2919.27 of the Revised Code, the 47000  
offense of menacing by stalking as defined in section 2903.211 of 47001  
the Revised Code, the offense of aggravated trespass as defined in 47002  
section 2911.211 of the Revised Code, a theft offense as defined 47003  
in section 2913.01 of the Revised Code, or a felony drug abuse 47004

offense as defined in section 2925.01 of the Revised Code, has 47005  
been committed within the limits of the political subdivision, 47006  
metropolitan housing authority housing project, regional transit 47007  
authority facilities or those areas of a municipal corporation 47008  
that have been agreed to by a regional transit authority and a 47009  
municipal corporation located within its territorial jurisdiction, 47010  
college, university, veterans' home operated under Chapter 5907. 47011  
of the Revised Code, port authority, or municipal airport or other 47012  
municipal air navigation facility, in which the peace officer is 47013  
appointed, employed, or elected or within the limits of the 47014  
territorial jurisdiction of the peace officer, a peace officer 47015  
described in division (A) of this section may arrest and detain 47016  
until a warrant can be obtained any person who the peace officer 47017  
has reasonable cause to believe is guilty of the violation. 47018

(2) For purposes of division (B)(1) of this section, the 47019  
execution of any of the following constitutes reasonable ground to 47020  
believe that the offense alleged in the statement was committed 47021  
and reasonable cause to believe that the person alleged in the 47022  
statement to have committed the offense is guilty of the 47023  
violation: 47024

(a) A written statement by a person alleging that an alleged 47025  
offender has committed the offense of menacing by stalking or 47026  
aggravated trespass; 47027

(b) A written statement by the administrator of the 47028  
interstate compact on mental health appointed under section 47029  
5119.51 of the Revised Code alleging that a person who had been 47030  
hospitalized, institutionalized, or confined in any facility under 47031  
an order made pursuant to or under authority of section 2945.37, 47032  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 47033  
Revised Code has escaped from the facility, from confinement in a 47034  
vehicle for transportation to or from the facility, or from 47035  
supervision by an employee of the facility that is incidental to 47036



hospitalization, institutionalization, or confinement in the 47037  
facility and that occurs outside of the facility, in violation of 47038  
section 2921.34 of the Revised Code; 47039

(c) A written statement by the administrator of any facility 47040  
in which a person has been hospitalized, institutionalized, or 47041  
confined under an order made pursuant to or under authority of 47042  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 47043  
2945.402 of the Revised Code alleging that the person has escaped 47044  
from the facility, from confinement in a vehicle for 47045  
transportation to or from the facility, or from supervision by an 47046  
employee of the facility that is incidental to hospitalization, 47047  
institutionalization, or confinement in the facility and that 47048  
occurs outside of the facility, in violation of section 2921.34 of 47049  
the Revised Code. 47050

(3)(a) For purposes of division (B)(1) of this section, a 47051  
peace officer described in division (A) of this section has 47052  
reasonable grounds to believe that the offense of domestic 47053  
violence or the offense of violating a protection order has been 47054  
committed and reasonable cause to believe that a particular person 47055  
is guilty of committing the offense if any of the following 47056  
occurs: 47057

(i) A person executes a written statement alleging that the 47058  
person in question has committed the offense of domestic violence 47059  
or the offense of violating a protection order against the person 47060  
who executes the statement or against a child of the person who 47061  
executes the statement. 47062

(ii) No written statement of the type described in division 47063  
(B)(3)(a)(i) of this section is executed, but the peace officer, 47064  
based upon the peace officer's own knowledge and observation of 47065  
the facts and circumstances of the alleged incident of the offense 47066  
of domestic violence or the alleged incident of the offense of 47067  
violating a protection order or based upon any other information, 47068

including, but not limited to, any reasonably trustworthy 47069  
information given to the peace officer by the alleged victim of 47070  
the alleged incident of the offense or any witness of the alleged 47071  
incident of the offense, concludes that there are reasonable 47072  
grounds to believe that the offense of domestic violence or the 47073  
offense of violating a protection order has been committed and 47074  
reasonable cause to believe that the person in question is guilty 47075  
of committing the offense. 47076

(iii) No written statement of the type described in division 47077  
(B)(3)(a)(i) of this section is executed, but the peace officer 47078  
witnessed the person in question commit the offense of domestic 47079  
violence or the offense of violating a protection order. 47080

(b) If pursuant to division (B)(3)(a) of this section a peace 47081  
officer has reasonable grounds to believe that the offense of 47082  
domestic violence or the offense of violating a protection order 47083  
has been committed and reasonable cause to believe that a 47084  
particular person is guilty of committing the offense, it is the 47085  
preferred course of action in this state that the officer arrest 47086  
and detain that person pursuant to division (B)(1) of this section 47087  
until a warrant can be obtained. 47088

If pursuant to division (B)(3)(a) of this section a peace 47089  
officer has reasonable grounds to believe that the offense of 47090  
domestic violence or the offense of violating a protection order 47091  
has been committed and reasonable cause to believe that family or 47092  
household members have committed the offense against each other, 47093  
it is the preferred course of action in this state that the 47094  
officer, pursuant to division (B)(1) of this section, arrest and 47095  
detain until a warrant can be obtained the family or household 47096  
member who committed the offense and whom the officer has 47097  
reasonable cause to believe is the primary physical aggressor. 47098  
There is no preferred course of action in this state regarding any 47099  
other family or household member who committed the offense and 47100

whom the officer does not have reasonable cause to believe is the 47101  
primary physical aggressor, but, pursuant to division (B)(1) of 47102  
this section, the peace officer may arrest and detain until a 47103  
warrant can be obtained any other family or household member who 47104  
committed the offense and whom the officer does not have 47105  
reasonable cause to believe is the primary physical aggressor. 47106

(c) If a peace officer described in division (A) of this 47107  
section does not arrest and detain a person whom the officer has 47108  
reasonable cause to believe committed the offense of domestic 47109  
violence or the offense of violating a protection order when it is 47110  
the preferred course of action in this state pursuant to division 47111  
(B)(3)(b) of this section that the officer arrest that person, the 47112  
officer shall articulate in the written report of the incident 47113  
required by section 2935.032 of the Revised Code a clear statement 47114  
of the officer's reasons for not arresting and detaining that 47115  
person until a warrant can be obtained. 47116

(d) In determining for purposes of division (B)(3)(b) of this 47117  
section which family or household member is the primary physical 47118  
aggressor in a situation in which family or household members have 47119  
committed the offense of domestic violence or the offense of 47120  
violating a protection order against each other, a peace officer 47121  
described in division (A) of this section, in addition to any 47122  
other relevant circumstances, should consider all of the 47123  
following: 47124

(i) Any history of domestic violence or of any other violent 47125  
acts by either person involved in the alleged offense that the 47126  
officer reasonably can ascertain; 47127

(ii) If violence is alleged, whether the alleged violence was 47128  
caused by a person acting in self-defense; 47129

(iii) Each person's fear of physical harm, if any, resulting 47130  
from the other person's threatened use of force against any person 47131

or resulting from the other person's use or history of the use of 47132  
force against any person, and the reasonableness of that fear; 47133

(iv) The comparative severity of any injuries suffered by the 47134  
persons involved in the alleged offense. 47135

(e)(i) A peace officer described in division (A) of this 47136  
section shall not require, as a prerequisite to arresting or 47137  
charging a person who has committed the offense of domestic 47138  
violence or the offense of violating a protection order, that the 47139  
victim of the offense specifically consent to the filing of 47140  
charges against the person who has committed the offense or sign a 47141  
complaint against the person who has committed the offense. 47142

(ii) If a person is arrested for or charged with committing 47143  
the offense of domestic violence or the offense of violating a 47144  
protection order and if the victim of the offense does not 47145  
cooperate with the involved law enforcement or prosecuting 47146  
authorities in the prosecution of the offense or, subsequent to 47147  
the arrest or the filing of the charges, informs the involved law 47148  
enforcement or prosecuting authorities that the victim does not 47149  
wish the prosecution of the offense to continue or wishes to drop 47150  
charges against the alleged offender relative to the offense, the 47151  
involved prosecuting authorities, in determining whether to 47152  
continue with the prosecution of the offense or whether to dismiss 47153  
charges against the alleged offender relative to the offense and 47154  
notwithstanding the victim's failure to cooperate or the victim's 47155  
wishes, shall consider all facts and circumstances that are 47156  
relevant to the offense, including, but not limited to, the 47157  
statements and observations of the peace officers who responded to 47158  
the incident that resulted in the arrest or filing of the charges 47159  
and of all witnesses to that incident. 47160

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 47161  
this section whether to arrest a person pursuant to division 47162  
(B)(1) of this section, a peace officer described in division (A) 47163

of this section shall not consider as a factor any possible 47164  
shortage of cell space at the detention facility to which the 47165  
person will be taken subsequent to the person's arrest or any 47166  
possibility that the person's arrest might cause, contribute to, 47167  
or exacerbate overcrowding at that detention facility or at any 47168  
other detention facility. 47169

(g) If a peace officer described in division (A) of this 47170  
section intends pursuant to divisions (B)(3)(a) to (g) of this 47171  
section to arrest a person pursuant to division (B)(1) of this 47172  
section and if the officer is unable to do so because the person 47173  
is not present, the officer promptly shall seek a warrant for the 47174  
arrest of the person. 47175

(h) If a peace officer described in division (A) of this 47176  
section responds to a report of an alleged incident of the offense 47177  
of domestic violence or an alleged incident of the offense of 47178  
violating a protection order and if the circumstances of the 47179  
incident involved the use or threatened use of a deadly weapon or 47180  
any person involved in the incident brandished a deadly weapon 47181  
during or in relation to the incident, the deadly weapon that was 47182  
used, threatened to be used, or brandished constitutes contraband, 47183  
and, to the extent possible, the officer shall seize the deadly 47184  
weapon as contraband pursuant to Chapter 2981. of the Revised 47185  
Code. Upon the seizure of a deadly weapon pursuant to division 47186  
(B)(3)(h) of this section, section 2981.12 of the Revised Code 47187  
shall apply regarding the treatment and disposition of the deadly 47188  
weapon. For purposes of that section, the "underlying criminal 47189  
offense" that was the basis of the seizure of a deadly weapon 47190  
under division (B)(3)(h) of this section and to which the deadly 47191  
weapon had a relationship is any of the following that is 47192  
applicable: 47193

(i) The alleged incident of the offense of domestic violence 47194  
or the alleged incident of the offense of violating a protection 47195

order to which the officer who seized the deadly weapon responded; 47196

(ii) Any offense that arose out of the same facts and 47197  
circumstances as the report of the alleged incident of the offense 47198  
of domestic violence or the alleged incident of the offense of 47199  
violating a protection order to which the officer who seized the 47200  
deadly weapon responded. 47201

(4) If, in the circumstances described in divisions (B)(3)(a) 47202  
to (g) of this section, a peace officer described in division (A) 47203  
of this section arrests and detains a person pursuant to division 47204  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 47205  
this section, a peace officer described in division (A) of this 47206  
section seizes a deadly weapon, the officer, to the extent 47207  
described in and in accordance with section 9.86 or 2744.03 of the 47208  
Revised Code, is immune in any civil action for damages for 47209  
injury, death, or loss to person or property that arises from or 47210  
is related to the arrest and detention or the seizure. 47211

(C) When there is reasonable ground to believe that a 47212  
violation of division (A)(1), (2), (3), (4), or (5) of section 47213  
4506.15 or a violation of section 4511.19 of the Revised Code has 47214  
been committed by a person operating a motor vehicle subject to 47215  
regulation by the public utilities commission of Ohio under Title 47216  
XLIX of the Revised Code, a peace officer with authority to 47217  
enforce that provision of law may stop or detain the person whom 47218  
the officer has reasonable cause to believe was operating the 47219  
motor vehicle in violation of the division or section and, after 47220  
investigating the circumstances surrounding the operation of the 47221  
vehicle, may arrest and detain the person. 47222

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 47223  
municipal police officer, member of a police force employed by a 47224  
metropolitan housing authority under division (D) of section 47225  
3735.31 of the Revised Code, member of a police force employed by 47226  
a regional transit authority under division (Y) of section 306.35 47227

of the Revised Code, special police officer employed by a port 47228  
authority under section 4582.04 or 4582.28 of the Revised Code, 47229  
special police officer employed by a municipal corporation at a 47230  
municipal airport or other municipal air navigation facility 47231  
described in division (A) of this section, township constable, 47232  
police officer of a township or joint ~~township~~ police district, 47233  
state university law enforcement officer appointed under section 47234  
3345.04 of the Revised Code, peace officer of the department of 47235  
natural resources, individual designated to perform law 47236  
enforcement duties under section 511.232, 1545.13, or 6101.75 of 47237  
the Revised Code, the house sergeant at arms if the house sergeant 47238  
at arms has arrest authority pursuant to division (E)(1) of 47239  
section 101.311 of the Revised Code, or an assistant house 47240  
sergeant at arms is authorized by division (A) or (B) of this 47241  
section to arrest and detain, within the limits of the political 47242  
subdivision, metropolitan housing authority housing project, 47243  
regional transit authority facilities or those areas of a 47244  
municipal corporation that have been agreed to by a regional 47245  
transit authority and a municipal corporation located within its 47246  
territorial jurisdiction, port authority, municipal airport or 47247  
other municipal air navigation facility, college, or university in 47248  
which the officer is appointed, employed, or elected or within the 47249  
limits of the territorial jurisdiction of the peace officer, a 47250  
person until a warrant can be obtained, the peace officer, outside 47251  
the limits of that territory, may pursue, arrest, and detain that 47252  
person until a warrant can be obtained if all of the following 47253  
apply: 47254

(1) The pursuit takes place without unreasonable delay after 47255  
the offense is committed; 47256

(2) The pursuit is initiated within the limits of the 47257  
political subdivision, metropolitan housing authority housing 47258  
project, regional transit authority facilities or those areas of a 47259

municipal corporation that have been agreed to by a regional 47260  
transit authority and a municipal corporation located within its 47261  
territorial jurisdiction, port authority, municipal airport or 47262  
other municipal air navigation facility, college, or university in 47263  
which the peace officer is appointed, employed, or elected or 47264  
within the limits of the territorial jurisdiction of the peace 47265  
officer; 47266

(3) The offense involved is a felony, a misdemeanor of the 47267  
first degree or a substantially equivalent municipal ordinance, a 47268  
misdemeanor of the second degree or a substantially equivalent 47269  
municipal ordinance, or any offense for which points are 47270  
chargeable pursuant to section 4510.036 of the Revised Code. 47271

(E) In addition to the authority granted under division (A) 47272  
or (B) of this section: 47273

(1) A sheriff or deputy sheriff may arrest and detain, until 47274  
a warrant can be obtained, any person found violating section 47275  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 47276  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 47277  
portion of any street or highway that is located immediately 47278  
adjacent to the boundaries of the county in which the sheriff or 47279  
deputy sheriff is elected or appointed. 47280

(2) A member of the police force of a township police 47281  
district created under section 505.48 of the Revised Code, a 47282  
member of the police force of a joint ~~township~~ police district 47283  
created under section ~~505.481~~ 505.482 of the Revised Code, or a 47284  
township constable appointed in accordance with section 509.01 of 47285  
the Revised Code, who has received a certificate from the Ohio 47286  
peace officer training commission under section 109.75 of the 47287  
Revised Code, may arrest and detain, until a warrant can be 47288  
obtained, any person found violating any section or chapter of the 47289  
Revised Code listed in division (E)(1) of this section, other than 47290  
sections 4513.33 and 4513.34 of the Revised Code, on the portion 47291



of any street or highway that is located immediately adjacent to 47292  
the boundaries of the township police district or joint ~~township~~ 47293  
police district, in the case of a member of a township police 47294  
district or joint ~~township~~ police district police force, or the 47295  
unincorporated territory of the township, in the case of a 47296  
township constable. However, if the population of the township 47297  
that created the township police district served by the member's 47298  
police force, or the townships and municipal corporations that 47299  
created the joint ~~township~~ police district served by the member's 47300  
police force, or the township that is served by the township 47301  
constable, is sixty thousand or less, the member of the township 47302  
police district or joint police district police force or the 47303  
township constable may not make an arrest under division (E)(2) of 47304  
this section on a state highway that is included as part of the 47305  
interstate system. 47306

(3) A police officer or village marshal appointed, elected, 47307  
or employed by a municipal corporation may arrest and detain, 47308  
until a warrant can be obtained, any person found violating any 47309  
section or chapter of the Revised Code listed in division (E)(1) 47310  
of this section on the portion of any street or highway that is 47311  
located immediately adjacent to the boundaries of the municipal 47312  
corporation in which the police officer or village marshal is 47313  
appointed, elected, or employed. 47314

(4) A peace officer of the department of natural resources, a 47315  
state fire marshal law enforcement officer described in division 47316  
(A)(23) of section 109.71 of the Revised Code, or an individual 47317  
designated to perform law enforcement duties under section 47318  
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 47319  
detain, until a warrant can be obtained, any person found 47320  
violating any section or chapter of the Revised Code listed in 47321  
division (E)(1) of this section, other than sections 4513.33 and 47322  
4513.34 of the Revised Code, on the portion of any street or 47323

highway that is located immediately adjacent to the boundaries of 47324  
the lands and waters that constitute the territorial jurisdiction 47325  
of the peace officer or state fire marshal law enforcement 47326  
officer. 47327

(F)(1) A department of mental health special police officer 47328  
or a department of developmental disabilities special police 47329  
officer may arrest without a warrant and detain until a warrant 47330  
can be obtained any person found committing on the premises of any 47331  
institution under the jurisdiction of the particular department a 47332  
misdemeanor under a law of the state. 47333

A department of mental health special police officer or a 47334  
department of developmental disabilities special police officer 47335  
may arrest without a warrant and detain until a warrant can be 47336  
obtained any person who has been hospitalized, institutionalized, 47337  
or confined in an institution under the jurisdiction of the 47338  
particular department pursuant to or under authority of section 47339  
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 47340  
2945.402 of the Revised Code and who is found committing on the 47341  
premises of any institution under the jurisdiction of the 47342  
particular department a violation of section 2921.34 of the 47343  
Revised Code that involves an escape from the premises of the 47344  
institution. 47345

(2)(a) If a department of mental health special police 47346  
officer or a department of developmental disabilities special 47347  
police officer finds any person who has been hospitalized, 47348  
institutionalized, or confined in an institution under the 47349  
jurisdiction of the particular department pursuant to or under 47350  
authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 47351  
2945.401, or 2945.402 of the Revised Code committing a violation 47352  
of section 2921.34 of the Revised Code that involves an escape 47353  
from the premises of the institution, or if there is reasonable 47354  
ground to believe that a violation of section 2921.34 of the 47355

Revised Code has been committed that involves an escape from the premises of an institution under the jurisdiction of the department of mental health or the department of developmental disabilities and if a department of mental health special police officer or a department of developmental disabilities special police officer has reasonable cause to believe that a particular person who has been hospitalized, institutionalized, or confined in the institution pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of the violation, the special police officer, outside of the premises of the institution, may pursue, arrest, and detain that person for that violation of section 2921.34 of the Revised Code, until a warrant can be obtained, if both of the following apply:

(i) The pursuit takes place without unreasonable delay after the offense is committed;

(ii) The pursuit is initiated within the premises of the institution from which the violation of section 2921.34 of the Revised Code occurred.

(b) For purposes of division (F)(2)(a) of this section, the execution of a written statement by the administrator of the institution in which a person had been hospitalized, institutionalized, or confined pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the premises of the institution in violation of section 2921.34 of the Revised Code constitutes reasonable ground to believe that the violation was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation.

(G) As used in this section:

- (1) A "department of mental health special police officer" 47387  
means a special police officer of the department of mental health 47388  
designated under section 5119.14 of the Revised Code who is 47389  
certified by the Ohio peace officer training commission under 47390  
section 109.77 of the Revised Code as having successfully 47391  
completed an approved peace officer basic training program. 47392
- (2) A "department of developmental disabilities special 47393  
police officer" means a special police officer of the department 47394  
of developmental disabilities designated under section 5123.13 of 47395  
the Revised Code who is certified by the Ohio peace officer 47396  
training council under section 109.77 of the Revised Code as 47397  
having successfully completed an approved peace officer basic 47398  
training program. 47399
- (3) "Deadly weapon" has the same meaning as in section 47400  
2923.11 of the Revised Code. 47401
- (4) "Family or household member" has the same meaning as in 47402  
section 2919.25 of the Revised Code. 47403
- (5) "Street" or "highway" has the same meaning as in section 47404  
4511.01 of the Revised Code. 47405
- (6) "Interstate system" has the same meaning as in section 47406  
5516.01 of the Revised Code. 47407
- (7) "Peace officer of the department of natural resources" 47408  
means an employee of the department of natural resources who is a 47409  
natural resources law enforcement staff officer designated 47410  
pursuant to section 1501.013 of the Revised Code, a forest officer 47411  
designated pursuant to section 1503.29 of the Revised Code, a 47412  
preserve officer designated pursuant to section 1517.10 of the 47413  
Revised Code, a wildlife officer designated pursuant to section 47414  
1531.13 of the Revised Code, a park officer designated pursuant to 47415  
section 1541.10 of the Revised Code, or a state watercraft officer 47416  
designated pursuant to section 1547.521 of the Revised Code. 47417

(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.

**Sec. 2945.371.** (A) If the issue of a defendant's competence to stand trial is raised or if a defendant enters a plea of not guilty by reason of insanity, the court may order one or more evaluations of the defendant's present mental condition or, in the case of a plea of not guilty by reason of insanity, of the defendant's mental condition at the time of the offense charged. An examiner shall conduct the evaluation.

(B) If the court orders more than one evaluation under division (A) of this section, the prosecutor and the defendant may recommend to the court an examiner whom each prefers to perform one of the evaluations. If a defendant enters a plea of not guilty by reason of insanity and if the court does not designate an examiner recommended by the defendant, the court shall inform the defendant that the defendant may have independent expert evaluation and that, if the defendant is unable to obtain independent expert evaluation, it will be obtained for the defendant at public expense if the defendant is indigent.

(C) If the court orders an evaluation under division (A) of this section, the defendant shall be available at the times and places established by the examiners who are to conduct the evaluation. The court may order a defendant who has been released on bail or recognizance to submit to an evaluation under this section. If a defendant who has been released on bail or recognizance refuses to submit to a complete evaluation, the court may amend the conditions of bail or recognizance and order the sheriff to take the defendant into custody and deliver the defendant to a center, program, or facility operated or certified by the department of mental health or the department of

developmental disabilities where the defendant may be held for 47449  
evaluation for a reasonable period of time not to exceed twenty 47450  
days. 47451

(D) A defendant who has not been released on bail or 47452  
recognizance may be evaluated at the defendant's place of 47453  
detention. Upon the request of the examiner, the court may order 47454  
the sheriff to transport the defendant to a program or facility 47455  
operated or certified by the department of mental health or the 47456  
department of developmental disabilities, where the defendant may 47457  
be held for evaluation for a reasonable period of time not to 47458  
exceed twenty days, and to return the defendant to the place of 47459  
detention after the evaluation. A municipal court may make an 47460  
order under this division only upon the request of a certified 47461  
forensic center examiner. 47462

(E) If a court orders the evaluation to determine a 47463  
defendant's mental condition at the time of the offense charged, 47464  
the court shall inform the examiner of the offense with which the 47465  
defendant is charged. 47466

(F) In conducting an evaluation of a defendant's mental 47467  
condition at the time of the offense charged, the examiner shall 47468  
consider all relevant evidence. If the offense charged involves 47469  
the use of force against another person, the relevant evidence to 47470  
be considered includes, but is not limited to, any evidence that 47471  
the defendant suffered, at the time of the commission of the 47472  
offense, from the "battered woman syndrome." 47473

(G) The examiner shall file a written report with the court 47474  
within thirty days after entry of a court order for evaluation, 47475  
and the court shall provide copies of the report to the prosecutor 47476  
and defense counsel. The report shall include all of the 47477  
following: 47478

(1) The examiner's findings; 47479

(2) The facts in reasonable detail on which the findings are based; 47480  
47481

(3) If the evaluation was ordered to determine the defendant's competence to stand trial, all of the following findings or recommendations that are applicable: 47482  
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47484

(a) Whether the defendant is capable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense; 47485  
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(b) If the examiner's opinion is that the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense, whether the defendant presently is mentally ill or mentally retarded and, if the examiner's opinion is that the defendant presently is mentally retarded, whether the defendant appears to be a mentally retarded person subject to institutionalization by court order; 47488  
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(c) If the examiner's opinion is that the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense, the examiner's opinion as to the likelihood of the defendant becoming capable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense within one year if the defendant is provided with a course of treatment; 47496  
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(d) If the examiner's opinion is that 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 the defendant presently is mentally ill or mentally retarded, the examiner's recommendation as to the least restrictive ~~treatment~~ placement or commitment alternative, consistent with the defendant's treatment needs for restoration to 47504  
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competency and with the safety of the community; 47511

(e) If the defendant is charged with a misdemeanor offense 47512  
that is not an offense of violence and the examiner's opinion is 47513  
that the defendant is incapable of understanding the nature and 47514  
objective of the proceedings against the defendant or of assisting 47515  
in the defendant's defense and that the defendant is presently 47516  
mentally ill or mentally retarded, the examiner's recommendation 47517  
as to whether the defendant is amenable to engagement in mental 47518  
health treatment or developmental disability services. 47519

(4) If the evaluation was ordered to determine the 47520  
defendant's mental condition at the time of the offense charged, 47521  
the examiner's findings as to whether the defendant, at the time 47522  
of the offense charged, did not know, as a result of a severe 47523  
mental disease or defect, the wrongfulness of the defendant's acts 47524  
charged. 47525

(H) If the examiner's report filed under division (G) of this 47526  
section indicates that in the examiner's opinion the defendant is 47527  
incapable of understanding the nature and objective of the 47528  
proceedings against the defendant or of assisting in the 47529  
defendant's defense and that in the examiner's opinion the 47530  
defendant appears to be a mentally retarded person subject to 47531  
institutionalization by court order, the court shall order the 47532  
defendant to undergo a separate mental retardation evaluation 47533  
conducted by a psychologist designated by the director of 47534  
developmental disabilities. Divisions (C) to (F) of this section 47535  
apply in relation to a separate mental retardation evaluation 47536  
conducted under this division. The psychologist appointed under 47537  
this division to conduct the separate mental retardation 47538  
evaluation shall file a written report with the court within 47539  
thirty days after the entry of the court order requiring the 47540  
separate mental retardation evaluation, and the court shall 47541  
provide copies of the report to the prosecutor and defense 47542



counsel. The report shall include all of the information described 47543  
in divisions (G)(1) to (4) of this section. If the court orders a 47544  
separate mental retardation evaluation of a defendant under this 47545  
division, the court shall not conduct a hearing under divisions 47546  
(B) to (H) of section 2945.37 of the Revised Code regarding that 47547  
defendant until a report of the separate mental retardation 47548  
evaluation conducted under this division has been filed. Upon the 47549  
filing of that report, the court shall conduct the hearing within 47550  
the period of time specified in division (C) of section 2945.37 of 47551  
the Revised Code. 47552

(I) An examiner appointed under divisions (A) and (B) of this 47553  
section or under division (H) of this section to evaluate a 47554  
defendant to determine the defendant's competence to stand trial 47555  
also may be appointed to evaluate a defendant who has entered a 47556  
plea of not guilty by reason of insanity, but an examiner of that 47557  
nature shall prepare separate reports on the issue of competence 47558  
to stand trial and the defense of not guilty by reason of 47559  
insanity. 47560

(J) No statement that a defendant makes in an evaluation or 47561  
hearing under divisions (A) to (H) of this section relating to the 47562  
defendant's competence to stand trial or to the defendant's mental 47563  
condition at the time of the offense charged shall be used against 47564  
the defendant on the issue of guilt in any criminal action or 47565  
proceeding, but, in a criminal action or proceeding, the 47566  
prosecutor or defense counsel may call as a witness any person who 47567  
evaluated the defendant or prepared a report pursuant to a 47568  
referral under this section. Neither the appointment nor the 47569  
testimony of an examiner appointed under this section precludes 47570  
the prosecutor or defense counsel from calling other witnesses or 47571  
presenting other evidence on competency or insanity issues. 47572

(K) Persons appointed as examiners under divisions (A) and 47573  
(B) of this section or under division (H) of this section shall be 47574

paid a reasonable amount for their services and expenses, as 47575  
certified by the court. The certified amount shall be paid by the 47576  
county in the case of county courts and courts of common pleas and 47577  
by the legislative authority, as defined in section 1901.03 of the 47578  
Revised Code, in the case of municipal courts. 47579

**Sec. 2945.38.** (A) If the issue of a defendant's competence to 47580  
stand trial is raised and if the court, upon conducting the 47581  
hearing provided for in section 2945.37 of the Revised Code, finds 47582  
that the defendant is competent to stand trial, the defendant 47583  
shall be proceeded against as provided by law. If the court finds 47584  
the defendant competent to stand trial and the defendant is 47585  
receiving psychotropic drugs or other medication, the court may 47586  
authorize the continued administration of the drugs or medication 47587  
or other appropriate treatment in order to maintain the 47588  
defendant's competence to stand trial, unless the defendant's 47589  
attending physician advises the court against continuation of the 47590  
drugs, other medication, or treatment. 47591

(B)(1)(a) If, after taking into consideration all relevant 47592  
reports, information, and other evidence, the court finds that the 47593  
defendant is incompetent to stand trial and that there is a 47594  
substantial probability that the defendant will become competent 47595  
to stand trial within one year if the defendant is provided with a 47596  
course of treatment, the court shall order the defendant to 47597  
undergo treatment. If the defendant has been charged with a felony 47598  
offense and if, after taking into consideration all relevant 47599  
reports, information, and other evidence, the court finds that the 47600  
defendant is incompetent to stand trial, but the court is unable 47601  
at that time to determine whether there is a substantial 47602  
probability that the defendant will become competent to stand 47603  
trial within one year if the defendant is provided with a course 47604  
of treatment, the court shall order continuing evaluation and 47605  
treatment of the defendant for a period not to exceed four months 47606

to determine whether there is a substantial probability that the  
defendant will become competent to stand trial within one year if  
the defendant is provided with a course of treatment.

(b) The court order for the defendant to undergo treatment or  
continuing evaluation and treatment under division (B)(1)(a) of  
this section shall specify that the defendant, if determined to  
require mental health treatment or continuing evaluation and  
treatment, shall be committed to the department of mental health  
for treatment or continuing evaluation and treatment shall occur  
at a hospital, facility, or agency, as determined to be clinically  
appropriate by the department of mental health and, if determined  
to require treatment or continuing evaluation and treatment for a  
developmental disability, shall receive treatment or continuing  
evaluation and treatment at an institution or facility operated by  
the department of ~~mental health or the department of~~ developmental  
disabilities, at a facility certified by ~~either of those~~  
~~departments~~ the department of developmental disabilities as being  
qualified to treat ~~mental illness or~~ mental retardation, at a  
public or private community mental ~~health or mental~~ retardation  
facility, or by a ~~psychiatrist or another mental health or mental~~  
retardation professional. The order may restrict the defendant's  
freedom of movement as the court considers necessary. The  
prosecutor in the defendant's case shall send to the chief  
clinical officer of the hospital ~~or~~ facility, or agency where the  
defendant is placed by the department of mental health, or to the  
managing officer of the institution, the director of the ~~program~~  
facility, or the person to which the defendant is committed,  
copies of relevant police reports and other background information  
that pertains to the defendant and is available to the prosecutor  
unless the prosecutor determines that the release of any of the  
information in the police reports or any of the other background  
information to unauthorized persons would interfere with the  
effective prosecution of any person or would create a substantial

risk of harm to any person. 47640

In committing the defendant to the department of mental 47641  
health, the court shall consider the extent to which the person is 47642  
a danger to the person and to others, the need for security, and 47643  
the type of crime involved and, if the court finds that 47644  
restrictions on the defendant's freedom of movement are necessary, 47645  
shall specify the least restrictive limitations on the person's 47646  
freedom of movement determined to be necessary to protect public 47647  
safety. In determining ~~placement~~ commitment alternatives for 47648  
defendants determined to require treatment or continuing 47649  
evaluation and treatment for developmental disabilities, the court 47650  
shall consider the extent to which the person is a danger to the 47651  
person and to others, the need for security, and the type of crime 47652  
involved and shall order the least restrictive alternative 47653  
available that is consistent with public safety and treatment 47654  
goals. In weighing these factors, the court shall give preference 47655  
to protecting public safety. 47656

(c) If the defendant is found incompetent to stand trial, if 47657  
the chief clinical officer of the hospital ~~or~~, facility, or agency 47658  
where the defendant is placed, or the managing officer of the 47659  
institution, the director of the ~~program~~ facility, or the person 47660  
to which the defendant is committed for treatment or continuing 47661  
evaluation and treatment under division (B)(1)(b) of this section 47662  
determines that medication is necessary to restore the defendant's 47663  
competency to stand trial, and if the defendant lacks the capacity 47664  
to give informed consent or refuses medication, the chief clinical 47665  
officer of the hospital, facility, or agency where the defendant 47666  
is placed, or the managing officer of the institution, the 47667  
director of the facility, or the person to which the defendant is 47668  
committed for treatment or continuing evaluation and treatment may 47669  
petition the court for authorization for the involuntary 47670  
administration of medication. The court shall hold a hearing on 47671

the petition within five days of the filing of the petition if the 47672  
petition was filed in a municipal court or a county court 47673  
regarding an incompetent defendant charged with a misdemeanor or 47674  
within ten days of the filing of the petition if the petition was 47675  
filed in a court of common pleas regarding an incompetent 47676  
defendant charged with a felony offense. Following the hearing, 47677  
the court may authorize the involuntary administration of 47678  
medication or may dismiss the petition. 47679

(d) If the defendant is charged with a misdemeanor offense 47680  
that is not an offense of violence, the prosecutor may hold the 47681  
charges in abeyance while the defendant engages in mental health 47682  
treatment or developmental disability services. 47683

(2) If the court finds that the defendant is incompetent to 47684  
stand trial and that, even if the defendant is provided with a 47685  
course of treatment, there is not a substantial probability that 47686  
the defendant will become competent to stand trial within one 47687  
year, the court shall order the discharge of the defendant, unless 47688  
upon motion of the prosecutor or on its own motion, the court 47689  
either seeks to retain jurisdiction over the defendant pursuant to 47690  
section 2945.39 of the Revised Code or files an affidavit in the 47691  
probate court for the civil commitment of the defendant pursuant 47692  
to Chapter 5122. or 5123. of the Revised Code alleging that the 47693  
defendant is a mentally ill person subject to hospitalization by 47694  
court order or a mentally retarded person subject to 47695  
institutionalization by court order. If an affidavit is filed in 47696  
the probate court, the trial court shall send to the probate court 47697  
copies of all written reports of the defendant's mental condition 47698  
that were prepared pursuant to section 2945.371 of the Revised 47699  
Code. 47700

The trial court may issue the temporary order of detention 47701  
that a probate court may issue under section 5122.11 or 5123.71 of 47702  
the Revised Code, to remain in effect until the probable cause or 47703

initial hearing in the probate court. Further proceedings in the 47704  
probate court are civil proceedings governed by Chapter 5122. or 47705  
5123. of the Revised Code. 47706

(C) No defendant shall be required to undergo treatment, 47707  
including any continuing evaluation and treatment, under division 47708  
(B)(1) of this section for longer than whichever of the following 47709  
periods is applicable: 47710

(1) One year, if the most serious offense with which the 47711  
defendant is charged is one of the following offenses: 47712

(a) Aggravated murder, murder, or an offense of violence for 47713  
which a sentence of death or life imprisonment may be imposed; 47714

(b) An offense of violence that is a felony of the first or 47715  
second degree; 47716

(c) A conspiracy to commit, an attempt to commit, or 47717  
complicity in the commission of an offense described in division 47718  
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 47719  
complicity is a felony of the first or second degree. 47720

(2) Six months, if the most serious offense with which the 47721  
defendant is charged is a felony other than a felony described in 47722  
division (C)(1) of this section; 47723

(3) Sixty days, if the most serious offense with which the 47724  
defendant is charged is a misdemeanor of the first or second 47725  
degree; 47726

(4) Thirty days, if the most serious offense with which the 47727  
defendant is charged is a misdemeanor of the third or fourth 47728  
degree, a minor misdemeanor, or an unclassified misdemeanor. 47729

(D) Any defendant who is committed pursuant to this section 47730  
shall not voluntarily admit the defendant or be voluntarily 47731  
admitted to a hospital or institution pursuant to section 5122.02, 47732  
5122.15, 5123.69, or 5123.76 of the Revised Code. 47733

(E) Except as otherwise provided in this division, a 47734  
defendant who is charged with an offense and is committed by the 47735  
court under this section to ~~a hospital~~ the department of mental 47736  
health with restrictions on the defendant's freedom of movement or 47737  
other is committed to an institution by the court under this 47738  
section or facility for the treatment of developmental 47739  
disabilities shall not be granted unsupervised on-grounds 47740  
movement, supervised off-grounds movement, or nonsecured status 47741  
except in accordance with the court order. The court may grant a 47742  
defendant supervised off-grounds movement to obtain medical 47743  
treatment or specialized habilitation treatment services if the 47744  
person who supervises the treatment or the continuing evaluation 47745  
and treatment of the defendant ordered under division (B)(1)(a) of 47746  
this section informs the court that the treatment or continuing 47747  
evaluation and treatment cannot be provided at the hospital or 47748  
facility where the defendant is placed by the department of mental 47749  
health or the institution or facility to which the defendant is 47750  
committed. The chief clinical officer of the hospital or facility 47751  
where the defendant is placed by the department of mental health 47752  
or the managing officer of the institution or director of the 47753  
facility to which the defendant is committed, or a designee of 47754  
~~either~~ any of those persons, may grant a defendant movement to a 47755  
medical facility for an emergency medical situation with 47756  
appropriate supervision to ensure the safety of the defendant, 47757  
staff, and community during that emergency medical situation. The 47758  
chief clinical officer of the hospital or facility where the 47759  
defendant is placed by the department of mental health or the 47760  
managing officer of the institution or director of the facility to 47761  
which the defendant is committed shall notify the court within 47762  
twenty-four hours of the defendant's movement to the medical 47763  
facility for an emergency medical situation under this division. 47764

(F) The person who supervises the treatment or continuing 47765  
evaluation and treatment of a defendant ordered to undergo 47766

treatment or continuing evaluation and treatment under division 47767  
(B)(1)(a) of this section shall file a written report with the 47768  
court at the following times: 47769

(1) Whenever the person believes the defendant is capable of 47770  
understanding the nature and objective of the proceedings against 47771  
the defendant and of assisting in the defendant's defense; 47772

(2) For a felony offense, fourteen days before expiration of 47773  
the maximum time for treatment as specified in division (C) of 47774  
this section and fourteen days before the expiration of the 47775  
maximum time for continuing evaluation and treatment as specified 47776  
in division (B)(1)(a) of this section, and, for a misdemeanor 47777  
offense, ten days before the expiration of the maximum time for 47778  
treatment, as specified in division (C) of this section; 47779

(3) At a minimum, after each six months of treatment; 47780

(4) Whenever the person who supervises the treatment or 47781  
continuing evaluation and treatment of a defendant ordered under 47782  
division (B)(1)(a) of this section believes that there is not a 47783  
substantial probability that the defendant will become capable of 47784  
understanding the nature and objective of the proceedings against 47785  
the defendant or of assisting in the defendant's defense even if 47786  
the defendant is provided with a course of treatment. 47787

(G) A report under division (F) of this section shall contain 47788  
the examiner's findings, the facts in reasonable detail on which 47789  
the findings are based, and the examiner's opinion as to the 47790  
defendant's capability of understanding the nature and objective 47791  
of the proceedings against the defendant and of assisting in the 47792  
defendant's defense. If, in the examiner's opinion, the defendant 47793  
remains incapable of understanding the nature and objective of the 47794  
proceedings against the defendant and of assisting in the 47795  
defendant's defense and there is a substantial probability that 47796  
the defendant will become capable of understanding the nature and 47797



objective of the proceedings against the defendant and of 47798  
assisting in the defendant's defense if the defendant is provided 47799  
with a course of treatment, if in the examiner's opinion the 47800  
defendant remains mentally ill or mentally retarded, and if the 47801  
maximum time for treatment as specified in division (C) of this 47802  
section has not expired, the report also shall contain the 47803  
examiner's recommendation as to the least restrictive ~~treatment~~ 47804  
placement or commitment alternative that is consistent with the 47805  
defendant's treatment needs for restoration to competency and with 47806  
the safety of the community. The court shall provide copies of the 47807  
report to the prosecutor and defense counsel. 47808

(H) If a defendant is committed pursuant to division (B)(1) 47809  
of this section, within ten days after the treating physician of 47810  
the defendant or the examiner of the defendant who is employed or 47811  
retained by the treating facility advises that there is not a 47812  
substantial probability that the defendant will become capable of 47813  
understanding the nature and objective of the proceedings against 47814  
the defendant or of assisting in the defendant's defense even if 47815  
the defendant is provided with a course of treatment, within ten 47816  
days after the expiration of the maximum time for treatment as 47817  
specified in division (C) of this section, within ten days after 47818  
the expiration of the maximum time for continuing evaluation and 47819  
treatment as specified in division (B)(1)(a) of this section, 47820  
within thirty days after a defendant's request for a hearing that 47821  
is made after six months of treatment, or within thirty days after 47822  
being advised by the treating physician or examiner that the 47823  
defendant is competent to stand trial, whichever is the earliest, 47824  
the court shall conduct another hearing to determine if the 47825  
defendant is competent to stand trial and shall do whichever of 47826  
the following is applicable: 47827

(1) If the court finds that the defendant is competent to 47828  
stand trial, the defendant shall be proceeded against as provided 47829

by law. 47830

(2) If the court finds that the defendant is incompetent to 47831  
stand trial, but that there is a substantial probability that the 47832  
defendant will become competent to stand trial if the defendant is 47833  
provided with a course of treatment, and the maximum time for 47834  
treatment as specified in division (C) of this section has not 47835  
expired, the court, after consideration of the examiner's 47836  
recommendation, shall order that treatment be continued, may 47837  
change the ~~facility or program at which the treatment is to be~~ 47838  
~~continued~~ least restrictive limitations on the defendant's freedom 47839  
of movement, and, if applicable, shall specify whether the 47840  
treatment for developmental disabilities is to be continued at the 47841  
same or a different facility or ~~program~~ institution. 47842

(3) If the court finds that the defendant is incompetent to 47843  
stand trial, if the defendant is charged with an offense listed in 47844  
division (C)(1) of this section, and if the court finds that there 47845  
is not a substantial probability that the defendant will become 47846  
competent to stand trial even if the defendant is provided with a 47847  
course of treatment, or if the maximum time for treatment relative 47848  
to that offense as specified in division (C) of this section has 47849  
expired, further proceedings shall be as provided in sections 47850  
2945.39, 2945.401, and 2945.402 of the Revised Code. 47851

(4) If the court finds that the defendant is incompetent to 47852  
stand trial, if the most serious offense with which the defendant 47853  
is charged is a misdemeanor or a felony other than a felony listed 47854  
in division (C)(1) of this section, and if the court finds that 47855  
there is not a substantial probability that the defendant will 47856  
become competent to stand trial even if the defendant is provided 47857  
with a course of treatment, or if the maximum time for treatment 47858  
relative to that offense as specified in division (C) of this 47859  
section has expired, the court shall dismiss the indictment, 47860  
information, or complaint against the defendant. A dismissal under 47861

this division is not a bar to further prosecution based on the 47862  
same conduct. The court shall discharge the defendant unless the 47863  
court or prosecutor files an affidavit in probate court for civil 47864  
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 47865  
If an affidavit for civil commitment is filed, the court may 47866  
detain the defendant for ten days pending civil commitment. All of 47867  
the following provisions apply to persons charged with a 47868  
misdemeanor or a felony other than a felony listed in division 47869  
(C)(1) of this section who are committed by the probate court 47870  
subsequent to the court's or prosecutor's filing of an affidavit 47871  
for civil commitment under authority of this division: 47872

(a) The chief clinical officer of the entity, hospital, or 47873  
facility, the managing officer of the institution, ~~the director of~~ 47874  
~~the program~~, or the person to which the defendant is committed or 47875  
admitted shall do all of the following: 47876

(i) Notify the prosecutor, in writing, of the discharge of 47877  
the defendant, send the notice at least ten days prior to the 47878  
discharge unless the discharge is by the probate court, and state 47879  
in the notice the date on which the defendant will be discharged; 47880

(ii) Notify the prosecutor, in writing, when the defendant is 47881  
absent without leave or is granted unsupervised, off-grounds 47882  
movement, and send this notice promptly after the discovery of the 47883  
absence without leave or prior to the granting of the 47884  
unsupervised, off-grounds movement, whichever is applicable; 47885

(iii) Notify the prosecutor, in writing, of the change of the 47886  
defendant's commitment or admission to voluntary status, send the 47887  
notice promptly upon learning of the change to voluntary status, 47888  
and state in the notice the date on which the defendant was 47889  
committed or admitted on a voluntary status. 47890

(b) Upon receiving notice that the defendant will be granted 47891  
unsupervised, off-grounds movement, the prosecutor either shall 47892

re-indict the defendant or promptly notify the court that the 47893  
prosecutor does not intend to prosecute the charges against the 47894  
defendant. 47895

(I) If a defendant is convicted of a crime and sentenced to a 47896  
jail or workhouse, the defendant's sentence shall be reduced by 47897  
the total number of days the defendant is confined for evaluation 47898  
to determine the defendant's competence to stand trial or 47899  
treatment under this section and sections 2945.37 and 2945.371 of 47900  
the Revised Code or by the total number of days the defendant is 47901  
confined for evaluation to determine the defendant's mental 47902  
condition at the time of the offense charged. 47903

**Sec. 2945.39.** (A) If a defendant who is charged with an 47904  
offense described in division (C)(1) of section 2945.38 of the 47905  
Revised Code is found incompetent to stand trial, after the 47906  
expiration of the maximum time for treatment as specified in 47907  
division (C) of that section or after the court finds that there 47908  
is not a substantial probability that the defendant will become 47909  
competent to stand trial even if the defendant is provided with a 47910  
course of treatment, one of the following applies: 47911

(1) The court or the prosecutor may file an affidavit in 47912  
probate court for civil commitment of the defendant in the manner 47913  
provided in Chapter 5122. or 5123. of the Revised Code. If the 47914  
court or prosecutor files an affidavit for civil commitment, the 47915  
court may detain the defendant for ten days pending civil 47916  
commitment. If the probate court commits the defendant subsequent 47917  
to the court's or prosecutor's filing of an affidavit for civil 47918  
commitment, the chief clinical officer of the entity, hospital, or 47919  
facility, the managing officer of the institution, ~~the director of~~ 47920  
~~the program~~, or the person to which the defendant is committed or 47921  
admitted shall send to the prosecutor the notices described in 47922  
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 47923

Code within the periods of time and under the circumstances 47924  
specified in those divisions. 47925

(2) On the motion of the prosecutor or on its own motion, the 47926  
court may retain jurisdiction over the defendant if, at a hearing, 47927  
the court finds both of the following by clear and convincing 47928  
evidence: 47929

(a) The defendant committed the offense with which the 47930  
defendant is charged. 47931

(b) The defendant is a mentally ill person subject to 47932  
hospitalization by court order or a mentally retarded person 47933  
subject to institutionalization by court order. 47934

(B) In making its determination under division (A)(2) of this 47935  
section as to whether to retain jurisdiction over the defendant, 47936  
the court may consider all relevant evidence, including, but not 47937  
limited to, any relevant psychiatric, psychological, or medical 47938  
testimony or reports, the acts constituting the offense charged, 47939  
and any history of the defendant that is relevant to the 47940  
defendant's ability to conform to the law. 47941

(C) If the court conducts a hearing as described in division 47942  
(A)(2) of this section and if the court does not make both 47943  
findings described in divisions (A)(2)(a) and (b) of this section 47944  
by clear and convincing evidence, the court shall dismiss the 47945  
indictment, information, or complaint against the defendant. Upon 47946  
the dismissal, the court shall discharge the defendant unless the 47947  
court or prosecutor files an affidavit in probate court for civil 47948  
commitment of the defendant pursuant to Chapter 5122. or 5123. of 47949  
the Revised Code. If the court or prosecutor files an affidavit 47950  
for civil commitment, the court may order that the defendant be 47951  
detained for up to ten days pending the civil commitment. If the 47952  
probate court commits the defendant subsequent to the court's or 47953  
prosecutor's filing of an affidavit for civil commitment, the 47954

chief clinical officer of the entity, hospital, or facility, the 47955  
managing officer of the institution, ~~the director of the program,~~ 47956  
or the person to which the defendant is committed or admitted 47957  
shall send to the prosecutor the notices described in divisions 47958  
(H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 47959  
within the periods of time and under the circumstances specified 47960  
in those divisions. A dismissal of charges under this division is 47961  
not a bar to further criminal proceedings based on the same 47962  
conduct. 47963

(D)(1) If the court conducts a hearing as described in 47964  
division (A)(2) of this section and if the court makes the 47965  
findings described in divisions (A)(2)(a) and (b) of this section 47966  
by clear and convincing evidence, the court shall commit the 47967  
defendant, if determined to require mental health treatment, to a 47968  
~~hospital operated by~~ the department of mental health for treatment 47969  
at a hospital, facility, or agency as determined clinically 47970  
appropriate by the department of mental health or, if determined 47971  
to require treatment for developmental disabilities, to a facility 47972  
operated by the department of developmental disabilities, or 47973  
another ~~medical or psychiatric~~ facility, as appropriate. In 47974  
committing the defendant to the department of mental health, the 47975  
court shall specify the least restrictive limitations on the 47976  
defendant's freedom of movement determined to be necessary to 47977  
protect public safety. In determining the place and nature of the 47978  
commitment to a facility operated by the department of 47979  
developmental disabilities or another facility for treatment of 47980  
developmental disabilities, the court shall order the least 47981  
restrictive commitment alternative available that is consistent 47982  
with public safety and the welfare of the defendant. In weighing 47983  
these factors, the court shall give preference to protecting 47984  
public safety. 47985

(2) If a court makes a commitment of a defendant under 47986

division (D)(1) of this section, the prosecutor shall send to the 47987  
hospital, facility, or agency where the defendant is placed by the 47988  
department of mental health or to the defendant's place of 47989  
commitment all reports of the defendant's current mental condition 47990  
and, except as otherwise provided in this division, any other 47991  
relevant information, including, but not limited to, a transcript 47992  
of the hearing held pursuant to division (A)(2) of this section, 47993  
copies of relevant police reports, and copies of any prior arrest 47994  
and conviction records that pertain to the defendant and that the 47995  
prosecutor possesses. The prosecutor shall send the reports of the 47996  
defendant's current mental condition in every case of commitment, 47997  
and, unless the prosecutor determines that the release of any of 47998  
the other relevant information to unauthorized persons would 47999  
interfere with the effective prosecution of any person or would 48000  
create a substantial risk of harm to any person, the prosecutor 48001  
also shall send the other relevant information. ~~Upon admission of~~ 48002  
~~a defendant committed under division (D)(1) of this section, the~~ 48003  
~~place of commitment shall send to the board of alcohol, drug~~ 48004  
~~addiction, and mental health services or the community mental~~ 48005  
~~health board serving the county in which the charges against the~~ 48006  
~~defendant were filed a copy of all reports of the defendant's~~ 48007  
~~current mental condition and a copy of the other relevant~~ 48008  
~~information provided by the prosecutor under this division,~~ 48009  
~~including, if provided, a transcript of the hearing held pursuant~~ 48010  
~~to division (A)(2) of this section, the relevant police reports,~~ 48011  
~~and the prior arrest and conviction records that pertain to the~~ 48012  
~~defendant and that the prosecutor possesses.~~ 48013

(3) If a court makes a commitment under division (D)(1) of 48014  
this section, all further proceedings shall be in accordance with 48015  
sections 2945.401 and 2945.402 of the Revised Code. 48016

**Sec. 2945.40.** (A) If a person is found not guilty by reason 48017  
of insanity, the verdict shall state that finding, and the trial 48018

court shall conduct a full hearing to determine whether the person 48019  
is a mentally ill person subject to hospitalization by court order 48020  
or a mentally retarded person subject to institutionalization by 48021  
court order. Prior to the hearing, if the trial judge believes 48022  
that there is probable cause that the person found not guilty by 48023  
reason of insanity is a mentally ill person subject to 48024  
hospitalization by court order or mentally retarded person subject 48025  
to institutionalization by court order, the trial judge may issue 48026  
a temporary order of detention for that person to remain in effect 48027  
for ten court days or until the hearing, whichever occurs first. 48028

Any person detained pursuant to a temporary order of 48029  
detention issued under this division shall be held in a suitable 48030  
facility, taking into consideration the place and type of 48031  
confinement prior to and during trial. 48032

(B) The court shall hold the hearing under division (A) of 48033  
this section to determine whether the person found not guilty by 48034  
reason of insanity is a mentally ill person subject to 48035  
hospitalization by court order or a mentally retarded person 48036  
subject to institutionalization by court order within ten court 48037  
days after the finding of not guilty by reason of insanity. 48038  
Failure to conduct the hearing within the ten-day period shall 48039  
cause the immediate discharge of the respondent, unless the judge 48040  
grants a continuance for not longer than ten court days for good 48041  
cause shown or for any period of time upon motion of the 48042  
respondent. 48043

(C) If a person is found not guilty by reason of insanity, 48044  
the person has the right to attend all hearings conducted pursuant 48045  
to sections 2945.37 to 2945.402 of the Revised Code. At any 48046  
hearing conducted pursuant to one of those sections, the court 48047  
shall inform the person that the person has all of the following 48048  
rights: 48049

(1) The right to be represented by counsel and to have that 48050



counsel provided at public expense if the person is indigent, with 48051  
the counsel to be appointed by the court under Chapter 120. of the 48052  
Revised Code or under the authority recognized in division (C) of 48053  
section 120.06, division (E) of section 120.16, division (E) of 48054  
section 120.26, or section 2941.51 of the Revised Code; 48055

(2) The right to have independent expert evaluation and to 48056  
have that independent expert evaluation provided at public expense 48057  
if the person is indigent; 48058

(3) The right to subpoena witnesses and documents, to present 48059  
evidence on the person's behalf, and to cross-examine witnesses 48060  
against the person; 48061

(4) The right to testify in the person's own behalf and to 48062  
not be compelled to testify; 48063

(5) The right to have copies of any relevant medical or 48064  
mental health document in the custody of the state or of any place 48065  
of commitment other than a document for which the court finds that 48066  
the release to the person of information contained in the document 48067  
would create a substantial risk of harm to any person. 48068

(D) The hearing under division (A) of this section shall be 48069  
open to the public, and the court shall conduct the hearing in 48070  
accordance with the Rules of Civil Procedure. The court shall make 48071  
and maintain a full transcript and record of the hearing 48072  
proceedings. The court may consider all relevant evidence, 48073  
including, but not limited to, any relevant psychiatric, 48074  
psychological, or medical testimony or reports, the acts 48075  
constituting the offense in relation to which the person was found 48076  
not guilty by reason of insanity, and any history of the person 48077  
that is relevant to the person's ability to conform to the law. 48078

(E) Upon completion of the hearing under division (A) of this 48079  
section, if the court finds there is not clear and convincing 48080  
evidence that the person is a mentally ill person subject to 48081

hospitalization by court order or a mentally retarded person 48082  
subject to institutionalization by court order, the court shall 48083  
discharge the person, unless a detainer has been placed upon the 48084  
person by the department of rehabilitation and correction, in 48085  
which case the person shall be returned to that department. 48086

(F) If, at the hearing under division (A) of this section, 48087  
the court finds by clear and convincing evidence that the person 48088  
is a mentally ill person subject to hospitalization by court order 48089  
~~or, the court shall commit the person to the department of mental~~ 48090  
health for placement in a hospital, facility, or agency as 48091  
determined clinically appropriate by the department of mental 48092  
health. If, at the hearing under division (A) of this section, the 48093  
court finds by clear and convincing evidence that the person is a 48094  
mentally retarded person subject to institutionalization by court 48095  
order, it shall commit the person to a ~~hospital operated by the~~ 48096  
~~department of mental health, a~~ facility operated by the department 48097  
of developmental disabilities, ~~or another medical or psychiatric~~ 48098  
facility, as appropriate, ~~and further.~~ Further proceedings shall 48099  
be in accordance with sections 2945.401 and 2945.402 of the 48100  
Revised Code. In committing the person to the department of mental 48101  
health, the court shall specify the least restrictive limitations 48102  
to the defendant's freedom of movement determined to be necessary 48103  
to protect public safety. In determining the place and nature of 48104  
the commitment of a mentally retarded person subject to 48105  
institutionalization by court order, the court shall order the 48106  
least restrictive commitment alternative available that is 48107  
consistent with public safety and the welfare of the person. In 48108  
weighing these factors, the court shall give preference to 48109  
protecting public safety. 48110

(G) If a court makes a commitment of a person under division 48111  
(F) of this section, the prosecutor shall send to the hospital, 48112  
facility, or agency where the person is placed by the department 48113

~~of mental health or to the defendant's place of commitment all 48114  
reports of the person's current mental condition, and, except as 48115  
otherwise provided in this division, any other relevant 48116  
information, including, but not limited to, a transcript of the 48117  
hearing held pursuant to division (A) of this section, copies of 48118  
relevant police reports, and copies of any prior arrest and 48119  
conviction records that pertain to the person and that the 48120  
prosecutor possesses. The prosecutor shall send the reports of the 48121  
person's current mental condition in every case of commitment, 48122  
and, unless the prosecutor determines that the release of any of 48123  
the other relevant information to unauthorized persons would 48124  
interfere with the effective prosecution of any person or would 48125  
create a substantial risk of harm to any person, the prosecutor 48126  
also shall send the other relevant information. ~~Upon admission of 48127  
a person committed under division (F) of this section, the place 48128  
of commitment shall send to the board of alcohol, drug addiction, 48129  
and mental health services or the community mental health board 48130  
serving the county in which the charges against the person were 48131  
filed a copy of all reports of the person's current mental 48132  
condition and a copy of the other relevant information provided by 48133  
the prosecutor under this division, including, if provided, a 48134  
transcript of the hearing held pursuant to division (A) of this 48135  
section, the relevant police reports, and the prior arrest and 48136  
conviction records that pertain to the person and that the 48137  
prosecutor possesses.~~ 48138~~

(H) A person who is committed pursuant to this section shall 48139  
not voluntarily admit the person or be voluntarily admitted to a 48140  
hospital or institution pursuant to section 5122.02, 5122.15, 48141  
5123.69, or 5123.76 of the Revised Code. 48142

**Sec. 2945.401.** (A) A defendant found incompetent to stand 48143  
trial and committed pursuant to section 2945.39 of the Revised 48144  
Code or a person found not guilty by reason of insanity and 48145

committed pursuant to section 2945.40 of the Revised Code shall 48146  
remain subject to the jurisdiction of the trial court pursuant to 48147  
that commitment, and to the provisions of this section, until the 48148  
final termination of the commitment as described in division 48149  
(J)(1) of this section. If the jurisdiction is terminated under 48150  
this division because of the final termination of the commitment 48151  
resulting from the expiration of the maximum prison term or term 48152  
of imprisonment described in division (J)(1)(b) of this section, 48153  
the court or prosecutor may file an affidavit for the civil 48154  
commitment of the defendant or person pursuant to Chapter 5122. or 48155  
5123. of the Revised Code. 48156

(B) A hearing conducted under any provision of sections 48157  
2945.37 to 2945.402 of the Revised Code shall not be conducted in 48158  
accordance with Chapters 5122. and 5123. of the Revised Code. Any 48159  
person who is committed pursuant to section 2945.39 or 2945.40 of 48160  
the Revised Code shall not voluntarily admit the person or be 48161  
voluntarily admitted to a hospital or institution pursuant to 48162  
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 48163  
All other provisions of Chapters 5122. and 5123. of the Revised 48164  
Code regarding hospitalization or institutionalization shall apply 48165  
to the extent they are not in conflict with this chapter. A 48166  
commitment under section 2945.39 or 2945.40 of the Revised Code 48167  
shall not be terminated and the conditions of the commitment shall 48168  
not be changed except as otherwise provided in division (D)(2) of 48169  
this section with respect to a mentally retarded person subject to 48170  
institutionalization by court order or except by order of the 48171  
trial court. 48172

(C) The ~~hospital, department of mental health or the~~ 48173  
institution or facility, or program to which a defendant or person 48174  
has been committed under section 2945.39 or 2945.40 of the Revised 48175  
Code shall report in writing to the trial court, at the times 48176  
specified in this division, as to whether the defendant or person 48177

remains a mentally ill person subject to hospitalization by court 48178  
order or a mentally retarded person subject to 48179  
institutionalization by court order and, in the case of a 48180  
defendant committed under section 2945.39 of the Revised Code, as 48181  
to whether the defendant remains incompetent to stand trial. The 48182  
~~hospital department, institution, or facility, or program~~ shall 48183  
make the reports after the initial six months of treatment and 48184  
every two years after the initial report is made. The trial court 48185  
shall provide copies of the reports to the prosecutor and to the 48186  
counsel for the defendant or person. Within thirty days after its 48187  
receipt pursuant to this division of a report from ~~a hospital~~ the 48188  
department, institution, or facility, or program, the trial court 48189  
shall hold a hearing on the continued commitment of the defendant 48190  
or person or on any changes in the conditions of the commitment of 48191  
the defendant or person. The defendant or person may request a 48192  
change in the conditions of confinement, and the trial court shall 48193  
conduct a hearing on that request if six months or more have 48194  
elapsed since the most recent hearing was conducted under this 48195  
section. 48196

(D)(1) Except as otherwise provided in division (D)(2) of 48197  
this section, when a defendant or person has been committed under 48198  
section 2945.39 or 2945.40 of the Revised Code, at any time after 48199  
evaluating the risks to public safety and the welfare of the 48200  
defendant or person, the ~~chief clinical officer~~ designee of the 48201  
department of mental health or the managing officer of the 48202  
institution or director of the ~~hospital, facility, or program~~ to 48203  
which the defendant or person is committed may recommend a 48204  
termination of the defendant's or person's commitment or a change 48205  
in the conditions of the defendant's or person's commitment. 48206

Except as otherwise provided in division (D)(2) of this 48207  
section, if the ~~chief clinical officer~~ designee of the department 48208  
of mental health recommends on-grounds unsupervised movement, 48209

off-grounds supervised movement, or nonsecured status for the 48210  
defendant or person or termination of the defendant's or person's 48211  
commitment, the following provisions apply: 48212

(a) If the ~~chief clinical officer~~ department's designee 48213  
recommends on-grounds unsupervised movement or off-grounds 48214  
supervised movement, the ~~chief clinical officer~~ department's 48215  
designee shall file with the trial court an application for 48216  
approval of the movement and shall send a copy of the application 48217  
to the prosecutor. Within fifteen days after receiving the 48218  
application, the prosecutor may request a hearing on the 48219  
application and, if a hearing is requested, shall so inform the 48220  
~~chief clinical officer~~ department's designee. If the prosecutor 48221  
does not request a hearing within the fifteen-day period, the 48222  
trial court shall approve the application by entering its order 48223  
approving the requested movement or, within five days after the 48224  
expiration of the fifteen-day period, shall set a date for a 48225  
hearing on the application. If the prosecutor requests a hearing 48226  
on the application within the fifteen-day period, the trial court 48227  
shall hold a hearing on the application within thirty days after 48228  
the hearing is requested. If the trial court, within five days 48229  
after the expiration of the fifteen-day period, sets a date for a 48230  
hearing on the application, the trial court shall hold the hearing 48231  
within thirty days after setting the hearing date. At least 48232  
fifteen days before any hearing is held under this division, the 48233  
trial court shall give the prosecutor written notice of the date, 48234  
time, and place of the hearing. At the conclusion of each hearing 48235  
conducted under this division, the trial court either shall 48236  
approve or disapprove the application and shall enter its order 48237  
accordingly. 48238

(b) If the ~~chief clinical officer~~ department's designee 48239  
recommends termination of the defendant's or person's commitment 48240  
at any time or if the ~~chief clinical officer~~ department's designee 48241

recommends the first of any nonsecured status for the defendant or 48242  
person, the ~~chief clinical officer~~ department's designee shall 48243  
send written notice of this recommendation to the trial court and 48244  
to the local forensic center. The local forensic center shall 48245  
evaluate the committed defendant or person and, within thirty days 48246  
after its receipt of the written notice, shall submit to the trial 48247  
court and the ~~chief clinical officer~~ department's designee a 48248  
written report of the evaluation. The trial court shall provide a 48249  
copy of the ~~chief clinical officer's~~ department's designee's 48250  
written notice and of the local forensic center's written report 48251  
to the prosecutor and to the counsel for the defendant or person. 48252  
Upon the local forensic center's submission of the report to the 48253  
trial court and the ~~chief clinical officer~~ department's designee, 48254  
all of the following apply: 48255

(i) If the forensic center disagrees with the recommendation 48256  
of the ~~chief clinical officer~~ department's designee, it shall 48257  
inform the ~~chief clinical officer~~ department's designee and the 48258  
trial court of its decision and the reasons for the decision. The 48259  
~~chief clinical officer~~ department's designee, after consideration 48260  
of the forensic center's decision, shall either withdraw, proceed 48261  
with, or modify and proceed with the recommendation. If the ~~chief~~ 48262  
~~clinical officer~~ department's designee proceeds with, or modifies 48263  
and proceeds with, the recommendation, the ~~chief clinical officer~~ 48264  
department's designee shall proceed in accordance with division 48265  
(D)(1)(b)(iii) of this section. 48266

(ii) If the forensic center agrees with the recommendation of 48267  
the ~~chief clinical officer~~ department's designee, it shall inform 48268  
the ~~chief clinical officer~~ department's designee and the trial 48269  
court of its decision and the reasons for the decision, and the 48270  
~~chief clinical officer~~ department's designee shall proceed in 48271  
accordance with division (D)(1)(b)(iii) of this section. 48272

(iii) If the forensic center disagrees with the 48273

recommendation of the ~~chief clinical officer~~ department's designee 48274  
and the ~~chief clinical officer~~ department's designee proceeds 48275  
with, or modifies and proceeds with, the recommendation or if the 48276  
forensic center agrees with the recommendation of the ~~chief~~ 48277  
~~clinical officer~~ department's designee, the ~~chief clinical officer~~ 48278  
department's designee shall work with ~~the board~~ community mental 48279  
health agencies, programs, facilities, or boards of alcohol, drug 48280  
addiction, and mental health services ~~or community mental health~~ 48281  
~~board serving the area, as appropriate,~~ to develop a plan to 48282  
implement the recommendation. If the defendant or person is on 48283  
medication, the plan shall include, but shall not be limited to, a 48284  
system to monitor the defendant's or person's compliance with the 48285  
prescribed medication treatment plan. The system shall include a 48286  
schedule that clearly states when the defendant or person shall 48287  
report for a medication compliance check. The medication 48288  
compliance checks shall be based upon the effective duration of 48289  
the prescribed medication, taking into account the route by which 48290  
it is taken, and shall be scheduled at intervals sufficiently 48291  
close together to detect a potential increase in mental illness 48292  
symptoms that the medication is intended to prevent. 48293

48294  
The ~~chief clinical officer, after consultation with the board~~ 48295  
~~of alcohol, drug addiction, and mental health services or the~~ 48296  
~~community mental health board serving the area,~~ department's 48297  
designee shall send the recommendation and plan developed under 48298  
division (D)(1)(b)(iii) of this section, in writing, to the trial 48299  
court, the prosecutor and the counsel for the committed defendant 48300  
or person. The trial court shall conduct a hearing on the 48301  
recommendation and plan developed under division (D)(1)(b)(iii) of 48302  
this section. Divisions (D)(1)(c) and (d) and (E) to (J) of this 48303  
section apply regarding the hearing. 48304

(c) If the ~~chief clinical officer's~~ department's designee's 48305



recommendation is for nonsecured status or termination of 48306  
commitment, the prosecutor may obtain an independent expert 48307  
evaluation of the defendant's or person's mental condition, and 48308  
the trial court may continue the hearing on the recommendation for 48309  
a period of not more than thirty days to permit time for the 48310  
evaluation. 48311

The prosecutor may introduce the evaluation report or present 48312  
other evidence at the hearing in accordance with the Rules of 48313  
Evidence. 48314

(d) The trial court shall schedule the hearing on a ~~chief~~ 48315  
~~clinical officer's~~ department's designee's recommendation for 48316  
nonsecured status or termination of commitment and shall give 48317  
reasonable notice to the prosecutor and the counsel for the 48318  
defendant or person. Unless continued for independent evaluation 48319  
at the prosecutor's request or for other good cause, the hearing 48320  
shall be held within thirty days after the trial court's receipt 48321  
of the recommendation and plan. 48322

(2)(a) Division (D)(1) of this section does not apply to 48323  
on-grounds unsupervised movement of a defendant or person who has 48324  
been committed under section 2945.39 or 2945.40 of the Revised 48325  
Code, who is a mentally retarded person subject to 48326  
institutionalization by court order, and who is being provided 48327  
residential habilitation, care, and treatment in a facility 48328  
operated by the department of developmental disabilities. 48329

(b) If, pursuant to section 2945.39 of the Revised Code, the 48330  
trial court commits a defendant who is found incompetent to stand 48331  
trial and who is a mentally retarded person subject to 48332  
institutionalization by court order, if the defendant is being 48333  
provided residential habilitation, care, and treatment in a 48334  
facility operated by the department of developmental disabilities, 48335  
if an individual who is conducting a survey for the department of 48336  
health to determine the facility's compliance with the 48337

certification requirements of the medicaid program under Chapter 48338  
5111. of the Revised Code and Title XIX of the "Social Security 48339  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, cites the 48340  
defendant's receipt of the residential habilitation, care, and 48341  
treatment in the facility as being inappropriate under the 48342  
certification requirements, if the defendant's receipt of the 48343  
residential habilitation, care, and treatment in the facility 48344  
potentially jeopardizes the facility's continued receipt of 48345  
federal medicaid moneys, and if as a result of the citation the 48346  
chief clinical officer of the facility determines that the 48347  
conditions of the defendant's commitment should be changed, the 48348  
department of developmental disabilities may cause the defendant 48349  
to be removed from the particular facility and, after evaluating 48350  
the risks to public safety and the welfare of the defendant and 48351  
after determining whether another type of placement is consistent 48352  
with the certification requirements, may place the defendant in 48353  
another facility that the department selects as an appropriate 48354  
facility for the defendant's continued receipt of residential 48355  
habilitation, care, and treatment and that is a no less secure 48356  
setting than the facility in which the defendant had been placed 48357  
at the time of the citation. Within three days after the 48358  
defendant's removal and alternative placement under the 48359  
circumstances described in division (D)(2)(b) of this section, the 48360  
department of developmental disabilities shall notify the trial 48361  
court and the prosecutor in writing of the removal and alternative 48362  
placement. 48363

The trial court shall set a date for a hearing on the removal 48364  
and alternative placement, and the hearing shall be held within 48365  
twenty-one days after the trial court's receipt of the notice from 48366  
the department of developmental disabilities. At least ten days 48367  
before the hearing is held, the trial court shall give the 48368  
prosecutor, the department of developmental disabilities, and the 48369  
counsel for the defendant written notice of the date, time, and 48370

place of the hearing. At the hearing, the trial court shall 48371  
consider the citation issued by the individual who conducted the 48372  
survey for the department of health to be prima-facie evidence of 48373  
the fact that the defendant's commitment to the particular 48374  
facility was inappropriate under the certification requirements of 48375  
the medicaid program under Chapter 5111. of the Revised Code and 48376  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 48377  
U.S.C.A. 301, as amended, and potentially jeopardizes the 48378  
particular facility's continued receipt of federal medicaid 48379  
moneys. At the conclusion of the hearing, the trial court may 48380  
approve or disapprove the defendant's removal and alternative 48381  
placement. If the trial court approves the defendant's removal and 48382  
alternative placement, the department of developmental 48383  
disabilities may continue the defendant's alternative placement. 48384  
If the trial court disapproves the defendant's removal and 48385  
alternative placement, it shall enter an order modifying the 48386  
defendant's removal and alternative placement, but that order 48387  
shall not require the department of developmental disabilities to 48388  
replace the defendant for purposes of continued residential 48389  
habilitation, care, and treatment in the facility associated with 48390  
the citation issued by the individual who conducted the survey for 48391  
the department of health. 48392

(E) In making a determination under this section regarding 48393  
nonsecured status or termination of commitment, the trial court 48394  
shall consider all relevant factors, including, but not limited 48395  
to, all of the following: 48396

(1) Whether, in the trial court's view, the defendant or 48397  
person currently represents a substantial risk of physical harm to 48398  
the defendant or person or others; 48399

(2) Psychiatric and medical testimony as to the current 48400  
mental and physical condition of the defendant or person; 48401

(3) Whether the defendant or person has insight into the 48402

dependant's or person's condition so that the defendant or person 48403  
will continue treatment as prescribed or seek professional 48404  
assistance as needed; 48405

(4) The grounds upon which the state relies for the proposed 48406  
commitment; 48407

(5) Any past history that is relevant to establish the 48408  
defendant's or person's degree of conformity to the laws, rules, 48409  
regulations, and values of society; 48410

(6) If there is evidence that the defendant's or person's 48411  
mental illness is in a state of remission, the medically suggested 48412  
cause and degree of the remission and the probability that the 48413  
defendant or person will continue treatment to maintain the 48414  
remissive state of the defendant's or person's illness should the 48415  
defendant's or person's commitment conditions be altered. 48416

(F) At any hearing held pursuant to division (C) or (D)(1) or 48417  
(2) of this section, the defendant or the person shall have all 48418  
the rights of a defendant or person at a commitment hearing as 48419  
described in section 2945.40 of the Revised Code. 48420

(G) In a hearing held pursuant to division (C) or (D)(1) of 48421  
this section, the prosecutor has the burden of proof as follows: 48422

(1) For a recommendation of termination of commitment, to 48423  
show by clear and convincing evidence that the defendant or person 48424  
remains a mentally ill person subject to hospitalization by court 48425  
order or a mentally retarded person subject to 48426  
institutionalization by court order; 48427

(2) For a recommendation for a change in the conditions of 48428  
the commitment to a less restrictive status, to show by clear and 48429  
convincing evidence that the proposed change represents a threat 48430  
to public safety or a threat to the safety of any person. 48431

(H) In a hearing held pursuant to division (C) or (D)(1) or 48432

(2) of this section, the prosecutor shall represent the state or the public interest. 48433  
48434

(I) At the conclusion of a hearing conducted under division 48435  
(D)(1) of this section regarding a recommendation from the ~~chief~~ 48436  
~~clinical officer~~ designee of the department of mental health, 48437  
managing officer of the institution, or director of a hospital, 48438  
~~program, or facility,~~ the trial court may approve, disapprove, or 48439  
modify the recommendation and shall enter an order accordingly. 48440

(J)(1) A defendant or person who has been committed pursuant 48441  
to section 2945.39 or 2945.40 of the Revised Code continues to be 48442  
under the jurisdiction of the trial court until the final 48443  
termination of the commitment. For purposes of division (J) of 48444  
this section, the final termination of a commitment occurs upon 48445  
the earlier of one of the following: 48446

(a) The defendant or person no longer is a mentally ill 48447  
person subject to hospitalization by court order or a mentally 48448  
retarded person subject to institutionalization by court order, as 48449  
determined by the trial court; 48450

(b) The expiration of the maximum prison term or term of 48451  
imprisonment that the defendant or person could have received if 48452  
the defendant or person had been convicted of the most serious 48453  
offense with which the defendant or person is charged or in 48454  
relation to which the defendant or person was found not guilty by 48455  
reason of insanity; 48456

(c) The trial court enters an order terminating the 48457  
commitment under the circumstances described in division 48458  
(J)(2)(a)(ii) of this section. 48459

(2)(a) If a defendant is found incompetent to stand trial and 48460  
committed pursuant to section 2945.39 of the Revised Code, if 48461  
neither of the circumstances described in divisions (J)(1)(a) and 48462  
(b) of this section applies to that defendant, and if a report 48463

filed with the trial court pursuant to division (C) of this 48464  
section indicates that the defendant presently is competent to 48465  
stand trial or if, at any other time during the period of the 48466  
defendant's commitment, the prosecutor, the counsel for the 48467  
defendant, or the ~~chief clinical officer~~ designee of the 48468  
department of mental health or the managing officer of the 48469  
institution or director of the ~~hospital, facility, or program~~ to 48470  
which the defendant is committed files an application with the 48471  
trial court alleging that the defendant presently is competent to 48472  
stand trial and requesting a hearing on the competency issue or 48473  
the trial court otherwise has reasonable cause to believe that the 48474  
defendant presently is competent to stand trial and determines on 48475  
its own motion to hold a hearing on the competency issue, the 48476  
trial court shall schedule a hearing on the competency of the 48477  
defendant to stand trial, shall give the prosecutor, the counsel 48478  
for the defendant, and the ~~chief clinical officer~~ department's 48479  
designee or the managing officer of the institution or the 48480  
director of the facility to which the defendant is committed 48481  
notice of the date, time, and place of the hearing at least 48482  
fifteen days before the hearing, and shall conduct the hearing 48483  
within thirty days of the filing of the application or of its own 48484  
motion. If, at the conclusion of the hearing, the trial court 48485  
determines that the defendant presently is capable of 48486  
understanding the nature and objective of the proceedings against 48487  
the defendant and of assisting in the defendant's defense, the 48488  
trial court shall order that the defendant is competent to stand 48489  
trial and shall be proceeded against as provided by law with 48490  
respect to the applicable offenses described in division (C)(1) of 48491  
section 2945.38 of the Revised Code and shall enter whichever of 48492  
the following additional orders is appropriate: 48493

(i) If the trial court determines that the defendant remains 48494  
a mentally ill person subject to hospitalization by court order or 48495  
a mentally retarded person subject to institutionalization by 48496

court order, the trial court shall order that the defendant's 48497  
commitment to the ~~hospital, department of mental health or to an~~ 48498  
~~institution or facility, or program for the treatment of~~ 48499  
~~developmental disabilities~~ be continued during the pendency of the 48500  
trial on the applicable offenses described in division (C)(1) of 48501  
section 2945.38 of the Revised Code. 48502

(ii) If the trial court determines that the defendant no 48503  
longer is a mentally ill person subject to hospitalization by 48504  
court order or a mentally retarded person subject to 48505  
institutionalization by court order, the trial court shall order 48506  
that the defendant's commitment to the ~~hospital, department of~~ 48507  
~~mental health or to an institution or facility, or program for the~~ 48508  
~~treatment of developmental disabilities~~ shall not be continued 48509  
during the pendency of the trial on the applicable offenses 48510  
described in division (C)(1) of section 2945.38 of the Revised 48511  
Code. This order shall be a final termination of the commitment 48512  
for purposes of division (J)(1)(c) of this section. 48513

(b) If, at the conclusion of the hearing described in 48514  
division (J)(2)(a) of this section, the trial court determines 48515  
that the defendant remains incapable of understanding the nature 48516  
and objective of the proceedings against the defendant or of 48517  
assisting in the defendant's defense, the trial court shall order 48518  
that the defendant continues to be incompetent to stand trial, 48519  
that the defendant's commitment to the ~~hospital, department of~~ 48520  
~~mental health or to an institution or facility, or program for the~~ 48521  
~~treatment of developmental disabilities~~ shall be continued, and 48522  
that the defendant remains subject to the jurisdiction of the 48523  
trial court pursuant to that commitment, and to the provisions of 48524  
this section, until the final termination of the commitment as 48525  
described in division (J)(1) of this section. 48526

**Sec. 2945.402.** (A) In approving a conditional release, the 48527

trial court may set any conditions on the release with respect to 48528  
the treatment, evaluation, counseling, or control of the defendant 48529  
or person that the court considers necessary to protect the public 48530  
safety and the welfare of the defendant or person. The trial court 48531  
may revoke a defendant's or person's conditional release and order 48532  
~~rehospitalization~~ reinstatement of the previous placement or 48533  
reinstitutionalization at any time the conditions of the release 48534  
have not been satisfied, provided that the revocation shall be in 48535  
accordance with this section. 48536

(B) A conditional release is a commitment. The hearings on 48537  
continued commitment as described in section 2945.401 of the 48538  
Revised Code apply to a defendant or person on conditional 48539  
release. 48540

(C) A person, agency, or facility that is assigned to monitor 48541  
a defendant or person on conditional release immediately shall 48542  
notify the trial court on learning that the defendant or person 48543  
being monitored has violated the terms of the conditional release. 48544  
Upon learning of any violation of the terms of the conditional 48545  
release, the trial court may issue a temporary order of detention 48546  
or, if necessary, an arrest warrant for the defendant or person. 48547  
Within ten court days after the defendant's or person's detention 48548  
or arrest, the trial court shall conduct a hearing to determine 48549  
whether the conditional release should be modified or terminated. 48550  
At the hearing, the defendant or person shall have the same rights 48551  
as are described in division (C) of section 2945.40 of the Revised 48552  
Code. The trial court may order a continuance of the ten-court-day 48553  
period for no longer than ten days for good cause shown or for any 48554  
period on motion of the defendant or person. If the trial court 48555  
fails to conduct the hearing within the ten-court-day period and 48556  
does not order a continuance in accordance with this division, the 48557  
defendant or person shall be restored to the prior conditional 48558  
release status. 48559



(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 person on the requisition of the governor, or on the request of the governor to the president of the United States, or on the return of the fugitive by a designated agent pursuant to a waiver of extradition except in cases of parole violation. ~~Such bill of costs shall be presented by such clerk to the prosecuting attorney, who shall examine each item therein charged and certify to it if correct and legal. Upon certification by the prosecuting attorney, the~~ The clerk shall attempt to collect the costs from the person convicted.

**Sec. 2953.08.** (A) In addition to any other right to appeal and except as provided in division (D) of this section, a defendant who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed upon the defendant on one of the following grounds:

(1) The sentence consisted of or included the maximum prison term allowed for the offense by division (A) of section 2929.14 or section 2929.142 of the Revised Code, the sentence was not imposed

pursuant to division (D)(3)(b) of section 2929.14 of the Revised Code, the maximum prison term was not required for the offense pursuant to Chapter 2925. or any other provision of the Revised Code, and the court imposed the sentence under one of the following circumstances:

(a) The sentence was imposed for only one offense.

(b) The sentence was imposed for two or more offenses arising out of a single incident, and the court imposed the maximum prison term for the offense of the highest degree.

(2) The sentence consisted of or included a prison term, the offense for which it was imposed is a felony of the fourth or fifth degree or is a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, and the court did not specify at sentencing that it found one or more factors specified in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code to apply relative to the defendant. If the court specifies that it found one or more of those factors to apply relative to the defendant, the defendant is not entitled under this division to appeal as a matter of right the sentence imposed upon the offender.

(3) The person was convicted of or pleaded guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, was adjudicated a sexually violent predator in relation to that offense, and was sentenced pursuant to division (A)(3) of section 2971.03 of the Revised Code, if the minimum term of the indefinite term imposed pursuant to division (A)(3) of section 2971.03 of the Revised Code is the longest term available for the offense from among the range of terms listed in section 2929.14 of the Revised Code. As used in this division, "designated homicide, assault, or kidnapping offense" and "violent sex

offense" have the same meanings as in section 2971.01 of the Revised Code. As used in this division, "adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(4) The sentence is contrary to law.

(5) The sentence consisted of an additional prison term of ten years imposed pursuant to division (D)(2)(a) of section 2929.14 of the Revised Code.

(6) The sentence consisted of an additional prison term of ten years imposed pursuant to division (D)(3)(b) of section 2929.14 of the Revised Code.

(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 48653  
under division (A) or (B) of this section, a defendant who is 48654  
convicted of or pleads guilty to a felony may seek leave to appeal 48655  
a sentence imposed upon the defendant on the basis that the 48656  
sentencing judge has imposed consecutive sentences under division 48657  
(E)(3) or (4) of section 2929.14 of the Revised Code and that the 48658  
consecutive sentences exceed the maximum prison term allowed by 48659  
division (A) of that section for the most serious offense of which 48660  
the defendant was convicted. Upon the filing of a motion under 48661  
this division, the court of appeals may grant leave to appeal the 48662  
sentence if the court determines that the allegation included as 48663  
the basis of the motion is true. 48664

(2) A defendant may seek leave to appeal an additional 48665  
sentence imposed upon the defendant pursuant to division (D)(2)(a) 48666  
or (b) of section 2929.14 of the Revised Code if the additional 48667  
sentence is for a definite prison term that is longer than five 48668  
years. 48669

(D)(1) A sentence imposed upon a defendant is not subject to 48670  
review under this section if the sentence is authorized by law, 48671  
has been recommended jointly by the defendant and the prosecution 48672  
in the case, and is imposed by a sentencing judge. 48673

(2) Except as provided in division (C)(2) of this section, a 48674  
sentence imposed upon a defendant is not subject to review under 48675  
this section if the sentence is imposed pursuant to division 48676  
(D)(2)(b) of section 2929.14 of the Revised Code. Except as 48677  
otherwise provided in this division, a defendant retains all 48678  
rights to appeal as provided under this chapter or any other 48679  
provision of the Revised Code. A defendant has the right to appeal 48680  
under this chapter or any other provision of the Revised Code the 48681  
court's application of division (D)(2)(c) of section 2929.14 of 48682  
the Revised Code. 48683

(3) A sentence imposed for aggravated murder or murder 48684

pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 48685  
subject to review under this section. 48686

(E) A defendant, prosecuting attorney, city director of law, 48687  
village solicitor, or chief municipal legal officer shall file an 48688  
appeal of a sentence under this section to a court of appeals 48689  
within the time limits specified in Rule 4(B) of the Rules of 48690  
Appellate Procedure, provided that if the appeal is pursuant to 48691  
division (B)(3) of this section, the time limits specified in that 48692  
rule shall not commence running until the court grants the motion 48693  
that makes the sentence modification in question. A sentence 48694  
appeal under this section shall be consolidated with any other 48695  
appeal in the case. If no other appeal is filed, the court of 48696  
appeals may review only the portions of the trial record that 48697  
pertain to sentencing. 48698

(F) On the appeal of a sentence under this section, the 48699  
record to be reviewed shall include all of the following, as 48700  
applicable: 48701

(1) Any presentence, psychiatric, or other investigative 48702  
report that was submitted to the court in writing before the 48703  
sentence was imposed. An appellate court that reviews a 48704  
presentence investigation report prepared pursuant to section 48705  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 48706  
connection with the appeal of a sentence under this section shall 48707  
comply with division (D)(3) of section 2951.03 of the Revised Code 48708  
when the appellate court is not using the presentence 48709  
investigation report, and the appellate court's use of a 48710  
presentence investigation report of that nature in connection with 48711  
the appeal of a sentence under this section does not affect the 48712  
otherwise confidential character of the contents of that report as 48713  
described in division (D)(1) of section 2951.03 of the Revised 48714  
Code and does not cause that report to become a public record, as 48715  
defined in section 149.43 of the Revised Code, following the 48716

appellate court's use of the report. 48717

(2) The trial record in the case in which the sentence was 48718  
imposed; 48719

(3) Any oral or written statements made to or by the court at 48720  
the sentencing hearing at which the sentence was imposed; 48721

(4) Any written findings that the court was required to make 48722  
in connection with the modification of the sentence pursuant to a 48723  
judicial release under division (I) of section 2929.20 of the 48724  
Revised Code. 48725

(G)(1) If the sentencing court was required to make the 48726  
findings required by division (B) or (D) of section 2929.13, 48727  
division (D)(2)(e) or (E)(4) of section 2929.14, or division (I) 48728  
of section 2929.20 of the Revised Code relative to the imposition 48729  
or modification of the sentence, and if the sentencing court 48730  
failed to state the required findings on the record, the court 48731  
hearing an appeal under division (A), (B), or (C) of this section 48732  
shall remand the case to the sentencing court and instruct the 48733  
sentencing court to state, on the record, the required findings. 48734

(2) The court hearing an appeal under division (A), (B), or 48735  
(C) of this section shall review the record, including the 48736  
findings underlying the sentence or modification given by the 48737  
sentencing court. 48738

The appellate court may increase, reduce, or otherwise modify 48739  
a sentence that is appealed under this section or may vacate the 48740  
sentence and remand the matter to the sentencing court for 48741  
resentencing. The appellate court's standard for review is not 48742  
whether the sentencing court abused its discretion. The appellate 48743  
court may take any action authorized by this division if it 48744  
clearly and convincingly finds either of the following: 48745

(a) That the record does not support the sentencing court's 48746  
findings under division (B) or (D) of section 2929.13, division 48747

(D)(2)(e) or (E)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

(H) A judgment or final order of a court of appeals under this section may be appealed, by leave of court, to the supreme court.

(I)(1) There is hereby established the felony sentence appeal cost oversight committee, consisting of eight members. One member shall be the chief justice of the supreme court or a representative of the court designated by the chief justice, one member shall be a member of the senate appointed by the president of the senate, one member shall be a member of the house of representatives appointed by the speaker of the house of representatives, one member shall be the director of budget and management or a representative of the office of budget and management designated by the director, one member shall be a judge of a court of appeals, court of common pleas, municipal court, or county court appointed by the chief justice of the supreme court, one member shall be the state public defender or a representative of the office of the state public defender designated by the state public defender, one member shall be a prosecuting attorney appointed by the Ohio prosecuting attorneys association, and one member shall be a county commissioner appointed by the county commissioners association of Ohio. No more than three of the appointed members of the committee may be members of the same political party.

The president of the senate, the speaker of the house of representatives, the chief justice of the supreme court, the Ohio prosecuting attorneys association, and the county commissioners association of Ohio shall make the initial appointments to the committee of the appointed members no later than ninety days after July 1, 1996. Of those initial appointments to the committee, the

members appointed by the speaker of the house of representatives 48780  
and the Ohio prosecuting attorneys association shall serve a term 48781  
ending two years after July 1, 1996, the member appointed by the 48782  
chief justice of the supreme court shall serve a term ending three 48783  
years after July 1, 1996, and the members appointed by the 48784  
president of the senate and the county commissioners association 48785  
of Ohio shall serve terms ending four years after July 1, 1996. 48786  
Thereafter, terms of office of the appointed members shall be for 48787  
four years, with each term ending on the same day of the same 48788  
month as did the term that it succeeds. Members may be 48789  
reappointed. Vacancies shall be filled in the same manner provided 48790  
for original appointments. A member appointed to fill a vacancy 48791  
occurring prior to the expiration of the term for which that 48792  
member's predecessor was appointed shall hold office as a member 48793  
for the remainder of the predecessor's term. An appointed member 48794  
shall continue in office subsequent to the expiration date of that 48795  
member's term until that member's successor takes office or until 48796  
a period of sixty days has elapsed, whichever occurs first. 48797

If the chief justice of the supreme court, the director of 48798  
the office of budget and management, or the state public defender 48799  
serves as a member of the committee, that person's term of office 48800  
as a member shall continue for as long as that person holds office 48801  
as chief justice, director of the office of budget and management, 48802  
or state public defender. If the chief justice of the supreme 48803  
court designates a representative of the court to serve as a 48804  
member, the director of budget and management designates a 48805  
representative of the office of budget and management to serve as 48806  
a member, or the state public defender designates a representative 48807  
of the office of the state public defender to serve as a member, 48808  
the person so designated shall serve as a member of the commission 48809  
for as long as the official who made the designation holds office 48810  
as chief justice, director of the office of budget and management, 48811  
or state public defender or until that official revokes the 48812



designation. 48813

The chief justice of the supreme court or the representative 48814  
of the supreme court appointed by the chief justice shall serve as 48815  
chairperson of the committee. The committee shall meet within two 48816  
weeks after all appointed members have been appointed and shall 48817  
organize as necessary. Thereafter, the committee shall meet at 48818  
least once every six months or more often upon the call of the 48819  
chairperson or the written request of three or more members, 48820  
provided that the committee shall not meet unless moneys have been 48821  
appropriated to the judiciary budget administered by the supreme 48822  
court specifically for the purpose of providing financial 48823  
assistance to counties under division (I)(2) of this section and 48824  
the moneys so appropriated then are available for that purpose. 48825

The members of the committee shall serve without 48826  
compensation, but, if moneys have been appropriated to the 48827  
judiciary budget administered by the supreme court specifically 48828  
for the purpose of providing financial assistance to counties 48829  
under division (I)(2) of this section, each member shall be 48830  
reimbursed out of the moneys so appropriated that then are 48831  
available for actual and necessary expenses incurred in the 48832  
performance of official duties as a committee member. 48833

(2) ~~The state criminal sentencing commission periodically~~ 48834  
~~shall provide to the felony sentence appeal cost oversight~~ 48835  
~~committee all data the commission collects pursuant to division~~ 48836  
~~(A)(5) of section 181.25 of the Revised Code. Upon receipt of the~~ 48837  
~~data from the state criminal sentencing commission, the felony~~ 48838  
sentence appeal cost oversight committee periodically shall review 48839  
~~the data;~~ determine whether any money has been appropriated to the 48840  
judiciary budget administered by the supreme court specifically 48841  
for the purpose of providing state financial assistance to 48842  
counties in accordance with this division for the increase in 48843  
expenses the counties experience as a result of the felony 48844

sentence appeal provisions set forth in this section or as a 48845  
result of a postconviction relief proceeding brought under 48846  
division (A)(2) of section 2953.21 of the Revised Code or an 48847  
appeal of a judgment in that proceeding; if it determines that any 48848  
money has been so appropriated, determine the total amount of 48849  
moneys that have been so appropriated specifically for that 48850  
purpose and that then are available for that purpose; and develop 48851  
a recommended method of distributing those moneys to the counties. 48852  
The committee shall send a copy of its recommendation to the 48853  
supreme court. Upon receipt of the committee's recommendation, the 48854  
supreme court shall distribute to the counties, based upon that 48855  
recommendation, the moneys that have been so appropriated 48856  
specifically for the purpose of providing state financial 48857  
assistance to counties under this division and that then are 48858  
available for that purpose. 48859

**Sec. 2981.11.** (A)(1) Any property that has been lost, 48860  
abandoned, stolen, seized pursuant to a search warrant, or 48861  
otherwise lawfully seized or forfeited and that is in the custody 48862  
of a law enforcement agency shall be kept safely by the agency, 48863  
pending the time it no longer is needed as evidence or for another 48864  
lawful purpose, and shall be disposed of pursuant to sections 48865  
2981.12 and 2981.13 of the Revised Code. 48866

(2) This chapter does not apply to the custody and disposal 48867  
of any of the following: 48868

(a) Vehicles subject to forfeiture under Title XLV of the 48869  
Revised Code, except as provided in division (A)(6) of section 48870  
2981.12 of the Revised Code; 48871

(b) Abandoned junk motor vehicles or other property of 48872  
negligible value; 48873

(c) Property held by a department of rehabilitation and 48874  
correction institution that is unclaimed, that does not have an 48875

identified owner, that the owner agrees to dispose of, or that is identified by the department as having little value; 48876  
48877

(d) Animals taken, and devices used in unlawfully taking animals, under section 1531.20 of the Revised Code; 48878  
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(e) Controlled substances sold by a peace officer in the performance of the officer's official duties under section 3719.141 of the Revised Code; 48880  
48881  
48882

(f) Property recovered by a township law enforcement agency under sections 505.105 to 505.109 of the Revised Code; 48883  
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(g) Property held and disposed of under an ordinance of the municipal corporation or under sections 737.29 to 737.33 of the Revised Code, except that a municipal corporation that has received notice of a citizens' reward program as provided in division (F) of section 2981.12 of the Revised Code and disposes of property under an ordinance shall pay twenty-five per cent of any moneys acquired from any sale or auction to the citizens' reward program. 48885  
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(B)(1) Each law enforcement agency that has custody of any property that is subject to this section shall adopt and comply with a written internal control policy that does all of the following: 48893  
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(a) Provides for keeping detailed records as to the amount of property acquired by the agency and the date property was acquired; 48897  
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(b) Provides for keeping detailed records of the disposition of the property, which shall include, but not be limited to, both of the following: 48900  
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(i) The manner in which it was disposed, the date of disposition, detailed financial records concerning any property sold, and the name of any person who received the property. The 48903  
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record shall not identify or enable identification of the 48906  
individual officer who seized any item of property. 48907

(ii) The general types of expenditures made with amounts that 48908  
are gained from the sale of the property and that are retained by 48909  
the agency, including the specific amount expended on each general 48910  
type of expenditure, except that the policy shall not provide for 48911  
or permit the identification of any specific expenditure that is 48912  
made in an ongoing investigation. 48913

(c) Complies with section 2981.13 of the Revised Code if the 48914  
agency has a law enforcement trust fund or similar fund created 48915  
under that section. 48916

(2) Each law enforcement agency that during any calendar year 48917  
has any seized or forfeited property covered by this section in 48918  
its custody, including amounts distributed under section 2981.13 48919  
of the Revised Code to its law enforcement trust fund or a similar 48920  
fund created for the state highway patrol, department of public 48921  
safety, department of taxation, or state board of pharmacy, shall 48922  
prepare a report covering the calendar year that cumulates all of 48923  
the information contained in all of the public records kept by the 48924  
agency pursuant to this section for that calendar year. The agency 48925  
shall send a copy of the cumulative report to the attorney general 48926  
not later than the first day of March in the calendar year 48927  
following the calendar year covered by the report. 48928

(3) The records kept under the internal control policy shall 48929  
be open to public inspection during the agency's regular business 48930  
hours. The policy adopted under this section and each report 48931  
received by the attorney general is a public record open for 48932  
inspection under section 149.43 of the Revised Code. 48933

(4) Not later than the fifteenth day of April in each 48934  
calendar year in which reports are sent to the attorney general 48935  
under division (B)(2) of this section, the attorney general shall 48936

send to the president of the senate and the speaker of the house 48937  
of representatives a written notice that indicates that the 48938  
attorney general received reports that cover the previous calendar 48939  
year, that the reports are open for inspection under section 48940  
149.43 of the Revised Code, and that the attorney general will 48941  
provide a copy of any or all of the reports to the president of 48942  
the senate or the speaker of the house of representatives upon 48943  
request. 48944

(C) A law enforcement agency with custody of property to be 48945  
disposed of under section 2981.12 or 2981.13 of the Revised Code 48946  
shall make a reasonable effort to locate persons entitled to 48947  
possession of the property, to notify them of when and where it 48948  
may be claimed, and to return the property to them at the earliest 48949  
possible time. In the absence of evidence identifying persons 48950  
entitled to possession, it is sufficient notice to advertise in a 48951  
newspaper of general circulation in the county and to briefly 48952  
describe the nature of the property in custody and inviting 48953  
persons to view and establish their right to it. 48954

(D) As used in sections 2981.11 to 2981.13 of the Revised 48955  
Code: 48956

(1) "Citizens' reward program" has the same meaning as in 48957  
section 9.92 of the Revised Code. 48958

(2) "Law enforcement agency" includes correctional 48959  
institutions. 48960

(3) "Township law enforcement agency" means an organized 48961  
police department of a township, a township police district, a 48962  
joint ~~township~~ police district, or the office of a township 48963  
constable. 48964

**Sec. 2981.13.** (A) Except as otherwise provided in this 48965  
section, property ordered forfeited as contraband, proceeds, or an 48966

instrumentality pursuant to this chapter shall be disposed of, 48967  
used, or sold pursuant to section 2981.12 of the Revised Code. If 48968  
the property is to be sold under that section, the prosecutor 48969  
shall cause notice of the proposed sale to be given in accordance 48970  
with law. 48971

(B) If the contraband or instrumentality forfeited under this 48972  
chapter is sold, any moneys acquired from a sale and any proceeds 48973  
forfeited under this chapter shall be applied in the following 48974  
order: 48975

(1) First, to pay costs incurred in the seizure, storage, 48976  
maintenance, security, and sale of the property and in the 48977  
forfeiture proceeding; 48978

(2) Second, in a criminal forfeiture case, to satisfy any 48979  
restitution ordered to the victim of the offense or, in a civil 48980  
forfeiture case, to satisfy any recovery ordered for the person 48981  
harmed, unless paid from other assets; 48982

(3) Third, to pay the balance due on any security interest 48983  
preserved under this chapter; 48984

(4) Fourth, apply the remaining amounts as follows: 48985

(a) If the forfeiture was ordered by a juvenile court, ten 48986  
per cent to one or more certified alcohol and drug addiction 48987  
treatment programs as provided in division (D) of section 2981.12 48988  
of the Revised Code; 48989

(b) If the forfeiture was ordered in a juvenile court, ninety 48990  
per cent, and if the forfeiture was ordered in a court other than 48991  
a juvenile court, one hundred per cent to the law enforcement 48992  
trust fund of the prosecutor and to the following fund supporting 48993  
the law enforcement agency that substantially conducted the 48994  
investigation: the law enforcement trust fund of the county 48995  
sheriff, municipal corporation, township, or park district created 48996  
under section 511.18 or 1545.01 of the Revised Code; the state 48997

highway patrol contraband, forfeiture, and other fund; the 48998  
department of public safety investigative unit contraband, 48999  
forfeiture, and other fund; the department of taxation enforcement 49000  
fund; the board of pharmacy drug law enforcement fund created by 49001  
division (B)(1) of section 4729.65 of the Revised Code; the 49002  
medicaid fraud investigation and prosecution fund; or the 49003  
treasurer of state for deposit into the peace officer training 49004  
commission fund if any other state law enforcement agency 49005  
substantially conducted the investigation. In the case of property 49006  
forfeited for medicaid fraud, any remaining amount shall be used 49007  
by the attorney general to investigate and prosecute medicaid 49008  
fraud offenses. 49009

If the prosecutor declines to accept any of the remaining 49010  
amounts, the amounts shall be applied to the fund of the agency 49011  
that substantially conducted the investigation. 49012

(c) If more than one law enforcement agency is substantially 49013  
involved in the seizure of property forfeited under this chapter, 49014  
the court ordering the forfeiture shall equitably divide the 49015  
amounts, after calculating any distribution to the law enforcement 49016  
trust fund of the prosecutor pursuant to division (B)(4) of this 49017  
section, among the entities that the court determines were 49018  
substantially involved in the seizure. 49019

(C)(1) A law enforcement trust fund shall be established by 49020  
the prosecutor of each county who intends to receive any remaining 49021  
amounts pursuant to this section, by the sheriff of each county, 49022  
by the legislative authority of each municipal corporation, by the 49023  
board of township trustees of each township that has a township 49024  
police department, township or joint police district police force, 49025  
or office of the constable, and by the board of park commissioners 49026  
of each park district created pursuant to section 511.18 or 49027  
1545.01 of the Revised Code that has a park district police force 49028  
or law enforcement department, for the purposes of this section. 49029

There is hereby created in the state treasury the state 49030  
highway patrol contraband, forfeiture, and other fund, the 49031  
department of public safety investigative unit contraband, 49032  
forfeiture, and other fund, the medicaid fraud investigation and 49033  
prosecution fund, the department of taxation enforcement fund, and 49034  
the peace officer training commission fund, for the purposes of 49035  
this section. 49036

Amounts distributed to any municipal corporation, township, 49037  
or park district law enforcement trust fund shall be allocated 49038  
from the fund by the legislative authority only to the police 49039  
department of the municipal corporation, by the board of township 49040  
trustees only to the township police department, township police 49041  
district police force, or office of the constable, by the joint 49042  
police district board only to the joint police district, and by 49043  
the board of park commissioners only to the park district police 49044  
force or law enforcement department. 49045

(2)(a) No amounts shall be allocated to a fund created under 49046  
this section or used by an agency unless the agency has adopted a 49047  
written internal control policy that addresses the use of moneys 49048  
received from the appropriate fund. The appropriate fund shall be 49049  
expended only in accordance with that policy and, subject to the 49050  
requirements specified in this section, only for the following 49051  
purposes: 49052

(i) To pay the costs of protracted or complex investigations 49053  
or prosecutions; 49054

(ii) To provide reasonable technical training or expertise; 49055

(iii) To provide matching funds to obtain federal grants to 49056  
aid law enforcement, in the support of DARE programs or other 49057  
programs designed to educate adults or children with respect to 49058  
the dangers associated with the use of drugs of abuse; 49059

(iv) To pay the costs of emergency action taken under section 49060



3745.13 of the Revised Code relative to the operation of an 49061  
illegal methamphetamine laboratory if the forfeited property or 49062  
money involved was that of a person responsible for the operation 49063  
of the laboratory; 49064

(v) For other law enforcement purposes that the 49065  
superintendent of the state highway patrol, department of public 49066  
safety, prosecutor, county sheriff, legislative authority, 49067  
department of taxation, board of township trustees, or board of 49068  
park commissioners determines to be appropriate. 49069

(b) The board of pharmacy drug law enforcement fund shall be 49070  
expended only in accordance with the written internal control 49071  
policy so adopted by the board and only in accordance with section 49072  
4729.65 of the Revised Code, except that it also may be expended 49073  
to pay the costs of emergency action taken under section 3745.13 49074  
of the Revised Code relative to the operation of an illegal 49075  
methamphetamine laboratory if the forfeited property or money 49076  
involved was that of a person responsible for the operation of the 49077  
laboratory. 49078

(c) The state highway patrol contraband, forfeiture, and 49079  
other fund, the department of public safety investigative unit 49080  
contraband, forfeiture, and other fund, the department of taxation 49081  
enforcement fund, the board of pharmacy drug law enforcement fund, 49082  
and a law enforcement trust fund shall not be used to meet the 49083  
operating costs of the state highway patrol, of the investigative 49084  
unit of the department of public safety, of the state board of 49085  
pharmacy, of any political subdivision, or of any office of a 49086  
prosecutor or county sheriff that are unrelated to law 49087  
enforcement. 49088

(d) Forfeited moneys that are paid into the state treasury to 49089  
be deposited into the peace officer training commission fund shall 49090  
be used by the commission only to pay the costs of peace officer 49091  
training. 49092

(3) Any of the following offices or agencies that receive 49093  
amounts under this section during any calendar year shall file a 49094  
report with the specified entity, not later than the thirty-first 49095  
day of January of the next calendar year, verifying that the 49096  
moneys were expended only for the purposes authorized by this 49097  
section or other relevant statute and specifying the amounts 49098  
expended for each authorized purpose: 49099

(a) Any sheriff or prosecutor shall file the report with the 49100  
county auditor. 49101

(b) Any municipal corporation police department shall file 49102  
the report with the legislative authority of the municipal 49103  
corporation. 49104

(c) Any township police department, township or joint police 49105  
district police force, or office of the constable shall file the 49106  
report with the board of township trustees of the township. 49107

(d) Any park district police force or law enforcement 49108  
department shall file the report with the board of park 49109  
commissioners of the park district. 49110

(e) The superintendent of the state highway patrol and the 49111  
tax commissioner shall file the report with the attorney general. 49112

(f) The executive director of the state board of pharmacy 49113  
shall file the report with the attorney general, verifying that 49114  
cash and forfeited proceeds paid into the board of pharmacy drug 49115  
law enforcement fund were used only in accordance with section 49116  
4729.65 of the Revised Code. 49117

(g) The peace officer training commission shall file a report 49118  
with the attorney general, verifying that cash and forfeited 49119  
proceeds paid into the peace officer training commission fund 49120  
pursuant to this section during the prior calendar year were used 49121  
by the commission during the prior calendar year only to pay the 49122  
costs of peace officer training. 49123

(D) The written internal control policy of a county sheriff, 49124  
prosecutor, municipal corporation police department, township 49125  
police department, township or joint police district police force, 49126  
office of the constable, or park district police force or law 49127  
enforcement department shall provide that at least ten per cent of 49128  
the first one hundred thousand dollars of amounts deposited during 49129  
each calendar year in the agency's law enforcement trust fund 49130  
under this section, and at least twenty per cent of the amounts 49131  
exceeding one hundred thousand dollars that are so deposited, 49132  
shall be used in connection with community preventive education 49133  
programs. The manner of use shall be determined by the sheriff, 49134  
prosecutor, department, police force, or office of the constable 49135  
after receiving and considering advice on appropriate community 49136  
preventive education programs from the county's board of alcohol, 49137  
drug addiction, and mental health services, from the county's 49138  
alcohol and drug addiction services board, or through appropriate 49139  
community dialogue. 49140

The financial records kept under the internal control policy 49141  
shall specify the amount deposited during each calendar year in 49142  
the portion of that amount that was used pursuant to this 49143  
division, and the programs in connection with which the portion of 49144  
that amount was so used. 49145

As used in this division, "community preventive education 49146  
programs" include, but are not limited to, DARE programs and other 49147  
programs designed to educate adults or children with respect to 49148  
the dangers associated with using drugs of abuse. 49149

(E) Upon the sale, under this section or section 2981.12 of 49150  
the Revised Code, of any property that is required by law to be 49151  
titled or registered, the state shall issue an appropriate 49152  
certificate of title or registration to the purchaser. If the 49153  
state is vested with title and elects to retain property that is 49154  
required to be titled or registered under law, the state shall 49155

issue an appropriate certificate of title or registration. 49156

(F) Any failure of a law enforcement officer or agency, 49157  
prosecutor, court, or the attorney general to comply with this 49158  
section in relation to any property seized does not affect the 49159  
validity of the seizure and shall not be considered to be the 49160  
basis for suppressing any evidence resulting from the seizure, 49161  
provided the seizure itself was lawful. 49162

**Sec. 3109.16.** (A) The children's trust fund board, upon the 49163  
recommendation of the director of job and family services, shall 49164  
approve the employment of an executive director who will 49165  
administer the programs of the board. ~~The~~ 49166

(B) The department of job and family services shall provide 49167  
budgetary, procurement, accounting, and other related management 49168  
functions for the board and may adopt rules in accordance with 49169  
Chapter 119. of the Revised Code for these purposes. An amount not 49170  
to exceed three per cent of the total amount of fees deposited in 49171  
the children's trust fund in each fiscal year may be used for 49172  
costs directly related to these administrative functions of the 49173  
department. Each fiscal year, the board shall approve a budget for 49174  
administrative expenditures for the next fiscal year. 49175

(C) The board may request that the department adopt rules the 49176  
board considers necessary for the purpose of carrying out the 49177  
board's responsibilities under this section, and the department 49178  
may adopt those rules. The department may, after consultation with 49179  
the board and the executive director, adopt any other rules to 49180  
assist the board in carrying out its responsibilities under this 49181  
section. In either case, the rules shall be adopted under Chapter 49182  
119. of the Revised Code. 49183

(D) The board shall meet at least quarterly at the call of 49184  
the chairperson to conduct its official business. All business 49185  
transactions of the board shall be conducted in public meetings. 49186

Eight members of the board constitute a quorum. A majority of the board members is required to adopt the state plan for the allocation of funds from the children's trust fund. A majority of the quorum is required to make all other decisions of the board.

The (E) With respect to funding, all of the following apply:

(1) The board may apply for and accept federal and other funds for the purpose of funding child abuse and child neglect prevention programs. In addition, the

(2) The board may solicit and accept gifts, money, and other donations from any public or private source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments. The

(3) The board may develop private-public partnerships to support the mission of the children's trust fund.

(4) The acceptance and use of federal and other funds shall not entail any commitment or pledge of state funds, nor obligate the general assembly to continue the programs or activities for which the federal and other funds are made available. All

(5) All funds received in the manner described in this section shall be transmitted to the treasurer of state, who shall credit them to the children's trust fund created in section 3109.14 of the Revised Code.

**Sec. 3111.04.** (A) An action to determine the existence or nonexistence of the father and child relationship may be brought by the child or the child's personal representative, the child's mother or her personal representative, a man alleged or alleging himself to be the child's father, the child support enforcement agency of the county in which the child resides if the child's mother, father, or alleged father is a recipient of public assistance or of services under Title IV-D of the "Social Security

Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the  
alleged father's personal representative.

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

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

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

(E) As used in this section, "public assistance" means all of  
the following:

(1) Medicaid under Chapter 5111. of the Revised Code;

(2) Ohio works first under Chapter 5107. of the Revised Code;

(3) Disability financial assistance under Chapter 5115. of  
the Revised Code;

~~(4) Children's buy in program under sections 5101.5211 to  
5101.5216 of the Revised Code.~~

**Sec. 3113.06.** No father, or mother when she is charged with 49246  
the maintenance, of a child under eighteen years of age, or a 49247  
mentally or physically handicapped child under age twenty-one, who 49248  
is legally a ward of a public children services agency or is the 49249  
recipient of aid pursuant to ~~sections 5101.5211 to 5101.5216~~ or 49250  
Chapter 5107. or 5115. of the Revised Code, shall neglect or 49251  
refuse to pay such agency the reasonable cost of maintaining such 49252  
child when such father or mother is able to do so by reason of 49253  
property, labor, or earnings. 49254

An offense under this section shall be held committed in the 49255  
county in which the agency is located. The agency shall file 49256  
charges against any parent who violates this section, unless the 49257  
agency files charges under section 2919.21 of the Revised Code, or 49258  
unless charges of nonsupport are filed by a relative or guardian 49259  
of the child, or unless an action to enforce support is brought 49260  
under Chapter 3115. of the Revised Code. 49261

**Sec. 3119.54.** A party to a child support order issued in 49262  
accordance with section 3119.30 of the Revised Code shall notify 49263  
any physician, hospital, or other provider of medical services 49264  
that provides medical services to the child who is the subject of 49265  
the child support order of the number of any health insurance or 49266  
health care policy, contract, or plan that covers the child if the 49267  
child is eligible for medical assistance under ~~sections 5101.5211~~ 49268  
~~to 5101.5216~~ or Chapter 5111. of the Revised Code. The party shall 49269  
include in the notice the name and address of the insurer. Any 49270  
physician, hospital, or other provider of medical services for 49271  
which medical assistance is available under ~~sections 5101.5211 to~~ 49272  
~~5101.5216~~ or Chapter 5111. of the Revised Code who is notified 49273  
under this section of the existence of a health insurance or 49274  
health care policy, contract, or plan with coverage for children 49275  
who are eligible for medical assistance shall first bill the 49276

insurer for any services provided for those children. If the 49277  
insurer fails to pay all or any part of a claim filed under this 49278  
section and the services for which the claim is filed are covered 49279  
by ~~sections 5101.5211 to 5101.5216~~ or Chapter 5111. of the Revised 49280  
Code, the physician, hospital, or other medical services provider 49281  
shall bill the remaining unpaid costs of the services in 49282  
accordance with ~~sections 5101.5211 to 5101.5216~~ or Chapter 5111. 49283  
of the Revised Code. 49284

**Sec. 3121.48.** The office of child support shall ~~maintain~~ 49285  
administer a ~~separate account~~ fund for the deposit of support 49286  
payments it receives as trustee for remittance to the persons 49287  
entitled to receive the support payments. The fund shall be in the 49288  
custody of the treasurer of state, but shall not be part of the 49289  
state treasury. 49290

**Sec. 3123.44.** (A) Notice shall be sent to an individual 49291  
described in section 3123.42 of the Revised Code in compliance 49292  
with section 3121.23 of the Revised Code. The notice shall specify 49293  
that a court or child support enforcement agency has determined 49294  
the individual to be in default under a child support order or 49295  
that the individual is an obligor who has failed to comply with a 49296  
subpoena or warrant issued by a court or agency with respect to a 49297  
proceeding to enforce a child support order, that a notice 49298  
containing the individual's name and social security number or 49299  
other identification number may be sent to every board that has 49300  
authority to issue or has issued the individual a license, and 49301  
that, if the board receives that notice and determines that the 49302  
individual is the individual named in that notice and the board 49303  
has not received notice under section 3123.45 or 3123.46 of the 49304  
Revised Code, all of the following will occur: 49305

~~(A)~~(1) The board will not issue any license to the individual 49306



or renew any license of the individual. 49307

~~(B)~~(2) The board will suspend any license of the individual 49308  
if it determines that the individual is the individual named in 49309  
the notice sent to the board under section 3123.43 of the Revised 49310  
Code. 49311

~~(C)~~(3) If the individual is the individual named in the 49312  
notice, the board will not issue any license to the individual, 49313  
and will not reinstate a suspended license, until the board 49314  
receives a notice under section 3123.45 or 3123.46 of the Revised 49315  
Code. 49316

(B) If an agency makes the determination described in 49317  
division (A) of section 3123.42 of the Revised Code, it shall not 49318  
send the notice described in division (A) of this section unless 49319  
both of the following are the case: 49320

(1) At least ninety days have elapsed since the final and 49321  
enforceable determination of default; 49322

(2) In the preceding ninety days, the obligor has failed to 49323  
pay at least fifty per cent of the arrearage through means other 49324  
than those described in sections 3123.81 to 3123.85 of the Revised 49325  
Code. 49326

(C) The department of job and family services shall adopt 49327  
rules pursuant to section 3123.63 of the Revised Code establishing 49328  
a uniform pre-suspension notice form that shall be used by 49329  
agencies that send notice as required by this section. 49330

**Sec. 3123.45.** A child support enforcement agency that sent a 49331  
notice to a board of an individual's default under a child support 49332  
order shall send to each board to which the agency sent the notice 49333  
a further notice that the individual is not in default if it 49334  
determines that the individual is not in default or any of the 49335  
following occurs: 49336

(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.

(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 under the child support order that was in default, ~~and the individual is complying with the notice or order.~~

(C) ~~A new child support order has been issued or the child support order that was in default, has been modified to collect current support and any arrearage due under the child support order that was in default, and the individual is complying with the new or modified child support order~~ The individual presents evidence to the agency sufficient to establish that the individual is unable to work due to circumstances beyond the individual's control.

The agency shall send the notice under this section not later than seven days after the agency determines the individual is not in default or that any of the circumstances specified in this section has occurred.

**Sec. 3123.55.** (A) Notice shall be sent to the individual described in section ~~3123.54~~ 3123.53 of the Revised Code in compliance with section 3121.23 of the Revised Code. The notice shall specify that a court or child support enforcement agency has

determined the individual to be in default under a child support order or that the individual is an obligor under a child support order who has failed to comply with a subpoena or warrant issued by a court or agency with respect to a proceeding to enforce a child support order, that a notice containing the individual's name and social security number or other identification number may be sent to the registrar of motor vehicles, and that, if the registrar receives that notice and determines that the individual is the individual named in that notice and the registrar has not received notice under section 3123.56 or 3123.57 of the Revised Code, all of the following will occur:

~~(A)~~(1) The registrar and all deputy registrars will be prohibited from issuing to the individual a driver's or commercial driver's license, motorcycle operator's license or endorsement, or temporary instruction permit or commercial driver's temporary instruction permit.

~~(B)~~(2) The registrar and all deputy registrars will be prohibited from renewing for the individual a driver's or commercial driver's license, motorcycle operator's license or endorsement, or commercial driver's temporary instruction permit.

~~(C)~~(3) If the individual holds a driver's or commercial driver's license, motorcycle operator's license or endorsement, or temporary instruction permit or commercial driver's temporary instruction permit, the registrar will impose a class F suspension under division (B)(6) of section 4510.02 of the Revised Code if the registrar determines that the individual is the individual named in the notice sent pursuant to section 3123.54 of the Revised Code.

~~(D)~~(4) If the individual is the individual named in the notice, the individual will not be issued or have renewed any license, endorsement, or permit, and no suspension will be lifted with respect to any license, endorsement, or permit listed in this

section until the registrar receives a notice under section 49400  
3123.56 or 3123.57 of the Revised Code. 49401

(B) If an agency makes the determination described in 49402  
division (A) of section 3123.53 of the Revised Code, it shall not 49403  
send the notice described in division (A) of this section unless 49404  
both of the following are the case: 49405

(1) At least ninety days have elapsed since the final and 49406  
enforceable determination of default; 49407

(2) In the preceding ninety days, the obligor has failed to 49408  
pay at least fifty per cent of the arrearage through means other 49409  
than those described in sections 3123.81 to 3123.85 of the Revised 49410  
Code. 49411

(C) The department of job and family services shall adopt 49412  
rules pursuant to section 3123.63 of the Revised Code establishing 49413  
a uniform pre-suspension notice form that shall be used by 49414  
agencies that send notice as required by this section. 49415

**Sec. 3123.56.** A child support enforcement agency that sent a 49416  
notice under section 3123.54 of the Revised Code of an 49417  
individual's default under a child support order shall send to the 49418  
registrar of motor vehicles a notice that the individual is not in 49419  
default if it determines that the individual is not in default or 49420  
any of the following occurs: 49421

(A) The individual makes full payment to the office of child 49422  
support or, pursuant to sections 3125.27 to 3125.30 of the Revised 49423  
Code, to the child support enforcement agency of the arrearage 49424  
that was the basis for the court or agency determination that the 49425  
individual was in default. 49426

(B) ~~An~~ The individual has presented to the agency sufficient 49427  
evidence of current employment or of an account in a financial 49428  
institution, the agency has confirmed the individual's employment 49429

~~or the existence of the account, and an appropriate withholding or  
deduction notice or other appropriate order described in section  
3121.03, 3121.04, 3121.05, 3121.06, or 3121.12 of the Revised Code  
has been issued to collect current support and any arrearage due  
under the child support order that was in default, and the  
individual is complying with the notice or order.~~

~~(C) A new child support order has been issued or the child  
support order that was in default has been modified to collect  
current support and any arrearage due under the child support  
order that was in default, and the individual is complying with  
the new or modified child support order~~ The individual presents  
evidence to the agency sufficient to establish that the individual  
is unable to work due to circumstances beyond the individual's  
control.

The agency shall send the notice under this section not later  
than seven days after it determines the individual is not in  
default or that any of the circumstances specified in this section  
has occurred.

**Sec. 3123.58.** (A) On receipt of a notice pursuant to section  
3123.54 of the Revised Code, the registrar of motor vehicles shall  
determine whether the individual named in the notice holds or has  
applied for a driver's license or commercial driver's license,  
motorcycle operator's license or endorsement, or temporary  
instruction permit or commercial driver's temporary instruction  
permit. If the registrar determines that the individual holds or  
has applied for a license, permit, or endorsement and the  
individual is the individual named in the notice and does not  
receive a notice pursuant to section 3123.56 or 3123.57 of the  
Revised Code, the registrar immediately shall provide notice of  
the determination to each deputy registrar. The registrar or a  
deputy registrar may not issue to the individual a driver's or

commercial driver's license, motorcycle operator's license or 49461  
endorsement, or temporary instruction permit or commercial 49462  
driver's temporary instruction permit and may not renew for the 49463  
individual a driver's or commercial driver's license, motorcycle 49464  
operator's license or endorsement, or commercial driver's 49465  
temporary instruction permit. The registrar or a deputy registrar 49466  
also shall impose a class F suspension of the license, permit, or 49467  
endorsement held by the individual under division (B)(6) of 49468  
section 4510.02 of the Revised Code. 49469

~~(B) Prior to the date specified in section 3123.52 of the 49470  
Revised Code, the registrar of motor vehicles or a deputy 49471  
registrar shall do only the following with respect to an 49472  
individual if the registrar makes the determination required under 49473  
division (A) of this section and no notice is received concerning 49474  
the individual under section 3123.56 or 3123.57 of the Revised 49475  
Code: 49476~~

~~(1) Refuse to issue or renew the individual's commercial 49477  
driver's license or commercial driver's temporary instruction 49478  
permit; 49479~~

~~(2) Impose a class F suspension under division (B)(6) of 49480  
section 4510.02 of the Revised Code on the individual with respect 49481  
to the license or permit held by the individual. 49482~~

**Sec. 3123.59.** Not later than seven days after receipt of a 49483  
notice pursuant to section 3123.56 or 3123.57 of the Revised Code, 49484  
the registrar of motor vehicles shall notify each deputy registrar 49485  
of the notice. The registrar and each deputy registrar shall then, 49486  
if the individual otherwise is eligible for the license, permit, 49487  
or endorsement and wants the license, permit, or endorsement, 49488  
issue a license, permit, or endorsement to, or renew a license, 49489  
permit, or endorsement of, the individual, or, if the registrar 49490  
imposed a class F suspension of the individual's license, permit, 49491

or endorsement pursuant to division (A) of section 3123.58 of the Revised Code, remove the suspension. ~~On and after the date specified in section 3123.52 of the Revised Code, the registrar or a deputy registrar shall remove, after receipt of a notice under section 3123.56 or 3123.57 of the Revised Code, a class F suspension imposed on an individual with respect to a license or permit pursuant to division (B) of section 3123.58 of the Revised Code.~~ The registrar or a deputy registrar may charge a fee of not more than twenty-five dollars for issuing or renewing or removing the suspension of a license, permit, or endorsement pursuant to this section. The fees collected by the registrar pursuant to this section shall be paid into the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code.

Sec. 3123.591. A child support enforcement agency may, pursuant to rules adopted under section 3123.63 of the Revised Code, direct the registrar of motor vehicles to eliminate from the abstract maintained by the bureau of motor vehicles any reference to the suspension of an individual's license, permit, or endorsement imposed under section 3123.58 of the Revised Code.

Sec. 3123.63. The director of job and family services may ~~shall~~ adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 3123.41 to 3123.50, ~~3123.52~~ 3123.53 to ~~3123.614~~ 3123.60, and 3123.62 of the Revised Code. The rules shall include both of the following:

(A) Requirements concerning the contents of, and the conditions for issuance of, a notice required by section 3123.44 or 3123.55 of the Revised Code. The rules shall require the contents of the notice to include information about the effect of a license suspension and appropriate steps that an individual can take to avoid license suspension.

(B) Requirements concerning the authority of a child support enforcement agency to direct the registrar of motor vehicles to eliminate from the abstract maintained by the bureau of motor vehicles any reference to the suspension of an individual's license, permit, or endorsement imposed under section 3123.58 of the Revised Code.

**Sec. 3301.07.** The state board of education shall exercise under the acts of the general assembly general supervision of the system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the powers described in this section.

(A) The state board shall exercise policy forming, planning, and evaluative functions for the public schools of the state except as otherwise provided by law.

(B)(1) The state board shall exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts, educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the board to school districts and educational service centers of this state.

(2) The state board also shall develop a standard of financial reporting which shall be used by each school district board of education and educational service center governing board to make its financial information and annual budgets for each school building under its control available to the public in a format understandable by the average citizen. The format shall show, among other things, at the district and educational service



center level or at the school building level, as determined 49553  
appropriate by the department of education, revenue by source; 49554  
expenditures for salaries, wages, and benefits of employees, 49555  
showing such amounts separately for classroom teachers, other 49556  
employees required to hold licenses issued pursuant to sections 49557  
3319.22 to 3319.31 of the Revised Code, and all other employees; 49558  
expenditures other than for personnel, by category, including 49559  
utilities, textbooks and other educational materials, equipment, 49560  
permanent improvements, pupil transportation, extracurricular 49561  
athletics, and other extracurricular activities; and per pupil 49562  
expenditures. 49563

(C) The state board shall administer and supervise the 49564  
allocation and distribution of all state and federal funds for 49565  
public school education under the provisions of law, and may 49566  
prescribe such systems of accounting as are necessary and proper 49567  
to this function. It may require county auditors and treasurers, 49568  
boards of education, educational service center governing boards, 49569  
treasurers of such boards, teachers, and other school officers and 49570  
employees, or other public officers or employees, to file with it 49571  
such reports as it may prescribe relating to such funds, or to the 49572  
management and condition of such funds. 49573

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 49574  
XLVII, and LI of the Revised Code a reference is made to standards 49575  
prescribed under this section or division (D) of this section, 49576  
that reference shall be construed to refer to the standards 49577  
prescribed under division (D)(2) of this section, unless the 49578  
context specifically indicates a different meaning or intent. 49579

(2) The state board shall formulate and prescribe minimum 49580  
standards to be applied to all elementary and secondary schools in 49581  
this state for the purpose of requiring a general education of 49582  
high quality. Such standards shall provide adequately for: the 49583  
licensing of teachers, administrators, and other professional 49584

personnel and their assignment according to training and 49585  
qualifications; efficient and effective instructional materials 49586  
and equipment, including library facilities; the proper 49587  
organization, administration, and supervision of each school, 49588  
including regulations for preparing all necessary records and 49589  
reports and the preparation of a statement of policies and 49590  
objectives for each school; buildings, grounds, health and 49591  
sanitary facilities and services; admission of pupils, and such 49592  
requirements for their promotion from grade to grade as will 49593  
assure that they are capable and prepared for the level of study 49594  
to which they are certified; requirements for graduation; and such 49595  
other factors as the board finds necessary. 49596

In the formulation and administration of such standards for 49597  
nonpublic schools the board shall also consider the particular 49598  
needs, methods and objectives of those schools, provided they do 49599  
not conflict with the provision of a general education of a high 49600  
quality and provided that regular procedures shall be followed for 49601  
promotion from grade to grade of pupils who have met the 49602  
educational requirements prescribed. 49603

In the formulation and administration of such standards as 49604  
they relate to instructional materials and equipment in public 49605  
schools, including library materials, the board shall require that 49606  
the material and equipment be aligned with and promote skills 49607  
expected under the statewide academic standards adopted under 49608  
section 3301.079 of the Revised Code. 49609

(3) In addition to the minimum standards required by division 49610  
(D)(2) of this section, the state board ~~shall~~ may formulate and 49611  
prescribe the following additional minimum operating standards for 49612  
school districts: 49613

(a) Standards for the effective and efficient organization, 49614  
administration, and supervision of each school district so that it 49615  
becomes a thinking and learning organization according to 49616

principles of systems design and collaborative professional 49617  
learning communities research as defined by the superintendent of 49618  
public instruction, including a focus on the personalized and 49619  
individualized needs of each student; a shared responsibility 49620  
among school boards, administrators, faculty, and staff to develop 49621  
a common vision, mission, and set of guiding principles; a shared 49622  
responsibility among school boards, administrators, faculty, and 49623  
staff to engage in a process of collective inquiry, action 49624  
orientation, and experimentation to ensure the academic success of 49625  
all students; commitment to teaching and learning strategies that 49626  
utilize technological tools and emphasize inter-disciplinary, 49627  
real-world, project-based, and technology-oriented learning 49628  
experiences to meet the individual needs of every student; 49629  
commitment to high expectations for every student and commitment 49630  
to closing the achievement gap so that all students achieve core 49631  
knowledge and skills in accordance with the statewide academic 49632  
standards adopted under section 3301.079 of the Revised Code; 49633  
commitment to the use of assessments to diagnose the needs of each 49634  
student; effective connections and relationships with families and 49635  
others that support student success; and commitment to the use of 49636  
positive behavior intervention supports throughout a district to 49637  
ensure a safe and secure learning environment for all students; 49638

(b) Standards for the establishment of business advisory 49639  
councils under section 3313.82 of the Revised Code; 49640

(c) Standards for school district ~~organizational units, as~~ 49641  
~~defined in sections 3306.02 and 3306.04 of the Revised Code,~~ 49642  
buildings that may require: 49643

(i) The effective and efficient organization, administration, 49644  
and supervision of each school district ~~organizational unit~~ 49645  
building so that it becomes a thinking and learning organization 49646  
according to principles of systems design and collaborative 49647  
professional learning communities research as defined by the state 49648

superintendent, including a focus on the personalized and 49649  
individualized needs of each student; a shared responsibility 49650  
among ~~organizational unit~~ building administrators, faculty, and 49651  
staff to develop a common vision, mission, and set of guiding 49652  
principles; a shared responsibility among ~~organizational unit~~ 49653  
building administrators, faculty, and staff to engage in a process 49654  
of collective inquiry, action orientation, and experimentation to 49655  
ensure the academic success of all students; commitment to job 49656  
embedded professional development and professional mentoring and 49657  
coaching; established periods of time for teachers to pursue 49658  
planning time for the development of lesson plans, professional 49659  
development, and shared learning; commitment to effective 49660  
management strategies that allow administrators reasonable access 49661  
to classrooms for observation and professional development 49662  
experiences; commitment to teaching and learning strategies that 49663  
utilize technological tools and emphasize inter-disciplinary, 49664  
real-world, project-based, and technology-oriented learning 49665  
experiences to meet the individual needs of every student; 49666  
commitment to high expectations for every student and commitment 49667  
to closing the achievement gap so that all students achieve core 49668  
knowledge and skills in accordance with the statewide academic 49669  
standards adopted under section 3301.079 of the Revised Code; 49670  
commitment to the use of assessments to diagnose the needs of each 49671  
student; effective connections and relationships with families and 49672  
others that support student success; commitment to the use of 49673  
positive behavior intervention supports throughout the 49674  
~~organizational unit~~ building to ensure a safe and secure learning 49675  
environment for all students; 49676

(ii) A school ~~organizational unit~~ building leadership team to 49677  
coordinate positive behavior intervention supports, learning 49678  
environments, thinking and learning systems, collaborative 49679  
planning, planning time, student academic interventions, student 49680  
extended learning opportunities, and other activities identified 49681

by the team and approved by the district board of education. The 49682  
team shall include the building principal, representatives from 49683  
each collective bargaining unit, ~~the building lead~~ a classroom 49684  
teacher, parents, business representatives, and others that 49685  
support student success. 49686

(E) The state board may require as part of the health 49687  
curriculum information developed under section 2108.34 of the 49688  
Revised Code promoting the donation of anatomical gifts pursuant 49689  
to Chapter 2108. of the Revised Code and may provide the 49690  
information to high schools, educational service centers, and 49691  
joint vocational school district boards of education; 49692

(F) The state board shall prepare and submit annually to the 49693  
governor and the general assembly a report on the status, needs, 49694  
and major problems of the public schools of the state, with 49695  
recommendations for necessary legislative action and a ten-year 49696  
projection of the state's public and nonpublic school enrollment, 49697  
by year and by grade level. 49698

(G) The state board shall prepare and submit to the director 49699  
of budget and management the biennial budgetary requests of the 49700  
state board of education, for its agencies and for the public 49701  
schools of the state. 49702

(H) The state board shall cooperate with federal, state, and 49703  
local agencies concerned with the health and welfare of children 49704  
and youth of the state. 49705

(I) The state board shall require such reports from school 49706  
districts and educational service centers, school officers, and 49707  
employees as are necessary and desirable. The superintendents and 49708  
treasurers of school districts and educational service centers 49709  
shall certify as to the accuracy of all reports required by law or 49710  
state board or state department of education rules to be submitted 49711  
by the district or educational service center and which contain 49712

information necessary for calculation of state funding. Any 49713  
superintendent who knowingly falsifies such report shall be 49714  
subject to license revocation pursuant to section 3319.31 of the 49715  
Revised Code. 49716

(J) In accordance with Chapter 119. of the Revised Code, the 49717  
state board shall adopt procedures, standards, and guidelines for 49718  
the education of children with disabilities pursuant to Chapter 49719  
3323. of the Revised Code, including procedures, standards, and 49720  
guidelines governing programs and services operated by county 49721  
boards of developmental disabilities pursuant to section 3323.09 49722  
of the Revised Code. 49723

(K) For the purpose of encouraging the development of special 49724  
programs of education for academically gifted children, the state 49725  
board shall employ competent persons to analyze and publish data, 49726  
promote research, advise and counsel with boards of education, and 49727  
encourage the training of teachers in the special instruction of 49728  
gifted children. The board may provide financial assistance out of 49729  
any funds appropriated for this purpose to boards of education and 49730  
educational service center governing boards for developing and 49731  
conducting programs of education for academically gifted children. 49732

(L) The state board shall require that all public schools 49733  
emphasize and encourage, within existing units of study, the 49734  
teaching of energy and resource conservation as recommended to 49735  
each district board of education by leading business persons 49736  
involved in energy production and conservation, beginning in the 49737  
primary grades. 49738

(M) The state board shall formulate and prescribe minimum 49739  
standards requiring the use of phonics as a technique in the 49740  
teaching of reading in grades kindergarten through three. In 49741  
addition, the state board shall provide in-service training 49742  
programs for teachers on the use of phonics as a technique in the 49743  
teaching of reading in grades kindergarten through three. 49744

(N) The state board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

**Sec. 3301.071.** (A)(1) In the case of nontax-supported schools, standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable

standing. 49777

(2) In the case of nonchartered, nontax-supported schools, 49778  
the standards for teacher certification prescribed under section 49779  
3301.07 of the Revised Code shall provide for certification, 49780  
without further educational requirements, of any administrator, 49781  
supervisor, or teacher who has attended and received a diploma 49782  
from a "bible college" or "bible institute" described in division 49783  
(E) of section 1713.02 of the Revised Code. 49784

(3) A certificate issued under division (A)(3) of this 49785  
section shall be valid only for teaching foreign language, music, 49786  
religion, computer technology, or fine arts. 49787

Notwithstanding division (A)(1) of this section, the 49788  
standards for teacher certification prescribed under section 49789  
3301.07 of the Revised Code shall provide for certification of a 49790  
person as a teacher upon receipt by the state board of an 49791  
affidavit signed by the chief administrative officer of a 49792  
chartered nonpublic school seeking to employ the person, stating 49793  
that the person meets one of the following conditions: 49794

(a) The person has specialized knowledge, skills, or 49795  
expertise that qualifies the person to provide instruction. 49796

(b) The person has provided to the chief administrative 49797  
officer evidence of at least three years of teaching experience in 49798  
a public or nonpublic school. 49799

(c) The person has provided to the chief administrative 49800  
officer evidence of completion of a teacher training program named 49801  
in the affidavit. 49802

(B) Each person applying for a certificate under this section 49803  
for purposes of serving in a nonpublic school chartered by the 49804  
state board under section 3301.16 of the Revised Code shall pay a 49805  
fee in the amount established under division (A) of section 49806



3319.51 of the Revised Code. Any fees received under this division 49807  
shall be paid into the state treasury to the credit of the state 49808  
board of education certification fund established under division 49809  
(B) of section 3319.51 of the Revised Code. 49810

(C) A person applying for or holding any certificate pursuant 49811  
to this section for purposes of serving in a nonpublic school 49812  
chartered by the state board is subject to sections 3123.41 to 49813  
3123.50 of the Revised Code and any applicable rules adopted under 49814  
section 3123.63 of the Revised Code and sections 3319.31 and 49815  
3319.311 of the Revised Code. 49816

(D) Divisions (B) and (C) of this section and sections 49817  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 49818  
to any administrators, supervisors, or teachers in nonchartered, 49819  
nontax-supported schools. 49820

**Sec. 3301.079.** (A)(1) Not later than June 30, 2010, and ~~at~~ 49821  
~~least once every five years~~ periodically thereafter, the state 49822  
board of education shall adopt statewide academic standards with 49823  
emphasis on coherence, focus, and rigor for each of grades 49824  
kindergarten through twelve in English language arts, mathematics, 49825  
science, and social studies. 49826

The standards shall specify the following: 49827

(a) The core academic content and skills that students are 49828  
expected to know and be able to do at each grade level that will 49829  
allow each student to be prepared for postsecondary instruction 49830  
and the workplace for success in the twenty-first century; 49831

~~(b) The development of skill sets as they relate to 49832  
creativity and innovation, critical thinking and problem solving,  
and communication and collaboration;~~ 49833  
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~~(c) The development of skill sets that promote information, 49835  
media, and technological literacy;~~ 49836

~~(d) The development of skill sets that promote personal management, productivity and accountability, and leadership and responsibility;~~ 49837  
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~~(e)~~(c) Interdisciplinary, project-based, real-world learning opportunities. 49840  
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(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in ~~computer literacy~~ technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in divisions (A)(1)(a) to ~~(e)~~(c) of this section. 49842  
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(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 49849  
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The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 49854  
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(4) When academic standards have been completed for any subject area required by this section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments 49862  
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prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 49868  
of the content of those standards. 49869

(B) Not later than March 31, 2011, the state board shall 49870  
adopt a model curriculum for instruction in each subject area for 49871  
which updated academic standards are required by division (A)(1) 49872  
of this section and for each of grades kindergarten through twelve 49873  
that is sufficient to meet the needs of students in every 49874  
community. The model curriculum shall be aligned with the 49875  
standards, to ensure that the academic content and skills 49876  
specified for each grade level are taught to students, and shall 49877  
demonstrate vertical articulation and emphasize coherence, focus, 49878  
and rigor. When any model curriculum has been completed, the state 49879  
board shall inform all school districts, community schools, and 49880  
STEM schools of the content of that model curriculum. 49881

All school districts, community schools, and STEM schools may 49882  
utilize the state standards and the model curriculum established 49883  
by the state board, together with other relevant resources, 49884  
examples, or models to ensure that students have the opportunity 49885  
to attain the academic standards. Upon request, the department of 49886  
education shall provide technical assistance to any district, 49887  
community school, or STEM school in implementing the model 49888  
curriculum. 49889

Nothing in this section requires any school district to 49890  
utilize all or any part of a model curriculum developed under this 49891  
division. 49892

(C) The state board shall develop achievement assessments 49893  
aligned with the academic standards and model curriculum for each 49894  
of the subject areas and grade levels required by divisions (A)(1) 49895  
and (B)(1) of section 3301.0710 of the Revised Code. 49896

When any achievement assessment has been completed, the state 49897  
board shall inform all school districts, community schools, STEM 49898

schools, and nonpublic schools required to administer the 49899  
assessment of its completion, and the department of education 49900  
shall make the achievement assessment available to the districts 49901  
and schools. 49902

(D)(1) The state board shall adopt a diagnostic assessment 49903  
aligned with the academic standards and model curriculum for each 49904  
of grades kindergarten through two in English language arts and 49905  
mathematics and for grade three in English language arts. The 49906  
diagnostic assessment shall be designed to measure student 49907  
comprehension of academic content and mastery of related skills 49908  
for the relevant subject area and grade level. Any diagnostic 49909  
assessment shall not include components to identify gifted 49910  
students. Blank copies of diagnostic assessments shall be public 49911  
records. 49912

(2) When each diagnostic assessment has been completed, the 49913  
state board shall inform all school districts of its completion 49914  
and the department of education shall make the diagnostic 49915  
assessment available to the districts at no cost to the district. 49916  
School districts shall administer the diagnostic assessment 49917  
pursuant to section 3301.0715 of the Revised Code beginning the 49918  
first school year following the development of the assessment. 49919

(E) The state board shall not adopt a diagnostic or 49920  
achievement assessment for any grade level or subject area other 49921  
than those specified in this section. 49922

(F) Whenever the state board or the department of education 49923  
consults with persons for the purpose of drafting or reviewing any 49924  
standards, diagnostic assessments, achievement assessments, or 49925  
model curriculum required under this section, the state board or 49926  
the department shall first consult with parents of students in 49927  
kindergarten through twelfth grade and with active Ohio classroom 49928  
teachers, other school personnel, and administrators with 49929  
expertise in the appropriate subject area. Whenever practicable, 49930

the state board and department shall consult with teachers 49931  
recognized as outstanding in their fields. 49932

If the department contracts with more than one outside entity 49933  
for the development of the achievement assessments required by 49934  
this section, the department shall ensure the interchangeability 49935  
of those assessments. 49936

(G) The fairness sensitivity review committee, established by 49937  
rule of the state board of education, shall not allow any question 49938  
on any achievement or diagnostic assessment developed under this 49939  
section or any proficiency test prescribed by former section 49940  
3301.0710 of the Revised Code, as it existed prior to September 49941  
11, 2001, to include, be written to promote, or inquire as to 49942  
individual moral or social values or beliefs. The decision of the 49943  
committee shall be final. This section does not create a private 49944  
cause of action. 49945

(H) Not later than forty-five days prior to the initial 49946  
deadline established under division (A)(1) of this section and the 49947  
deadline established under division (B) of this section, the 49948  
superintendent of public instruction shall present the academic 49949  
standards or model curricula, as applicable, to the respective 49950  
committees of the house of representatives and senate that 49951  
consider education legislation. 49952

(I) As used in this section: 49953

(1) "Coherence" means a reflection of the structure of the 49954  
discipline being taught. 49955

(2) "Focus" means limiting the number of items included in a 49956  
curriculum to allow for deeper exploration of the subject matter. 49957

(3) "Rigor" means more challenging and demanding when 49958  
compared to international standards. 49959

(4) "Vertical articulation" means key academic concepts and 49960

skills associated with mastery in particular content areas should 49961  
be articulated and reinforced in a developmentally appropriate 49962  
manner at each grade level so that over time students acquire a 49963  
depth of knowledge and understanding in the core academic 49964  
disciplines. 49965

**Sec. 3301.0710.** The state board of education shall adopt 49966  
rules establishing a statewide program to assess student 49967  
achievement. The state board shall ensure that all assessments 49968  
administered under the program are aligned with the academic 49969  
standards and model curricula adopted by the state board and are 49970  
created with input from Ohio parents, Ohio classroom teachers, 49971  
Ohio school administrators, and other Ohio school personnel 49972  
pursuant to section 3301.079 of the Revised Code. 49973

The assessment program shall be designed to ensure that 49974  
students who receive a high school diploma demonstrate at least 49975  
high school levels of achievement in English language arts, 49976  
mathematics, science, and social studies, ~~and other skills~~ 49977  
~~necessary in the twenty-first century.~~ 49978

(A)(1) The state board shall prescribe all of the following: 49979

(a) Two statewide achievement assessments, one each designed 49980  
to measure the level of English language arts and mathematics 49981  
skill expected at the end of third grade; 49982

(b) Two statewide achievement assessments, one each designed 49983  
to measure the level of English language arts and mathematics 49984  
skill expected at the end of fourth grade; 49985

(c) Four statewide achievement assessments, one each designed 49986  
to measure the level of English language arts, mathematics, 49987  
science, and social studies skill expected at the end of fifth 49988  
grade; 49989

(d) Two statewide achievement assessments, one each designed 49990

to measure the level of English language arts and mathematics skill expected at the end of sixth grade;	49991 49992
(e) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of seventh grade;	49993 49994 49995
(f) Four statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, science, and social studies skill expected at the end of eighth grade.	49996 49997 49998 49999
(2) The state board shall determine and designate at least three ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	50000 50001 50002 50003 50004 50005
(a) An advanced level of skill;	50006
(b) A proficient level of skill;	50007
(c) A limited level of skill.	50008
(B)(1) The assessments prescribed under division (B)(1) of this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school achievement assessments, one each designed to measure the level of reading, writing, mathematics, science, and social studies skill expected at the end of tenth grade. The state board shall designate a score in at least the range designated under division (A)(2)(b) of this section on each such assessment that shall be deemed to be a passing score on the assessment as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code until the assessment system prescribed by section 3301.0712 of the Revised Code is implemented in accordance with rules adopted by the state	50009 50010 50011 50012 50013 50014 50015 50016 50017 50018 50019 50020 50021

board under division ~~(E)~~(D) of that section. 50022

(2) The state board shall prescribe an assessment system in 50023  
accordance with section 3301.0712 of the Revised Code that shall 50024  
replace the Ohio graduation tests in the manner prescribed by 50025  
rules adopted by the state board under division ~~(E)~~(D) of that 50026  
section. 50027

(3) The state board may enter into a reciprocal agreement 50028  
with the appropriate body or agency of any other state that has 50029  
similar statewide achievement assessment requirements for 50030  
receiving high school diplomas, under which any student who has 50031  
met an achievement assessment requirement of one state is 50032  
recognized as having met the similar requirement of the other 50033  
state for purposes of receiving a high school diploma. For 50034  
purposes of this section and sections 3301.0711 and 3313.61 of the 50035  
Revised Code, any student enrolled in any public high school in 50036  
this state who has met an achievement assessment requirement 50037  
specified in a reciprocal agreement entered into under this 50038  
division shall be deemed to have attained at least the applicable 50039  
score designated under this division on each assessment required 50040  
by division (B)(1) or (2) of this section that is specified in the 50041  
agreement. 50042

(C) The superintendent of public instruction shall designate 50043  
dates and times for the administration of the assessments 50044  
prescribed by divisions (A) and (B) of this section. 50045

In prescribing administration dates pursuant to this 50046  
division, the superintendent shall designate the dates in such a 50047  
way as to allow a reasonable length of time between the 50048  
administration of assessments prescribed under this section and 50049  
any administration of the national assessment of educational 50050  
progress given to students in the same grade level pursuant to 50051  
section 3301.27 of the Revised Code or federal law. 50052



(D) The state board shall prescribe a practice version of 50053  
each Ohio graduation test described in division (B)(1) of this 50054  
section that is of comparable length to the actual test. 50055

(E) Any committee established by the department of education 50056  
for the purpose of making recommendations to the state board 50057  
regarding the state board's designation of scores on the 50058  
assessments described by this section shall inform the state board 50059  
of the probable percentage of students who would score in each of 50060  
the ranges established under division (A)(2) of this section on 50061  
the assessments if the committee's recommendations are adopted by 50062  
the state board. To the extent possible, these percentages shall 50063  
be disaggregated by gender, major racial and ethnic groups, 50064  
limited English proficient students, economically disadvantaged 50065  
students, students with disabilities, and migrant students. 50066

If the state board intends to make any change to the 50067  
committee's recommendations, the state board shall explain the 50068  
intended change to the Ohio accountability task force established 50069  
by section 3302.021 of the Revised Code. The task force shall 50070  
recommend whether the state board should proceed to adopt the 50071  
intended change. Nothing in this division shall require the state 50072  
board to designate assessment scores based upon the 50073  
recommendations of the task force. 50074

**Sec. 3301.0711.** (A) The department of education shall: 50075

(1) Annually furnish to, grade, and score all assessments 50076  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 50077  
the Revised Code to be administered by city, local, exempted 50078  
village, and joint vocational school districts, except that each 50079  
district shall score any assessment administered pursuant to 50080  
division (B)(10) of this section. Each assessment so furnished 50081  
shall include the data verification code of the student to whom 50082  
the assessment will be administered, as assigned pursuant to 50083

division (D)(2) of section 3301.0714 of the Revised Code. In 50084  
furnishing the practice versions of Ohio graduation tests 50085  
prescribed by division (D) of section 3301.0710 of the Revised 50086  
Code, the department shall make the tests available on its web 50087  
site for reproduction by districts. In awarding contracts for 50088  
grading assessments, the department shall give preference to 50089  
Ohio-based entities employing Ohio residents. 50090

(2) Adopt rules for the ethical use of assessments and 50091  
prescribing the manner in which the assessments prescribed by 50092  
section 3301.0710 of the Revised Code shall be administered to 50093  
students. 50094

(B) Except as provided in divisions (C) and (J) of this 50095  
section, the board of education of each city, local, and exempted 50096  
village school district shall, in accordance with rules adopted 50097  
under division (A) of this section: 50098

(1) Administer the English language arts assessments 50099  
prescribed under division (A)(1)(a) of section 3301.0710 of the 50100  
Revised Code twice annually to all students in the third grade who 50101  
have not attained the score designated for that assessment under 50102  
division (A)(2)(b) of section 3301.0710 of the Revised Code. 50103

(2) Administer the mathematics assessment prescribed under 50104  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 50105  
least once annually to all students in the third grade. 50106

(3) Administer the assessments prescribed under division 50107  
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 50108  
annually to all students in the fourth grade. 50109

(4) Administer the assessments prescribed under division 50110  
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 50111  
annually to all students in the fifth grade. 50112

(5) Administer the assessments prescribed under division 50113  
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 50114

annually to all students in the sixth grade. 50115

(6) Administer the assessments prescribed under division 50116  
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 50117  
annually to all students in the seventh grade. 50118

(7) Administer the assessments prescribed under division 50119  
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 50120  
annually to all students in the eighth grade. 50121

(8) Except as provided in division (B)(9) of this section, 50122  
administer any assessment prescribed under division (B)(1) of 50123  
section 3301.0710 of the Revised Code as follows: 50124

(a) At least once annually to all tenth grade students and at 50125  
least twice annually to all students in eleventh or twelfth grade 50126  
who have not yet attained the score on that assessment designated 50127  
under that division; 50128

(b) To any person who has successfully completed the 50129  
curriculum in any high school or the individualized education 50130  
program developed for the person by any high school pursuant to 50131  
section 3323.08 of the Revised Code but has not received a high 50132  
school diploma and who requests to take such assessment, at any 50133  
time such assessment is administered in the district. 50134

(9) In lieu of the board of education of any city, local, or 50135  
exempted village school district in which the student is also 50136  
enrolled, the board of a joint vocational school district shall 50137  
administer any assessment prescribed under division (B)(1) of 50138  
section 3301.0710 of the Revised Code at least twice annually to 50139  
any student enrolled in the joint vocational school district who 50140  
has not yet attained the score on that assessment designated under 50141  
that division. A board of a joint vocational school district may 50142  
also administer such an assessment to any student described in 50143  
division (B)(8)(b) of this section. 50144

(10) If the district has been declared to be under an 50145

academic watch or in a state of academic emergency pursuant to 50146  
section 3302.03 of the Revised Code or has a three-year average 50147  
graduation rate of not more than seventy-five per cent, administer 50148  
each assessment prescribed by division (D) of section 3301.0710 of 50149  
the Revised Code in September to all ninth grade students, 50150  
beginning in the school year that starts July 1, 2005. 50151

Except as provided in section 3313.614 of the Revised Code 50152  
for administration of an assessment to a person who has fulfilled 50153  
the curriculum requirement for a high school diploma but has not 50154  
passed one or more of the required assessments, the assessments 50155  
prescribed under division (B)(1) of section 3301.0710 of the 50156  
Revised Code and the practice assessments prescribed under 50157  
division (D) of that section and required to be administered under 50158  
divisions (B)(8), (9), and (10) of this section shall not be 50159  
administered after the assessment system prescribed by division 50160  
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 50161  
Code is implemented under rule of the state board adopted under 50162  
division ~~(E)~~(D)(1) of section 3301.0712 of the Revised Code. 50163

(11) Administer the assessments prescribed by division (B)(2) 50164  
of section 3301.0710 and section 3301.0712 of the Revised Code in 50165  
accordance with the timeline and plan for implementation of those 50166  
assessments prescribed by rule of the state board adopted under 50167  
division ~~(E)~~(D)(1) of section 3301.0712 of the Revised Code. 50168

(C)(1)(a) ~~Any~~ In the case of a student receiving special 50169  
education services under Chapter 3323. of the Revised Code, the 50170  
individualized education program developed for the student under 50171  
that chapter shall specify the manner in which the student will 50172  
participate in the assessments administered under this section. 50173  
The individualized education program may be excused excuse the 50174  
student from taking any particular assessment required to be 50175  
administered under this section if ~~the individualized education~~ 50176  
~~program developed for the student pursuant to section 3323.08 of~~ 50177

~~the Revised Code excuses the student from taking that assessment~~ 50178  
~~and it~~ instead specifies an alternate assessment method approved 50179  
by the department of education as conforming to requirements of 50180  
federal law for receipt of federal funds for disadvantaged pupils. 50181  
To the extent possible, the individualized education program shall 50182  
not excuse the student from taking an assessment unless no 50183  
reasonable accommodation can be made to enable the student to take 50184  
the assessment. 50185

(b) Any alternate assessment approved by the department for a 50186  
student under this division shall produce measurable results 50187  
comparable to those produced by the assessment it replaces in 50188  
order to allow for the student's results to be included in the 50189  
data compiled for a school district or building under section 50190  
3302.03 of the Revised Code. 50191

(c) Any student enrolled in a chartered nonpublic school who 50192  
has been identified, based on an evaluation conducted in 50193  
accordance with section 3323.03 of the Revised Code or section 504 50194  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 50195  
794, as amended, as a child with a disability shall be excused 50196  
from taking any particular assessment required to be administered 50197  
under this section if a plan developed for the student pursuant to 50198  
rules adopted by the state board excuses the student from taking 50199  
that assessment. In the case of any student so excused from taking 50200  
an assessment, the chartered nonpublic school shall not prohibit 50201  
the student from taking the assessment. 50202

(2) A district board may, for medical reasons or other good 50203  
cause, excuse a student from taking an assessment administered 50204  
under this section on the date scheduled, but that assessment 50205  
shall be administered to the excused student not later than nine 50206  
days following the scheduled date. The district board shall 50207  
annually report the number of students who have not taken one or 50208  
more of the assessments required by this section to the state 50209

board of education not later than the thirtieth day of June. 50210

(3) As used in this division, "limited English proficient 50211  
student" has the same meaning as in 20 U.S.C. 7801. 50212

No school district board shall excuse any limited English 50213  
proficient student from taking any particular assessment required 50214  
to be administered under this section, except that any limited 50215  
English proficient student who has been enrolled in United States 50216  
schools for less than one full school year shall not be required 50217  
to take any reading, writing, or English language arts assessment. 50218  
However, no board shall prohibit a limited English proficient 50219  
student who is not required to take an assessment under this 50220  
division from taking the assessment. A board may permit any 50221  
limited English proficient student to take an assessment required 50222  
to be administered under this section with appropriate 50223  
accommodations, as determined by the department. For each limited 50224  
English proficient student, each school district shall annually 50225  
assess that student's progress in learning English, in accordance 50226  
with procedures approved by the department. 50227

The governing authority of a chartered nonpublic school may 50228  
excuse a limited English proficient student from taking any 50229  
assessment administered under this section. However, no governing 50230  
authority shall prohibit a limited English proficient student from 50231  
taking the assessment. 50232

(D)(1) In the school year next succeeding the school year in 50233  
which the assessments prescribed by division (A)(1) or (B)(1) of 50234  
section 3301.0710 of the Revised Code or former division (A)(1), 50235  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 50236  
existed prior to September 11, 2001, are administered to any 50237  
student, the board of education of any school district in which 50238  
the student is enrolled in that year shall provide to the student 50239  
intervention services commensurate with the student's performance, 50240  
including any intensive intervention required under section 50241

3313.608 of the Revised Code, in any skill in which the student 50242  
failed to demonstrate at least a score at the proficient level on 50243  
the assessment. 50244

(2) Following any administration of the assessments 50245  
prescribed by division (D) of section 3301.0710 of the Revised 50246  
Code to ninth grade students, each school district that has a 50247  
three-year average graduation rate of not more than seventy-five 50248  
per cent shall determine for each high school in the district 50249  
whether the school shall be required to provide intervention 50250  
services to any students who took the assessments. In determining 50251  
which high schools shall provide intervention services based on 50252  
the resources available, the district shall consider each school's 50253  
graduation rate and scores on the practice assessments. The 50254  
district also shall consider the scores received by ninth grade 50255  
students on the English language arts and mathematics assessments 50256  
prescribed under division (A)(1)(f) of section 3301.0710 of the 50257  
Revised Code in the eighth grade in determining which high schools 50258  
shall provide intervention services. 50259

Each high school selected to provide intervention services 50260  
under this division shall provide intervention services to any 50261  
student whose results indicate that the student is failing to make 50262  
satisfactory progress toward being able to attain scores at the 50263  
proficient level on the Ohio graduation tests. Intervention 50264  
services shall be provided in any skill in which a student 50265  
demonstrates unsatisfactory progress and shall be commensurate 50266  
with the student's performance. Schools shall provide the 50267  
intervention services prior to the end of the school year, during 50268  
the summer following the ninth grade, in the next succeeding 50269  
school year, or at any combination of those times. 50270

(E) Except as provided in section 3313.608 of the Revised 50271  
Code and division (M) of this section, no school district board of 50272  
education shall utilize any student's failure to attain a 50273

specified score on an assessment administered under this section 50274  
as a factor in any decision to deny the student promotion to a 50275  
higher grade level. However, a district board may choose not to 50276  
promote to the next grade level any student who does not take an 50277  
assessment administered under this section or make up an 50278  
assessment as provided by division (C)(2) of this section and who 50279  
is not exempt from the requirement to take the assessment under 50280  
division (C)(3) of this section. 50281

(F) No person shall be charged a fee for taking any 50282  
assessment administered under this section. 50283

(G)(1) Each school district board shall designate one 50284  
location for the collection of assessments administered in the 50285  
spring under division (B)(1) of this section and those 50286  
administered under divisions (B)(2) to (7) of this section. Each 50287  
district board shall submit the assessments to the entity with 50288  
which the department contracts for the scoring of the assessments 50289  
as follows: 50290

(a) If the district's total enrollment in grades kindergarten 50291  
through twelve during the first full school week of October was 50292  
less than two thousand five hundred, not later than the Friday 50293  
after all of the assessments have been administered; 50294

(b) If the district's total enrollment in grades kindergarten 50295  
through twelve during the first full school week of October was 50296  
two thousand five hundred or more, but less than seven thousand, 50297  
not later than the Monday after all of the assessments have been 50298  
administered; 50299

(c) If the district's total enrollment in grades kindergarten 50300  
through twelve during the first full school week of October was 50301  
seven thousand or more, not later than the Tuesday after all of 50302  
the assessments have been administered. 50303

However, any assessment that a student takes during the 50304



make-up period described in division (C)(2) of this section shall 50305  
be submitted not later than the Friday following the day the 50306  
student takes the assessment. 50307

(2) The department or an entity with which the department 50308  
contracts for the scoring of the assessment shall send to each 50309  
school district board a list of the individual scores of all 50310  
persons taking an assessment prescribed by division (A)(1) or 50311  
(B)(1) of section 3301.0710 of the Revised Code within sixty days 50312  
after its administration, but in no case shall the scores be 50313  
returned later than the fifteenth day of June following the 50314  
administration. For assessments administered under this section by 50315  
a joint vocational school district, the department or entity shall 50316  
also send to each city, local, or exempted village school district 50317  
a list of the individual scores of any students of such city, 50318  
local, or exempted village school district who are attending 50319  
school in the joint vocational school district. 50320

(H) Individual scores on any assessments administered under 50321  
this section shall be released by a district board only in 50322  
accordance with section 3319.321 of the Revised Code and the rules 50323  
adopted under division (A) of this section. No district board or 50324  
its employees shall utilize individual or aggregate results in any 50325  
manner that conflicts with rules for the ethical use of 50326  
assessments adopted pursuant to division (A) of this section. 50327

(I) Except as provided in division (G) of this section, the 50328  
department or an entity with which the department contracts for 50329  
the scoring of the assessment shall not release any individual 50330  
scores on any assessment administered under this section. The 50331  
state board of education shall adopt rules to ensure the 50332  
protection of student confidentiality at all times. The rules may 50333  
require the use of the data verification codes assigned to 50334  
students pursuant to division (D)(2) of section 3301.0714 of the 50335  
Revised Code to protect the confidentiality of student scores. 50336

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

(1) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(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 prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each chartered nonpublic school that participates under this division.

(L)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C)(1)(a) of this section.

(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(M) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least

the proficient range on the mathematics assessment described by 50400  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 50401  
an assessment described by division (A)(1)(b), (c), (d), (e), or 50402  
(f) of section 3301.0710 of the Revised Code as a factor in 50403  
retaining that student in the current grade level. 50404

(N)(1) In the manner specified in divisions (N)(3) and (4) of 50405  
this section, the assessments required by division (A)(1) of 50406  
section 3301.0710 of the Revised Code shall become public records 50407  
pursuant to section 149.43 of the Revised Code on the first day of 50408  
July following the school year that the assessments were 50409  
administered. 50410

(2) The department may field test proposed questions with 50411  
samples of students to determine the validity, reliability, or 50412  
appropriateness of questions for possible inclusion in a future 50413  
year's assessment. The department also may use anchor questions on 50414  
assessments to ensure that different versions of the same 50415  
assessment are of comparable difficulty. 50416

Field test questions and anchor questions shall not be 50417  
considered in computing scores for individual students. Field test 50418  
questions and anchor questions may be included as part of the 50419  
administration of any assessment required by division (A)(1) or 50420  
(B)(1) of section 3301.0710 of the Revised Code. 50421

(3) Any field test question or anchor question administered 50422  
under division (N)(2) of this section shall not be a public 50423  
record. Such field test questions and anchor questions shall be 50424  
redacted from any assessments which are released as a public 50425  
record pursuant to division (N)(1) of this section. 50426

(4) This division applies to the assessments prescribed by 50427  
division (A) of section 3301.0710 of the Revised Code. 50428

(a) The first administration of each assessment, as specified 50429  
in former section 3301.0712 of the Revised Code, shall be a public 50430

record. 50431

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board of education under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (N)(3) of this section. 50432  
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(c) The administrations of each assessment in the 2011-2012 school year and later shall not be a public record. 50446  
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(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record. 50448  
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(0) As used in this section: 50450

(1) "Three-year average" means the average of the most recent consecutive three school years of data. 50451  
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(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country. 50453  
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(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for 50458  
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reasons other than dropout are subtracted from the calculation. If 50462  
a student who was a dropout in any previous year returns to the 50463  
same school district, that student shall be entered into the 50464  
calculation as if the student had entered ninth grade four years 50465  
before the graduation year of the graduating class that the 50466  
student joins. 50467

**Sec. 3301.0712.** (A) The state board of education, the 50468  
superintendent of public instruction, and the chancellor of the 50469  
Ohio board of regents shall develop a system of college and work 50470  
ready assessments as described in divisions (B)(1) ~~to (3)~~ and (2) 50471  
of this section to assess whether each student upon graduating 50472  
from high school is ready to enter college or the workforce. The 50473  
system shall replace the Ohio graduation tests prescribed in 50474  
division (B)(1) of section 3301.0710 of the Revised Code as a 50475  
measure of student academic performance and a prerequisite for 50476  
eligibility for a high school diploma in the manner prescribed by 50477  
rule of the state board adopted under division ~~(E)~~(D) of this 50478  
section. 50479

(B) The college and work ready assessment system shall 50480  
consist of the following: 50481

(1) A nationally standardized assessment that measures 50482  
~~competencies in science, mathematics, and English language arts~~ 50483  
college and career readiness selected jointly by the state 50484  
superintendent and the chancellor. 50485

(2) A series of end-of-course examinations in the areas of 50486  
science, mathematics, English language arts, and social studies 50487  
selected jointly by the state superintendent and the chancellor in 50488  
consultation with faculty in the appropriate subject areas at 50489  
institutions of higher education of the university system of Ohio. 50490  
For each subject area, the state superintendent and chancellor 50491  
shall select multiple assessments that school districts, public 50492

schools, and chartered nonpublic schools may use as end-of-course 50493  
examinations. Those assessments shall include nationally 50494  
recognized subject area assessments, such as advanced placement 50495  
examinations, SAT subject tests, international baccalaureate 50496  
examinations, and other assessments of college and work readiness. 50497

~~(3) A senior project completed by a student or a group of~~ 50498  
~~students. The purpose of the senior project is to assess the~~ 50499  
~~student's:~~ 50500

~~(a) Mastery of core knowledge in a subject area chosen by the~~ 50501  
~~student;~~ 50502

~~(b) Written and verbal communication skills;~~ 50503

~~(c) Critical thinking and problem-solving skills;~~ 50504

~~(d) Real world and interdisciplinary learning;~~ 50505

~~(e) Creative and innovative thinking;~~ 50506

~~(f) Acquired technology, information, and media skills;~~ 50507

~~(g) Personal management skills such as self direction, time~~ 50508  
~~management, work ethic, enthusiasm, and the desire to produce a~~ 50509  
~~high quality product.~~ 50510

~~The state superintendent and the chancellor jointly shall~~ 50511  
~~develop standards for the senior project for students~~ 50512  
~~participating in dual enrollment programs.~~ 50513

~~(C)(1) The state superintendent and the chancellor jointly~~ 50514  
~~shall designate the scoring rubrics and the required overall~~ 50515  
~~composite score for the assessment system to assess whether each~~ 50516  
~~student is college or work ready.~~ 50517

~~(2) Each senior project shall be judged by the student's high~~ 50518  
~~school in accordance with rubrics designated by the state~~ 50519  
~~superintendent and the chancellor.~~ 50520

~~(D) Not later than thirty days after the state board adopts~~ 50521

the model curricula required by division (B) of section 3301.079 50522  
of the Revised Code, the state board shall convene a group of 50523  
national experts, state experts, and local practitioners to 50524  
provide advice, guidance, and recommendations for the alignment of 50525  
standards and model curricula to the assessments and in the design 50526  
of the end-of-course examinations ~~and scoring rubrics~~ prescribed 50527  
by this section. 50528

~~(E)~~(D) Upon completion of the development of the assessment 50529  
system, the state board shall adopt rules prescribing all of the 50530  
following: 50531

(1) A timeline and plan for implementation of the assessment 50532  
system, including a phased implementation if the state board 50533  
determines such a phase-in is warranted; 50534

(2) The date after which a person entering ninth grade shall 50535  
~~attain at least the composite score for~~ meet the requirements of 50536  
the entire assessment system as a prerequisite for a high school 50537  
diploma under ~~sections~~ section 3313.61, 3313.612, or 3325.08 of 50538  
the Revised Code; 50539

(3) The date after which a person shall ~~attain at least the~~ 50540  
~~composite score for~~ meet the requirements of the entire assessment 50541  
system as a prerequisite for a diploma of adult education under 50542  
section 3313.611 of the Revised Code; 50543

(4) Whether and the extent to which a person may be excused 50544  
from a social studies end-of-course examination under division (H) 50545  
of section 3313.61 and division (B)(2) of section 3313.612 of the 50546  
Revised Code; 50547

(5) The date after which a person who has fulfilled the 50548  
curriculum requirement for a diploma but has not passed one or 50549  
more of the required assessments at the time the person fulfilled 50550  
the curriculum requirement shall ~~attain at least the composite~~ 50551  
~~score for~~ meet the requirements of the entire assessment system as 50552



a prerequisite for a high school diploma under division (B) of 50553  
section 3313.614 of the Revised Code; 50554

(6) The extent to which the assessment system applies to 50555  
students enrolled in a dropout recovery and prevention program for 50556  
purposes of division (F) of section 3313.603 and section 3314.36 50557  
of the Revised Code. 50558

No rule adopted under this division shall be effective 50559  
earlier than one year after the date the rule is filed in final 50560  
form pursuant to Chapter 119. of the Revised Code. 50561

~~(F)~~(E) Not later than forty-five days prior to the state 50562  
board's adoption of a resolution directing the department of 50563  
education to file the rules prescribed by division ~~(E)~~(D) of this 50564  
section in final form under section 119.04 of the Revised Code, 50565  
the superintendent of public instruction shall present the 50566  
assessment system developed under this section to the respective 50567  
committees of the house of representatives and senate that 50568  
consider education legislation. 50569

**Sec. 3301.0714.** (A) The state board of education shall adopt 50570  
rules for a statewide education management information system. The 50571  
rules shall require the state board to establish guidelines for 50572  
the establishment and maintenance of the system in accordance with 50573  
this section and the rules adopted under this section. The 50574  
guidelines shall include: 50575

(1) Standards identifying and defining the types of data in 50576  
the system in accordance with divisions (B) and (C) of this 50577  
section; 50578

(2) Procedures for annually collecting and reporting the data 50579  
to the state board in accordance with division (D) of this 50580  
section; 50581

(3) Procedures for annually compiling the data in accordance 50582

with division (G) of this section; 50583

(4) Procedures for annually reporting the data to the public 50584  
in accordance with division (H) of this section. 50585

(B) The guidelines adopted under this section shall require 50586  
the data maintained in the education management information system 50587  
to include at least the following: 50588

(1) Student participation and performance data, for each 50589  
grade in each school district as a whole and for each grade in 50590  
each school building in each school district, that includes: 50591

(a) The numbers of students receiving each category of 50592  
instructional service offered by the school district, such as 50593  
regular education instruction, vocational education instruction, 50594  
specialized instruction programs or enrichment instruction that is 50595  
part of the educational curriculum, instruction for gifted 50596  
students, instruction for students with disabilities, and remedial 50597  
instruction. The guidelines shall require instructional services 50598  
under this division to be divided into discrete categories if an 50599  
instructional service is limited to a specific subject, a specific 50600  
type of student, or both, such as regular instructional services 50601  
in mathematics, remedial reading instructional services, 50602  
instructional services specifically for students gifted in 50603  
mathematics or some other subject area, or instructional services 50604  
for students with a specific type of disability. The categories of 50605  
instructional services required by the guidelines under this 50606  
division shall be the same as the categories of instructional 50607  
services used in determining cost units pursuant to division 50608  
(C)(3) of this section. 50609

(b) The numbers of students receiving support or 50610  
extracurricular services for each of the support services or 50611  
extracurricular programs offered by the school district, such as 50612  
counseling services, health services, and extracurricular sports 50613

and fine arts programs. The categories of services required by the	50614
guidelines under this division shall be the same as the categories	50615
of services used in determining cost units pursuant to division	50616
(C)(4)(a) of this section.	50617
(c) Average student grades in each subject in grades nine	50618
through twelve;	50619
(d) Academic achievement levels as assessed under sections	50620
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	50621
(e) The number of students designated as having a disabling	50622
condition pursuant to division (C)(1) of section 3301.0711 of the	50623
Revised Code;	50624
(f) The numbers of students reported to the state board	50625
pursuant to division (C)(2) of section 3301.0711 of the Revised	50626
Code;	50627
(g) Attendance rates and the average daily attendance for the	50628
year. For purposes of this division, a student shall be counted as	50629
present for any field trip that is approved by the school	50630
administration.	50631
(h) Expulsion rates;	50632
(i) Suspension rates;	50633
(j) Dropout rates;	50634
(k) Rates of retention in grade;	50635
(l) For pupils in grades nine through twelve, the average	50636
number of carnegie units, as calculated in accordance with state	50637
board of education rules;	50638
(m) Graduation rates, to be calculated in a manner specified	50639
by the department of education that reflects the rate at which	50640
students who were in the ninth grade three years prior to the	50641
current year complete school and that is consistent with	50642
nationally accepted reporting requirements;	50643

(n) Results of diagnostic assessments administered to 50644  
kindergarten students as required under section 3301.0715 of the 50645  
Revised Code to permit a comparison of the academic readiness of 50646  
kindergarten students. However, no district shall be required to 50647  
report to the department the results of any diagnostic assessment 50648  
administered to a kindergarten student if the parent of that 50649  
student requests the district not to report those results. 50650

(2) Personnel and classroom enrollment data for each school 50651  
district, including: 50652

(a) The total numbers of licensed employees and nonlicensed 50653  
employees and the numbers of full-time equivalent licensed 50654  
employees and nonlicensed employees providing each category of 50655  
instructional service, instructional support service, and 50656  
administrative support service used pursuant to division (C)(3) of 50657  
this section. The guidelines adopted under this section shall 50658  
require these categories of data to be maintained for the school 50659  
district as a whole and, wherever applicable, for each grade in 50660  
the school district as a whole, for each school building as a 50661  
whole, and for each grade in each school building. 50662

(b) The total number of employees and the number of full-time 50663  
equivalent employees providing each category of service used 50664  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 50665  
total numbers of licensed employees and nonlicensed employees and 50666  
the numbers of full-time equivalent licensed employees and 50667  
nonlicensed employees providing each category used pursuant to 50668  
division (C)(4)(c) of this section. The guidelines adopted under 50669  
this section shall require these categories of data to be 50670  
maintained for the school district as a whole and, wherever 50671  
applicable, for each grade in the school district as a whole, for 50672  
each school building as a whole, and for each grade in each school 50673  
building. 50674

(c) The total number of regular classroom teachers teaching 50675

classes of regular education and the average number of pupils 50676  
enrolled in each such class, in each of grades kindergarten 50677  
through five in the district as a whole and in each school 50678  
building in the school district. 50679

(d) The number of lead teachers employed by each school 50680  
district and each school building. 50681

(3)(a) Student demographic data for each school district, 50682  
including information regarding the gender ratio of the school 50683  
district's pupils, the racial make-up of the school district's 50684  
pupils, the number of limited English proficient students in the 50685  
district, and an appropriate measure of the number of the school 50686  
district's pupils who reside in economically disadvantaged 50687  
households. The demographic data shall be collected in a manner to 50688  
allow correlation with data collected under division (B)(1) of 50689  
this section. Categories for data collected pursuant to division 50690  
(B)(3) of this section shall conform, where appropriate, to 50691  
standard practices of agencies of the federal government. 50692

(b) With respect to each student entering kindergarten, 50693  
whether the student previously participated in a public preschool 50694  
program, a private preschool program, or a head start program, and 50695  
the number of years the student participated in each of these 50696  
programs. 50697

(4) Any data required to be collected pursuant to federal 50698  
law. 50699

(C) The education management information system shall include 50700  
cost accounting data for each district as a whole and for each 50701  
school building in each school district. The guidelines adopted 50702  
under this section shall require the cost data for each school 50703  
district to be maintained in a system of mutually exclusive cost 50704  
units and shall require all of the costs of each school district 50705  
to be divided among the cost units. The guidelines shall require 50706

the system of mutually exclusive cost units to include at least 50707  
the following: 50708

(1) Administrative costs for the school district as a whole. 50709  
The guidelines shall require the cost units under this division 50710  
(C)(1) to be designed so that each of them may be compiled and 50711  
reported in terms of average expenditure per pupil in formula ADM 50712  
in the school district, as determined pursuant to section 3317.03 50713  
of the Revised Code. 50714

(2) Administrative costs for each school building in the 50715  
school district. The guidelines shall require the cost units under 50716  
this division (C)(2) to be designed so that each of them may be 50717  
compiled and reported in terms of average expenditure per 50718  
full-time equivalent pupil receiving instructional or support 50719  
services in each building. 50720

(3) Instructional services costs for each category of 50721  
instructional service provided directly to students and required 50722  
by guidelines adopted pursuant to division (B)(1)(a) of this 50723  
section. The guidelines shall require the cost units under 50724  
division (C)(3) of this section to be designed so that each of 50725  
them may be compiled and reported in terms of average expenditure 50726  
per pupil receiving the service in the school district as a whole 50727  
and average expenditure per pupil receiving the service in each 50728  
building in the school district and in terms of a total cost for 50729  
each category of service and, as a breakdown of the total cost, a 50730  
cost for each of the following components: 50731

(a) The cost of each instructional services category required 50732  
by guidelines adopted under division (B)(1)(a) of this section 50733  
that is provided directly to students by a classroom teacher; 50734

(b) The cost of the instructional support services, such as 50735  
services provided by a speech-language pathologist, classroom 50736  
aide, multimedia aide, or librarian, provided directly to students 50737

in conjunction with each instructional services category; 50738

(c) The cost of the administrative support services related 50739  
to each instructional services category, such as the cost of 50740  
personnel that develop the curriculum for the instructional 50741  
services category and the cost of personnel supervising or 50742  
coordinating the delivery of the instructional services category. 50743

(4) Support or extracurricular services costs for each 50744  
category of service directly provided to students and required by 50745  
guidelines adopted pursuant to division (B)(1)(b) of this section. 50746  
The guidelines shall require the cost units under division (C)(4) 50747  
of this section to be designed so that each of them may be 50748  
compiled and reported in terms of average expenditure per pupil 50749  
receiving the service in the school district as a whole and 50750  
average expenditure per pupil receiving the service in each 50751  
building in the school district and in terms of a total cost for 50752  
each category of service and, as a breakdown of the total cost, a 50753  
cost for each of the following components: 50754

(a) The cost of each support or extracurricular services 50755  
category required by guidelines adopted under division (B)(1)(b) 50756  
of this section that is provided directly to students by a 50757  
licensed employee, such as services provided by a guidance 50758  
counselor or any services provided by a licensed employee under a 50759  
supplemental contract; 50760

(b) The cost of each such services category provided directly 50761  
to students by a nonlicensed employee, such as janitorial 50762  
services, cafeteria services, or services of a sports trainer; 50763

(c) The cost of the administrative services related to each 50764  
services category in division (C)(4)(a) or (b) of this section, 50765  
such as the cost of any licensed or nonlicensed employees that 50766  
develop, supervise, coordinate, or otherwise are involved in 50767  
administering or aiding the delivery of each services category. 50768

(D)(1) The guidelines adopted under this section shall 50769  
require school districts to collect information about individual 50770  
students, staff members, or both in connection with any data 50771  
required by division (B) or (C) of this section or other reporting 50772  
requirements established in the Revised Code. The guidelines may 50773  
also require school districts to report information about 50774  
individual staff members in connection with any data required by 50775  
division (B) or (C) of this section or other reporting 50776  
requirements established in the Revised Code. The guidelines shall 50777  
not authorize school districts to request social security numbers 50778  
of individual students. The guidelines shall prohibit the 50779  
reporting under this section of a student's name, address, and 50780  
social security number to the state board of education or the 50781  
department of education. The guidelines shall also prohibit the 50782  
reporting under this section of any personally identifiable 50783  
information about any student, except for the purpose of assigning 50784  
the data verification code required by division (D)(2) of this 50785  
section, to any other person unless such person is employed by the 50786  
school district or the information technology center operated 50787  
under section 3301.075 of the Revised Code and is authorized by 50788  
the district or technology center to have access to such 50789  
information or is employed by an entity with which the department 50790  
contracts for the scoring of assessments administered under 50791  
section 3301.0711 of the Revised Code. The guidelines may require 50792  
school districts to provide the social security numbers of 50793  
individual staff members. 50794

(2) The guidelines shall provide for each school district or 50795  
community school to assign a data verification code that is unique 50796  
on a statewide basis over time to each student whose initial Ohio 50797  
enrollment is in that district or school and to report all 50798  
required individual student data for that student utilizing such 50799  
code. The guidelines shall also provide for assigning data 50800  
verification codes to all students enrolled in districts or 50801



community schools on the effective date of the guidelines 50802  
established under this section. 50803

Individual student data shall be reported to the department 50804  
through the information technology centers utilizing the code but, 50805  
except as provided in sections 3310.11, 3310.42, 3313.978, 50806  
3310.63, and 3317.20 of the Revised Code, at no time shall the 50807  
state board or the department have access to information that 50808  
would enable any data verification code to be matched to 50809  
personally identifiable student data. 50810

Each school district shall ensure that the data verification 50811  
code is included in the student's records reported to any 50812  
subsequent school district, community school, or state institution 50813  
of higher education, as defined in section 3345.011 of the Revised 50814  
Code, in which the student enrolls. Any such subsequent district 50815  
or school shall utilize the same identifier in its reporting of 50816  
data under this section. 50817

The director of health shall request and receive, pursuant to 50818  
sections 3301.0723 and 3701.62 of the Revised Code, a data 50819  
verification code for a child who is receiving services under 50820  
division (A)(2) of section 3701.61 of the Revised Code. 50821

(E) The guidelines adopted under this section may require 50822  
school districts to collect and report data, information, or 50823  
reports other than that described in divisions (A), (B), and (C) 50824  
of this section for the purpose of complying with other reporting 50825  
requirements established in the Revised Code. The other data, 50826  
information, or reports may be maintained in the education 50827  
management information system but are not required to be compiled 50828  
as part of the profile formats required under division (G) of this 50829  
section or the annual statewide report required under division (H) 50830  
of this section. 50831

(F) Beginning with the school year that begins July 1, 1991, 50832

the board of education of each school district shall annually 50833  
collect and report to the state board, in accordance with the 50834  
guidelines established by the board, the data required pursuant to 50835  
this section. A school district may collect and report these data 50836  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 50837

(G) The state board shall, in accordance with the procedures 50838  
it adopts, annually compile the data reported by each school 50839  
district pursuant to division (D) of this section. The state board 50840  
shall design formats for profiling each school district as a whole 50841  
and each school building within each district and shall compile 50842  
the data in accordance with these formats. These profile formats 50843  
shall: 50844

(1) Include all of the data gathered under this section in a 50845  
manner that facilitates comparison among school districts and 50846  
among school buildings within each school district; 50847

(2) Present the data on academic achievement levels as 50848  
assessed by the testing of student achievement maintained pursuant 50849  
to division (B)(1)(d) of this section. 50850

(H)(1) The state board shall, in accordance with the 50851  
procedures it adopts, annually prepare a statewide report for all 50852  
school districts and the general public that includes the profile 50853  
of each of the school districts developed pursuant to division (G) 50854  
of this section. Copies of the report shall be sent to each school 50855  
district. 50856

(2) The state board shall, in accordance with the procedures 50857  
it adopts, annually prepare an individual report for each school 50858  
district and the general public that includes the profiles of each 50859  
of the school buildings in that school district developed pursuant 50860  
to division (G) of this section. Copies of the report shall be 50861  
sent to the superintendent of the district and to each member of 50862  
the district board of education. 50863

(3) Copies of the reports received from the state board under 50864  
divisions (H)(1) and (2) of this section shall be made available 50865  
to the general public at each school district's offices. Each 50866  
district board of education shall make copies of each report 50867  
available to any person upon request and payment of a reasonable 50868  
fee for the cost of reproducing the report. The board shall 50869  
annually publish in a newspaper of general circulation in the 50870  
school district, at least twice during the two weeks prior to the 50871  
week in which the reports will first be available, a notice 50872  
containing the address where the reports are available and the 50873  
date on which the reports will be available. 50874

(I) Any data that is collected or maintained pursuant to this 50875  
section and that identifies an individual pupil is not a public 50876  
record for the purposes of section 149.43 of the Revised Code. 50877

(J) As used in this section: 50878

(1) "School district" means any city, local, exempted 50879  
village, or joint vocational school district and, in accordance 50880  
with section 3314.17 of the Revised Code, any community school. As 50881  
used in division (L) of this section, "school district" also 50882  
includes any educational service center or other educational 50883  
entity required to submit data using the system established under 50884  
this section. 50885

(2) "Cost" means any expenditure for operating expenses made 50886  
by a school district excluding any expenditures for debt 50887  
retirement except for payments made to any commercial lending 50888  
institution for any loan approved pursuant to section 3313.483 of 50889  
the Revised Code. 50890

(K) Any person who removes data from the information system 50891  
established under this section for the purpose of releasing it to 50892  
any person not entitled under law to have access to such 50893  
information is subject to section 2913.42 of the Revised Code 50894

prohibiting tampering with data. 50895

(L)(1) In accordance with division (L)(2) of this section and 50896  
the rules adopted under division (L)(10) of this section, the 50897  
department of education may sanction any school district that 50898  
reports incomplete or inaccurate data, reports data that does not 50899  
conform to data requirements and descriptions published by the 50900  
department, fails to report data in a timely manner, or otherwise 50901  
does not make a good faith effort to report data as required by 50902  
this section. 50903

(2) If the department decides to sanction a school district 50904  
under this division, the department shall take the following 50905  
sequential actions: 50906

(a) Notify the district in writing that the department has 50907  
determined that data has not been reported as required under this 50908  
section and require the district to review its data submission and 50909  
submit corrected data by a deadline established by the department. 50910  
The department also may require the district to develop a 50911  
corrective action plan, which shall include provisions for the 50912  
district to provide mandatory staff training on data reporting 50913  
procedures. 50914

(b) Withhold up to ten per cent of the total amount of state 50915  
funds due to the district for the current fiscal year and, if not 50916  
previously required under division (L)(2)(a) of this section, 50917  
require the district to develop a corrective action plan in 50918  
accordance with that division; 50919

(c) Withhold an additional amount of up to twenty per cent of 50920  
the total amount of state funds due to the district for the 50921  
current fiscal year; 50922

(d) Direct department staff or an outside entity to 50923  
investigate the district's data reporting practices and make 50924  
recommendations for subsequent actions. The recommendations may 50925

include one or more of the following actions:	50926
(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	50927 50928
(ii) Conduct a site visit and evaluation of the district;	50929
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	50930 50931 50932
(iv) Continue monitoring the district's data reporting;	50933
(v) Assign department staff to supervise the district's data management system;	50934 50935
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	50936 50937 50938
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	50939 50940 50941 50942
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	50943 50944 50945 50946 50947
(ix) Any other action designed to correct the district's data reporting problems.	50948 50949
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	50950 50951 50952 50953 50954 50955

(4) If any action taken under division (L)(2) of this section 50956  
resolves a school district's data reporting problems to the 50957  
department's satisfaction, the department shall not take any 50958  
further actions described by that division. If the department 50959  
withheld funds from the district under that division, the 50960  
department may release those funds to the district, except that if 50961  
the department withheld funding under division (L)(2)(c) of this 50962  
section, the department shall not release the funds withheld under 50963  
division (L)(2)(b) of this section and, if the department withheld 50964  
funding under division (L)(2)(d) of this section, the department 50965  
shall not release the funds withheld under division (L)(2)(b) or 50966  
(c) of this section. 50967

(5) Notwithstanding anything in this section to the contrary, 50968  
the department may use its own staff or an outside entity to 50969  
conduct an audit of a school district's data reporting practices 50970  
any time the department has reason to believe the district has not 50971  
made a good faith effort to report data as required by this 50972  
section. If any audit conducted by an outside entity under 50973  
division (L)(2)(d)(i) or (5) of this section confirms that a 50974  
district has not made a good faith effort to report data as 50975  
required by this section, the district shall reimburse the 50976  
department for the full cost of the audit. The department may 50977  
withhold state funds due to the district for this purpose. 50978

(6) Prior to issuing a revised report card for a school 50979  
district under division (L)(2)(d)(viii) of this section, the 50980  
department may hold a hearing to provide the district with an 50981  
opportunity to demonstrate that it made a good faith effort to 50982  
report data as required by this section. The hearing shall be 50983  
conducted by a referee appointed by the department. Based on the 50984  
information provided in the hearing, the referee shall recommend 50985  
whether the department should issue a revised report card for the 50986  
district. If the referee affirms the department's contention that 50987

the district did not make a good faith effort to report data as 50988  
required by this section, the district shall bear the full cost of 50989  
conducting the hearing and of issuing any revised report card. 50990

(7) If the department determines that any inaccurate data 50991  
reported under this section caused a school district to receive 50992  
excess state funds in any fiscal year, the district shall 50993  
reimburse the department an amount equal to the excess funds, in 50994  
accordance with a payment schedule determined by the department. 50995  
The department may withhold state funds due to the district for 50996  
this purpose. 50997

(8) Any school district that has funds withheld under 50998  
division (L)(2) of this section may appeal the withholding in 50999  
accordance with Chapter 119. of the Revised Code. 51000

(9) In all cases of a disagreement between the department and 51001  
a school district regarding the appropriateness of an action taken 51002  
under division (L)(2) of this section, the burden of proof shall 51003  
be on the district to demonstrate that it made a good faith effort 51004  
to report data as required by this section. 51005

(10) The state board of education shall adopt rules under 51006  
Chapter 119. of the Revised Code to implement division (L) of this 51007  
section. 51008

(M) No information technology center or school district shall 51009  
acquire, change, or update its student administration software 51010  
package to manage and report data required to be reported to the 51011  
department unless it converts to a student software package that 51012  
is certified by the department. 51013

(N) The state board of education, in accordance with sections 51014  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 51015  
license as defined under division (A) of section 3319.31 of the 51016  
Revised Code that has been issued to any school district employee 51017  
found to have willfully reported erroneous, inaccurate, or 51018

incomplete data to the education management information system. 51019

(O) No person shall release or maintain any information about 51020  
any student in violation of this section. Whoever violates this 51021  
division is guilty of a misdemeanor of the fourth degree. 51022

(P) The department shall disaggregate the data collected 51023  
under division (B)(1)(n) of this section according to the race and 51024  
socioeconomic status of the students assessed. No data collected 51025  
under that division shall be included on the report cards required 51026  
by section 3302.03 of the Revised Code. 51027

(Q) If the department cannot compile any of the information 51028  
required by division (C)(5) of section 3302.03 of the Revised Code 51029  
based upon the data collected under this section, the department 51030  
shall develop a plan and a reasonable timeline for the collection 51031  
of any data necessary to comply with that division. 51032

**Sec. 3301.16.** Pursuant to standards prescribed by the state 51033  
board of education as provided in division (D) of section 3301.07 51034  
of the Revised Code, the state board shall classify and charter 51035  
school districts and individual schools within each district 51036  
except that no charter shall be granted to a nonpublic school 51037  
unless the school complies with section 3313.612 of the Revised 51038  
Code. 51039

In the course of considering the charter of a new school 51040  
district created under section 3311.26 or 3311.38 of the Revised 51041  
Code, the state board shall require the party proposing creation 51042  
of the district to submit to the board a map, certified by the 51043  
county auditor of the county in which the proposed new district is 51044  
located, showing the boundaries of the proposed new district. In 51045  
the case of a proposed new district located in more than one 51046  
county, the map shall be certified by the county auditor of each 51047  
county in which the proposed district is located. 51048



The state board shall revoke the charter of any school 51049  
district or school which fails to meet the standards for 51050  
elementary and high schools as prescribed by the board. The state 51051  
board shall also revoke the charter of any nonpublic school that 51052  
does not comply with section 3313.612 of the Revised Code. The 51053  
~~state board may revoke the charter of any school district that~~ 51054  
~~fails to meet the operating standards established under division~~ 51055  
~~(D)(3) of section 3301.07 of the Revised Code.~~ 51056

In the issuance and revocation of school district or school 51057  
charters, the state board shall be governed by the provisions of 51058  
Chapter 119. of the Revised Code. 51059

No school district, or individual school operated by a school 51060  
district, shall operate without a charter issued by the state 51061  
board under this section. 51062

In case a school district charter is revoked pursuant to this 51063  
section, the state board may dissolve the school district and 51064  
transfer its territory to one or more adjacent districts. An 51065  
equitable division of the funds, property, and indebtedness of the 51066  
school district shall be made by the state board among the 51067  
receiving districts. The board of education of a receiving 51068  
district shall accept such territory pursuant to the order of the 51069  
state board. Prior to dissolving the school district, the state 51070  
board shall notify the appropriate educational service center 51071  
governing board and all adjacent school district boards of 51072  
education of its intention to do so. Boards so notified may make 51073  
recommendations to the state board regarding the proposed 51074  
dissolution and subsequent transfer of territory. Except as 51075  
provided in section 3301.161 of the Revised Code, the transfer 51076  
ordered by the state board shall become effective on the date 51077  
specified by the state board, but the date shall be at least 51078  
thirty days following the date of issuance of the order. 51079

A high school is one of higher grade than an elementary 51080

school, in which instruction and training are given in accordance 51081  
with sections 3301.07 and 3313.60 of the Revised Code and which 51082  
also offers other subjects of study more advanced than those 51083  
taught in the elementary schools and such other subjects as may be 51084  
approved by the state board of education. 51085

An elementary school is one in which instruction and training 51086  
are given in accordance with sections 3301.07 and 3313.60 of the 51087  
Revised Code and which offers such other subjects as may be 51088  
approved by the state board of education. In districts wherein a 51089  
junior high school is maintained, the elementary schools in that 51090  
district may be considered to include only the work of the first 51091  
six school years inclusive, plus the kindergarten year. 51092

~~A high school or an elementary school may consist of less 51093  
than one or more than one organizational unit, as defined in 51094  
sections 3306.02 and 3306.04 of the Revised Code. 51095~~

**Sec. 3301.162.** (A) If the governing authority of a chartered 51096  
nonpublic school intends to close the school, the governing 51097  
authority shall notify all of the following of that intent prior 51098  
to closing the school: 51099

(1) The department of education; 51100

(2) The school district that receives auxiliary services 51101  
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 51102  
Code on behalf of the students enrolled in the school; 51103

(3) The accrediting association that most recently accredited 51104  
the school for purposes of chartering the school in accordance 51105  
with the rules of the state board of education, if applicable. 51106

The notice shall include the school year and, if possible, 51107  
the actual date the school will close. 51108

(B) The chief administrator of each chartered nonpublic 51109  
school that closes shall deposit the school's records with either: 51110

(1) The accrediting association that most recently accredited 51111  
the school for purposes of chartering the school in accordance 51112  
with the rules of the state board, if applicable; 51113

(2) The school district that received auxiliary services 51114  
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 51115  
Code on behalf of the students enrolled in the school. 51116

The school district that receives the records may charge for 51117  
and receive a one-time reimbursement from auxiliary services 51118  
funding under division ~~(I)~~(E) of section 3317.024 of the Revised 51119  
Code for costs the district incurred to store the records. 51120

**Sec. 3301.70.** (A) The state board of education is the 51121  
designated state agency responsible for the coordination and 51122  
administration of sections 110 to 118 of the "National and 51123  
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 51124  
12401 to 12431, as amended. With the assistance of the Ohio 51125  
~~community~~ commission on service council and volunteerism created 51126  
in section 121.40 of the Revised Code, the state board shall 51127  
coordinate with other state agencies to apply for funding under 51128  
the act when appropriate. 51129

(B) With the assistance of the Ohio ~~community~~ commission on 51130  
service council and volunteerism, the state board of education 51131  
shall develop a plan to assist school districts in the 51132  
implementation of section 3313.605 of the Revised Code and other 51133  
community service activities of school districts. The state board 51134  
shall encourage the development of school district programs 51135  
meeting the requirements for funding under the National and 51136  
Community Service Act of 1990. The plan shall include the 51137  
investigation of funding from all available sources for school 51138  
community service education programs, including funds available 51139  
under the National and Community Service Act of 1990, and the 51140  
provision of technical assistance to school districts for the 51141

implementation of community service education programs. The plan 51142  
shall also provide for technical assistance to be given to school 51143  
boards to assist in obtaining funds for community service 51144  
education programs from any source. 51145

(C) With the assistance of the Ohio ~~community~~ commission on 51146  
service ~~council~~ and volunteerism, the state board of education 51147  
shall do all of the following: 51148

(1) Disseminate information about school district community 51149  
service education programs to other school districts and to 51150  
statewide organizations involved with or promoting volunteerism; 51151

(2) Recruit additional school districts to develop community 51152  
service education programs; 51153

(3) Identify or develop model community service programs, 51154  
teacher training courses, and community service curricula and 51155  
teaching materials for possible use by school districts in their 51156  
programs. 51157

**Sec. 3301.81.** (A) As used in this division: 51158

(1) "Qualifying school" means either of the following: 51159

(a) A school operated by a challenged school district; 51160

(b) A community school that provides or proposes to provide 51161  
classroom-based instruction at a site located within a challenged 51162  
school district or a school district adjacent to a challenged 51163  
school district. 51164

(2) "Challenged school district" has the same meaning as in 51165  
section 3314.02 of the Revised Code. 51166

(B)(1) Not later than sixty days after the effective date of 51167  
this section, the department of education shall issue a request 51168  
for proposals from qualifying schools that wish to operate as a 51169  
hybrid school in accordance with this section to provide students 51170

with a combination of technology-based instruction, including internet- or computer-based instruction, and classroom-based instruction. Each proposal submitted to the department shall contain the following information: 51171  
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(a) A description of the proposed hybrid nature of the school's instructional program; 51175  
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(b) An academic accountability plan, which shall include a commitment that the school will evaluate student performance at least three times a year and publish the results of each evaluation; 51177  
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(c) Any other information requested by the department. 51181

(2) The department shall develop a rigorous process for the evaluation of submitted proposals. As part of this process, if the department receives more than five proposals, the department shall select finalists from among the qualified responders. The finalists shall be required to make a public presentation to a panel of experts selected by the department on the merits of the school's plan and the likelihood of student success under the plan. 51182  
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(3) Within one hundred eighty days following the issuance of the request for proposals, the department shall select up to five schools from among the qualified responders. The selected schools may begin operating as a hybrid school in the next school year commencing after the approval of the school's proposal. If any of the selected schools is a community school established on or after the effective date of this section, the contract adopted under section 3314.03 of the Revised Code shall conform with the provisions of the school's proposal as approved by the department. If any of the selected schools is a community school established prior to the effective date of this section, the governing authority and sponsor of the school shall amend the contract 51190  
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adopted under section 3314.03 of the Revised Code prior to the 51202  
first date of July of the school year in which the school will 51203  
begin operating as a hybrid school to conform with the provisions 51204  
of the school's proposal as approved by the department. 51205

(4) In the third school year after the schools selected under 51206  
division (B)(3) of this section commence operations as hybrid 51207  
schools, the department shall conduct a study of the academic 51208  
performance of students attending the hybrid schools and determine 51209  
any best practices utilized by the schools. The department shall 51210  
issue a report on the results of this study to the governor, the 51211  
president of the senate, and the speaker of the house of 51212  
representatives. 51213

At the conclusion of the study, the department may issue a 51214  
second request for proposals and select up to five additional 51215  
schools that may operate as hybrid schools in accordance with this 51216  
section. The department may modify the request for proposals or 51217  
evaluation process from those previously used based on the results 51218  
of the study conducted pursuant to this division. 51219

(C)(1) The board of education of each school district 51220  
operating a hybrid school, or the governing authority of each 51221  
community school operating as a hybrid school, shall require each 51222  
student enrolled in the school to do both of the following: 51223

(a) Attend a designated site maintained by the board of 51224  
education or governing authority to receive traditional 51225  
classroom-based instruction that does not rely primarily on the 51226  
use of computers or other electronic, digital, or wireless 51227  
technology for the percentage of required instructional time 51228  
determined under division (C)(2) of this section; 51229

(b) For the period of time the student does not attend the 51230  
site maintained by the board of education or governing authority, 51231  
work primarily from the student's residence on assignments in 51232

nonclassroom-based learning opportunities provided via a 51233  
technology-based instructional method. 51234

(2) Before the beginning of each school year, the education 51235  
team of each student enrolled in a hybrid school shall determine 51236  
the percentage of the required instructional time that should be 51237  
devoted to traditional classroom-based instruction and 51238  
technology-based instruction to best meet the student's 51239  
educational needs. As used in this division, "education team" 51240  
includes, but is not limited to, the chief administrative officer 51241  
or principal of the school, the student, the student's parent or 51242  
guardian, and any teacher requested by the chief administrative 51243  
officer or principal, student, or parent or guardian. 51244

(D) In the case of a community school operating as a hybrid 51245  
school, the designated site maintained by the school's governing 51246  
authority for the provision of classroom-based instruction shall 51247  
be located in a challenged school district or an adjacent school 51248  
district. However, the challenged school district shall be 51249  
considered the school district in which the school is located for 51250  
all purposes of Chapter 3314. of the Revised Code, including 51251  
adopting an admission policy under division (A)(19) of section 51252  
3314.03 of the Revised Code. 51253

(E) Except as provided in section 3314.091 of the Revised 51254  
Code, the board of education of each city, local, and exempted 51255  
village school district shall provide for its district's native 51256  
students, in accordance with section 3327.01 of the Revised Code, 51257  
transportation to and from a community school operating as a 51258  
hybrid school pursuant to this section on each weekday the 51259  
students are required to attend school at that site. 51260

As used in this division, "native student" has the same 51261  
meaning as in section 3314.09 of the Revised Code. 51262

(F) A community school operating as a hybrid school pursuant 51263

to this section is not an internet- or computer-based community school for purposes of Chapter 3314. of the Revised Code. 51264  
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. 51265  
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**Sec. 3302.02.** Not later than one year after the adoption of 51270  
rules under division ~~(E)~~(D) of section 3301.0712 of the Revised 51271  
Code and at least every sixth year thereafter, upon 51272  
recommendations of the superintendent of public instruction, the 51273  
state board of education shall establish performance indicators 51274  
for the report cards required by division (C) of section 3302.03 51275  
of the Revised Code. In establishing these indicators, the 51276  
superintendent shall consider inclusion of student performance on 51277  
assessments prescribed under section 3301.0710 or 3301.0712 of the 51278  
Revised Code, rates of student improvement on such assessments, 51279  
student attendance, the breadth of coursework available within the 51280  
district, and other indicators of student success. Not later than 51281  
December 31, 2011, the state board, upon recommendation of the 51282  
superintendent, shall establish a performance indicator reflecting 51283  
the level of services provided to, and the performance of, 51284  
students identified as gifted under Chapter 3324. of the Revised 51285  
Code. 51286

The superintendent shall inform the Ohio accountability task 51287  
force established under section 3302.021 of the Revised Code of 51288  
the performance indicators the superintendent establishes under 51289  
this section and the rationale for choosing each indicator and for 51290  
determining how a school district or building meets that 51291  
indicator. 51292

The superintendent shall not establish any performance 51293  
indicator for passage of the third or fourth grade English 51294



language arts assessment that is solely based on the assessment 51295  
given in the fall for the purpose of determining whether students 51296  
have met the reading guarantee provisions of section 3313.608 of 51297  
the Revised Code. 51298

**Sec. 3302.031.** In addition to the report cards required under 51299  
section 3302.03 of the Revised Code, the department of education 51300  
shall annually prepare the following reports for each school 51301  
district and make a copy of each report available to the 51302  
superintendent of each district: 51303

(A) A funding and expenditure accountability report which 51304  
shall consist of the amount of state aid payments the school 51305  
district will receive during the fiscal year under ~~Chapters 3306-~~ 51306  
~~and Chapter~~ 3317. of the Revised Code and any other fiscal data 51307  
the department determines is necessary to inform the public about 51308  
the financial status of the district; 51309

(B) A school safety and discipline report which shall consist 51310  
of statistical information regarding student safety and discipline 51311  
in each school building, including the number of suspensions and 51312  
expulsions disaggregated according to race and gender; 51313

(C) A student equity report which shall consist of at least a 51314  
description of the status of teacher qualifications, library and 51315  
media resources, textbooks, classroom materials and supplies, and 51316  
technology resources for each district. To the extent possible, 51317  
the information included in the report required under this 51318  
division shall be disaggregated according to grade level, race, 51319  
gender, disability, and scores attained on assessments required 51320  
under section 3301.0710 of the Revised Code. 51321

(D) A school enrollment report which shall consist of 51322  
information about the composition of classes within each district 51323  
by grade and subject disaggregated according to race, gender, and 51324  
scores attained on assessments required under section 3301.0710 of 51325

the Revised Code; 51326

(E) A student retention report which shall consist of the 51327  
number of students retained in their respective grade levels in 51328  
the district disaggregated by grade level, subject area, race, 51329  
gender, and disability; 51330

(F) A school district performance report which shall describe 51331  
for the district and each building within the district the extent 51332  
to which the district or building meets each of the applicable 51333  
performance indicators established under section 3302.02 of the 51334  
Revised Code, the number of performance indicators that have been 51335  
achieved, and the performance index score. In calculating the 51336  
rates of achievement on the performance indicators and the 51337  
performance index scores for each report, the department shall 51338  
exclude all students with disabilities. 51339

Sec. 3302.042. (A) This section shall operate as a pilot 51340  
project that applies to any school that has been ranked according 51341  
to performance index score under section 3302.21 of the Revised 51342  
Code in the lowest five per cent of performance index scores of 51343  
all schools of all city, exempted village, and local school 51344  
districts statewide for three or more consecutive school years and 51345  
is operated by the Columbus city school district. 51346

(B) Except as provided in division (D) of this section, if 51347  
the parents or guardians of at least fifty per cent of the 51348  
students enrolled in a school to which this section applies, or if 51349  
the parents or guardians of at least fifty per cent of the total 51350  
number of students enrolled in that school and the schools of 51351  
lower grade levels whose students typically matriculate into that 51352  
school, sign and file with the school district treasurer a 51353  
petition requesting the district board of education to implement 51354  
one of the following reforms in the school, and if the validity 51355  
and sufficiency of the petition is certified in accordance with 51356

division (C) of this section, the board shall implement the 51357  
requested reform in the next school year: 51358

(1) Reopen the school as a community school under Chapter 51359  
3314. of the Revised Code; 51360

(2) Replace at least seventy per cent of the school's 51361  
personnel who are related to the school's poor academic 51362  
performance or, at the request of the petitioners, retain not more 51363  
than thirty per cent of the personnel; 51364

(3) Contract with another school district or a nonprofit or 51365  
for-profit entity with a demonstrated record of effectiveness to 51366  
operate the school; 51367

(4) Turn operation of the school over to the department; 51368

(5) Any other major restructuring of the school that makes 51369  
fundamental reforms in the school's staffing or governance. 51370

(C) Not later than thirty days after receipt of a petition 51371  
under division (B) of this section, the district treasurer shall 51372  
verify the validity and sufficiency of the signatures on the 51373  
petition and certify to the district board whether the petition 51374  
contains the necessary number of valid signatures to require the 51375  
board to implement the reform requested by the petitioners. If the 51376  
treasurer certifies to the district board that the petition does 51377  
not contain the necessary number of valid signatures, any person 51378  
who signed the petition may file an appeal with the county auditor 51379  
within ten days after the certification. Not later than thirty 51380  
days after the filing of an appeal, the county auditor shall 51381  
conduct an independent verification of the validity and 51382  
sufficiency of the signatures on the petition and certify to the 51383  
district board whether the petition contains the necessary number 51384  
of valid signatures to require the board to implement the 51385  
requested reform. If the treasurer or county auditor certifies 51386  
that the petition contains the necessary number of valid 51387

signatures, the district board shall notify the superintendent of 51388  
public instruction and the state board of education of the 51389  
certification. 51390

(D) The district board shall not implement the reform 51391  
requested by the petitioners in any of the following 51392  
circumstances: 51393

(1) The district board has determined that the request is for 51394  
reasons other than improving student academic achievement or 51395  
student safety. 51396

(2) The state superintendent has determined that 51397  
implementation of the requested reform would not comply with the 51398  
model of differentiated accountability described in section 51399  
3302.041 of the Revised Code. 51400

(3) The petitioners have requested the district board to 51401  
implement the reform described in division (B)(4) of this section 51402  
and the department has not agreed to take over the school's 51403  
operation. 51404

(4) When all of the following have occurred: 51405

(a) After a public hearing on the matter, the district board 51406  
issued a written statement explaining the reasons that it is 51407  
unable to implement the requested reform and agreeing to implement 51408  
one of the other reforms described in division (B) of this 51409  
section. 51410

(b) The district board submitted its written statement to the 51411  
state superintendent and the state board along with evidence 51412  
showing how the alternative reform the district board has agreed 51413  
to implement will enable the school to improve its academic 51414  
performance. 51415

(c) Both the state superintendent and the state board have 51416  
approved implementation of the alternative reform. 51417

(E) Beginning not later than six months after the first 51418  
petition under this section has been resolved, the department of 51419  
education shall annually evaluate the pilot program and submit a 51420  
report to the general assembly under section 101.68 of the Revised 51421  
Code. Such reports shall contain its recommendations to the 51422  
general assembly with respect to the continuation of the pilot 51423  
program, its expansion to other school districts, or the enactment 51424  
of further legislation establishing the program statewide under 51425  
permanent law. 51426

**Sec. 3302.05.** The state board of education shall adopt rules 51427  
freeing school districts declared to be excellent under division 51428  
(B)(1) or effective under division (B)(2) of section 3302.03 of 51429  
the Revised Code from specified state mandates. Any mandates 51430  
included in the rules shall be only those statutes or rules 51431  
pertaining to state education requirements. The rules shall not 51432  
exempt districts ~~from any standard or requirement of section~~ 51433  
~~3306.09 of the Revised Code or~~ from any operating standard adopted 51434  
under division (D)(3) of section 3301.07 of the Revised Code. 51435

**Sec. 3302.06.** (A) Any school of a city, exempted village, or 51436  
local school district may apply to the district board of education 51437  
to be designated as an innovation school. Each application shall 51438  
include an innovation plan that contains the following: 51439

(1) A statement of the school's mission and an explanation of 51440  
how the designation would enhance the school's ability to fulfill 51441  
its mission; 51442

(2) A description of the innovations the school would 51443  
implement; 51444

(3) An explanation of how implementation of the innovations 51445  
described in division (A)(2) of this section would affect the 51446  
school's programs and policies, including any of the following 51447

<u>that apply:</u>	51448
<u>(a) The school's educational program;</u>	51449
<u>(b) The length of the school day and the school year;</u>	51450
<u>(c) The school's student promotion policy;</u>	51451
<u>(d) The school's plan for the assessment of students;</u>	51452
<u>(e) The school's budget;</u>	51453
<u>(f) The school's staffing levels.</u>	51454
<u>(4) A description of the improvements in student academic performance that the school expects to achieve by implementing the innovations described in division (A)(2) of this section;</u>	51455
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	51457
<u>(5) An estimate of the cost savings and increased efficiencies, if any, that the school expects to achieve by implementing the innovations described in division (A)(2) of this section;</u>	51458
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<u>(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;</u>	51462
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<u>(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;</u>	51467
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<u>(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.</u>	51471
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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: 51478  
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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; 51487  
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(2) An estimate of any economies of scale that would be realized by implementing innovations jointly. 51490  
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**Sec. 3302.061.** (A) A school district board of education shall review each application received under section 3302.06 of the Revised Code and, within sixty days after receipt of the application, shall approve or disapprove the application. In reviewing applications, the board shall give preference to applications that propose innovations in one or more of the following areas: 51492  
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(1) Curriculum; 51499

(2) Student assessments, other than the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code; 51500  
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(3) Class scheduling; 51503

(4) Accountability measures, including innovations that expand the number and variety of measures used in order to collect more complete data about student academic performance. For this purpose, schools may consider use of measures such as 51504  
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end-of-course examinations, portfolios of student work, nationally or internationally normed assessments, the percentage of students enrolling in post-secondary education, or the percentage of students simultaneously obtaining a high school diploma and an associate's degree or certification to work in an industry or career field. 51508  
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(5) Provision of student services, including services for students who are disabled, identified as gifted under Chapter 3324. of the Revised Code, limited English proficient, at risk of academic failure or dropping out, or at risk of suspension or expulsion; 51514  
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(6) Provision of health, counseling, or other social services to students; 51519  
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(7) Preparation of students for transition to higher education or the workforce; 51521  
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(8) Teacher recruitment, employment, and evaluation; 51523

(9) Compensation for school personnel; 51524

(10) Professional development; 51525

(11) School governance and the roles and responsibilities of principals; 51526  
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(12) Use of financial or other resources. 51528

(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. 51529  
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(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 51535  
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may reapply for designation as an innovation school or innovation school zone at any time. 51538  
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(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 3319.081 or 3319.16 of the Revised Code. 51540  
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(D) The board may do either of the following at any time: 51552

(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; 51553  
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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. 51556  
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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 51563  
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the state board the innovation plan included in the approved 51569  
application or created by the district board. 51570

Within sixty days after receipt of the application, the state 51571  
board shall designate the district as a school district of 51572  
innovation, unless the state board determines that the submitted 51573  
innovation plan is not financially feasible or will likely result 51574  
in decreased academic achievement. If the state board so 51575  
determines, it shall provide a written explanation of the basis 51576  
for its determination to the district board. If the district is 51577  
not designated as a school district of innovation, the district 51578  
board shall not implement the innovation plan. However, the 51579  
district board may reapply for designation as a school district of 51580  
innovation at any time. 51581

(B) A district board may request the state board to make a 51582  
preliminary review of an innovation plan prior to the district 51583  
board's formal application for designation as a school district of 51584  
innovation. In that case, the state board shall review the 51585  
innovation plan and, within sixty days after the request, 51586  
recommend to the district board any changes or additions that the 51587  
state board believes will improve the plan, which may include 51588  
further innovations or measures to increase the likelihood that 51589  
the innovations will result in higher academic achievement. The 51590  
district board may revise the innovation plan prior to making 51591  
formal application for designation as a school district of 51592  
innovation. 51593

**Sec. 3302.063.** (A) Except as provided in division (B) of this 51594  
section, upon designation of a school district of innovation under 51595  
section 3302.062 of the Revised Code, the state board of education 51596  
shall waive any laws in Title XXXIII of the Revised Code or rules 51597  
adopted by the state board that are specified in the innovation 51598  
plan submitted by the district board of education as needing to be 51599

waived to implement the plan. The waiver shall apply only to the 51600  
school or schools participating in the innovation plan and shall 51601  
not apply to the district as a whole, unless each of the 51602  
district's schools is a participating school. The waiver shall 51603  
cease to apply to a school if the school's designation as an 51604  
innovation school is revoked or the innovation school zone in 51605  
which the school participates has its designation revoked under 51606  
section 3302.065 of the Revised Code, or if the school is removed 51607  
from an innovation school zone under that section or section 51608  
3302.064 of the Revised Code. 51609

(B) The state board shall not waive any law or rule regarding 51610  
the following: 51611

(1) Funding for school districts under Chapter 3317. of the 51612  
Revised Code; 51613

(2) The requirements of Chapters 3323. and 3324. of the 51614  
Revised Code for the provision of services to students with 51615  
disabilities and gifted students; 51616

(3) Requirements related to the provision of career-technical 51617  
education that are necessary to comply with federal law or 51618  
maintenance of effort provisions; 51619

(4) Administration of the assessments prescribed by sections 51620  
3301.0710, 3301.0712, and 3301.0715 of the Revised Code; 51621

(5) Requirements related to the issuance of report cards and 51622  
the assignment of performance ratings under section 3302.03 of the 51623  
Revised Code; 51624

(6) Implementation of the model of differentiated 51625  
accountability under section 3302.041 of the Revised Code; 51626

(7) Requirements for the reporting of data to the department 51627  
of education; 51628

(8) Criminal records checks of school employees; 51629

(9) The requirements of Chapters 3307. and 3309. regarding 51630  
the retirement systems for teachers and school employees. 51631

(C) If a district board's revisions to an innovation plan 51632  
under section 3302.066 of the Revised Code require a waiver of 51633  
additional laws or state board rules, the state board shall grant 51634  
a waiver from those laws or rules upon evidence that 51635  
administrators and teachers have consented to the revisions as 51636  
required by that section. 51637

**Sec. 3302.064.** (A) Each collective bargaining agreement 51638  
entered into by a school district board of education under Chapter 51639  
4117. of the Revised Code on or after the effective date of this 51640  
section shall allow for the waiver of any provision of the 51641  
agreement specified in the innovation plan approved or created 51642  
under section 3302.061 of the Revised Code as needing to be waived 51643  
to implement the plan, in the event the district is designated as 51644  
a school district of innovation. 51645

(B)(1) In the case of an innovation school, waiver of the 51646  
provisions specified in the innovation plan shall be contingent 51647  
upon at least sixty per cent of the members of the bargaining unit 51648  
covered by the collective bargaining agreement who work in the 51649  
school voting, by secret ballot, to approve the waiver. 51650

(2) In the case of an innovation school zone, waiver of the 51651  
provisions specified in the innovation plan shall be contingent 51652  
upon, in each participating school, at least sixty per cent of the 51653  
members of the bargaining unit covered by the collective 51654  
bargaining agreement who work in that school voting, by secret 51655  
ballot, to approve the waiver. If at least sixty per cent of the 51656  
members of the bargaining unit in a participating school do not 51657  
vote to approve the waiver, the board may revise the innovation 51658  
plan to remove that school from the innovation school zone. 51659

(3) If a board's revisions to an innovation plan under 51660

section 3302.066 of the Revised Code require a waiver of 51661  
additional provisions of the collective bargaining agreement, that 51662  
waiver shall be contingent upon approval under division (B)(1) or 51663  
(2) of this section in the same manner as the initial waiver. 51664

(C) A waiver approved under division (B) of this section 51665  
shall continue to apply relative to any substantially similar 51666  
provision of a collective bargaining agreement entered into after 51667  
the approval of the waiver. 51668

(D) A waiver approved under division (B) of this section 51669  
shall cease to apply to a school if the school's designation as an 51670  
innovation school is revoked or the innovation school zone in 51671  
which the school participates has its designation revoked under 51672  
section 3302.065 of the Revised Code, or if the school is removed 51673  
from an innovation school zone under that section. 51674

(E) An employee working in an innovation school or a school 51675  
participating in an innovation school zone who is a member of a 51676  
bargaining unit that approves a waiver under division (B) of this 51677  
section may request the board to transfer the employee to another 51678  
school of the district. The board shall make every reasonable 51679  
effort to accommodate the employee's request. 51680

**Sec. 3302.065.** Not later than three years after obtaining 51681  
designation as a school district of innovation under section 51682  
3302.062 of the Revised Code, and every three years thereafter, 51683  
the district board of education shall review the performance of 51684  
the innovation school or innovation school zone and determine if 51685  
it is achieving, or making sufficient progress toward achieving, 51686  
the improvements in student academic performance that were 51687  
described in its innovation plan. If the board finds that an 51688  
innovation school is not achieving, or not making sufficient 51689  
progress toward achieving, those improvements in student academic 51690  
performance, the board may revoke the designation as an innovation 51691

school. If the board finds that a school participating in an 51692  
innovation school zone is not achieving, or not making sufficient 51693  
progress toward achieving, those improvements in student academic 51694  
performance, the board may remove that school from the innovation 51695  
school zone or may revoke the designation of all participating 51696  
schools as an innovation school zone. 51697

Sec. 3302.066. A school district board of education may 51698  
revise an innovation plan approved or created under section 51699  
3302.061 of the Revised Code, in collaboration with the school or 51700  
schools participating in the plan, to further improve student 51701  
academic performance. The revisions may include identifying 51702  
additional laws in Title XXXIII of the Revised Code, rules adopted 51703  
by the state board of education, requirements enacted by the 51704  
district board, or provisions of a collective bargaining agreement 51705  
that need to be waived. Any revisions to an innovation plan shall 51706  
require the consent, in each school participating in the plan, of 51707  
a majority of the administrators assigned to that school and a 51708  
majority of the teachers assigned to that school. 51709

Sec. 3302.067. The board of education of any district 51710  
designated as a school district of innovation or any school 51711  
participating in an innovation plan may accept, receive, and 51712  
expend gifts, grants, or donations from any public or private 51713  
entity to support the implementation of the plan. 51714

Sec. 3302.068. Not later than the first day of July each 51715  
year, the department of education shall issue, and post on its web 51716  
site, a report on school districts of innovation. The report shall 51717  
include the following information: 51718

(A) The number of districts designated as school districts of 51719  
innovation in the preceding school year and the total number of 51720

<u>school districts of innovation statewide;</u>	51721
<u>(B) The number of innovation schools in each school district of innovation and the number of district students served by the schools, expressed as a total number and as a percentage of the district's total student population;</u>	51722
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<u>(C) The number of innovation school zones in each school district of innovation, the number of schools participating in each zone, and the number of district students served by the participating schools, expressed as a total number and as a percentage of the district's total student population;</u>	51726
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<u>(D) An overview of the innovations implemented in innovation schools and innovation school zones;</u>	51731
	51732
<u>(E) Data on the academic performance of the students enrolled in an innovation school or an innovation school zone in each school district of innovation, including a comparison of the students' academic performance before and after the district's designation as a school district of innovation;</u>	51733
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<u>(F) Recommendations for legislative changes based on the innovations implemented or to enhance the ability of schools and districts to implement innovations.</u>	51738
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	51740
<b>Sec. 3302.07.</b> (A) The board of education of any school district, the governing board of any educational service center, or the administrative authority of any chartered nonpublic school may submit to the state board of education an application proposing an innovative education pilot program the implementation of which requires exemptions from specific statutory provisions or rules. If a district or service center board employs teachers under a collective bargaining agreement adopted pursuant to Chapter 4117. of the Revised Code, any application submitted under this division shall include the written consent of the teachers'	51741
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employee representative designated under division (B) of section 51751  
4117.04 of the Revised Code. The exemptions requested in the 51752  
application shall be limited to any requirement of Title XXXIII of 51753  
the Revised Code or of any rule of the state board adopted 51754  
pursuant to that title except that the application may not propose 51755  
an exemption from any requirement of or rule adopted pursuant to 51756  
~~section 3306.09~~, Chapter 3307. or 3309., sections 3319.07 to 51757  
3319.21, or Chapter 3323. of the Revised Code. Furthermore, an 51758  
exemption from any operating standard adopted under division 51759  
(B)(2) or (D)~~(3)~~ of section 3301.07 of the Revised Code shall be 51760  
granted only pursuant to a waiver granted by the superintendent of 51761  
public instruction under division (O) of that section. 51762

(B) The state board of education shall accept any application 51763  
submitted in accordance with division (A) of this section. The 51764  
superintendent of public instruction shall approve or disapprove 51765  
the application in accordance with standards for approval, which 51766  
shall be adopted by the state board. 51767

(C) The superintendent of public instruction shall exempt 51768  
each district or service center board or chartered nonpublic 51769  
school administrative authority with an application approved under 51770  
division (B) of this section for a specified period from the 51771  
statutory provisions or rules specified in the approved 51772  
application. The period of exemption shall not exceed the period 51773  
during which the pilot program proposed in the application is 51774  
being implemented and a reasonable period to allow for evaluation 51775  
of the effectiveness of the program. 51776

**Sec. 3302.12.** (A) For any school building that is ranked 51777  
according to performance index score under section 3302.21 of the 51778  
Revised Code in the lowest five per cent of all school district 51779  
buildings statewide for three consecutive years and is declared to 51780  
be under an academic watch or in a state of academic emergency 51781



under section 3302.03 of the Revised Code, the district board of education shall do one of the following at the conclusion of the school year in which the building first becomes subject to this division: 51782  
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(1) Close the school and direct the district superintendent to reassign the students enrolled in the school to other school buildings that demonstrate higher academic achievement; 51786  
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(2) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 51789  
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(3) Replace the principal and all teaching staff of the school and, upon request from the new principal, exempt the school from all requested policies and regulations of the board regarding curriculum and instruction. The board also shall distribute funding to the school in an amount that is at least equal to the product of the per pupil amount of state and local revenues received by the district multiplied by the student population of the school. 51792  
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(4) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code. 51800  
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(B) If an action taken by the board under division (A) of this section causes the district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the board shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with 51802  
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the requirement of section 3311.29 of the Revised Code. If, 51813  
however, the district board fails to or is unable to enter into or 51814  
maintain such a contract, the state board of education shall take 51815  
all necessary actions to dissolve the district as provided in 51816  
division (A) of section 3311.29 of the Revised Code. 51817

**Sec. 3302.20.** (A) The department of education shall develop 51818  
standards for determining, from the existing data reported in 51819  
accordance with sections 3301.0714 and 3314.17 of the Revised 51820  
Code, the amount of annual operating expenditures for classroom 51821  
instructional purposes and for nonclassroom purposes for each 51822  
city, exempted village, local, and joint vocational school 51823  
district, each community school established under Chapter 3314. 51824  
that is not an internet- or computer-based community school, each 51825  
internet- or computer-based community school, and each STEM school 51826  
established under Chapter 3326. of the Revised Code. Not later 51827  
than January 1, 2012, the department shall present those standards 51828  
to the state board of education for consideration. In developing 51829  
the standards, the department shall adapt existing standards used 51830  
by professional organizations, research organizations, and other 51831  
state governments. 51832

The state board shall consider the proposed standards and 51833  
adopt a final set of standards not later than July 1, 2012. 51834

(B)(1) The department shall categorize all city, exempted 51835  
village, and local school districts into not less than three nor 51836  
more than five groups based primarily on average daily student 51837  
enrollment as reported on the most recent report card issued for 51838  
each district under section 3302.03 of the Revised Code. 51839

(2) The department shall categorize all joint vocational 51840  
school districts into not less than three nor more than five 51841  
groups based primarily on average daily membership as reported 51842  
under division (D) of section 3317.03 of the Revised Code rounded 51843

to the nearest whole number. 51844

(3) The department shall categorize all community schools that are not internet- or computer-based community schools into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each community school under sections 3302.03 and 3314.012 of the Revised Code. 51845  
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(4) The department shall categorize all internet- or computer-based community schools into a single category. 51851  
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(5) The department shall categorize all STEM schools into a single category. 51853  
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(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute, for fiscal years 2008 through 2012, and annually for each fiscal year thereafter, the following: 51855  
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(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes; 51860  
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(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes; 51863  
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51865

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes; 51866  
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(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following: 51869  
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(a) From highest to lowest percentage spent for classroom instructional purposes; 51872  
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<u>(b) From lowest to highest percentage spent for noninstructional purposes.</u>	51874
	51875
<u>(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:</u>	51876
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<u>(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:</u>	51879
	51880
	51881
<u>(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditures per pupil;</u>	51882
	51883
	51884
<u>(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.</u>	51885
	51886
	51887
<u>(2) Within each category of joint vocational school districts, the department shall denote each district that is:</u>	51888
	51889
<u>(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditures per pupil;</u>	51890
	51891
	51892
<u>(b) Among the twenty per cent of all joint vocational school districts statewide with the highest performance measures required for career-technical education under 20 U.S.C. 2323, as ranked under division (A)(3) of section 3302.21 of the Revised Code.</u>	51893
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<u>(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:</u>	51897
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	51899
<u>(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil;</u>	51900
	51901
<u>(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores.</u>	51902
	51903

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is: 51904  
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(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditures per pupil; 51907  
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(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores. 51909  
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(5) Within the category of STEM schools, the department shall denote each school that is: 51911  
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(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditures per pupil; 51913  
51914

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores. 51915  
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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. 51917  
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(F) As used in this section: 51927

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 51928  
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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. 51930  
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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:

(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 districts, schools, and buildings may be reliably compared to each other.

(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;

(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.

(4) Current operating expenditures per pupil;

(5) Of total current operating expenditures, percentage spent for classroom instruction as determined under standards adopted by

the state board of education; 51964

(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. 51965  
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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. 51969  
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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 district, each community school, and each STEM school indicating the district's or school's rank on each measure described in divisions (A)(1) to (5) of this section, including each separate building's rank according to performance index score under division (A)(1) of this section. 51972  
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**Sec. 3302.22.** (A) The governor's effective and efficient schools recognition program is hereby created. Each year, the governor shall recognize, in a manner deemed appropriate by the governor, the top ten per cent of all public schools in this state, including schools of city, exempted village, local, or joint vocational school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code. 51981  
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(B) The top ten per cent of schools shall be determined by the department of education according to standards established by the department. The standards shall include, but need not be limited to, both of the following: 51989  
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(1) Student performance, as determined by factors including, 51993

but not limited to, performance indicators under section 3302.02 51994  
of the Revised Code, report cards issued under section 3302.03 of 51995  
the Revised Code, performance index score rankings under section 51996  
3302.21 of the Revised Code, and any other statewide or national 51997  
assessment or student performance recognition program the 51998  
department selects; 51999

(2) Fiscal performance, including cost-effective measures 52000  
taken by the school. 52001

**Sec. 3302.25.** (A) In accordance with standards prescribed by 52002  
the state board of education for categorization of school district 52003  
expenditures adopted under division (A) of section 3302.20 of the 52004  
Revised Code, the department of education annually shall determine 52005  
all of the following for the previous fiscal year: 52006

(1) For each school district, the ratio of the district's 52007  
operating expenditures for instructional purposes compared to its 52008  
operating expenditures for administrative purposes; 52009

(2) For each school district, the per pupil amount of the 52010  
district's expenditures for instructional purposes; 52011

(3) For each school district, the per pupil amount of the 52012  
district's operating expenditures for administrative purposes; 52013

(4) For each school district, the percentage of the 52014  
district's operating expenditures attributable to school district 52015  
funds; 52016

(5) The statewide average among all school districts for each 52017  
of the items described in divisions (A)(1) to (4) of this section. 52018

(B) The department annually shall submit a report to each 52019  
school district indicating the district's information for each of 52020  
the items described in divisions (A)(1) to (4) of this section and 52021  
the statewide averages described in division (A)(5) of this 52022  
section. 52023



(C) Each school district, upon receipt of the report 52024  
prescribed by division (B) of this section, shall publish the 52025  
information contained in that report in a prominent location on 52026  
the district's web site and publish the report in another fashion 52027  
so that it is available to all parents of students enrolled in the 52028  
district and to taxpayers of the district. 52029

**Sec. 3302.30.** (A) The superintendent of public instruction 52030  
shall establish a pilot project in Columbiana county under which 52031  
one or more school districts in that county shall offer a 52032  
multiple-track high school curriculum for students with differing 52033  
career plans. The superintendent shall solicit and select 52034  
districts to participate in the pilot project. Selected districts 52035  
shall begin offering their career track curricula not later than 52036  
the school year that begins at least six months after the 52037  
effective date of this section. No district shall be required to 52038  
participate in the pilot project. 52039

The curricula provided under the pilot project at each 52040  
participating district shall offer at least three distinct career 52041  
tracks, including at least a college preparatory track and a 52042  
career-technical track. Each track shall comply with the 52043  
curriculum requirements of section 3313.603 of the Revised Code. 52044  
The different tracks may be offered at different campuses. Two or 52045  
more participating districts may offer some or all of their 52046  
respective curriculum tracks through a cooperative agreement 52047  
entered into under section 3313.842 of the Revised Code. 52048

The department of education shall provide technical 52049  
assistance to participating districts in developing the curriculum 52050  
tracks to offer to students under the pilot project. 52051

Part or all of selected curriculum materials or services may 52052  
be purchased from other public or private sources. 52053

The state superintendent shall apply for private and other 52054

nonstate funds, and may use other available state funds, to 52055  
support the pilot project. If nonstate funds cannot be obtained or 52056  
the superintendent of public instruction determines that 52057  
sufficient funds are not available to support the pilot project, 52058  
implementation of this section may be postponed until such time as 52059  
the superintendent determines that sufficient funds are available. 52060

(B) Each participating school district shall report to the 52061  
state superintendent data about the operation and results of the 52062  
pilot project, as required by the superintendent. 52063

(C) Not later than the thirty-first day of December of the 52064  
third school year in which the pilot project is operating, the 52065  
state superintendent shall submit a report to the general 52066  
assembly, in accordance with section 101.68 of the Revised Code, 52067  
containing the superintendent's evaluation of the results of the 52068  
pilot project and legislative recommendations whether to continue, 52069  
expand, or make changes to the pilot project. 52070

**Sec. 3304.181.** If the total of all funds available from 52071  
nonfederal sources to support the activities of the rehabilitation 52072  
services commission does not comply with the expenditure 52073  
requirements of 34 C.F.R. 361.60 and 361.62 for those activities 52074  
or would cause the state to lose an allotment or fail to receive a 52075  
reallotment under 34 C.F.R. 361.65, the commission shall solicit 52076  
additional funds from, and enter into agreements for the use of 52077  
those funds with, private or public entities, including local 52078  
government entities of this state. The commission shall continue 52079  
to solicit additional funds and enter into agreements until the 52080  
total funding available is sufficient for the commission to 52081  
receive federal funds at the maximum amount and in the most 52082  
advantageous proportion possible. 52083

Any agreement entered into between the commission and a 52084  
private or public entity to provide funds under this section shall 52085

be in accordance with 34 C.F.R. 361.28 and section 3304.182 of the Revised Code.

**Sec. 3304.182.** Any agreement between the rehabilitation services commission and a private or public entity providing funds under section 3304.181 of the Revised Code may permit the commission to receive a specified percentage of the funds ~~for~~ ~~administration~~, but the percentage shall be not more than thirteen per cent of the total funds available under the agreement. The agreement shall not be for less than six months or be discontinued by the commission without the commission first providing three months notice of intent to discontinue the agreement. The commission may terminate an agreement only for good cause.

Any services provided under an agreement entered into under section 3304.181 of the Revised Code shall be provided by a person or government entity that meets the accreditation standards established in rules adopted by the commission under section 3304.16 of the Revised Code.

**Sec. 3305.08.** Any payment, benefit, or other right accruing to any electing employee under a contract entered into for purposes of an alternative retirement plan and all moneys, investments, and income of those contracts are exempt from any state tax, except the tax imposed by section 5747.02 of the Revised Code, are exempt from any county, municipal, or other local tax, except income taxes imposed pursuant to section 5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised Code, and, except as provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3305.09, and 3305.12 of the Revised Code, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency law, or other process of law, and shall be unassignable except as specifically provided in this section and sections 3105.171, 3105.65, 3119.80,

3119.81, 3121.02, 3121.03, 3115.32, and 3123.06 of the Revised Code or in any contract the electing employee has entered into for purposes of an alternative retirement plan.

**Sec. 3307.20.** (A) As used in this section:

(1) "Personal history record" means information maintained by the state teachers retirement 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 state teachers retirement system, or other information the board determines to be confidential.

(2) "Retirant" has the same meaning as in section 3307.50 of the Revised Code.

(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:

(1) The individual's personal records provided for in section 3307.23 of the Revised Code;

(2) The individual's personal history record;

(3) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual.

(C) All medical reports and recommendations under sections 3307.62, 3307.64, and 3307.66 of the Revised Code 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. 52147  
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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. 52150  
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(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the board may furnish the following information: 52154  
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(1) If a member, former member, retirant, contributor, or former contributor is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record. 52157  
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(2) Pursuant to a court or administrative order issued under section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section. 52166  
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(3) At the written request of any person, the board shall provide to the person a list of the names and addresses of members, former members, retirants, contributors, former contributors, or beneficiaries. The costs of compiling, copying, and mailing the list shall be paid by such person. 52170  
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(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section 52175  
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5101.181 of the Revised Code, the board shall inform the auditor 52178  
of state of the name, current or most recent employer address, and 52179  
social security number of each member whose name and social 52180  
security number are the same as that of a person whose name or 52181  
social security number was submitted by the director. The board 52182  
and its employees shall, except for purposes of furnishing the 52183  
auditor of state with information required by this section, 52184  
preserve the confidentiality of recipients of public assistance in 52185  
compliance with ~~division (A)~~ of section 5101.181 of the Revised 52186  
Code. 52187

(5) The system shall comply with orders issued under section 52188  
3105.87 of the Revised Code. 52189

On the written request of an alternate payee, as defined in 52190  
section 3105.80 of the Revised Code, the system shall furnish to 52191  
the alternate payee information on the amount and status of any 52192  
amounts payable to the alternate payee under an order issued under 52193  
section 3105.171 or 3105.65 of the Revised Code. 52194

(6) At the request of any person, the board shall make 52195  
available to the person copies of all documents, including 52196  
resumes, in the board's possession regarding filling a vacancy of 52197  
a contributing member or retired teacher member of the board. The 52198  
person who made the request shall pay the cost of compiling, 52199  
copying, and mailing the documents. The information described in 52200  
this division is a public record. 52201

(7) The system shall provide the notice required by section 52202  
3307.373 of the Revised Code to the prosecutor assigned to the 52203  
case. 52204

(F) A statement that contains information obtained from the 52205  
system's records that is signed by an officer of the retirement 52206  
system and to which the system's official seal is affixed, or 52207  
copies of the system's records to which the signature and seal are 52208

attached, shall be received as true copies of the system's records 52209  
in any court or before any officer of this state. 52210

**Sec. 3307.31.** (A) Payments by boards of education and 52211  
governing authorities of community schools to the state teachers 52212  
retirement system, as provided in sections 3307.29 and 3307.291 of 52213  
the Revised Code, shall be made from the amount allocated under 52214  
section 3314.08, ~~Chapter 3306.7~~, or Chapter 3317. of the Revised 52215  
Code prior to its distribution to the individual school districts 52216  
or community schools. The amount due from each school district or 52217  
community school shall be certified by the secretary of the system 52218  
to the superintendent of public instruction monthly, or at such 52219  
times as may be determined by the state teachers retirement board. 52220

The superintendent shall deduct, from the amount allocated to 52221  
each district or community school under section 3314.08, ~~Chapter~~ 52222  
~~3306.7~~, or Chapter 3317. of the Revised Code, the entire amounts 52223  
due to the system from such district or school upon the 52224  
certification to the superintendent by the secretary thereof. 52225

The superintendent shall certify to the director of budget 52226  
and management the amounts thus due the system for payment. 52227

(B) Payments to the state teachers retirement system by a 52228  
science, technology, engineering, and mathematics school shall be 52229  
deducted from the amount allocated under section 3326.33 of the 52230  
Revised Code and shall be made in the same manner as payments by 52231  
boards of education under this section. 52232

**Sec. 3307.41.** The right of an individual to a pension, an 52233  
annuity, or a retirement allowance itself, the right of an 52234  
individual to any optional benefit, or any other right or benefit 52235  
accrued or accruing to any individual under this chapter, the 52236  
various funds created by section 3307.14 of the Revised Code, and 52237  
all moneys, investments, and income from moneys or investments are 52238

exempt from any state tax, except the tax imposed by section 52239  
5747.02 of the Revised Code, and are exempt from any county, 52240  
municipal, or other local tax, except income taxes imposed 52241  
pursuant to section 5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised 52242  
Code, and, except as provided in sections 3105.171, 3105.65, 52243  
3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3307.37, 52244  
3307.372, and 3307.373 of the Revised Code, shall not be subject 52245  
to execution, garnishment, attachment, the operation of bankruptcy 52246  
or insolvency laws, or any other process of law whatsoever, and 52247  
shall be unassignable except as specifically provided in this 52248  
chapter or sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 52249  
3121.02, 3121.03, and 3123.06 of the Revised Code. 52250

**Sec. 3307.64.** A disability benefit recipient, notwithstanding 52251  
section 3319.13 of the Revised Code, shall retain membership in 52252  
the state teachers retirement system and shall be considered on 52253  
leave of absence during the first five years following the 52254  
effective date of a disability benefit. 52255

The state teachers retirement board shall require any 52256  
disability benefit recipient to submit to an annual medical 52257  
examination by a physician selected by the board, except that the 52258  
board may waive the medical examination if the board's physician 52259  
certifies that the recipient's disability is ongoing. If a 52260  
disability benefit recipient refuses to submit to a medical 52261  
examination, the recipient's disability benefit shall be suspended 52262  
until the recipient withdraws the refusal. If the refusal 52263  
continues for one year, all the recipient's rights under and to 52264  
the disability benefit shall be terminated as of the effective 52265  
date of the original suspension. 52266

After the examination, the examiner shall report and certify 52267  
to the board whether the disability benefit recipient is no longer 52268  
physically and mentally incapable of resuming the service from 52269



which the recipient was found disabled. If the board concurs in a 52270  
report by the examining physician that the disability benefit 52271  
recipient is no longer incapable, the payment of a disability 52272  
benefit shall be terminated not later than the following 52273  
thirty-first day of August or upon employment as a teacher prior 52274  
thereto. If the leave of absence has not expired, the board shall 52275  
so certify to the disability benefit recipient's last employer 52276  
before being found disabled that the recipient is no longer 52277  
physically and mentally incapable of resuming service that is the 52278  
same or similar to that from which the recipient was found 52279  
disabled. If the recipient was under contract at the time the 52280  
recipient was found disabled, the employer by the first day of the 52281  
next succeeding year shall restore the recipient to the 52282  
recipient's previous position and salary or to a position and 52283  
salary similar thereto, unless the recipient was dismissed or 52284  
resigned in lieu of dismissal for dishonesty, misfeasance, 52285  
malfeasance, or conviction of a felony. 52286

A disability benefit shall terminate if the disability 52287  
benefit recipient becomes employed as a teacher in any public or 52288  
private school or institution in this state or elsewhere. An 52289  
individual receiving a disability benefit from the system shall be 52290  
ineligible for any employment as a teacher and it shall be 52291  
unlawful for any employer to employ the individual as a teacher. 52292  
If any employer should employ or reemploy the individual prior to 52293  
the termination of a disability benefit, the employer shall file 52294  
notice of employment with the board designating the date of the 52295  
employment. If the individual should be paid both a disability 52296  
benefit and also compensation for teaching service for all or any 52297  
part of the same month, the secretary of the board shall certify 52298  
to the employer or to the superintendent of public instruction the 52299  
amount of the disability benefit received by the individual during 52300  
the employment, which amount shall be deducted from any amount due 52301  
the employing district under ~~Chapters 3306.~~ and Chapter 3317. of 52302

the Revised Code or shall be paid by the employer to the annuity and pension reserve fund. 52303  
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Each disability benefit recipient shall file with the board an annual statement of earnings, current medical information on the recipient's condition, and any other information required in rules adopted by the board. The board may waive the requirement that a disability benefit recipient file an annual statement of earnings or current medical information if the board's physician certifies that the recipient's disability is ongoing. 52305  
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The board shall annually examine the information submitted by the recipient. If a disability benefit recipient refuses to file the statement or information, the disability benefit shall be suspended until the statement and information are filed. If the refusal continues for one year, the recipient's right to the disability benefit shall be terminated as of the effective date of the original suspension. 52312  
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A disability benefit also may be terminated by the board at the request of the disability benefit recipient. 52319  
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If disability retirement under section 3307.63 of the Revised Code is terminated for any reason, the annuity and pension reserves at that time in the annuity and pension reserve fund shall be transferred to the teachers' savings fund and the employers' trust fund, respectively. If the total disability benefit paid was less than the amount of the accumulated contributions of the member transferred to the annuity and pension reserve fund at the time of the member's disability retirement, then the difference shall be transferred from the annuity and pension reserve fund to another fund as required. In determining the amount of a member's account following the termination of disability retirement for any reason, the total amount paid shall be charged against the member's refundable account. 52321  
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If a disability allowance paid under section 3307.631 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.

If a former disability benefit recipient again becomes a contributor, other than as an other system retirant under section 3307.35 of the Revised Code, to this retirement system, the school employees retirement system, or the public employees retirement system, and completes at least two additional years of service credit, the former disability benefit recipient shall receive credit for the period as a disability benefit recipient.

**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 52364  
agent of the individual concerned upon written release received 52365  
from the individual or the individual's agent, or when necessary 52366  
for the proper administration of the fund, to the board assigned 52367  
physician. 52368

(2) Documentation required by section 2929.193 of the Revised 52369  
Code shall be provided to a court holding a hearing under that 52370  
section. 52371

(C) Any person who is a contributor of the system shall be 52372  
furnished, on written request, with a statement of the amount to 52373  
the credit of the person's account. The board need not answer more 52374  
than one such request of a person in any one year. 52375

(D) Notwithstanding the exceptions to public inspection in 52376  
division (A)(2) of this section, the board may furnish the 52377  
following information: 52378

(1) If a member, former member, contributor, former 52379  
contributor, or retirant is subject to an order issued under 52380  
section 2907.15 of the Revised Code or an order issued under 52381  
division (A) or (B) of section 2929.192 of the Revised Code or is 52382  
convicted of or pleads guilty to a violation of section 2921.41 of 52383  
the Revised Code, on written request of a prosecutor as defined in 52384  
section 2935.01 of the Revised Code, the board shall furnish to 52385  
the prosecutor the information requested from the individual's 52386  
personal history record. 52387

(2) Pursuant to a court or administrative order issued under 52388  
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 52389  
Revised Code, the board shall furnish to a court or child support 52390  
enforcement agency the information required under that section. 52391

(3) At the written request of any person, the board shall 52392  
provide to the person a list of the names and addresses of 52393  
members, former members, retirants, contributors, former 52394

contributors, or beneficiaries. The costs of compiling, copying, 52395  
and mailing the list shall be paid by such person. 52396

(4) Within fourteen days after receiving from the director of 52397  
job and family services a list of the names and social security 52398  
numbers of recipients of public assistance pursuant to section 52399  
5101.181 of the Revised Code, the board shall inform the auditor 52400  
of state of the name, current or most recent employer address, and 52401  
social security number of each contributor whose name and social 52402  
security number are the same as that of a person whose name or 52403  
social security number was submitted by the director. The board 52404  
and its employees shall, except for purposes of furnishing the 52405  
auditor of state with information required by this section, 52406  
preserve the confidentiality of recipients of public assistance in 52407  
compliance with ~~division (A)~~ of section 5101.181 of the Revised 52408  
Code. 52409

(5) The system shall comply with orders issued under section 52410  
3105.87 of the Revised Code. 52411

On the written request of an alternate payee, as defined in 52412  
section 3105.80 of the Revised Code, the system shall furnish to 52413  
the alternate payee information on the amount and status of any 52414  
amounts payable to the alternate payee under an order issued under 52415  
section 3105.171 or 3105.65 of the Revised Code. 52416

(6) At the request of any person, the board shall make 52417  
available to the person copies of all documents, including 52418  
resumes, in the board's possession regarding filling a vacancy of 52419  
an employee member or retirant member of the board. The person who 52420  
made the request shall pay the cost of compiling, copying, and 52421  
mailing the documents. The information described in this division 52422  
is a public record. 52423

(7) The system shall provide the notice required by section 52424  
3309.673 of the Revised Code to the prosecutor assigned to the 52425

case. 52426

(E) A statement that contains information obtained from the 52427  
system's records that is signed by an officer of the retirement 52428  
system and to which the system's official seal is affixed, or 52429  
copies of the system's records to which the signature and seal are 52430  
attached, shall be received as true copies of the system's records 52431  
in any court or before any officer of this state. 52432

**Sec. 3309.41.** (A) A disability benefit recipient shall retain 52433  
membership status and shall be considered on leave of absence from 52434  
employment during the first five years following the effective 52435  
date of a disability benefit, notwithstanding any contrary 52436  
provisions in Chapter 124. or 3319. of the Revised Code. 52437

(B) The school employees retirement board shall require a 52438  
disability benefit recipient to undergo an annual medical 52439  
examination, except that the board may waive the medical 52440  
examination if the board's physician or physicians certify that 52441  
the recipient's disability is ongoing. Should any disability 52442  
benefit recipient refuse to submit to a medical examination, the 52443  
recipient's disability benefit shall be suspended until withdrawal 52444  
of the refusal. Should the refusal continue for one year, all the 52445  
recipient's rights in and to the disability benefit shall be 52446  
terminated as of the effective date of the original suspension. 52447

(C) On completion of the examination by an examining 52448  
physician or physicians selected by the board, the physician or 52449  
physicians shall report and certify to the board whether the 52450  
disability benefit recipient is no longer physically and mentally 52451  
incapable of resuming the service from which the recipient was 52452  
found disabled. If the board concurs in the report that the 52453  
disability benefit recipient is no longer incapable, the payment 52454  
of the disability benefit shall be terminated not later than three 52455  
months after the date of the board's concurrence or upon 52456

employment as an employee. If the leave of absence has not 52457  
expired, the retirement board shall certify to the disability 52458  
benefit recipient's last employer before being found disabled that 52459  
the recipient is no longer physically and mentally incapable of 52460  
resuming service that is the same or similar to that from which 52461  
the recipient was found disabled. The employer shall restore the 52462  
recipient to the recipient's previous position and salary or to a 52463  
position and salary similar thereto not later than the first day 52464  
of the first month following termination of the disability 52465  
benefit, unless the recipient was dismissed or resigned in lieu of 52466  
dismissal for dishonesty, misfeasance, malfeasance, or conviction 52467  
of a felony. 52468

(D) Each disability benefit recipient shall file with the 52469  
board an annual statement of earnings, current medical information 52470  
on the recipient's condition, and any other information required 52471  
in rules adopted by the board. The board may waive the requirement 52472  
that a disability benefit recipient file an annual statement of 52473  
earnings or current medical information on the recipient's 52474  
condition if the board's physician or physicians certify that the 52475  
recipient's disability is ongoing. 52476

The board shall annually examine the information submitted by 52477  
the recipient. If a disability benefit recipient refuses to file 52478  
the statement or information, the disability benefit shall be 52479  
suspended until the statement and information are filed. If the 52480  
refusal continues for one year, the recipient's right to the 52481  
disability benefit shall be terminated as of the effective date of 52482  
the original suspension. 52483

(E) If a disability benefit recipient is employed by an 52484  
employer covered by this chapter, the recipient's disability 52485  
benefit shall cease. 52486

(F) If disability retirement under section 3309.40 of the 52487  
Revised Code is terminated for any reason, the annuity and pension 52488

reserves at that time in the annuity and pension reserve fund 52489  
shall be transferred to the employees' savings fund and the 52490  
employers' trust fund, respectively. If the total disability 52491  
benefit paid is less than the amount of the accumulated 52492  
contributions of the member transferred into the annuity and 52493  
pension reserve fund at the time of the member's disability 52494  
retirement, the difference shall be transferred from the annuity 52495  
and pension reserve fund to another fund as may be required. In 52496  
determining the amount of a member's account following the 52497  
termination of disability retirement for any reason, the amount 52498  
paid shall be charged against the member's refundable account. 52499

If a disability allowance paid under section 3309.401 of the 52500  
Revised Code is terminated for any reason, the reserve on the 52501  
allowance at that time in the annuity and pension reserve fund 52502  
shall be transferred from that fund to the employers' trust fund. 52503

The board may terminate a disability benefit at the request 52504  
of the recipient. 52505

(G) If a disability benefit is terminated and a former 52506  
disability benefit recipient again becomes a contributor, other 52507  
than as an other system retirant as defined in section 3309.341 of 52508  
the Revised Code, to this system, the public employees retirement 52509  
system, or the state teachers retirement system, and completes an 52510  
additional two years of service credit after the termination of 52511  
the disability benefit, the former disability benefit recipient 52512  
shall be entitled to full service credit for the period as a 52513  
disability benefit recipient. 52514

(H) If any employer employs any member who is receiving a 52515  
disability benefit, the employer shall file notice of employment 52516  
with the retirement board, designating the date of employment. In 52517  
case the notice is not filed, the total amount of the benefit paid 52518  
during the period of employment prior to notice shall be paid from 52519  
amounts allocated under ~~Chapters 3306. and Chapter~~ 3317. of the 52520



Revised Code prior to its distribution to the school district in 52521  
which the disability benefit recipient was so employed. 52522

**Sec. 3309.48.** Any employee who left the service of an 52523  
employer after attaining age sixty-five or over and such employer 52524  
had failed or refused to deduct and transmit to the school 52525  
employees retirement system the employee contributions as required 52526  
by section 3309.47 of the Revised Code during any year for which 52527  
membership was compulsory as determined by the school employees 52528  
retirement board, shall be granted service credit without cost, 52529  
which shall be considered as total service credit for the purposes 52530  
of meeting the qualifications for service retirement provided by 52531  
the law in effect on and retroactive to the first eligible 52532  
retirement date following the date such employment terminated, but 52533  
shall not be paid until formal application for such allowance on a 52534  
form provided by the retirement board is received in the office of 52535  
the retirement system. The total service credit granted under this 52536  
section shall not exceed ten years for any such employee. 52537

The liability incurred by the retirement board because of the 52538  
service credit granted under this section shall be determined by 52539  
the retirement board, the cost of which shall be equal to an 52540  
amount that is determined by applying the combined employee and 52541  
employer rates of contribution against the compensation of such 52542  
employee at the rates of contribution and maximum salary 52543  
provisions in effect during such employment for each year for 52544  
which credit is granted, together with interest at the rate to be 52545  
credited accumulated contributions at retirement, compounded 52546  
annually from the first day of the month payment was due the 52547  
retirement system to and including the month of deposit, the total 52548  
amount of which shall be collected from the employer. Such amounts 52549  
shall be certified by the retirement board to the superintendent 52550  
of public instruction, who shall deduct the amount due the system 52551  
from any funds due the affected school district under ~~Chapters~~ 52552

~~3306.~~ and Chapter 3317. of the Revised Code. The superintendent 52553  
shall certify to the director of budget and management the amount 52554  
due the system for payment. The total amount paid shall be 52555  
deposited into the employers' trust fund, and shall not be 52556  
considered as accumulated contributions of the employee in the 52557  
event of the employee's death or withdrawal of funds. 52558

**Sec. 3309.51.** (A) Each employer shall pay annually into the 52559  
employers' trust fund, in such monthly or less frequent 52560  
installments as the school employees retirement board requires, an 52561  
amount certified by the school employees retirement board, which 52562  
shall be as required by Chapter 3309. of the Revised Code. 52563

Payments by school district boards of education to the 52564  
employers' trust fund of the school employees retirement system 52565  
may be made from the amounts allocated under ~~Chapters 3306.~~ and 52566  
Chapter 3317. of the Revised Code prior to their distribution to 52567  
the individual school districts. The amount due from each school 52568  
district may be certified by the secretary of the system to the 52569  
superintendent of public instruction monthly, or at such times as 52570  
is determined by the school employees retirement board. 52571

Payments by governing authorities of community schools to the 52572  
employers' trust fund of the school employees retirement system 52573  
shall be made from the amounts allocated under section 3314.08 of 52574  
the Revised Code prior to their distribution to the individual 52575  
community schools. The amount due from each community school shall 52576  
be certified by the secretary of the system to the superintendent 52577  
of public instruction monthly, or at such times as determined by 52578  
the school employees retirement board. 52579

Payments by a science, technology, engineering, and 52580  
mathematics school to the employers' trust fund of the school 52581  
employees retirement system shall be made from the amounts 52582  
allocated under section 3326.33 of the Revised Code prior to their 52583

distribution to the school. The amount due from a science, 52584  
technology, engineering, and mathematics school shall be certified 52585  
by the secretary of the school employees retirement system to the 52586  
superintendent of public instruction monthly, or at such times as 52587  
determined by the school employees retirement board. 52588

(B) The superintendent shall deduct from the amount allocated 52589  
to each community school under section 3314.08 of the Revised 52590  
Code, to each school district under ~~Chapters 3306.~~ and Chapter 52591  
3317. of the Revised Code, or to each science, technology, 52592  
engineering, and mathematics school under section 3326.33 of the 52593  
Revised Code the entire amounts due to the school employees 52594  
retirement system from such school or school district upon the 52595  
certification to the superintendent by the secretary thereof. 52596

(C) Where an employer fails or has failed or refuses to make 52597  
payments to the employers' trust fund, as provided for under 52598  
Chapter 3309. of the Revised Code, the secretary of the school 52599  
employees retirement system may certify to the state 52600  
superintendent of public instruction, monthly or at such times as 52601  
is determined by the school employees retirement board, the amount 52602  
due from such employer, and the superintendent shall deduct from 52603  
the amount allocated to the employer under section 3314.08 or 52604  
3326.33 or Chapter ~~3306.~~ or 3317. of the Revised Code, as 52605  
applicable, the entire amounts due to the system from the employer 52606  
upon the certification to the superintendent by the secretary of 52607  
the school employees retirement system. 52608

(D) The superintendent shall certify to the director of 52609  
budget and management the amounts thus due the system for payment. 52610

**Sec. 3309.66.** The right of an individual to a pension, an 52611  
annuity, or a retirement allowance itself, the right of an 52612  
individual to any optional benefit, any other right accrued or 52613  
accruing to any individual under this chapter, the various funds 52614

created by section 3309.60 of the Revised Code, and all moneys, 52615  
investments, and income from moneys and investments are exempt 52616  
from any state tax, except the tax imposed by section 5747.02 of 52617  
the Revised Code, and are exempt from any county, municipal, or 52618  
other local tax, except income taxes imposed pursuant to section 52619  
5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised Code, and, except 52620  
as provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 52621  
3119.81, 3121.02, 3121.03, 3123.06, 3309.67, 3309.672, and 52622  
3309.673 of the Revised Code, shall not be subject to execution, 52623  
garnishment, attachment, the operation of bankruptcy or insolvency 52624  
laws, or any other process of law whatsoever, and shall be 52625  
unassignable except as specifically provided in this chapter and 52626  
in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 52627  
3121.03, and 3123.06 of the Revised Code. 52628

**Sec. 3310.02.** (A) The educational choice scholarship pilot 52629  
program is hereby established. Under the program, the department 52630  
of education annually shall pay scholarships to attend chartered 52631  
nonpublic schools in accordance with section 3310.08 of the 52632  
Revised Code for up to ~~fourteen thousand~~ the following number of 52633  
eligible students: 52634

(1) Thirty thousand in the 2011-2012 school year; 52635

(2) Sixty thousand in the 2012-2013 school year and 52636  
thereafter. ~~if~~ 52637

(B) If the number of students who apply for a scholarship 52638  
exceeds ~~fourteen thousand~~ the number of scholarships available 52639  
under division (A) of this section for the applicable school year, 52640  
the department shall award scholarships in the following order of 52641  
priority: 52642

~~(A)~~(1) First, to eligible students who received scholarships 52643  
in the prior school year; 52644

~~(B)(2)~~ Second, to eligible students with family incomes at or 52645  
below two hundred per cent of the federal poverty guidelines, as 52646  
defined in section 5101.46 of the Revised Code, who qualify under 52647  
division (A) of section 3310.03 of the Revised Code. If the number 52648  
of students described in ~~this~~ division (B)(2) of this section who 52649  
apply for a scholarship exceeds the number of available 52650  
scholarships after awards are made under division ~~(A)~~(B)(1) of 52651  
this section, the department shall select students described in 52652  
~~this~~ division (B)(2) of this section by lot to receive any 52653  
remaining scholarships. 52654

~~(C)~~(3) Third, to other eligible students who qualify under 52655  
division (A) of section 3310.03 of the Revised Code. If the number 52656  
of students described in ~~this~~ division (B)(3) of this section who 52657  
apply for a scholarship exceeds the number of available 52658  
scholarships after awards are made under divisions ~~(A)~~(B)(1) and 52659  
~~(B)~~(2) of this section, the department shall select students 52660  
described in ~~this~~ division (B)(3) of this section by lot to 52661  
receive any remaining scholarships. 52662

(4) Fourth, to eligible students with family incomes at or 52663  
below two hundred per cent of the federal poverty guidelines who 52664  
qualify under division (B) of section 3310.03 of the Revised Code. 52665  
If the number of students described in division (B)(4) of this 52666  
section who apply for a scholarship exceeds the number of 52667  
available scholarships after awards are made under divisions 52668  
(B)(1) to (3) of this section, the department shall select 52669  
students described in division (B)(4) of this section by lot to 52670  
receive any remaining scholarships. 52671

(5) Fifth, to other eligible students who qualify under 52672  
division (B) of section 3310.03 of the Revised Code. If the number 52673  
of students described in division (B)(5) of this section who apply 52674  
for a scholarship exceeds the number of available scholarships 52675  
after awards are made under divisions (B)(1) to (4) of this 52676

section, the department shall select students described in 52677  
division (B)(5) of this section by lot to receive any remaining 52678  
scholarships. 52679

**Sec. 3310.03.** ~~(A)~~ A student is an "eligible student" for 52680  
purposes of the educational choice scholarship pilot program if 52681  
the student's resident district is not a school district in which 52682  
the pilot project scholarship program is operating under sections 52683  
3313.974 to 3313.979 of the Revised Code and the student satisfies 52684  
one of the ~~following~~ conditions in division (A) or (B) of this 52685  
section: 52686

(A)(1) The student is enrolled in a school building that is 52687  
operated by the student's resident district and to which both of 52688  
the following apply: 52689

(a) The building was declared, in at least two of the three 52690  
most recent ratings of school buildings published prior to the 52691  
first day of July of the school year for which a scholarship is 52692  
sought, to be in a state of academic emergency or academic watch 52693  
under section 3302.03 of the Revised Code; 52694

(b) The building was not declared to be excellent or 52695  
effective under that section in the most recent rating published 52696  
prior to the first day of July of the school year for which a 52697  
scholarship is sought. 52698

(2) The student is eligible to enroll in kindergarten in the 52699  
school year for which a scholarship is sought and otherwise would 52700  
be assigned under section 3319.01 of the Revised Code to a school 52701  
building described in division (A)(1) of this section. 52702

(3) The student is enrolled in a community school established 52703  
under Chapter 3314. of the Revised Code but otherwise would be 52704  
assigned under section 3319.01 of the Revised Code to a building 52705  
described in division (A)(1) of this section. 52706

(4) The student is enrolled in a school building that is operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district:

(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. 52738

(b) The building was not declared to be excellent or 52739  
effective under section 3302.03 of the Revised Code in the most 52740  
recent rating published prior to the first day of July of the 52741  
school year for which a scholarship is sought. 52742

(2) The student is eligible to enroll in kindergarten in the 52743  
school year for which a scholarship is sought and otherwise would 52744  
be assigned under section 3319.01 of the Revised Code to a school 52745  
building described in division (B)(1) of this section. 52746

(3) The student is enrolled in a community school established 52747  
under Chapter 3314. of the Revised Code but otherwise would be 52748  
assigned under section 3319.01 of the Revised Code to a building 52749  
described in division (B)(1) of this section. 52750

(4) The student is enrolled in a school building that is 52751  
operated by the student's resident district or in a community 52752  
school established under Chapter 3314. of the Revised Code and 52753  
otherwise would be assigned under section 3319.01 of the Revised 52754  
Code to a school building described in division (B)(1) of this 52755  
section in the school year for which the scholarship is sought. 52756

(C) A student who receives a scholarship under the 52757  
educational choice scholarship pilot program remains an eligible 52758  
student and may continue to receive scholarships in subsequent 52759  
school years until the student completes grade twelve, so long as 52760  
all of the following apply: 52761

(1) The student's resident district remains the same, or the 52762  
student transfers to a new resident district and otherwise would 52763  
be assigned in the new resident district to a school building 52764  
described in division (A)(1) or ~~(6)~~(B)(1) of this section; 52765

(2) The student takes each assessment prescribed for the 52766  
student's grade level under section 3301.0710 or 3301.0712 of the 52767  
Revised Code while enrolled in a chartered nonpublic school; 52768



(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

~~(C)~~(D)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section. ~~However~~

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) However, students who have received scholarships in the prior school year remain eligible students pursuant to division ~~(B)~~(C) of this section.

~~(D)~~(E) The state board of education shall adopt rules defining excused absences for purposes of division ~~(B)~~(C)(3) of this section.

**Sec. 3310.05.** A scholarship under the educational choice scholarship pilot program is not available for any student whose resident district is a school district in which the pilot project

scholarship program is operating under sections 3313.974 to 52800  
3313.979 of the Revised Code. The two pilot programs are separate 52801  
and distinct. ~~The general assembly has prescribed separate~~ 52802  
~~scholarship amounts for the two pilot programs in recognition of~~ 52803  
~~their, with~~ differing eligibility criteria. The pilot project 52804  
scholarship program operating under sections 3313.974 to 3313.979 52805  
of the Revised Code is a district-wide program that may award 52806  
scholarships to students who do not attend district schools that 52807  
face academic challenges, whereas the educational choice 52808  
scholarship pilot program established under sections 3310.01 to 52809  
3310.17 of the Revised Code is limited to students of individual 52810  
district school buildings that face academic challenges. 52811

**Sec. 3310.08.** (A) The amount paid for an eligible student 52812  
under the educational choice scholarship pilot program shall be 52813  
the lesser of the tuition of the chartered nonpublic school in 52814  
which the student is enrolled or the maximum amount prescribed in 52815  
section 3310.09 of the Revised Code. 52816

(B)(1) The department shall pay to the parent of each 52817  
eligible student for whom a scholarship is awarded under the 52818  
program, or to the student if at least eighteen years of age, 52819  
periodic partial payments of the scholarship. 52820

(2) The department shall proportionately reduce or terminate 52821  
the payments for any student who withdraws from a chartered 52822  
nonpublic school prior to the end of the school year. 52823

(C)(1) The department shall deduct ~~five thousand two hundred~~ 52824  
~~dollars~~ from the payments made to each school district under 52825  
~~Chapters 3306. and Chapter 3317.~~ and, if necessary, sections 52826  
321.24 and 323.156 of the Revised Code, the amount paid under 52827  
division (B) of this section for each eligible student awarded a 52828  
scholarship under the ~~educational choice scholarship pilot~~ program 52829

who is entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district. 52830  
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~~The amount deducted under division (C)(1) of this section funds scholarships for students under both the educational choice scholarship pilot program and the pilot project scholarship program under sections 3313.974 to 3313.979 of the Revised Code.~~ 52832  
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(2) If the department reduces or terminates payments to a parent or a student, as prescribed in division (B)(2) of this section, and the student enrolls in the schools of the student's resident district or in a community school, established under Chapter 3314. of the Revised Code, before the end of the school year, the department shall proportionally restore to the resident district the amount deducted for that student under division (C)(1) of this section. 52836  
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~~(D) In the case of any school district from which a deduction is made under division (C) of this section, the department shall disclose on the district's SF 3 form, or any successor to that form used to calculate a district's state funding for operating expenses, a comparison of the following:~~ 52844  
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~~(1) The district's state share of the adequacy amount payment, as calculated under section 3306.13 of the Revised Code with the scholarship students included in the district's formula ADM;~~ 52849  
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~~(2) What the district's state share of the adequacy amount payment would have been, as calculated under that section if the scholarship students were not included in the district's formula ADM.~~ 52853  
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~~This comparison shall display both the aggregate difference between the amounts described in divisions (D)(1) and (2) of this section, and the quotient of that aggregate difference divided by the number of eligible students for whom deductions are made under~~ 52857  
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~~division (C) of this section.~~ 52861

**Sec. 3310.41.** (A) As used in this section: 52862

(1) "Alternative public provider" means either of the 52863  
following providers that agrees to enroll a child in the 52864  
provider's special education program to implement the child's 52865  
individualized education program and to which the child's parent 52866  
owes fees for the services provided to the child: 52867

(a) A school district that is not the school district in 52868  
which the child is entitled to attend school; 52869

(b) A public entity other than a school district. 52870

(2) "Entitled to attend school" means entitled to attend 52871  
school in a school district under section 3313.64 or 3313.65 of 52872  
the Revised Code. 52873

(3) "Formula ADM" and "category six special education ADM" 52874  
have the same meanings as in section 3317.02 of the Revised Code. 52875

(4) "Preschool child with a disability" and "individualized 52876  
education program" have the same meanings as in section 3323.01 of 52877  
the Revised Code. 52878

(5) "Parent" has the same meaning as in section 3313.64 of 52879  
the Revised Code, except that "parent" does not mean a parent 52880  
whose custodial rights have been terminated. 52881

(6) "Preschool scholarship ADM" means the number of preschool 52882  
children with disabilities reported under division (B)(3)(h) of 52883  
section 3317.03 of the Revised Code. 52884

(7) "Qualified special education child" is a child for whom 52885  
all of the following conditions apply: 52886

(a) The school district in which the child is entitled to 52887  
attend school has identified the child as autistic. A child who 52888  
has been identified as having a "pervasive developmental disorder 52889

- 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 entitled to attend school in the school year in which a scholarship under this section is first sought for the child.

(8) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the department of education to participate in the program established under this section.

(9) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

(B) There is hereby established the autism scholarship program. Under the program, the department of education shall pay a scholarship to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the state board of education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is operated by an alternative public provider or by a registered private provider. Each scholarship

shall be in an amount not to exceed the lesser of the tuition 52921  
charged for the child by the special education program or twenty 52922  
thousand dollars. The purpose of the scholarship is to permit the 52923  
parent of a qualified special education child the choice to send 52924  
the child to a special education program, instead of the one 52925  
operated by or for the school district in which the child is 52926  
entitled to attend school, to receive the services prescribed in 52927  
the child's individualized education program once the 52928  
individualized education program is finalized. A The services 52929  
provided under the scholarship shall include an educational 52930  
component. 52931

A scholarship under this section shall not be awarded to the 52932  
parent of a child while the child's individualized education 52933  
program is being developed by the school district in which the 52934  
child is entitled to attend school, or while any administrative or 52935  
judicial mediation or proceedings with respect to the content of 52936  
the child's individualized education program are pending. A 52937  
scholarship under this section shall not be used for a child to 52938  
attend a public special education program that operates under a 52939  
contract, compact, or other bilateral agreement between the school 52940  
district in which the child is entitled to attend school and 52941  
another school district or other public provider, or for a child 52942  
to attend a community school established under Chapter 3314. of 52943  
the Revised Code. However, nothing in this section or in any rule 52944  
adopted by the state board shall prohibit a parent whose child 52945  
attends a public special education program under a contract, 52946  
compact, or other bilateral agreement, or a parent whose child 52947  
attends a community school, from applying for and accepting a 52948  
scholarship under this section so that the parent may withdraw the 52949  
child from that program or community school and use the 52950  
scholarship for the child to attend a special education program 52951  
for which the parent is required to pay for services for the 52952  
child. A 52953

A child attending a special education program with a scholarship under this section shall continue to be entitled to transportation to and from that program in the manner prescribed by law.

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and (B)(10) of section 3317.03 of the Revised Code, a child who is not a preschool child with a disability for whom a scholarship is awarded under this section shall be counted in the formula ADM and the category six special education ADM of the district in which the child is entitled to attend school and not in the formula ADM and the category six special education ADM of any other school district. As prescribed in divisions (B)(3)(h) and (B)(10) of section 3317.03 of the Revised Code, a child who is a preschool child with a disability for whom a scholarship is awarded under this section shall be counted in the preschool scholarship ADM and category six special education ADM of the school district in which the child is entitled to attend school and not in the preschool scholarship ADM or category six special education ADM of any other school district.

(2) In each fiscal year, the department shall deduct from the amounts paid to each school district under ~~Chapters 3306. and Chapter~~ Chapter 3317. of the Revised Code, and, if necessary, sections 321.24 and 323.156 of the Revised Code, the aggregate amount of scholarships awarded under this section for qualified special education children included in the formula ADM, or preschool scholarship ADM, and in the category six special education ADM of that school district as provided in division (C)(1) of this section. ~~When computing the school district's instructional services support under section 3306.05 of the Revised Code, the department shall add the district's preschool scholarship ADM to the district's formula ADM.~~

The scholarships deducted shall be considered as an approved

special education and related services expense of the school 52986  
district. 52987

(3) From time to time, the department shall make a payment to 52988  
the parent of each qualified special education child for whom a 52989  
scholarship has been awarded under this section. The scholarship 52990  
amount shall be proportionately reduced in the case of any such 52991  
child who is not enrolled in the special education program for 52992  
which a scholarship was awarded under this section for the entire 52993  
school year. The department shall make no payments to the parent 52994  
of a child while any administrative or judicial mediation or 52995  
proceedings with respect to the content of the child's 52996  
individualized education program are pending. 52997

(D) A scholarship shall not be paid to a parent for payment 52998  
of tuition owed to a nonpublic entity unless that entity is a 52999  
registered private provider. The department shall approve entities 53000  
that meet the standards established by rule of the state board for 53001  
the program established under this section. 53002

(E) The state board shall adopt rules under Chapter 119. of 53003  
the Revised Code prescribing procedures necessary to implement 53004  
this section, including, but not limited to, procedures and 53005  
deadlines for parents to apply for scholarships, standards for 53006  
registered private providers, and procedures for approval of 53007  
entities as registered private providers. 53008

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 53009  
Revised Code: 53010

(A) "Alternative public provider" means either of the 53011  
following providers that agrees to enroll a child in the 53012  
provider's special education program to implement the child's 53013  
individualized education program and to which the eligible 53014  
applicant owes fees for the services provided to the child: 53015



(1) A school district that is not the school district in which the child is entitled to attend school or the child's school district of residence, if different; 53016  
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(2) A public entity other than a school district. 53019

(B) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code. 53020  
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(C) "Eligible applicant" means any of the following: 53023

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated. 53024  
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(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency; 53036  
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(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child; 53040  
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(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caregiver authorization affidavit under sections 3109.65 to 3109.73 of the 53042  
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<u>Revised Code;</u>	53047
<u>(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;</u>	53048 53049 53050
<u>(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.</u>	53051 53052 53053
<u>(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.</u>	53054 53055 53056
<u>(E) "Formula ADM" and "formula amount" have the same meanings as in section 3317.02 of the Revised Code.</u>	53057 53058
<u>(F) "Qualified special education child" is a child for whom all of the following conditions apply:</u>	53059 53060
<u>(1) The child is at least five years of age and less than twenty-two years of age.</u>	53061 53062
<u>(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability.</u>	53063 53064 53065
<u>(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child.</u>	53066 53067 53068 53069
<u>(4) The child either:</u>	53070
<u>(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child;</u>	53071 53072 53073 53074
<u>(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is</u>	53075 53076

entitled to attend school in the school year in which a 53077  
scholarship is first sought for the child. 53078

(5) The department of education has not approved a 53079  
scholarship for the child under the educational choice scholarship 53080  
pilot program, under sections 3310.01 to 3310.17 of the Revised 53081  
Code, or the autism scholarship program, under section 3310.41 of 53082  
the Revised Code, for the same school year in which a scholarship 53083  
under the Jon Peterson special needs scholarship program is 53084  
sought. 53085

(6) The child and the child's parents are in compliance with 53086  
the state compulsory attendance law under Chapter 3321. of the 53087  
Revised Code. 53088

(G) "Registered private provider" means a nonpublic school or 53089  
other nonpublic entity that has been registered by the 53090  
superintendent of public instruction under section 3310.58 of the 53091  
Revised Code. 53092

(H) "Scholarship" means a scholarship awarded under the Jon 53093  
Peterson special needs scholarship program pursuant to sections 53094  
3310.51 to 3310.64 of the Revised Code. 53095

(I) "School district of residence" has the same meaning as in 53096  
section 3323.01 of the Revised Code. A community school 53097  
established under Chapter 3314. of the Revised Code is not a 53098  
"school district of residence" for purposes of sections 3310.51 to 53099  
3310.64 of the Revised Code. 53100

(J) "School year" has the same meaning as in section 3313.62 53101  
of the Revised Code. 53102

(K) "Special education program" means a school or facility 53103  
that provides special education and related services to children 53104  
with disabilities. 53105

**Sec. 3310.52. (A) The Jon Peterson special needs scholarship** 53106

program is hereby established. Under the program, subject to 53107  
division (B) of this section, the department of education annually 53108  
shall pay a scholarship to an eligible applicant for services 53109  
provided by an alternative public provider or a registered private 53110  
provider for a qualified special education child. The scholarship 53111  
shall be used only to pay all or part of the fees for the child to 53112  
attend the special education program operated by the alternative 53113  
public provider or registered private provider to implement the 53114  
child's individualized education program, in lieu of the child's 53115  
attending the special education program operated by the school 53116  
district in which the child is entitled to attend school, and 53117  
other services agreed to by the provider and eligible applicant 53118  
that are not included in the individualized education program but 53119  
are associated with educating the child. Upon agreement with the 53120  
eligible applicant, the alternative public provider or registered 53121  
private provider may modify the services provided to the child. 53122

(B) The number of scholarships awarded under the program in 53123  
any fiscal year shall not exceed five per cent of the total number 53124  
of students residing in the state identified as children with 53125  
disabilities during the previous fiscal year. 53126

(C) No scholarship or renewal of a scholarship shall be 53127  
awarded to an eligible applicant on behalf of a qualified special 53128  
education child for the next school year, unless on or before the 53129  
application deadline the eligible applicant completes the 53130  
application for the scholarship or renewal, in the manner 53131  
prescribed by the department, and notifies the school district in 53132  
which the child is entitled to attend school that the eligible 53133  
applicant has applied for the scholarship or renewal. 53134

The application deadline for academic terms that begin 53135  
between the first day of July and the thirty-first day of December 53136  
shall be the fifteenth day of April that precedes the first day of 53137  
instruction. The application deadline for academic terms that 53138

begin between the first day of January and the thirtieth day of 53139  
June shall be the fifteenth day of November that precedes the 53140  
first day of instruction. 53141

Sec. 3310.521. (A) As a condition of receiving payments for a 53142  
scholarship, each eligible applicant shall attest to receipt of 53143  
the profile prescribed by division (B) of this section. Such 53144  
attestation shall be made and submitted to the department of 53145  
education in the form and manner as required by the department. 53146

(B) The alternative public provider or registered private 53147  
provider that enrolls a qualified special education child shall 53148  
submit in writing to the eligible applicant to whom a scholarship 53149  
is awarded on behalf of that child a profile of the provider's 53150  
special education program, in a form as prescribed by the 53151  
department, that shall contain the following: 53152

(1) Methods of instruction that will be utilized by the 53153  
provider to provide services to the qualified special education 53154  
child; 53155

(2) Qualifications of teachers, instructors, and other 53156  
persons who will be engaged by the provider to provide services to 53157  
the qualified special education child. 53158

Sec. 3310.53. (A) Except for development of the child's 53159  
individualized education program, as specified in division (B) of 53160  
this section, the school district in which a qualified special 53161  
education child is entitled to attend school and the child's 53162  
school district of residence, if different, are not obligated to 53163  
provide the child with a free appropriate public education under 53164  
Chapter 3323. of the Revised Code for as long as the child 53165  
continues to attend the special education program operated by 53166  
either an alternative public provider or a registered private 53167  
provider for which a scholarship is awarded under the Jon Peterson 53168

special needs scholarship program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code. 53169  
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(B) Each eligible applicant and each qualified special education child have a continuing right to the development of an individualized education program for the child that complies with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and administrative rules or guidelines adopted by the Ohio department of education or the United States department of education. The school district in which a qualified special education child is entitled to attend school, or the child's school district of residence if different, shall develop each individualized education program for the child in accordance with those provisions. 53176  
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(C) Each school district shall notify an eligible applicant of the applicant's and qualified special education child's rights under sections 3310.51 to 3310.64 of the Revised Code by providing to each eligible applicant the comparison document prescribed in section 3323.052 of the Revised Code. An eligible applicant's receipt of that document, as acknowledged in a format prescribed by the department of education, shall constitute notice that the eligible applicant has been informed of those rights. Upon receipt of that document, subsequent acceptance of a scholarship constitutes the eligible applicant's informed consent to the provisions of sections 3310.51 to 3310.64 of the Revised Code. 53187  
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Sec. 3310.54. A qualified special education child in any of grades kindergarten through twelve for whom a scholarship is 53198  
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awarded under the Jon Peterson special needs scholarship program 53200  
shall be counted in the formula ADM and category one through six 53201  
special education ADM, as appropriate, of the school district in 53202  
which the child is entitled to attend school. A qualified special 53203  
education child shall not be counted in the formula ADM or 53204  
category one through six special education ADM of any other school 53205  
district. 53206

Sec. 3310.55. The department of education shall deduct from a 53207  
school district's state education aid, as defined in section 53208  
3317.02 of the Revised Code, and if necessary, from its payment 53209  
under sections 321.24 and 323.156 of the Revised Code, the 53210  
aggregate amount of scholarships paid under section 3310.57 of the 53211  
Revised Code for qualified special education children included in 53212  
the formula ADM and the category one through six special education 53213  
ADM of that school district. 53214

Sec. 3310.56. (A) The amount of the scholarship awarded and 53215  
paid to an eligible applicant for services for a qualified special 53216  
education child under the Jon Peterson special needs scholarship 53217  
program in each school year shall be the least of the amounts 53218  
prescribed in divisions (A)(1), (2), or (3) of this section, as 53219  
follows: 53220

(1) The amount of fees charged for that school year by the 53221  
alternative public provider or registered private provider; 53222

(2) The sum of the amounts calculated under divisions 53223  
(A)(2)(a) and (b) of this section: 53224

(a) The sum of the formula amount plus the per pupil amount 53225  
of the base funding supplements specified in divisions (C)(1) to 53226  
(4) of section 3317.012 of the Revised Code for fiscal year 2009; 53227

(b) The formula amount times the following multiple 53228  
prescribed for the child's disability: 53229

<u>(i) For a student in category one, 0.2892;</u>	53230
<u>(ii) For a student in category two, 0.3691;</u>	53231
<u>(iii) For a student in category three, 1.7695;</u>	53232
<u>(iv) For a student in category four, 2.3646;</u>	53233
<u>(v) For a student in category five, 3.1129;</u>	53234
<u>(vi) For a student in category six, 4.7342.</u>	53235
<u>Before applying the multiples specified in divisions</u>	53236
<u>(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted</u>	53237
<u>by multiplying them by 0.80.</u>	53238
<u>(3) Twenty thousand dollars.</u>	53239
<u>(B) As used in division (A)(2)(b) of this section, a child</u>	53240
<u>with a disability is in:</u>	53241
<u>(1) "Category one" if the child's primary or only identified</u>	53242
<u>disability is a speech and language disability, as this term is</u>	53243
<u>defined pursuant to Chapter 3323. of the Revised Code;</u>	53244
<u>(2) "Category two" if the child is identified as specific</u>	53245
<u>learning disabled or developmentally disabled, as these terms are</u>	53246
<u>defined pursuant to Chapter 3323. of the Revised Code, or as</u>	53247
<u>having an other health impairment-minor, as defined in section</u>	53248
<u>3317.02 of the Revised Code;</u>	53249
<u>(3) "Category three" if the child is identified as vision</u>	53250
<u>impaired, hearing disabled, or severe behavior disabled, as these</u>	53251
<u>terms are defined pursuant to Chapter 3323. of the Revised Code;</u>	53252
<u>(4) "Category four" if the child is identified as</u>	53253
<u>orthopedically disabled, as this term is defined pursuant to</u>	53254
<u>Chapter 3323. of the Revised Code, or as having an other health</u>	53255
<u>impairment-major, as defined in section 3317.02 of the Revised</u>	53256
<u>Code;</u>	53257
<u>(5) "Category five" if the child is identified as having</u>	53258



multiple disabilities, as this term is defined pursuant to Chapter 3323. of the Revised Code; 53259  
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(6) "Category six" if the child is identified as autistic, having traumatic brain injuries, or both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code. 53261  
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Sec. 3310.57. The department of education shall make periodic payments to an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded. The total of all payments made to an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code. 53265  
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The department shall proportionately reduce the scholarship amount in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year. 53271  
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In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments to an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. 53275  
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Sec. 3310.58. No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship program until the school or entity registers with the superintendent of public instruction. The superintendent shall register and designate as a registered private provider any nonpublic school or entity that meets the following requirements: 53281  
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(A) The school or entity complies with the antidiscrimination 53288

provisions of 42 U.S.C. 2000d, regardless of whether the school or 53289  
entity receives federal financial assistance. 53290

(B) If the school or entity is not chartered by the state 53291  
board under section 3301.16 of the Revised Code, the school or 53292  
entity agrees to comply with sections 3319.39, 3319.391, and 53293  
3319.392 of the Revised Code as if it were a school district. 53294

(C) The teaching and nonteaching professionals employed by 53295  
the school or entity, or employed by any subcontractors of the 53296  
school or entity, hold credentials determined by the state board 53297  
to be appropriate for the qualified special education children 53298  
enrolled in the special education program it operates. 53299

(D) The school's or entity's educational program shall be 53300  
approved by the department of education. 53301

(E) The school or entity meets applicable health and safety 53302  
standards established by law. 53303

(F) The school or entity agrees to retain on file 53304  
documentation as required by the department of education. 53305

(G) The school or entity agrees to provide a record of the 53306  
implementation of the individualized education program for each 53307  
qualified special education child enrolled in the school's or 53308  
entity's special education program, including evaluation of the 53309  
child's progress, to the school district in which the child is 53310  
entitled to attend school, in the form and manner prescribed by 53311  
the department. 53312

(H) The school or entity agrees that, if it declines to 53313  
enroll a particular qualified special education child, it will 53314  
notify in writing the eligible applicant of its reasons for 53315  
declining to enroll the child. 53316

**Sec. 3310.59.** The superintendent of public instruction shall 53317  
revoke the registration of any school or entity if, after a 53318

hearing, the superintendent determines that the school or entity 53319  
is in violation of any provision of section 3310.58 of the Revised 53320  
Code. 53321

Sec. 3310.60. A qualified special education child attending a 53322  
special education program at an alternative public provider or a 53323  
registered private provider with a scholarship shall be entitled 53324  
to transportation to and from that program in the manner 53325  
prescribed by law for any child with a disability attending a 53326  
nonpublic special education program. 53327

Sec. 3310.61. An eligible applicant on behalf of a child who 53328  
currently attends a public special education program under a 53329  
contract, compact, or other bilateral agreement, or on behalf of a 53330  
child who currently attends a community school, shall not be 53331  
prohibited from applying for and accepting a scholarship so that 53332  
the applicant may withdraw the child from that program or 53333  
community school and use the scholarship for the child to attend a 53334  
special education program operated by an alternative public 53335  
provider or a registered private provider. 53336

Sec. 3310.62. (A) A scholarship under the Jon Peterson 53337  
special needs scholarship program shall not be awarded for the 53338  
first time to an eligible applicant on behalf of a qualified 53339  
special education child while the child's individualized education 53340  
program is being developed by the school district in which the 53341  
child is entitled to attend school, or by the child's school 53342  
district of residence if different, or while any administrative or 53343  
judicial mediation or proceedings with respect to the content of 53344  
that individualized education program are pending. 53345

(B) Development of individualized education programs 53346  
subsequent to the one developed for the child the first time a 53347  
scholarship was awarded on behalf of the child and the 53348

prosecuting, by the eligible applicant on behalf of the child, of 53349  
administrative or judicial mediation or proceedings with respect 53350  
to any of those subsequent individualized education programs do 53351  
not affect the applicant's and the child's continued eligibility 53352  
for scholarship payments. 53353

(C) In the case of any child for whom a scholarship has been 53354  
awarded, if the school district in which the child is entitled to 53355  
attend school has agreed to provide some services for the child 53356  
under an agreement entered into with the eligible applicant or 53357  
with the alternative public provider or registered private 53358  
provider implementing the child's individualized education 53359  
program, or if the district is required by law to provide some 53360  
services for the child, including transportation services under 53361  
sections 3310.60 and 3327.01 of the Revised Code, the district 53362  
shall not discontinue the services it is providing pending 53363  
completion of any administrative proceedings regarding those 53364  
services. The prosecuting, by the eligible applicant on behalf of 53365  
the child, of administrative proceedings regarding the services 53366  
provided by the district does not affect the applicant's and the 53367  
child's continued eligibility for scholarship payments. 53368

(D) The department of education shall continue to make 53369  
payments to the eligible applicant under section 3310.57 of the 53370  
Revised Code while either of the following are pending: 53371

(1) Administrative or judicial mediation or proceedings with 53372  
respect to a subsequent individualized education program for the 53373  
child referred to in division (B) of this section; 53374

(2) Administrative proceedings regarding services provided by 53375  
the district under division (C) of this section. 53376

**Sec. 3310.63.** (A) Only for the purpose of administering the 53377  
Jon Peterson special needs scholarship program, the department of 53378  
education may request from any of the following entities the data 53379

verification code assigned under division (D)(2) of section 53380  
3301.0714 of the Revised Code to any qualified special education 53381  
child for whom a scholarship is sought under the program: 53382

(1) The school district in which the child is entitled to 53383  
attend school; 53384

(2) If applicable, the community school in which the child is 53385  
enrolled; 53386

(3) The independent contractor engaged to create and maintain 53387  
data verification codes. 53388

(B) Upon a request by the department under division (A) of 53389  
this section for the data verification code of a qualified special 53390  
education child or a request by the eligible applicant for the 53391  
child for that code, the school district or community school shall 53392  
submit that code to the department or applicant in the manner 53393  
specified by the department. If the child has not been assigned a 53394  
code, because the child will be entering kindergarten during the 53395  
school year for which the scholarship is sought, the district 53396  
shall assign a code to that child and submit the code to the 53397  
department or applicant by a date specified by the department. If 53398  
the district does not assign a code to the child by the specified 53399  
date, the department shall assign a code to the child. 53400

The department annually shall submit to each school district 53401  
the name and data verification code of each child residing in the 53402  
district who is entering kindergarten, who has been awarded a 53403  
scholarship under the program, and for whom the department has 53404  
assigned a code under this division. 53405

(C) The department shall not release any data verification 53406  
code that it receives under this section to any person except as 53407  
provided by law. 53408

(D) Any document relative to the Jon Peterson special needs 53409

scholarship program that the department holds in its files that 53410  
contains both a qualified special education child's name or other 53411  
personally identifiable information and the child's data 53412  
verification code shall not be a public record under section 53413  
149.43 of the Revised Code. 53414

Sec. 3310.64. The state board of education shall adopt rules 53415  
in accordance with Chapter 119. of the Revised Code prescribing 53416  
procedures necessary to implement sections 3310.51 to 3310.63 of 53417  
the Revised Code including, but not limited to, procedures for 53418  
parents to apply for scholarships, standards for registered 53419  
private providers, and procedures for registration of private 53420  
providers. 53421

**Sec. 3311.05.** (A) The territory within the territorial limits 53422  
of a county, or the territory included in a district formed under 53423  
~~either~~ section 3311.053 ~~or 3311.059~~ of the Revised Code, exclusive 53424  
of the territory embraced in any city school district or exempted 53425  
village school district, and excluding the territory detached 53426  
therefrom for school purposes and including the territory attached 53427  
thereto for school purposes constitutes an educational service 53428  
center. 53429

(B) A county school financing district created under section 53430  
3311.50 of the Revised Code is not the school district described 53431  
in division (A) of this section or any other school district but 53432  
is a taxing district. 53433

**Sec. 3311.054.** (A) The initial members of any new governing 53434  
board of an educational service center established in accordance 53435  
with this section shall be all of the members of the governing 53436  
boards of the former educational service centers whose territory 53437  
comprises the new educational service center. The initial members 53438  
of any such governing board shall serve until the first Monday of 53439

January immediately following the first election of governing board members conducted under division (C) of this section.

Notwithstanding section 3313.11 of the Revised Code, that section shall not apply to the filling of any vacancy among the initial members of any governing board established in accordance with this section. Any such vacancy shall be filled for the remainder of the term by a majority vote of all the remaining members of the governing board.

(B) Prior to the next first day of April in an odd-numbered year that occurs at least ninety days after the date on which any new governing board of an educational service center is initially established in accordance with this section, the governing board or, at the governing board's option, an executive committee of the governing board appointed by the governing board shall do both of the following:

(1) Designate the number of elected members comprising all subsequent governing boards of the educational service center, which number shall be an odd number not to exceed nine.

(2) Divide the educational service center into a number of subdistricts equal to the number of governing board members designated under division (B)(1) of this section and number the subdistricts. Each subdistrict shall be as nearly equal in population as possible and shall be composed of adjacent and compact territory. To the extent possible, each subdistrict shall be composed only of territory located in one county. In addition, the subdistricts shall be bounded as far as possible by corporation lines, streets, alleys, avenues, public grounds, canals, watercourses, ward boundaries, voting precinct boundaries, or school district boundaries.

If the new governing board fails to divide the territory of the educational service center in accordance with this division,

the superintendent of public instruction shall establish the 53471  
subdistricts within thirty days. 53472

(C) At the next regular municipal election following the 53473  
deadline for creation of the subdistricts of an educational 53474  
service center under division (B) of this section, an entire new 53475  
governing board shall be elected. All members of such governing 53476  
board shall be elected from those subdistricts. 53477

(D) Within ninety days after the official announcement of the 53478  
results of each successive federal decennial census, each 53479  
governing board of an educational service center established in 53480  
accordance with this section shall redistrict the educational 53481  
service center's territory into a number of subdistricts equal to 53482  
the number of board members designated under division (B)(1) of 53483  
this section and number the subdistricts. Each such redistricting 53484  
shall be done in accordance with the standards for subdistricts in 53485  
division (B)(2) of this section. At the next regular municipal 53486  
election following the announcement of the results of each such 53487  
successive census, all elected governing board members shall again 53488  
be elected from the subdistricts most recently created under this 53489  
division. 53490

If a governing board fails to redistrict the territory of its 53491  
educational service center in accordance with this division, the 53492  
superintendent of public instruction shall redistrict the service 53493  
center within thirty days. 53494

(E) All members elected pursuant to this section shall take 53495  
office on the first Monday of January immediately following the 53496  
election. Whenever all elected governing board members are elected 53497  
at one election under division (C) or (D) of this section, the 53498  
terms of each of the members elected from even-numbered 53499  
subdistricts shall be for two years and the terms of each of the 53500  
members elected from odd-numbered subdistricts shall be for four 53501  
years. Thereafter, successors shall be elected for four-year terms 53502



in the same manner as is provided by law for the election of 53503  
members of school boards except that any successor elected at a 53504  
regular municipal election immediately preceding any election at 53505  
which an entire new governing board is elected shall be elected 53506  
for a two-year term. 53507

**Sec. 3311.056.** After at least one election of board members 53508  
has occurred under division (B) of section 3313.053, division (C) 53509  
of section 3311.054, or section 3311.057 of the Revised Code, the 53510  
elected governing board members of an educational service center 53511  
created under division (A) of section 3311.053 of the Revised Code 53512  
may by resolution adopt a plan for adding appointed members to 53513  
that governing board. A plan may provide for adding to the board a 53514  
number of appointed members that is up to one less than the number 53515  
of elected members on the board except that the total number of 53516  
elected and appointed board members shall be an odd number. A plan 53517  
shall provide for the terms of the appointed board members. The 53518  
appointed board members in each plan shall be appointed by a 53519  
majority vote of the full number of elected members on the board 53520  
and vacancies shall be filled as provided in the plan. Each plan 53521  
shall specify the qualifications for the appointed board members 53522  
of an educational service center ~~and shall at least require~~ 53523  
~~appointed board members to be electors residing in the service~~ 53524  
~~center. Appointed members may be representative of the client~~ 53525  
~~school districts of the service center. As used in this section,~~ 53526  
~~"client school district" has the same meaning as in section~~ 53527  
~~3317.11 of the Revised Code.~~ 53528

A governing board adopting a plan under this section shall 53529  
submit the plan to the state board of education for approval. The 53530  
state board may approve or disapprove a plan or make 53531  
recommendations for modifications in a plan. A plan shall take 53532  
effect thirty days after approval by the state board and, when 53533  
effective, appointments to the board shall be made in accordance 53534

with the plan. 53535

The elected members of the governing board of an educational 53536  
service center with a plan in effect under this section may adopt, 53537  
by unanimous vote of all the elected members, a resolution to 53538  
revise or rescind the plan in effect under this section. All 53539  
revisions shall comply with the requirements in this section for 53540  
appointed board members. A resolution revising or rescinding a 53541  
plan shall specify the dates and manner in which the revision or 53542  
rescission is to take place. The revision or rescission of a plan 53543  
shall be submitted to the state board of education for approval. 53544  
The state board may approve or disapprove a revision or rescission 53545  
of a plan or make recommendations for modifications. Upon approval 53546  
of a revision or rescission by the state board, the revised plan 53547  
or rescission of the plan shall go into effect as provided in the 53548  
revision or rescission. 53549

Sec. 3311.0510. (A) If all of the local school districts that 53550  
make up the territory of an educational service center have 53551  
severed from the territory of that service center, upon the 53552  
effective date of the severance of the last remaining local school 53553  
district to make up the territory of the service center, the 53554  
governing board of that service center shall be abolished and such 53555  
service center shall be dissolved by order of the superintendent 53556  
of public instruction. The superintendent's order shall provide 53557  
for the equitable division and disposition of the assets, 53558  
property, debts, and obligations of the service center among the 53559  
local school districts, of which the territory of the service 53560  
center is or previously was made up, and the city and exempted 53561  
village school districts with which the service center had 53562  
agreements under section 3313.843 of the Revised Code for the 53563  
service center's last fiscal year of operation. The 53564  
superintendent's order shall provide that the tax duplicate of 53565  
each of those school districts shall be bound for and assume the 53566

district's equitable share of the outstanding indebtedness of the 53567  
service center. The superintendent's order is final and is not 53568  
appealable. 53569

Immediately upon the abolishment of the service center 53570  
governing board pursuant to this section, the superintendent of 53571  
public instruction shall appoint a qualified individual to 53572  
administer the dissolution of the service center and to implement 53573  
the terms of the superintendent's dissolution order. 53574

Prior to distributing assets to any school district under 53575  
this section, but after paying in full other debts and obligations 53576  
of the service center under this section, the superintendent of 53577  
public instruction may assess against the remaining assets of the 53578  
service center the amount of the costs incurred by the department 53579  
of education in performing the superintendent's duties under this 53580  
division, including the fees, if any, owed to the individual 53581  
appointed to administer the superintendent's dissolution order. 53582  
Any excess cost incurred by the department under this division 53583  
shall be divided equitably among the local school districts, of 53584  
which the territory of the service center is or previously was 53585  
made up, and the city and exempted village school districts with 53586  
which the service center had agreements under section 3313.843 of 53587  
the Revised Code for the service center's last fiscal year of 53588  
operation. Each district's share of that excess cost shall be 53589  
bound against the tax duplicate of that district. 53590

(B) A final audit of the former service center shall be 53591  
performed in accordance with procedures established by the auditor 53592  
of state. 53593

(C) The public records of an educational service center that 53594  
is dissolved under this section shall be transferred in accordance 53595  
with this division. Public records maintained by the service 53596  
center in connection with services provided by the service center 53597

to local school districts shall be transferred to each of the 53598  
respective local school districts. Public records maintained by 53599  
the service center in connection with services provided under an 53600  
agreement with a city or exempted village school district pursuant 53601  
to section 3313.843 of the Revised Code shall be transferred to 53602  
each of the respective city or exempted village school districts. 53603  
All other public records maintained by the service center at the 53604  
time the service center ceases operations shall be transferred to 53605  
the Ohio historical society for analysis and disposition by the 53606  
society in its capacity as archives administrator for the state 53607  
and its political subdivisions pursuant to division (C) of section 53608  
149.30 and section 149.31 of the Revised Code. 53609

**Sec. 3311.06.** (A) As used in this section: 53610

(1) "Annexation" and "annexed" mean annexation for municipal 53611  
purposes under sections 709.02 to 709.37 of the Revised Code. 53612

(2) "Annexed territory" means territory that has been annexed 53613  
for municipal purposes to a city served by an urban school 53614  
district, but on September 24, 1986, has not been transferred to 53615  
the urban school district. 53616

(3) "Urban school district" means a city school district with 53617  
an average daily membership for the 1985-1986 school year in 53618  
excess of twenty thousand that is the school district of a city 53619  
that contains annexed territory. 53620

(4) "Annexation agreement" means an agreement entered into 53621  
under division (F) of this section that has been approved by the 53622  
state board of education or an agreement entered into prior to 53623  
September 24, 1986, that meets the requirements of division (F) of 53624  
this section and has been filed with the state board. 53625

(B) The territory included within the boundaries of a city, 53626  
local, exempted village, or joint vocational school district shall 53627

be contiguous except where a natural island forms an integral part 53628  
of the district, where the state board of education authorizes a 53629  
noncontiguous school district, as provided in division (E)(1) of 53630  
this section, or where a local school district is created pursuant 53631  
to section 3311.26 of the Revised Code from one or more local 53632  
school districts, one of which has entered into an agreement under 53633  
section 3313.42 of the Revised Code. 53634

(C)(1) When all of the territory of a school district is 53635  
annexed to a city or village, such territory thereby becomes a 53636  
part of the city school district or the school district of which 53637  
the village is a part, and the legal title to school property in 53638  
such territory for school purposes shall be vested in the board of 53639  
education of the city school district or the school district of 53640  
which the village is a part. 53641

(2) When the territory so annexed to a city or village 53642  
comprises part but not all of the territory of a school district, 53643  
the said territory becomes part of the city school district or the 53644  
school district of which the village is a part only upon approval 53645  
by the state board of education, unless the district in which the 53646  
territory is located is a party to an annexation agreement with 53647  
the city school district. 53648

Any urban school district that has not entered into an 53649  
annexation agreement with any other school district whose 53650  
territory would be affected by any transfer under this division 53651  
and that desires to negotiate the terms of transfer with any such 53652  
district shall conduct any negotiations under division (F) of this 53653  
section as part of entering into an annexation agreement with such 53654  
a district. 53655

Any school district, except an urban school district, 53656  
desiring state board approval of a transfer under this division 53657  
shall make a good faith effort to negotiate the terms of transfer 53658  
with any other school district whose territory would be affected 53659

by the transfer. Before the state board may approve any transfer 53660  
of territory to a school district, except an urban school 53661  
district, under this section, it must receive the following: 53662

(a) A resolution requesting approval of the transfer, passed 53663  
by at least one of the school districts whose territory would be 53664  
affected by the transfer; 53665

(b) Evidence determined to be sufficient by the state board 53666  
to show that good faith negotiations have taken place or that the 53667  
district requesting the transfer has made a good faith effort to 53668  
hold such negotiations; 53669

(c) If any negotiations took place, a statement signed by all 53670  
boards that participated in the negotiations, listing the terms 53671  
agreed on and the points on which no agreement could be reached. 53672

(D) The state board of education shall adopt rules governing 53673  
negotiations held by any school district except an urban school 53674  
district pursuant to division (C)(2) of this section. The rules 53675  
shall encourage the realization of the following goals: 53676

(1) A discussion by the negotiating districts of the present 53677  
and future educational needs of the pupils in each district; 53678

(2) The educational, financial, and territorial stability of 53679  
each district affected by the transfer; 53680

(3) The assurance of appropriate educational programs, 53681  
services, and opportunities for all the pupils in each 53682  
participating district, and adequate planning for the facilities 53683  
needed to provide these programs, services, and opportunities. 53684

Districts involved in negotiations under such rules may agree 53685  
to share revenues from the property included in the territory to 53686  
be transferred, establish cooperative programs between the 53687  
participating districts, and establish mechanisms for the 53688  
settlement of any future boundary disputes. 53689

(E)(1) If territory annexed after September 24, 1986, is part of a school district that is a party to an annexation agreement with the urban school district serving the annexing city, the transfer of such territory shall be governed by the agreement. If the agreement does not specify how the territory is to be dealt with, the boards of education of the district in which the territory is located and the urban school district shall negotiate with regard to the transfer of the territory which shall be transferred to the urban school district unless, not later than ninety days after the effective date of municipal annexation, the boards of education of both districts, by resolution adopted by a majority of the members of each board, agree that the territory will not be transferred and so inform the state board of education.

If territory is transferred under this division the transfer shall take effect on the first day of July occurring not sooner than ninety-one days after the effective date of the municipal annexation. Territory transferred under this division need not be contiguous to the district to which it is transferred.

(2) Territory annexed prior to September 24, 1986, by a city served by an urban school district shall not be subject to transfer under this section if the district in which the territory is located is a party to an annexation agreement or becomes a party to such an agreement not later than ninety days after September 24, 1986. If the district does not become a party to an annexation agreement within the ninety-day period, transfer of territory shall be governed by division (C)(2) of this section. If the district subsequently becomes a party to an agreement, territory annexed prior to September 24, 1986, other than territory annexed under division (C)(2) of this section prior to the effective date of the agreement, shall not be subject to transfer under this section.

(F) An urban school district may enter into a comprehensive agreement with one or more school districts under which transfers of territory annexed by the city served by the urban school district after September 24, 1986, shall be governed by the agreement. Such agreement must provide for the establishment of a cooperative education program under section 3313.842 of the Revised Code in which all the parties to the agreement are participants and must be approved by resolution of the majority of the members of each of the boards of education of the school districts that are parties to it. An agreement may provide for interdistrict payments based on local revenue growth resulting from development in any territory annexed by the city served by the urban school district.

An agreement entered into under this division may be altered, modified, or terminated only by agreement, by resolution approved by the majority of the members of each board of education, of all school districts that are parties to the agreement, except that with regard to any provision that affects only the urban school district and one of the other districts that is a party, that district and the urban district may modify or alter the agreement by resolution approved by the majority of the members of the board of that district and the urban district. Alterations, modifications, terminations, and extensions of an agreement entered into under this division do not require approval of the state board of education, but shall be filed with the board after approval and execution by the parties.

If an agreement provides for interdistrict payments, each party to the agreement, except any school district specifically exempted by the agreement, shall agree to make an annual payment to the urban school district with respect to any of its territory that is annexed territory in an amount not to exceed the amount certified for that year under former section 3317.029 of the



Revised Code as that section existed prior to July 1, 1998; except 53754  
that such limitation of annual payments to amounts certified under 53755  
former section 3317.029 of the Revised Code does not apply to 53756  
agreements or extensions of agreements entered into on or after 53757  
June 1, 1992, unless such limitation is expressly agreed to by the 53758  
parties. The agreement may provide that all or any part of the 53759  
payment shall be waived if the urban school district receives its 53760  
payment with respect to such annexed territory under former 53761  
section 3317.029 of the Revised Code and that all or any part of 53762  
such payment may be waived if the urban school district does not 53763  
receive its payment with respect to such annexed territory under 53764  
such section. 53765

With respect to territory that is transferred to the urban 53766  
school district after September 24, 1986, the agreement may 53767  
provide for annual payments by the urban school district to the 53768  
school district whose territory is transferred to the urban school 53769  
district subsequent to annexation by the city served by the urban 53770  
school district. 53771

(G) In the event territory is transferred from one school 53772  
district to another under this section, an equitable division of 53773  
the funds and indebtedness between the districts involved shall be 53774  
made under the supervision of the state board of education and 53775  
that board's decision shall be final. Such division shall not 53776  
include funds payable to or received by a school district under 53777  
Chapter ~~3306.~~ or 3317. of the Revised Code or payable to or 53778  
received by a school district from the United States or any 53779  
department or agency thereof. In the event such transferred 53780  
territory includes real property owned by a school district, the 53781  
state board of education, as part of such division of funds and 53782  
indebtedness, shall determine the true value in money of such real 53783  
property and all buildings or other improvements thereon. The 53784  
board of education of the school district receiving such territory 53785

shall forthwith pay to the board of education of the school 53786  
district losing such territory such true value in money of such 53787  
real property, buildings, and improvements less such percentage of 53788  
the true value in money of each school building located on such 53789  
real property as is represented by the ratio of the total 53790  
enrollment in day classes of the pupils residing in the territory 53791  
transferred enrolled at such school building in the school year in 53792  
which such annexation proceedings were commenced to the total 53793  
enrollment in day classes of all pupils residing in the school 53794  
district losing such territory enrolled at such school building in 53795  
such school year. The school district receiving such payment shall 53796  
place the proceeds thereof in its sinking fund or bond retirement 53797  
fund. 53798

(H) The state board of education, before approving such 53799  
transfer of territory, shall determine that such payment has been 53800  
made and shall apportion to the acquiring school district such 53801  
percentage of the indebtedness of the school district losing the 53802  
territory as is represented by the ratio that the assessed 53803  
valuation of the territory transferred bears to the total assessed 53804  
valuation of the entire school district losing the territory as of 53805  
the effective date of the transfer, provided that in ascertaining 53806  
the indebtedness of the school district losing the territory the 53807  
state board of education shall disregard such percentage of the 53808  
par value of the outstanding and unpaid bonds and notes of said 53809  
school district issued for construction or improvement of the 53810  
school building or buildings for which payment was made by the 53811  
acquiring district as is equal to the percentage by which the true 53812  
value in money of such building or buildings was reduced in fixing 53813  
the amount of said payment. 53814

(I) No transfer of school district territory or division of 53815  
funds and indebtedness incident thereto, pursuant to the 53816  
annexation of territory to a city or village shall be completed in 53817

any other manner than that prescribed by this section regardless 53818  
of the date of the commencement of such annexation proceedings, 53819  
and this section applies to all proceedings for such transfers and 53820  
divisions of funds and indebtedness pending or commenced on or 53821  
after October 2, 1959. 53822

**Sec. 3311.19.** (A) The management and control of a joint 53823  
vocational school district shall be vested in the joint vocational 53824  
school district board of education. Where a joint vocational 53825  
school district is composed only of two or more local school 53826  
districts located in one county, or when all the participating 53827  
districts are in one county and the boards of such participating 53828  
districts so choose, the educational service center governing 53829  
board of the county in which the joint vocational school district 53830  
is located shall serve as the joint vocational school district 53831  
board of education. Where a joint vocational school district is 53832  
composed of local school districts of more than one county, or of 53833  
any combination of city, local, or exempted village school 53834  
districts or educational service centers, unless administration by 53835  
the educational service center governing board has been chosen by 53836  
all the participating districts in one county pursuant to this 53837  
section, the board of education of the joint vocational school 53838  
district shall be composed of one or more persons who are members 53839  
of the boards of education from each of the city or exempted 53840  
village school districts or members of the educational service 53841  
centers' governing boards affected to be appointed by the boards 53842  
of education or governing boards of such school districts and 53843  
educational service centers. In such joint vocational school 53844  
districts the number and terms of members of the joint vocational 53845  
school district board of education and the allocation of a given 53846  
number of members to each of the city and exempted village 53847  
districts and educational service centers shall be determined in 53848  
the plan for such district, provided that each such joint 53849

vocational school district board of education shall be composed of 53850  
an odd number of members. 53851

(B) Notwithstanding division (A) of this section, a governing 53852  
board of an educational service center that has members of its 53853  
governing board serving on a joint vocational school district 53854  
board of education may make a request to the joint vocational 53855  
district board that the joint vocational school district plan be 53856  
revised to provide for one or more members of boards of education 53857  
of local school districts that are within the territory of the 53858  
educational service district and within the joint vocational 53859  
school district to serve in the place of or in addition to its 53860  
educational service center governing board members. If agreement 53861  
is obtained among a majority of the boards of education and 53862  
governing boards that have a member serving on the joint 53863  
vocational school district board of education and among a majority 53864  
of the local school district boards of education included in the 53865  
district and located within the territory of the educational 53866  
service center whose board requests the substitution or addition, 53867  
the state board of education may revise the joint vocational 53868  
school district plan to conform with such agreement. 53869

(C) If the board of education of any school district or 53870  
educational service center governing board included within a joint 53871  
vocational district that has had its board or governing board 53872  
membership revised under division (B) of this section requests the 53873  
joint vocational school district board to submit to the state 53874  
board of education a revised plan under which one or more joint 53875  
vocational board members chosen in accordance with a plan revised 53876  
under such division would again be chosen in the manner prescribed 53877  
by division (A) of this section, the joint vocational board shall 53878  
submit the revised plan to the state board of education, provided 53879  
the plan is agreed to by a majority of the boards of education 53880  
represented on the joint vocational board, a majority of the local 53881

school district boards included within the joint vocational 53882  
district, and each educational service center governing board 53883  
affected by such plan. The state board of education may revise the 53884  
joint vocational school district plan to conform with the revised 53885  
plan. 53886

(D) The vocational schools in such joint vocational school 53887  
district shall be available to all youth of school age within the 53888  
joint vocational school district subject to the rules adopted by 53889  
the joint vocational school district board of education in regard 53890  
to the standards requisite to admission. A joint vocational school 53891  
district board of education shall have the same powers, duties, 53892  
and authority for the management and operation of such joint 53893  
vocational school district as is granted by law, except by this 53894  
chapter and Chapters 124., ~~3306.7~~, 3317., 3323., and 3331. of the 53895  
Revised Code, to a board of education of a city school district, 53896  
and shall be subject to all the provisions of law that apply to a 53897  
city school district, except such provisions in this chapter and 53898  
Chapters 124., ~~3306.7~~, 3317., 3323., and 3331. of the Revised Code. 53899

(E) Where a governing board of an educational service center 53900  
has been designated to serve as the joint vocational school 53901  
district board of education, the educational service center 53902  
superintendent shall be the executive officer for the joint 53903  
vocational school district, and the governing board may provide 53904  
for additional compensation to be paid to the educational service 53905  
center superintendent by the joint vocational school district, but 53906  
the educational service center superintendent shall have no 53907  
continuing tenure other than that of educational service center 53908  
superintendent. The superintendent of schools of a joint 53909  
vocational school district shall exercise the duties and authority 53910  
vested by law in a superintendent of schools pertaining to the 53911  
operation of a school district and the employment and supervision 53912  
of its personnel. The joint vocational school district board of 53913

education shall appoint a treasurer of the joint vocational school 53914  
district who shall be the fiscal officer for such district and who 53915  
shall have all the powers, duties, and authority vested by law in 53916  
a treasurer of a board of education. Where a governing board of an 53917  
educational service center has been designated to serve as the 53918  
joint vocational school district board of education, such board 53919  
may appoint the educational service center superintendent as the 53920  
treasurer of the joint vocational school district. 53921

(F) Each member of a joint vocational school district board 53922  
of education may be paid such compensation as the board provides 53923  
by resolution, but it shall not exceed one hundred twenty-five 53924  
dollars per member for each meeting attended plus mileage, at the 53925  
rate per mile provided by resolution of the board, to and from 53926  
meetings of the board. 53927

The board may provide by resolution for the deduction of 53928  
amounts payable for benefits under section 3313.202 of the Revised 53929  
Code. 53930

Each member of a joint vocational school district board may 53931  
be paid such compensation as the board provides by resolution for 53932  
attendance at an approved training program, provided that such 53933  
compensation shall not exceed sixty dollars per day for attendance 53934  
at a training program three hours or fewer in length and one 53935  
hundred twenty-five dollars a day for attendance at a training 53936  
program longer than three hours in length. However, no board 53937  
member shall be compensated for the same training program under 53938  
this section and section 3313.12 of the Revised Code. 53939

**Sec. 3311.21.** (A) In addition to the resolutions authorized 53940  
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 53941  
the Revised Code, the board of education of a joint vocational or 53942  
cooperative education school district by a vote of two-thirds of 53943  
its full membership may at any time adopt a resolution declaring 53944

the necessity to levy a tax in excess of the ten-mill limitation 53945  
for a period not to exceed ten years to provide funds for any one 53946  
or more of the following purposes, which may be stated in the 53947  
following manner in such resolution, the ballot, and the notice of 53948  
election: purchasing a site or enlargement thereof and for the 53949  
erection and equipment of buildings; for the purpose of enlarging, 53950  
improving, or rebuilding thereof; for the purpose of providing for 53951  
the current expenses of the joint vocational or cooperative school 53952  
district; or for a continuing period for the purpose of providing 53953  
for the current expenses of the joint vocational or cooperative 53954  
education school district. The resolution shall specify the amount 53955  
of the proposed rate and, if a renewal, whether the levy is to 53956  
renew all, or a portion of, the existing levy, and shall specify 53957  
the first year in which the levy will be imposed. If the levy 53958  
provides for but is not limited to current expenses, the 53959  
resolution shall apportion the annual rate of the levy between 53960  
current expenses and the other purpose or purposes. Such 53961  
apportionment may but need not be the same for each year of the 53962  
levy, but the respective portions of the rate actually levied each 53963  
year for current expenses and the other purpose or purposes shall 53964  
be limited by such apportionment. The portion of any such rate 53965  
actually levied for current expenses of a joint vocational or 53966  
cooperative education school district shall be used in applying 53967  
~~division (A)(1) of section 3306.01 and~~ division (A) of section 53968  
3317.01 of the Revised Code. The portion of any such rate not 53969  
apportioned to the current expenses of a joint vocational or 53970  
cooperative education school district shall be used in applying 53971  
division (B) of this section. On the adoption of such resolution, 53972  
the joint vocational or cooperative education school district 53973  
board of education shall certify the resolution to the board of 53974  
elections of the county containing the most populous portion of 53975  
the district, which board shall receive resolutions for filing and 53976  
send them to the boards of elections of each county in which 53977

territory of the district is located, furnish all ballots for the 53978  
election as provided in section 3505.071 of the Revised Code, and 53979  
prepare the election notice; and the board of elections of each 53980  
county in which the territory of such district is located shall 53981  
make the other necessary arrangements for the submission of the 53982  
question to the electors of the joint vocational or cooperative 53983  
education school district at the next primary or general election 53984  
occurring not less than ninety days after the resolution was 53985  
received from the joint vocational or cooperative education school 53986  
district board of education, or at a special election to be held 53987  
at a time designated by the district board of education consistent 53988  
with the requirements of section 3501.01 of the Revised Code, 53989  
which date shall not be earlier than ninety days after the 53990  
adoption and certification of the resolution. 53991

The board of elections of the county or counties in which 53992  
territory of the joint vocational or cooperative education school 53993  
district is located shall cause to be published in ~~one or more~~ 53994  
~~newspapers~~ a newspaper of general circulation in that district an 53995  
advertisement of the proposed tax levy question, together with a 53996  
statement of the amount of the proposed levy once a week for two 53997  
consecutive weeks or as provided in section 7.16 of the Revised 53998  
Code, prior to the election at which the question is to appear on 53999  
the ballot, ~~and, if,~~ If the board of elections operates and 54000  
maintains a web site, the board also shall post ~~a similar~~ the 54001  
advertisement on its web site for thirty days prior to that 54002  
election. 54003

If a majority of the electors voting on the question of 54004  
levying such tax vote in favor of the levy, the joint vocational 54005  
or cooperative education school district board of education shall 54006  
annually make the levy within the district at the rate specified 54007  
in the resolution and ballot or at any lesser rate, and the county 54008  
auditor of each affected county shall annually place the levy on 54009



the tax list and duplicate of each school district in the county 54010  
having territory in the joint vocational or cooperative education 54011  
school district. The taxes realized from the levy shall be 54012  
collected at the same time and in the same manner as other taxes 54013  
on the duplicate, and the taxes, when collected, shall be paid to 54014  
the treasurer of the joint vocational or cooperative education 54015  
school district and deposited to a special fund, which shall be 54016  
established by the joint vocational or cooperative education 54017  
school district board of education for all revenue derived from 54018  
any tax levied pursuant to this section and for the proceeds of 54019  
anticipation notes which shall be deposited in such fund. After 54020  
the approval of the levy, the joint vocational or cooperative 54021  
education school district board of education may anticipate a 54022  
fraction of the proceeds of the levy and from time to time, during 54023  
the life of the levy, but in any year prior to the time when the 54024  
tax collection from the levy so anticipated can be made for that 54025  
year, issue anticipation notes in an amount not exceeding fifty 54026  
per cent of the estimated proceeds of the levy to be collected in 54027  
each year up to a period of five years after the date of the 54028  
issuance of the notes, less an amount equal to the proceeds of the 54029  
levy obligated for each year by the issuance of anticipation 54030  
notes, provided that the total amount maturing in any one year 54031  
shall not exceed fifty per cent of the anticipated proceeds of the 54032  
levy for that year. Each issue of notes shall be sold as provided 54033  
in Chapter 133. of the Revised Code, and shall, except for such 54034  
limitation that the total amount of such notes maturing in any one 54035  
year shall not exceed fifty per cent of the anticipated proceeds 54036  
of the levy for that year, mature serially in substantially equal 54037  
installments, during each year over a period not to exceed five 54038  
years after their issuance. 54039

(B) Prior to the application of section 319.301 of the 54040  
Revised Code, the rate of a levy that is limited to, or to the 54041  
extent that it is apportioned to, purposes other than current 54042

expenses shall be reduced in the same proportion in which the 54043  
district's total valuation increases during the life of the levy 54044  
because of additions to such valuation that have resulted from 54045  
improvements added to the tax list and duplicate. 54046

(C) The form of ballot cast at an election under division (A) 54047  
of this section shall be as prescribed by section 5705.25 of the 54048  
Revised Code. 54049

**Sec. 3311.213.** (A) With the approval of the board of 54050  
education of a joint vocational school district ~~which~~ that is in 54051  
existence, any school district in the county or counties 54052  
comprising the joint vocational school district or any school 54053  
district in a county adjacent to a county comprising part of a 54054  
joint vocational school district may become a part of the joint 54055  
vocational school district. On the adoption of a resolution of 54056  
approval by the board of education of the joint vocational school 54057  
district, it shall advertise a copy of such resolution in a 54058  
newspaper of general circulation in the school district proposing 54059  
to become a part of such joint vocational school district once 54060  
each week for ~~at least~~ two weeks, or as provided in section 7.16 54061  
of the Revised Code, immediately following the date of the 54062  
adoption of such resolution. Such resolution shall not become 54063  
effective until the later of the sixty-first day after its 54064  
adoption or until the board of elections certifies the results of 54065  
an election in favor of joining of the school district to the 54066  
joint vocational school district if such an election is held under 54067  
division (B) of this section. 54068

(B) During the sixty-day period following the date of the 54069  
adoption of a resolution to join a school district to a joint 54070  
vocational school district under division (A) of this section, the 54071  
electors of the school district that proposes joining the joint 54072  
vocational school district may petition for a referendum vote on 54073

the resolution. The question whether to approve or disapprove the 54074  
resolution shall be submitted to the electors of such school 54075  
district if a number of qualified electors equal to twenty per 54076  
cent of the number of electors in the school district who voted 54077  
for the office of governor at the most recent general election for 54078  
that office sign a petition asking that the question of whether 54079  
the resolution shall be disapproved be submitted to the electors. 54080  
The petition shall be filed with the board of elections of the 54081  
county in which the school district is located. If the school 54082  
district is located in more than one county, the petition shall be 54083  
filed with the board of elections of the county in which the 54084  
majority of the territory of the school district is located. The 54085  
board shall certify the validity and sufficiency of the signatures 54086  
on the petition. 54087

The board of elections shall immediately notify the board of 54088  
education of the joint vocational school district and the board of 54089  
education of the school district that proposes joining the joint 54090  
vocational school district that the petition has been filed. 54091

The effect of the resolution shall be stayed until the board 54092  
of elections certifies the validity and sufficiency of the 54093  
signatures on the petition. If the board of elections determines 54094  
that the petition does not contain a sufficient number of valid 54095  
signatures and sixty days have passed since the adoption of the 54096  
resolution, the resolution shall become effective. 54097

If the board of elections certifies that the petition 54098  
contains a sufficient number of valid signatures, the board shall 54099  
submit the question to the qualified electors of the school 54100  
district on the day of the next general or primary election held 54101  
at least ninety days after but no later than six months after the 54102  
board of elections certifies the validity and sufficiency of 54103  
signatures on the petition. If there is no general or primary 54104  
election held at least ninety days after but no later than six 54105

months after the board of elections certifies the validity and 54106  
sufficiency of signatures on the petition, the board shall submit 54107  
the question to the electors at a special election to be held on 54108  
the next day specified for special elections in division (D) of 54109  
section 3501.01 of the Revised Code that occurs at least ninety 54110  
days after the board certifies the validity and sufficiency of 54111  
signatures on the petition. The election shall be conducted and 54112  
canvassed and the results shall be certified in the same manner as 54113  
in regular elections for the election of members of a board of 54114  
education. 54115

If a majority of the electors voting on the question 54116  
disapprove the resolution, the resolution shall not become 54117  
effective. 54118

(C) If the resolution becomes effective, the board of 54119  
education of the joint vocational school district shall notify the 54120  
county auditor of the county in which the school district becoming 54121  
a part of the joint vocational school district is located, who 54122  
shall thereupon have any outstanding levy for building purposes, 54123  
bond retirement, or current expenses in force in the joint 54124  
vocational school district spread over the territory of the school 54125  
district becoming a part of the joint vocational school district. 54126  
On the addition of a city or exempted village school district or 54127  
an educational service center to the joint vocational school 54128  
district, pursuant to this section, the board of education of such 54129  
joint vocational school district shall submit to the state board 54130  
of education a proposal to enlarge the membership of such board by 54131  
the addition of one or more persons at least one of whom shall be 54132  
a member of the board of education or governing board of such 54133  
additional school district or educational service center, and the 54134  
term of each such additional member. On the addition of a local 54135  
school district to the joint vocational school district, pursuant 54136  
to this section, the board of education of such joint vocational 54137

school district may submit to the state board of education a 54138  
proposal to enlarge the membership of such board by the addition 54139  
of one or more persons who are members of the educational service 54140  
center governing board of such additional local school district. 54141  
On approval by the state board of education additional members 54142  
shall be added to such joint vocational school district board of 54143  
education. 54144

**Sec. 3311.214.** (A) With the approval of the state board of 54145  
education, the boards of education of any two or more joint 54146  
vocational school districts may, by the adoption of identical 54147  
resolutions by a majority of the members of each such board, 54148  
propose that one new joint vocational school district be created 54149  
by adding together all of the territory of each of the districts 54150  
and dissolving such districts. A copy of each resolution shall be 54151  
filed with the state board of education for its approval or 54152  
disapproval. The resolutions shall include a provision that the 54153  
board of education of the new district shall be composed of the 54154  
members from the same boards of education that composed the 54155  
membership of the board of each of the districts to be dissolved, 54156  
except that, if an even number of districts are to be dissolved, 54157  
one additional member shall be added, who may be from any school 54158  
district included in the territory of any of the districts to be 54159  
dissolved as designated in the resolutions. The members of the new 54160  
board shall have the same terms of office as they had under the 54161  
respective plans of the districts adopting the resolutions, except 54162  
that, if the new board has an additional member, ~~he~~ the additional 54163  
member shall have a term as specified in the resolutions. 54164

If the state board approves the resolutions, the board of 54165  
education of each district to be dissolved shall advertise a copy 54166  
of the resolution in a newspaper of general circulation in its 54167  
district once each week for ~~at least~~ two weeks, or as provided in 54168  
section 7.16 of the Revised Code, immediately following the date 54169

the resolutions are approved by the state board. The resolutions 54170  
shall become effective on the first day of July next succeeding 54171  
the sixtieth day following approval by the state board unless 54172  
prior to the expiration of such sixty-day period, qualified 54173  
electors residing in one of the districts to be dissolved equal in 54174  
number to a majority of the qualified electors of that district 54175  
voting at the last general election file with the state board a 54176  
petition of remonstrance against creation of the proposed new 54177  
district. 54178

(B) When a resolution becomes effective under division (A) of 54179  
this section, each district in which a resolution was adopted and 54180  
the board of each such district are dissolved. The territory of 54181  
each dissolved district becomes a part of the new joint vocational 54182  
school district. The net indebtedness of each dissolved district 54183  
shall be assumed in full by the new district and the funds and 54184  
property of each dissolved district shall become in full the funds 54185  
and property of the new district. All existing contracts of each 54186  
dissolved board shall be honored by the board of the new district 54187  
until their expiration dates. The board of the new district shall 54188  
notify the county auditor of each county in which each dissolved 54189  
district was located that a resolution has become effective and a 54190  
new district has been created and shall certify to each auditor 54191  
any changes that might be required in the tax rate as a result of 54192  
the creation of the new district. 54193

(C) As used in this section, "net indebtedness" means the 54194  
difference between the par value of the outstanding and unpaid 54195  
bonds and notes of the school district and the amount held in the 54196  
sinking fund and other indebtedness retirement funds for their 54197  
redemption. 54198

**Sec. 3311.29.** (A) Except as provided under division (B) or 54199  
(C) of this section, no school district shall be created and no 54200

school district shall exist which does not maintain within such 54201  
district public schools consisting of grades kindergarten through 54202  
twelve and any such existing school district not maintaining such 54203  
schools shall be dissolved and its territory joined with another 54204  
school district or districts by order of the state board of 54205  
education if no agreement is made among the surrounding districts 54206  
voluntarily, which order shall provide an equitable division of 54207  
the funds, property, and indebtedness of the dissolved school 54208  
district among the districts receiving its territory. The state 54209  
board of education may authorize exceptions to school districts 54210  
where topography, sparsity of population, and other factors make 54211  
compliance impracticable. 54212

The superintendent of public instruction is without authority 54213  
to distribute funds under Chapter ~~3306.~~ or 3317. of the Revised 54214  
Code to any school district that does not maintain schools with 54215  
grades kindergarten through twelve and to which no exception has 54216  
been granted by the state board of education. 54217

(B) Division (A) of this section does not apply to any joint 54218  
vocational school district or any cooperative education school 54219  
district established pursuant to divisions (A) to (C) of section 54220  
3311.52 of the Revised Code. 54221

(C)(1)(a) Except as provided in division (C)(3) of this 54222  
section, division (A) of this section does not apply to any 54223  
cooperative education school district established pursuant to 54224  
section 3311.521 of the Revised Code nor to the city, exempted 54225  
village, or local school districts that have territory within such 54226  
a cooperative education district. 54227

(b) The cooperative district and each city, exempted village, 54228  
or local district with territory within the cooperative district 54229  
shall maintain the grades that the resolution adopted or amended 54230  
pursuant to section 3311.521 of the Revised Code specifies. 54231

(2) Any cooperative education school district described under 54232  
division (C)(1) of this section that fails to maintain the grades 54233  
it is specified to operate shall be dissolved by order of the 54234  
state board of education unless prior to such an order the 54235  
cooperative district is dissolved pursuant to section 3311.54 of 54236  
the Revised Code. Any such order shall provide for the equitable 54237  
adjustment, division, and disposition of the assets, property, 54238  
debts, and obligations of the district among each city, local, and 54239  
exempted village school district whose territory is in the 54240  
cooperative district and shall provide that the tax duplicate of 54241  
each city, local, and exempted village school district whose 54242  
territory is in the cooperative district shall be bound for and 54243  
assume its share of the outstanding indebtedness of the 54244  
cooperative district. 54245

(3) If any city, exempted village, or local school district 54246  
described under division (C)(1) of this section fails to maintain 54247  
the grades it is specified to operate the cooperative district 54248  
within which it has territory shall be dissolved in accordance 54249  
with division (C)(2) of this section and upon that dissolution any 54250  
city, exempted village, or local district failing to maintain 54251  
grades kindergarten through twelve shall be subject to the 54252  
provisions for dissolution in division (A) of this section. 54253

**Sec. 3311.50.** (A) As used in this section, "county school 54254  
financing district" means a taxing district consisting of the 54255  
following territory: 54256

(1) The territory that constitutes the educational service 54257  
center on the date that the governing board of that educational 54258  
service center adopts a resolution under division (B) of this 54259  
section declaring that the territory of the educational service 54260  
center is a county school financing district, exclusive of any 54261  
territory subsequently withdrawn from the district under division 54262



(D) of this section; 54263

(2) Any territory that has been added to the county school financing district under this section. 54264  
54265

A county school financing district may include the territory of a city, local, or exempted village school district whose territory also is included in the territory of one or more other county school financing districts. 54266  
54267  
54268  
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(B) The governing board of any educational service center may, by resolution, declare that the territory of the educational service center is a county school financing district. The resolution shall state the purpose for which the county school financing district is created which may be for any one or more of the following purposes: 54270  
54271  
54272  
54273  
54274  
54275

(1) To levy taxes for the provision of special education by the school districts that are a part of the district, including taxes for permanent improvements for special education; 54276  
54277  
54278

(2) To levy taxes for the provision of specified educational programs and services by the school districts that are a part of the district, as identified in the resolution creating the district, including the levying of taxes for permanent improvements for those programs and services; 54279  
54280  
54281  
54282  
54283

(3) To levy taxes for permanent improvements of school districts that are a part of the district. 54284  
54285

The governing board of the educational service center that creates a county school financing district shall serve as the taxing authority of the district and may use educational service center governing board employees to perform any of the functions necessary in the performance of its duties as a taxing authority. 54286  
54287  
54288  
54289  
54290  
A county school financing district shall not employ any personnel. 54291

With the approval of a majority of the members of the board 54292

of education of each school district within the territory of the 54293  
county school financing district, the taxing authority of the 54294  
financing district may amend the resolution creating the district 54295  
to broaden or narrow the purposes for which it was created. 54296

A governing board of an educational service center may create 54297  
more than one county school financing district. If a governing 54298  
board of an educational service center creates more than one such 54299  
district, it shall clearly distinguish among the districts it 54300  
creates by including a designation of each district's purpose in 54301  
the district's name. 54302

(C) A majority of the members of a board of education of a 54303  
city, local, or exempted village school district may adopt a 54304  
resolution requesting that its territory be joined with the 54305  
territory of any county school financing district. Copies of the 54306  
resolution shall be filed with the state board of education and 54307  
the taxing authority of the county school financing district. 54308  
Within sixty days of its receipt of such a resolution, the county 54309  
school financing district's taxing authority shall vote on the 54310  
question of whether to accept the school district's territory as 54311  
part of the county school financing district. If a majority of the 54312  
members of the taxing authority vote to accept the territory, the 54313  
school district's territory shall thereupon become a part of the 54314  
county school financing district unless the county school 54315  
financing district has in effect a tax imposed under section 54316  
5705.211 of the Revised Code. If the county school financing 54317  
district has such a tax in effect, the taxing authority shall 54318  
certify a copy of its resolution accepting the school district's 54319  
territory to the school district's board of education, which may 54320  
then adopt a resolution, with the affirmative vote of a majority 54321  
of its members, proposing the submission to the electors of the 54322  
question of whether the district's territory shall become a part 54323  
of the county school financing district and subject to the taxes 54324

imposed by the financing district. The resolution shall set forth 54325  
the date on which the question shall be submitted to the electors, 54326  
which shall be at a special election held on a date specified in 54327  
the resolution, which shall not be earlier than ninety days after 54328  
the adoption and certification of the resolution. A copy of the 54329  
resolution shall immediately be certified to the board of 54330  
elections of the proper county, which shall make arrangements for 54331  
the submission of the proposal to the electors of the school 54332  
district. The board of the joining district shall publish notice 54333  
of the election in ~~one or more newspapers~~ a newspaper of general 54334  
circulation in the county once a week for two consecutive weeks, 54335  
or as provided in section 7.16 of the Revised Code, prior to the 54336  
election. Additionally, if the board of elections operates and 54337  
maintains a web site, the board of elections shall post notice of 54338  
the election on its web site for thirty days prior to the 54339  
election. The question appearing on the ballot shall read: 54340

"Shall the territory within ..... (name of the school 54341  
district proposing to join the county school financing district) 54342  
..... be added to ..... (name) ..... county school 54343  
financing district, and a property tax for the purposes of 54344  
..... (here insert purposes) ..... at a rate of taxation 54345  
not exceeding ..... (here insert the outstanding tax rate) 54346  
..... be in effect for ..... (here insert the number of 54347  
years the tax is to be in effect or "a continuing period of time," 54348  
as applicable) .....?" 54349

If the proposal is approved by a majority of the electors 54350  
voting on it, the joinder shall take effect on the first day of 54351  
July following the date of the election, and the county board of 54352  
elections shall notify the county auditor of each county in which 54353  
the school district joining its territory to the county school 54354  
financing district is located. 54355

(D) The board of any city, local, or exempted village school 54356

district whose territory is part of a county school financing 54357  
district may withdraw its territory from the county school 54358  
financing district thirty days after submitting to the governing 54359  
board that is the taxing authority of the district and the state 54360  
board a resolution proclaiming such withdrawal, adopted by a 54361  
majority vote of its members, but any county school financing 54362  
district tax levied in such territory on the effective date of the 54363  
withdrawal shall remain in effect in such territory until such tax 54364  
expires or is renewed. No board may adopt a resolution withdrawing 54365  
from a county school financing district that would take effect 54366  
during the forty-five days preceding the date of an election at 54367  
which a levy proposed under section 5705.215 of the Revised Code 54368  
is to be voted upon. 54369

(E) A city, local, or exempted village school district does 54370  
not lose its separate identity or legal existence by reason of 54371  
joining its territory to a county school financing district under 54372  
this section and an educational service center does not lose its 54373  
separate identity or legal existence by reason of creating a 54374  
county school financing district that accepts or loses territory 54375  
under this section. 54376

**Sec. 3311.52.** A cooperative education school district may be 54377  
established pursuant to divisions (A) to (C) of this section or 54378  
pursuant to section 3311.521 of the Revised Code. 54379

(A) A cooperative education school district may be 54380  
established upon the adoption of identical resolutions within a 54381  
sixty-day period by a majority of the members of the board of 54382  
education of each city, local, and exempted village school 54383  
district that is within the territory of a county school financing 54384  
district. 54385

A copy of each resolution shall be filed with the governing 54386  
board of the educational service center which created the county 54387

school financing district. Upon the filing of the last such 54388  
resolution, the educational service center governing board shall 54389  
immediately notify each board of education filing such a 54390  
resolution of the date on which the last resolution was filed. 54391

Ten days after the date on which the last resolution is filed 54392  
with the educational service center governing board or ten days 54393  
after the last of any notices required under division (C) of this 54394  
section is received by the educational service center governing 54395  
board, whichever is later, the county school financing district 54396  
shall be dissolved and the new cooperative education school 54397  
district and the board of education of the cooperative education 54398  
school district shall be established. 54399

On the date that any county school financing district is 54400  
dissolved and a cooperative education school district is 54401  
established under this section, each of the following shall apply: 54402

(1) The territory of the dissolved district becomes the 54403  
territory of the new district. 54404

(2) Any outstanding tax levy in force in the dissolved 54405  
district shall be spread over the territory of the new district 54406  
and shall remain in force in the new district until the levy 54407  
expires or is renewed. 54408

(3) Any funds of the dissolved district shall be paid over in 54409  
full to the new district. 54410

(4) Any net indebtedness of the dissolved district shall be 54411  
assumed in full by the new district. As used in division (A)(4) of 54412  
this section, "net indebtedness" means the difference between the 54413  
par value of the outstanding and unpaid bonds and notes of the 54414  
dissolved district and the amount held in the sinking fund and 54415  
other indebtedness retirement funds for their redemption. 54416

When a county school financing district is dissolved and a 54417  
cooperative education school district is established under this 54418

section, the governing board of the educational service center 54419  
that created the dissolved district shall give written notice of 54420  
this fact to the county auditor and the board of elections of each 54421  
county having any territory in the new district. 54422

(B) The resolutions adopted under division (A) of this 54423  
section shall include all of the following provisions: 54424

(1) Provision that the governing board of the educational 54425  
service center which created the county school financing district 54426  
shall be the board of education of the cooperative education 54427  
school district, except that provision may be made for the 54428  
composition, selection, and terms of office of an alternative 54429  
board of education of the cooperative district, which board shall 54430  
include at least one member selected from or by the members of the 54431  
board of education of each city, local, and exempted village 54432  
school district and at least one member selected from or by the 54433  
members of the educational service center governing board within 54434  
the territory of the cooperative district; 54435

(2) Provision that the treasurer and superintendent of the 54436  
educational service center which created the county school 54437  
financing district shall be the treasurer and superintendent of 54438  
the cooperative education school district, except that provision 54439  
may be made for the selection of a treasurer or superintendent of 54440  
the cooperative district other than the treasurer or 54441  
superintendent of the educational service center, which provision 54442  
shall require one of the following: 54443

(a) The selection of one person as both the treasurer and 54444  
superintendent of the cooperative district, which provision may 54445  
require such person to be the treasurer or superintendent of any 54446  
city, local, or exempted village school district or educational 54447  
service center within the territory of the cooperative district; 54448

(b) The selection of one person as the treasurer and another 54449

person as the superintendent of the cooperative district, which 54450  
provision may require either one or both such persons to be 54451  
treasurers or superintendents of any city, local, or exempted 54452  
village school districts or educational service center within the 54453  
territory of the cooperative district. 54454

(3) A statement of the educational program the board of 54455  
education of the cooperative education school district will 54456  
conduct, including but not necessarily limited to the type of 54457  
educational program, the grade levels proposed for inclusion in 54458  
the program, the timetable for commencing operation of the 54459  
program, and the facilities proposed to be used or constructed to 54460  
be used by the program; 54461

(4) A statement of the annual amount, or the method for 54462  
determining that amount, of funds or services or facilities that 54463  
each city, local, and exempted village school district within the 54464  
territory of the cooperative district is required to pay to or 54465  
provide for the use of the board of education of the cooperative 54466  
education school district; 54467

(5) Provision for adopting amendments to the provisions of 54468  
divisions (B)(2) to (4) of this section. 54469

(C) If the resolutions adopted under division (A) of this 54470  
section provide for a board of education of the cooperative 54471  
education school district that is not the governing board of the 54472  
educational service center that created the county school 54473  
financing district, each board of education of each city, local, 54474  
or exempted village school district and the governing board of the 54475  
educational service center within the territory of the cooperative 54476  
district shall, within thirty days after the date on which the 54477  
last resolution is filed with the educational service center 54478  
governing board under division (A) of this section, select one or 54479  
more members of the board of education of the cooperative district 54480  
as provided in the resolutions filed with the educational service 54481

center governing board. Each such board shall immediately notify 54482  
the educational service center governing board of each such 54483  
selection. 54484

(D) Except for the powers and duties in this chapter and 54485  
Chapters 124., ~~3306.~~, 3317., 3318., 3323., and 3331. of the 54486  
Revised Code, a cooperative education school district established 54487  
pursuant to divisions (A) to (C) of this section or pursuant to 54488  
section 3311.521 of the Revised Code has all the powers of a city 54489  
school district and its board of education has all the powers and 54490  
duties of a board of education of a city school district with 54491  
respect to the educational program specified in the resolutions 54492  
adopted under division (A) of this section. All laws applicable to 54493  
a city school district or the board of education or the members of 54494  
the board of education of a city school district, except such laws 54495  
in this chapter and Chapters 124., ~~3306.~~, 3317., 3318., 3323., and 54496  
3331. of the Revised Code, are applicable to a cooperative 54497  
education school district and its board. 54498

The treasurer and superintendent of a cooperative education 54499  
school district shall have the same respective duties and powers 54500  
as a treasurer and superintendent of a city school district, 54501  
except for any powers and duties in this chapter and Chapters 54502  
124., ~~3306.~~, 3317., 3318., 3323., and 3331. of the Revised Code. 54503

(E) For purposes of this title, any student included in the 54504  
formula ADM certified for any city, exempted village, or local 54505  
school district under section 3317.03 of the Revised Code by 54506  
virtue of being counted, in whole or in part, in the average daily 54507  
membership of a cooperative education school district under 54508  
division (A)(2)(f) of that section shall be construed to be 54509  
enrolled both in that city, exempted village, or local school 54510  
district and in that cooperative education school district. This 54511  
division shall not be construed to mean that any such individual 54512  
student may be counted more than once for purposes of determining 54513



the average daily membership of any one school district. 54514

**Sec. 3311.53.** (A)(1) The board of education of any city, 54515  
local, or exempted village school district that wishes to become 54516  
part of a cooperative education school district established 54517  
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 54518  
Code may adopt a resolution proposing to become a part of the 54519  
cooperative education school district. 54520

(2) The board of education of any city, local, or exempted 54521  
village school district that is contiguous to a cooperative 54522  
education school district established pursuant to section 3311.521 54523  
of the Revised Code and that wishes to become part of that 54524  
cooperative district may adopt a resolution proposing to become 54525  
part of that cooperative district. 54526

(B) If, after the adoption of a resolution in accordance with 54527  
division (A) of this section, the board of education of the 54528  
cooperative education school district named in that resolution 54529  
also adopts a resolution accepting the new district, the board of 54530  
the district wishing to become part of the cooperative district 54531  
shall advertise a copy of the cooperative district board's 54532  
resolution in a newspaper of general circulation in the school 54533  
district proposing to become a part of the cooperative education 54534  
school district once each week for ~~at least~~ two weeks, or as 54535  
provided in section 7.16 of the Revised Code, immediately 54536  
following the date of the adoption of the resolution. The 54537  
resolution shall become legally effective on the sixtieth day 54538  
after its adoption, unless prior to the expiration of that 54539  
sixty-day period qualified electors residing in the school 54540  
district proposed to become a part of the cooperative education 54541  
school district equal in number to a majority of the qualified 54542  
electors voting at the last general election file with the board 54543  
of education a petition of remonstrance against the transfer. If 54544

the resolution becomes legally effective, both of the following 54545  
shall apply: 54546

(1) The resolution that established the cooperative education 54547  
school district pursuant to divisions (A) to (C) of section 54548  
3311.52 or section 3311.521 of the Revised Code shall be amended 54549  
to reflect the addition of the new district to the cooperative 54550  
district. 54551

(2) The board of education of the cooperative education 54552  
school district shall give written notice of this fact to the 54553  
county auditor and the board of elections of each county in which 54554  
the school district becoming a part of the cooperative education 54555  
school district has territory. Any such county auditor shall 54556  
thereupon have any outstanding levy for building purposes, bond 54557  
retirement, or current expenses in force in the cooperative 54558  
education school district spread over the territory of the school 54559  
district becoming a part of the cooperative education school 54560  
district. 54561

(C) If the board of education of the cooperative education 54562  
school district is not the governing board of an educational 54563  
service center, the board of education of the cooperative 54564  
education school district shall, on the addition of a city, local, 54565  
or exempted village school district to the district pursuant to 54566  
this section, submit to the state board of education a proposal to 54567  
enlarge the membership of the board. In the case of a cooperative 54568  
district established pursuant to divisions (A) to (C) of section 54569  
3311.52 of the Revised Code, the proposal shall add one or more 54570  
persons to the district's board, at least one of whom shall be a 54571  
member of or selected by the board of education of the additional 54572  
school district, and shall specify the term of each such 54573  
additional member. In the case of a cooperative district 54574  
established pursuant to section 3311.521 of the Revised Code, the 54575  
proposal shall add two or more persons to the district's board, at 54576

least two of whom shall be a member of or selected by the board of 54577  
education of the additional school district, and shall specify the 54578  
term of each such additional member. On approval by the state 54579  
board of education, the additional members shall be added to the 54580  
cooperative education school district board of education. 54581

**Sec. 3311.73.** (A) No later than ninety days before the 54582  
general election held in the first even-numbered year occurring at 54583  
least four years after the date it assumed control of the 54584  
municipal school district pursuant to division (B) of section 54585  
3311.71 of the Revised Code, the board of education appointed 54586  
under that division shall notify the board of elections of each 54587  
county containing territory of the municipal school district of 54588  
the referendum election required by division (B) of this section. 54589

(B) At the general election held in the first even-numbered 54590  
year occurring at least four years after the date the new board 54591  
assumed control of a municipal school district pursuant to 54592  
division (B) of section 3311.71 of the Revised Code, the following 54593  
question shall be submitted to the electors residing in the school 54594  
district: 54595

"Shall the mayor of ..... (here insert the name of the 54596  
applicable municipal corporation) continue to appoint the members 54597  
of the board of education of the ..... (here insert the name of 54598  
the municipal school district)?" 54599

The board of elections of the county in which the majority of 54600  
the school district's territory is located shall make all 54601  
necessary arrangements for the submission of the question to the 54602  
electors, and the election shall be conducted, canvassed, and 54603  
certified in the same manner as regular elections in the district 54604  
for the election of county officers, provided that in any such 54605  
election in which only part of the electors of a precinct are 54606  
qualified to vote, the board of elections may assign voters in 54607

such part to an adjoining precinct. Such an assignment may be made 54608  
to an adjoining precinct in another county with the consent and 54609  
approval of the board of elections of such other county. Notice of 54610  
the election shall be published in a newspaper of general 54611  
circulation in the school district once a week for two consecutive 54612  
weeks, or as provided in section 7.16 of the Revised Code, prior 54613  
to the election, ~~and, if.~~ If the board of elections operates and 54614  
maintains a web site, the board of elections shall post notice of 54615  
the election on its web site for thirty days prior to the 54616  
election. The notice shall state the question on which the 54617  
election is being held. The ballot shall be in the form prescribed 54618  
by the secretary of state. Costs of submitting the question to the 54619  
electors shall be charged to the municipal school district in 54620  
accordance with section 3501.17 of the Revised Code. 54621

(C) If a majority of electors voting on the issue proposed in 54622  
division (B) of this section approve the question, the mayor shall 54623  
appoint a new board on the immediately following first day of July 54624  
pursuant to division (F) of section 3311.71 of the Revised Code. 54625

(D) If a majority of electors voting on the issue proposed in 54626  
division (B) of this section disapprove the question, a new 54627  
seven-member board of education shall be elected at the next 54628  
regular election occurring in November of an odd-numbered year. At 54629  
such election, four members shall be elected for terms of four 54630  
years and three members shall be elected for terms of two years. 54631  
Thereafter, their successors shall be elected in the same manner 54632  
and for the same terms as members of boards of education of a city 54633  
school district. All members of the board of education of a 54634  
municipal school district appointed pursuant to division (B) of 54635  
section 3311.71 of the Revised Code shall continue to serve after 54636  
the end of the terms to which they were appointed until their 54637  
successors are qualified and assume office in accordance with 54638  
section 3313.09 of the Revised Code. 54639

**Sec. 3311.76.** (A) Notwithstanding Chapters 3302., ~~3306.~~, and 3317. of the Revised Code, upon written request of the district chief executive officer the state superintendent of public instruction may exempt a municipal school district from any rules adopted under Title XXXIII of the Revised Code except for any rule adopted under Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code, and may authorize a municipal school district to apply funds allocated to the district under ~~Chapters 3306. and Chapter~~ Chapter 3317. of the Revised Code, except those specifically allocated to purposes other than current expenses, to the payment of debt charges on the district's public obligations. The request must specify the provisions from which the district is seeking exemption or the application requested and the reasons for the request. The state superintendent shall approve the request if the superintendent finds the requested exemption or application is in the best interest of the district's students. The superintendent shall approve or disapprove the request within thirty days and shall notify the district board and the district chief executive officer of approval or reasons for disapproving the request.

(B) In addition to the rights, authority, and duties conferred upon a municipal school district and its board of education in sections 3311.71 to 3311.76 of the Revised Code, a municipal school district and its board shall have all of the rights, authority, and duties conferred upon a city school district and its board by law that are not inconsistent with sections 3311.71 to 3311.76 of the Revised Code.

**Sec. 3313.29.** The treasurer of each board of education shall keep an account of all school funds of the district. The treasurer shall receive all vouchers for payments and disbursements made to and by the board and preserve such vouchers for a period of ten

years unless copied or reproduced according to the procedure 54671  
prescribed in section 9.01 of the Revised Code. Thereafter, such 54672  
vouchers may be destroyed by the treasurer upon applying to and 54673  
obtaining an order from the school district records commission in 54674  
the manner prescribed by section ~~149.41~~ 149.381 of the Revised 54675  
Code, except that it shall not be necessary to copy or reproduce 54676  
such vouchers before their destruction. The treasurer shall render 54677  
a statement to the board and to the superintendent of the school 54678  
district, monthly, or more often if required, showing the revenues 54679  
and receipts from whatever sources derived, the various 54680  
appropriations made by the board, the expenditures and 54681  
disbursements therefrom, the purposes thereof, the balances 54682  
remaining in each appropriation, and the assets and liabilities of 54683  
the school district. At the end of the fiscal year such statement 54684  
shall be a complete exhibit of the financial affairs of the school 54685  
district which may be published and distributed with the approval 54686  
of the board. All monthly and yearly statements as required in 54687  
this section shall be available for examination by the public. 54688

On request of the principal or other chief administrator of 54689  
any nonpublic school located within the school district's 54690  
territory, the treasurer shall provide such principal or 54691  
administrator with an account of the moneys received by the 54692  
district under division ~~(I)~~(E) of section 3317.024 of the Revised 54693  
Code as reported to the district's board in the treasurer's most 54694  
recent monthly statement. 54695

**Sec. 3313.372.** (A) As used in this section, "energy 54696  
conservation measure" means an installation or modification of an 54697  
installation in, or remodeling of, a building, to reduce energy 54698  
consumption. It includes: 54699

(1) Insulation of the building structure and systems within 54700  
the building; 54701

- (2) Storm windows and doors, multiglazed windows and doors, 54702  
heat absorbing or heat reflective glazed and coated window and 54703  
door systems, additional glazing, reductions in glass area, and 54704  
other window and door system modifications that reduce energy 54705  
consumption; 54706
- (3) Automatic energy control systems; 54707
- (4) Heating, ventilating, or air conditioning system 54708  
modifications or replacements; 54709
- (5) Caulking and weatherstripping; 54710
- (6) Replacement or modification of lighting fixtures to 54711  
increase the energy efficiency of the system without increasing 54712  
the overall illumination of a facility, unless such increase in 54713  
illumination is necessary to conform to the applicable state or 54714  
local building code for the proposed lighting system; 54715
- (7) Energy recovery systems; 54716
- (8) Cogeneration systems that produce steam or forms of 54717  
energy such as heat, as well as electricity, for use primarily 54718  
within a building or complex of buildings; 54719
- (9) Any other modification, installation, or remodeling 54720  
approved by the Ohio school facilities commission as an energy 54721  
conservation measure. 54722
- (B) A board of education of a city, exempted village, local, 54723  
or joint vocational school district may enter into an installment 54724  
payment contract for the purchase and installation of energy 54725  
conservation measures. The provisions of such installment payment 54726  
contracts dealing with interest charges and financing terms shall 54727  
not be subject to the competitive bidding requirements of section 54728  
3313.46 of the Revised Code, and shall be on the following terms: 54729
- (1) Not less than one-fifteenth of the costs thereof shall be 54730  
paid within two years from the date of purchase. 54731

(2) The remaining balance of the costs thereof shall be paid 54732  
within fifteen years from the date of purchase. 54733

An installment payment contract entered into by a board of 54734  
education under this section shall require the board to contract 54735  
in accordance with division (A) of section 3313.46 of the Revised 54736  
Code for the installation, modification, or remodeling of energy 54737  
conservation measures unless division (A) of section 3313.46 of 54738  
the Revised Code does not apply pursuant to division (B)(3) of 54739  
that section. 54740

(C) The board may issue the notes of the school district 54741  
signed by the president and the treasurer of the board and 54742  
specifying the terms of the purchase and securing the deferred 54743  
payments provided in this section, payable at the times provided 54744  
and bearing interest at a rate not exceeding the rate determined 54745  
as provided in section 9.95 of the Revised Code. The notes may 54746  
contain an option for prepayment and shall not be subject to 54747  
Chapter 133. of the Revised Code. In the resolution authorizing 54748  
the notes, the board may provide, without the vote of the electors 54749  
of the district, for annually levying and collecting taxes in 54750  
amounts sufficient to pay the interest on and retire the notes, 54751  
except that the total net indebtedness of the district without a 54752  
vote of the electors incurred under this and all other sections of 54753  
the Revised Code, except section 3318.052 of the Revised Code, 54754  
shall not exceed one per cent of the district's tax valuation. 54755  
Revenues derived from local taxes or otherwise, for the purpose of 54756  
conserving energy or for defraying the current operating expenses 54757  
of the district, may be applied to the payment of interest and the 54758  
retirement of such notes. The notes may be sold at private sale or 54759  
given to the contractor under the installment payment contract 54760  
authorized by division (B) of this section. 54761

(D) Debt incurred under this section shall not be included in 54762  
the calculation of the net indebtedness of a school district under 54763



section 133.06 of the Revised Code. 54764

(E) No school district board shall enter into an installment 54765  
payment contract under division (B) of this section unless it 54766  
first obtains a report of the costs of the energy conservation 54767  
measures and the savings thereof as described under division (G) 54768  
of section 133.06 of the Revised Code as a requirement for issuing 54769  
energy securities, makes a finding that the amount spent on such 54770  
measures is not likely to exceed the amount of money it would save 54771  
in energy costs and resultant operational and maintenance costs as 54772  
described in that division, except that that finding shall cover 54773  
the ensuing fifteen years, and the Ohio school facilities 54774  
commission determines that the district board's findings are 54775  
reasonable and approves the contract as described in that 54776  
division. 54777

The district board shall monitor the savings and maintain a 54778  
report of those savings, which shall be available submitted to the 54779  
commission in the same manner as required by division (G) of 54780  
section 133.06 of the Revised Code in the case of energy 54781  
securities. 54782

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 54783  
(F), and (G) of this section, when a board of education decides to 54784  
dispose of real or personal property that it owns in its corporate 54785  
capacity and that exceeds in value ten thousand dollars, it shall 54786  
sell the property at public auction, after giving at least thirty 54787  
days' notice of the auction by publication in a newspaper of 54788  
general circulation in the school district, by publication as 54789  
provided in section 7.16 of the Revised Code, or by posting 54790  
notices in five of the most public places in the school district 54791  
in which the property, if it is real property, is situated, or, if 54792  
it is personal property, in the school district of the board of 54793  
education that owns the property. The board may offer real 54794

property for sale as an entire tract or in parcels. 54795

(B) When the board of education has offered real or personal 54796  
property for sale at public auction at least once pursuant to 54797  
division (A) of this section, and the property has not been sold, 54798  
the board may sell it at a private sale. Regardless of how it was 54799  
offered at public auction, at a private sale, the board shall, as 54800  
it considers best, sell real property as an entire tract or in 54801  
parcels, and personal property in a single lot or in several lots. 54802

(C) If a board of education decides to dispose of real or 54803  
personal property that it owns in its corporate capacity and that 54804  
exceeds in value ten thousand dollars, it may sell the property to 54805  
the adjutant general; to any subdivision or taxing authority as 54806  
respectively defined in divisions (A) and (C) of section 5705.01 54807  
of the Revised Code, township park district, board of park 54808  
commissioners established under Chapter 755. of the Revised Code, 54809  
or park district established under Chapter 1545. of the Revised 54810  
Code; to a wholly or partially tax-supported university, 54811  
university branch, or college; or to the board of trustees of a 54812  
school district library, upon such terms as are agreed upon. The 54813  
sale of real or personal property to the board of trustees of a 54814  
school district library is limited, in the case of real property, 54815  
to a school district library within whose boundaries the real 54816  
property is situated, or, in the case of personal property, to a 54817  
school district library whose boundaries lie in whole or in part 54818  
within the school district of the selling board of education. 54819

(D) When a board of education decides to trade as a part or 54820  
an entire consideration, an item of personal property on the 54821  
purchase price of an item of similar personal property, it may 54822  
trade the same upon such terms as are agreed upon by the parties 54823  
to the trade. 54824

(E) The president and the treasurer of the board of education 54825  
shall execute and deliver deeds or other necessary instruments of 54826

conveyance to complete any sale or trade under this section. 54827

(F) When a board of education has identified a parcel of real 54828  
property that it determines is needed for school purposes, the 54829  
board may, upon a majority vote of the members of the board, 54830  
acquire that property by exchanging real property that the board 54831  
owns in its corporate capacity for the identified real property or 54832  
by using real property that the board owns in its corporate 54833  
capacity as part or an entire consideration for the purchase price 54834  
of the identified real property. Any exchange or acquisition made 54835  
pursuant to this division shall be made by a conveyance executed 54836  
by the president and the treasurer of the board. 54837

(G)~~(1)~~ When a school district board of education decides to 54838  
dispose of real property suitable for use as classroom space, 54839  
prior to disposing of that property under divisions (A) to (F) of 54840  
this section, it shall first offer that property for sale to the 54841  
governing authorities of the start-up community schools 54842  
established under Chapter 3314. of the Revised Code located within 54843  
the territory of the school district, at a price that is not 54844  
higher than the appraised fair market value of that property. If 54845  
more than one community school governing authority accepts the 54846  
offer made by the school district board, the board shall sell the 54847  
property to the governing authority that accepted the offer first 54848  
in time. If no community school governing authority accepts the 54849  
offer within sixty days after the offer is made by the school 54850  
district board, the board may dispose of the property in the 54851  
applicable manner prescribed under divisions (A) to (F) of this 54852  
section. 54853

~~(2) When a school district board of education has not used 54854  
real property suitable for classroom space for academic 54855  
instruction, administration, storage, or any other educational 54856  
purpose for one full school year and has not adopted a resolution 54857  
outlining a plan for using that property for any of those purposes 54858~~

~~within the next three school years, it shall offer that property 54859  
for sale to the governing authorities of the start up community 54860  
schools established under Chapter 3314. of the Revised Code 54861  
located within the territory of the school district, at a price 54862  
that is not higher than the appraised fair market value of that 54863  
property. If more than one community school governing authority 54864  
accepts the offer made by the school district board, the board 54865  
shall sell the property to the governing authority that accepted 54866  
the offer first in time. 54867~~

(H) When a school district board of education has property 54868  
that the board, by resolution, finds is not needed for school 54869  
district use, is obsolete, or is unfit for the use for which it 54870  
was acquired, the board may donate that property in accordance 54871  
with this division if the fair market value of the property is, in 54872  
the opinion of the board, two thousand five hundred dollars or 54873  
less. 54874

The property may be donated to an eligible nonprofit 54875  
organization that is located in this state and is exempt from 54876  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 54877  
Before donating any property under this division, the board shall 54878  
adopt a resolution expressing its intent to make unneeded, 54879  
obsolete, or unfit-for-use school district property available to 54880  
these organizations. The resolution shall include guidelines and 54881  
procedures the board considers to be necessary to implement the 54882  
donation program and shall indicate whether the school district 54883  
will conduct the donation program or the board will contract with 54884  
a representative to conduct it. If a representative is known when 54885  
the resolution is adopted, the resolution shall provide contact 54886  
information such as the representative's name, address, and 54887  
telephone number. 54888

The resolution shall include within its procedures a 54889  
requirement that any nonprofit organization desiring to obtain 54890

donated property under this division shall submit a written notice 54891  
to the board or its representative. The written notice shall 54892  
include evidence that the organization is a nonprofit organization 54893  
that is located in this state and is exempt from federal income 54894  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 54895  
the organization's primary purpose; a description of the type or 54896  
types of property the organization needs; and the name, address, 54897  
and telephone number of a person designated by the organization's 54898  
governing board to receive donated property and to serve as its 54899  
agent. 54900

After adoption of the resolution, the board shall publish, in 54901  
a newspaper of general circulation in the school district or as 54902  
provided in section 7.16 of the Revised Code, notice of its intent 54903  
to donate unneeded, obsolete, or unfit-for-use school district 54904  
property to eligible nonprofit organizations. The notice shall 54905  
include a summary of the information provided in the resolution 54906  
and shall be published ~~at least~~ twice. The second ~~and any~~ 54907  
~~subsequent~~ notice shall be published not less than ten nor more 54908  
than twenty days after the previous notice. A similar notice also 54909  
shall be posted continually in the board's office, ~~and, if.~~ If the 54910  
school district maintains a web site on the internet, the notice 54911  
shall be posted continually at that web site. 54912

The board or its representatives shall maintain a list of all 54913  
nonprofit organizations that notify the board or its 54914  
representative of their desire to obtain donated property under 54915  
this division and that the board or its representative determines 54916  
to be eligible, in accordance with the requirements set forth in 54917  
this section and in the donation program's guidelines and 54918  
procedures, to receive donated property. 54919

The board or its representative also shall maintain a list of 54920  
all school district property the board finds to be unneeded, 54921  
obsolete, or unfit for use and to be available for donation under 54922

this division. The list shall be posted continually in a 54923  
conspicuous location in the board's office, and, if the school 54924  
district maintains a web site on the internet, the list shall be 54925  
posted continually at that web site. An item of property on the 54926  
list shall be donated to the eligible nonprofit organization that 54927  
first declares to the board or its representative its desire to 54928  
obtain the item unless the board previously has established, by 54929  
resolution, a list of eligible nonprofit organizations that shall 54930  
be given priority with respect to the item's donation. Priority 54931  
may be given on the basis that the purposes of a nonprofit 54932  
organization have a direct relationship to specific school 54933  
district purposes of programs provided or administered by the 54934  
board. A resolution giving priority to certain nonprofit 54935  
organizations with respect to the donation of an item of property 54936  
shall specify the reasons why the organizations are given that 54937  
priority. 54938

Members of the board shall consult with the Ohio ethics 54939  
commission, and comply with Chapters 102. and 2921. of the Revised 54940  
Code, with respect to any donation under this division to a 54941  
nonprofit organization of which a board member, any member of a 54942  
board member's family, or any business associate of a board member 54943  
is a trustee, officer, board member, or employee. 54944

Sec. 3313.411. (A) As used in this section, "unused school 54945  
facilities" means any real property that has been used by a school 54946  
district for school operations, including, but not limited to, 54947  
academic instruction or administration, since July 1, 1998, but 54948  
has not been used in that capacity for two years. 54949

(B) On and after the effective date of this section, any 54950  
school district board of education shall offer any unused school 54951  
facilities it owns in its corporate capacity for lease to the 54952  
governing authorities of community schools established under 54953

Chapter 3314. of the Revised Code that are located within the 54954  
territory of the school district. If more than one community 54955  
school governing authority accepts the offer to lease that 54956  
property, the district board shall lease the property to the 54957  
governing authority of the community school with the highest 54958  
ranking according to performance index score, as defined in 54959  
section 3302.01 of the Revised Code. 54960

The price offered by the district board shall be as follows: 54961

(1) For community schools ranked in the top fifty per cent of 54962  
all school district buildings, community schools, and STEM schools 54963  
statewide, one dollar; 54964

(2) For all other community schools, an amount not higher 54965  
than the fair market value of the leasehold in the neighborhood 54966  
and community. 54967

If no community school governing authority accepts the offer 54968  
to lease the property within sixty days after the offer is made, 54969  
the district board may offer the property for lease to any other 54970  
entity. 54971

(C) Notwithstanding division (B) of this section, a school 54972  
district board may renew any agreement it originally entered into 54973  
prior to the effective date of this section to lease real property 54974  
to an entity other than a community school. Nothing in this 54975  
section shall affect the leasehold arrangements between the 54976  
district board and that other entity. 54977

**Sec. 3313.46.** (A) In addition to any other law governing the 54978  
bidding for contracts by the board of education of any school 54979  
district, when any such board determines to build, repair, 54980  
enlarge, improve, or demolish any school building, the cost of 54981  
which will exceed twenty-five thousand dollars, except in cases of 54982  
urgent necessity, or for the security and protection of school 54983

property, and except as otherwise provided in division (D) of 54984  
section 713.23 and in section 125.04 of the Revised Code, all of 54985  
the following shall apply: 54986

(1) The board shall cause to be prepared the plans, 54987  
specifications, and related information as required in divisions 54988  
(A), ~~(B)(1)~~, (2), and ~~(D)(4)~~ of section 153.01 of the Revised Code 54989  
unless the board determines that other information is sufficient 54990  
to inform any bidders of the board's requirements. However, if the 54991  
board determines that such other information is sufficient for 54992  
bidding a project, the board shall not engage in the construction 54993  
of any such project involving the practice of professional 54994  
engineering, professional surveying, or architecture, for which 54995  
plans, specifications, and estimates have not been made by, and 54996  
the construction thereof inspected by, a licensed professional 54997  
engineer, licensed professional surveyor, or registered architect. 54998

(2) The board shall advertise for bids once each week for a 54999  
period of not less than two consecutive weeks, or as provided in 55000  
section 7.16 of the Revised Code, in a newspaper of general 55001  
circulation in the district before the date specified by the board 55002  
for receiving bids. The board may also cause notice to be inserted 55003  
in trade papers or other publications designated by it or to be 55004  
distributed by electronic means, including posting the notice on 55005  
the board's internet web site. If the board posts the notice on 55006  
its web site, it may eliminate the second notice otherwise 55007  
required to be published in a newspaper of general circulation 55008  
within the school district, provided that the first notice 55009  
published in such newspaper meets all of the following 55010  
requirements: 55011

(a) It is published at least two weeks before the opening of 55012  
bids. 55013

(b) It includes a statement that the notice is posted on the 55014  
board of education's internet web site. 55015



(c) It includes the internet address of the board's internet web site. 55016  
55017

(d) It includes instructions describing how the notice may be accessed on the board's internet web site. 55018  
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(3) Unless the board extends the time for the opening of bids they shall be opened at the time and place specified by the board in the advertisement for the bids. 55020  
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(4) Each bid shall contain the name of every person interested therein. Each bid shall meet the requirements of section 153.54 of the Revised Code. 55023  
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(5) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation. 55026  
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(6) None but the lowest responsible bid shall be accepted. The board may reject all the bids, or accept any bid for both labor and material for such improvement or repair, which is the lowest in the aggregate. In all other respects, the award of contracts for improvement or repair, but not for purchases made under section 3327.08 of the Revised Code, shall be pursuant to section 153.12 of the Revised Code. 55030  
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(7) The contract shall be between the board and the bidders. The board shall pay the contract price for the work pursuant to sections 153.13 and 153.14 of the Revised Code. The board shall approve and retain the estimates referred to in section 153.13 of the Revised Code and make them available to the auditor of state upon request. 55037  
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(8) When two or more bids are equal, in the whole, or in any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between such bidders. 55043  
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(9) When there is reason to believe there is collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

(B) Division (A) of this section does not apply to the board of education of any school district in any of the following situations:

(1) The acquisition of educational materials used in teaching.

(2) If the board determines and declares by resolution adopted by two-thirds of all its members that any item is available and can be acquired only from a single source.

(3) If the board declares by resolution adopted by two-thirds of all its members that division (A) of this section does not apply to any installation, modification, or remodeling involved in any energy conservation measure undertaken through an installment payment contract under section 3313.372 of the Revised Code or undertaken pursuant to division (G) of section 133.06 of the Revised Code.

(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code.

(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item.

**Sec. ~~3314.20~~ 3313.473.** This section does not apply to any school district declared to be excellent or effective pursuant to division (B)(1) or (2) of section 3302.03 of the Revised Code.

(A) The state board of education shall adopt rules requiring school districts with a total student count of over five thousand,

as determined pursuant to section 3317.03 of the Revised Code, to 55077  
designate one school building to be operated by a site-based 55078  
management council. The rules shall specify the composition of the 55079  
council and the manner in which members of the council are to be 55080  
selected and removed. 55081

(B) The rules adopted under division (A) of this section 55082  
shall specify those powers, duties, functions, and 55083  
responsibilities that shall be vested in the management council 55084  
and that would otherwise be exercised by the district board of 55085  
education. The rules shall also establish a mechanism for 55086  
resolving any differences between the council and the district 55087  
board if there is disagreement as to their respective powers, 55088  
duties, functions, and responsibilities. 55089

(C) The board of education of any school district described 55090  
by division (A) of this section may, in lieu of complying with the 55091  
rules adopted under this section, file with the department of 55092  
education an alternative structure for a district site-based 55093  
management program in at least one of its school buildings. The 55094  
proposal shall specify the composition of the council, which shall 55095  
include an equal number of parents and teachers and the building 55096  
principal, and the method of selection and removal of the council 55097  
members. The proposal shall also clearly delineate the respective 55098  
powers, duties, functions, and responsibilities of the district 55099  
board and the council. The district's proposal shall comply 55100  
substantially with the rules adopted under division (A) of this 55101  
section. 55102

**Sec. 3313.482.** (A) Annually, prior to the first day of 55103  
September, the board of education of each city, local, and 55104  
exempted village school district shall adopt a resolution 55105  
specifying a contingency plan under which the district's students 55106  
will make up days on which it was necessary to close schools for 55107

any of the reasons specified in ~~division (A)(2) of section 3306.01~~ 55108  
~~and~~ division (B) of section 3317.01 of the Revised Code, if any 55109  
such days must be made up in order to comply with the requirements 55110  
of sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 of the Revised 55111  
Code. The plan shall provide for making up at least five school 55112  
days. The plan may provide for making up some or all of the days a 55113  
school is closed by increasing the length of other school days in 55114  
the manner authorized in division (B) of this section. No 55115  
resolution adopted pursuant to this division shall conflict with 55116  
any collective bargaining agreement into which a board has entered 55117  
pursuant to Chapter 4117. of the Revised Code and that is in 55118  
effect in the district. 55119

(B) Notwithstanding anything to the contrary in the 55120  
contingency plan it adopts under division (A) of this section, if 55121  
a school district closes or evacuates any school building for any 55122  
of the reasons specified in ~~division (A)(2) of section 3306.01 and~~ 55123  
division (B) of section 3317.01 of the Revised Code, or as a 55124  
result of a bomb threat or any other report of an alleged or 55125  
impending explosion, and if, as a result of the closing or 55126  
evacuation, the school district would be unable to meet the 55127  
requirements of sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 55128  
of the Revised Code regarding the number of days schools must be 55129  
open for instruction or the requirements of the state minimum 55130  
standards for the school day that are established by the 55131  
department of education regarding the number of hours there must 55132  
be in the school day, the school district may increase the length 55133  
of one or more other school days for the school that was closed or 55134  
evacuated, in increments of one-half hour, to make up the number 55135  
of hours or days that the school building in question was so 55136  
closed or evacuated for the purpose of satisfying the requirements 55137  
of those sections. 55138

A school district that makes up, as described in this 55139

division, all of the hours or days that its school buildings were 55140  
closed or evacuated for any of the reasons identified in this 55141  
division shall be deemed to have complied with the requirements of 55142  
sections ~~3306.01~~, 3313.48, 3313.481, and 3317.01 of the Revised 55143  
Code regarding the number of days schools must be open for 55144  
instruction and the requirements of the state minimum standards 55145  
regarding the number of hours there must be in the school day. 55146

**Sec. 3313.533.** (A) The board of education of a city, exempted 55147  
village, or local school district may adopt a resolution to 55148  
establish and maintain an alternative school in accordance with 55149  
this section. The resolution shall specify, but not necessarily be 55150  
limited to, all of the following: 55151

(1) The purpose of the school, which purpose shall be to 55152  
serve students who are on suspension, who are having truancy 55153  
problems, who are experiencing academic failure, who have a 55154  
history of class disruption, who are exhibiting other academic or 55155  
behavioral problems specified in the resolution, or who have been 55156  
discharged or released from the custody of the department of youth 55157  
services under section 5139.51 of the Revised Code; 55158

(2) The grades served by the school, which may include any of 55159  
grades kindergarten through twelve; 55160

(3) A requirement that the school be operated in accordance 55161  
with this section. The board of education adopting the resolution 55162  
under division (A) of this section shall be the governing board of 55163  
the alternative school. The board shall develop and implement a 55164  
plan for the school in accordance with the resolution establishing 55165  
the school and in accordance with this section. Each plan shall 55166  
include, but not necessarily be limited to, all of the following: 55167

(a) Specification of the reasons for which students will be 55168  
accepted for assignment to the school and any criteria for 55169  
admission that are to be used by the board to approve or 55170

disapprove the assignment of students to the school;	55171
(b) Specification of the criteria and procedures that will be used for returning students who have been assigned to the school back to the regular education program of the district;	55172 55173 55174
(c) An evaluation plan for assessing the effectiveness of the school and its educational program and reporting the results of the evaluation to the public.	55175 55176 55177
(B) Notwithstanding any provision of Title XXXIII of the Revised Code to the contrary, the alternative school plan may include any of the following:	55178 55179 55180
(1) A requirement that on each school day students must attend school or participate in other programs specified in the plan or by the chief administrative officer of the school for a period equal to the minimum school day set by the state board of education under section 3313.48 of the Revised Code plus any additional time required in the plan or by the chief administrative officer;	55181 55182 55183 55184 55185 55186 55187
(2) Restrictions on student participation in extracurricular or interscholastic activities;	55188 55189
(3) A requirement that students wear uniforms prescribed by the district board of education.	55190 55191
(C) In accordance with the alternative school plan, the district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities.	55192 55193 55194 55195 55196 55197
(D) An alternative school may be established in all or part of a school building.	55198 55199
(E) If a district board of education elects under this	55200

section, or is required by section 3313.534 of the Revised Code, 55201  
to establish an alternative school, the district board may join 55202  
with the board of education of one or more other districts to form 55203  
a joint alternative school by forming a cooperative education 55204  
school district under section 3311.52 or 3311.521 of the Revised 55205  
Code, or a joint educational program under section 3313.842 of the 55206  
Revised Code. The authority to employ personnel or to contract 55207  
with a nonprofit or for profit entity under division (C) of this 55208  
section applies to any alternative school program established 55209  
under this division. 55210

(F) Any individual employed as a teacher at an alternative 55211  
school operated by a nonprofit or for profit entity under this 55212  
section shall be licensed and shall be subject to background 55213  
checks, as described in section 3319.39 of the Revised Code, in 55214  
the same manner as an individual employed by a school district. 55215

(G) Division (G) of this section applies only to any 55216  
alternative school that is operated by a nonprofit or for profit 55217  
entity under contract with the school district. 55218

(1) In addition to the specifications authorized under 55219  
division (B) of this section, any plan adopted under that division 55220  
for an alternative school to which division (G) of this section 55221  
also applies shall include the following: 55222

(a) A description of the educational program provided at the 55223  
alternative school, which shall include: 55224

(i) Provisions for the school to be configured in clusters or 55225  
small learning communities; 55226

(ii) Provisions for the incorporation of education technology 55227  
into the curriculum; 55228

(iii) Provisions for accelerated learning programs in reading 55229  
and mathematics. 55230

(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.

(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;

(d) A plan for a student's transition from the alternative school back to a school operated by the school district;

(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 state.

(2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.

(3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.

(H) When any district board of education determines to contract with a nonprofit or for profit entity to operate an alternative school under this section, the board shall use the procedure set forth in this division.

(1) The board shall publish notice of a request for proposals in a newspaper of general circulation in the district once each week for a period of ~~at least~~ two consecutive weeks, or as



provided in section 7.16 of the Revised Code, prior to the date 55262  
specified by the board for receiving proposals. Notices of 55263  
requests for proposals shall contain a general description of the 55264  
subject of the proposed contract and the location where the 55265  
request for proposals may be obtained. The request for proposals 55266  
shall include all of the following information: 55267

(a) Instructions and information to respondents concerning 55268  
the submission of proposals, including the name and address of the 55269  
office where proposals are to be submitted; 55270

(b) Instructions regarding communications, including at least 55271  
the names, titles, and telephone numbers of persons to whom 55272  
questions concerning a proposal may be directed; 55273

(c) A description of the performance criteria that will be 55274  
used to evaluate whether a respondent to which a contract is 55275  
awarded is meeting the district's educational standards or the 55276  
method by which such performance criteria will be determined; 55277

(d) Factors and criteria to be considered in evaluating 55278  
proposals, the relative importance of each factor or criterion, 55279  
and a description of the evaluation procedures to be followed; 55280

(e) Any terms or conditions of the proposed contract, 55281  
including any requirement for a bond and the amount of such bond; 55282

(f) Documents that may be incorporated by reference into the 55283  
request for proposals, provided that the request for proposals 55284  
specifies where such documents may be obtained and that such 55285  
documents are readily available to all interested parties. 55286

(2) After the date specified for receiving proposals, the 55287  
board shall evaluate the submitted proposals and may hold 55288  
discussions with any respondent to ensure a complete understanding 55289  
of the proposal and the qualifications of such respondent to 55290  
execute the proposed contract. Such qualifications shall include, 55291  
but are not limited to, all of the following: 55292

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility.

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the students and the district. If fewer than three proposals are submitted, the board shall select each proposal submitted. The board may cancel a request for proposals or reject all proposals at any time prior to the execution of a contract.

The board may hold discussions with any of the three selected respondents to clarify or revise the provisions of a proposal or the proposed contract to ensure complete understanding between the board and the respondent of the terms under which a contract will be entered. Respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding clarifications or revisions. The board may terminate or discontinue any further discussion with a respondent upon written notice.

(4) Upon further review of the three proposals selected by the board, the board shall award a contract to the respondent the board considers to have the most merit, taking into consideration

the scope, complexity, and nature of the services to be performed 55324  
by the respondent under the contract. 55325

(5) Except as provided in division (H)(6) of this section, 55326  
the request for proposals, submitted proposals, and related 55327  
documents shall become public records under section 149.43 of the 55328  
Revised Code after the award of the contract. 55329

(6) Any respondent may request in writing that the board not 55330  
disclose confidential or proprietary information or trade secrets 55331  
contained in the proposal submitted by the respondent to the 55332  
board. Any such request shall be accompanied by an offer of 55333  
indemnification from the respondent to the board. The board shall 55334  
determine whether to agree to the request and shall inform the 55335  
respondent in writing of its decision. If the board agrees to 55336  
nondisclosure of specified information in a proposal, such 55337  
information shall not become a public record under section 149.43 55338  
of the Revised Code. If the respondent withdraws its proposal at 55339  
any time prior to the execution of a contract, the proposal shall 55340  
not be a public record under section 149.43 of the Revised Code. 55341

(I) Upon a recommendation from the department and in 55342  
accordance with section 3301.16 of the Revised Code, the state 55343  
board of education may revoke the charter of any alternative 55344  
school operated by a school district that violates this section. 55345

Sec. 3313.538. (A) No student who attends school in this 55346  
state shall be denied the opportunity to participate in 55347  
interscholastic athletics solely because the student's parents do 55348  
not reside in this state, if the student resides in this state 55349  
with the student's grandparent, uncle, aunt, or sibling who has 55350  
legal or temporary custody of the student or is the guardian of 55351  
the student. 55352

(B) No school district, school, interscholastic conference, 55353  
or organization that regulates interscholastic conferences or 55354

events shall have a rule, bylaw, or other regulation that 55355  
conflicts with this section. 55356

(C) As used in this section, "legal custody," "temporary 55357  
custody," and "guardian" have the same meanings as in section 55358  
2151.011 of the Revised Code. 55359

**Sec. 3313.539.** (A) As used in this section, "extracurricular 55360  
activity" has the same meaning as in section 3313.537 of the 55361  
Revised Code. 55362

(B) A student who is receiving home instruction in accordance 55363  
with division (A)(2) of section 3321.04 of the Revised Code shall 55364  
be afforded the opportunity to participate in any extracurricular 55365  
activity offered at the traditional public school that is operated 55366  
by the school district in which the student is entitled to attend 55367  
school pursuant to section 3313.64 or 3313.65 of the Revised Code 55368  
and to which the student otherwise would be assigned. If more than 55369  
one such school operated by the school district serves the 55370  
student's grade level, as determined by the district 55371  
superintendent based on the student's age and academic 55372  
performance, the student shall be afforded the opportunity to 55373  
participate in any extracurricular activity offered at the school 55374  
to which the student would be assigned by the superintendent 55375  
pursuant to section 3319.01 of the Revised Code. 55376

(C) In order to participate in an extracurricular activity 55377  
under this section, the student shall fulfill the same nonacademic 55378  
and financial requirements as any other participant and shall 55379  
fulfill either of the following academic requirements: 55380

(1) If the student received home instruction in the preceding 55381  
school year, the student shall meet any academic requirements 55382  
established by the state board of education for continuation of 55383  
home instruction. 55384

(2) If the student did not receive home instruction in the preceding school year, the student's academic performance during the preceding school year shall have met any academic standards for eligibility to participate in the activity established by the school district. 55385  
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Any student who commences home instruction after the beginning of a school year and who is, at the time home instruction commences, ineligible to participate in extracurricular activities due to failure to meet academic standards or any other requirements of the district shall not participate in extracurricular activities under this section for the remainder of the school year. 55390  
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(D) No school or school district shall impose fees for a student to participate under this section that exceed any fees charged to other students participating in the same extracurricular activity. 55397  
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(E) No school district, interscholastic conference, or organization that regulates interscholastic conferences or events shall require a student who is eligible to participate in extracurricular activities under this section to meet eligibility requirements that conflict with this section. 55401  
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**Sec. 3313.55.** The board of education of any school district in which is located a state, district, county, or municipal hospital for children with epilepsy or any public institution, except state institutions for the care and treatment of delinquent, unstable, or socially maladjusted children, shall make provision for the education of all educable children therein; except that in the event another school district within the same county or an adjoining county is the source of sixty per cent or more of the children in said hospital or institution, the board of that school district shall make provision for the education of all 55406  
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the children therein. In any case in which a board provides 55416  
educational facilities under this section, the board that provides 55417  
the facilities shall be entitled to all moneys authorized for the 55418  
attendance of pupils as provided in Chapter ~~3306.~~ or 3317. of the 55419  
Revised Code, tuition as provided in section 3317.08 of the 55420  
Revised Code, and such additional compensation as is provided for 55421  
crippled children in sections 3323.01 to 3323.12 of the Revised 55422  
Code. Any board that provides the educational facilities for 55423  
children in county or municipal institutions established for the 55424  
care and treatment of children who are delinquent, unstable, or 55425  
socially maladjusted shall not be entitled to any moneys provided 55426  
for crippled children in sections 3323.01 to 3323.12 of the 55427  
Revised Code. 55428

**Sec. 3313.603.** (A) As used in this section: 55429

(1) "One unit" means a minimum of one hundred twenty hours of 55430  
course instruction, except that for a laboratory course, "one 55431  
unit" means a minimum of one hundred fifty hours of course 55432  
instruction. 55433

(2) "One-half unit" means a minimum of sixty hours of course 55434  
instruction, except that for physical education courses, "one-half 55435  
unit" means a minimum of one hundred twenty hours of course 55436  
instruction. 55437

(B) Beginning September 15, 2001, except as required in 55438  
division (C) of this section and division (C) of section 3313.614 55439  
of the Revised Code, the requirements for graduation from every 55440  
high school shall include twenty units earned in grades nine 55441  
through twelve and shall be distributed as follows: 55442

(1) English language arts, four units; 55443

(2) Health, one-half unit; 55444

(3) Mathematics, three units; 55445

(4) Physical education, one-half unit;	55446
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	55447 55448 55449
(a) Biological sciences, one unit;	55450
(b) Physical sciences, one unit.	55451
(6) Social studies, three units, which shall include both of the following:	55452 55453
(a) American history, one-half unit;	55454
(b) American government, one-half unit.	55455
(7) Elective units, seven units until September 15, 2003, and six units thereafter.	55456 55457
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.	55458 55459 55460
(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:	55461 55462 55463 55464 55465 55466 55467
(1) English language arts, four units;	55468
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	55469 55470 55471
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	55472 55473
(4) Physical education, one-half unit;	55474

(5) Science, three units with inquiry-based laboratory	55475
experience that engages students in asking valid scientific	55476
questions and gathering and analyzing information, which shall	55477
include the following, or their equivalent:	55478
(a) Physical sciences, one unit;	55479
(b) Life sciences, one unit;	55480
(c) Advanced study in one or more of the following sciences,	55481
one unit:	55482
(i) Chemistry, physics, or other physical science;	55483
(ii) Advanced biology or other life science;	55484
(iii) Astronomy, physical geology, or other earth or space	55485
science.	55486
(6) Social studies, three units, which shall include both of	55487
the following:	55488
(a) American history, one-half unit;	55489
(b) American government, one-half unit.	55490
Each school shall integrate the study of economics and	55491
financial literacy, as expressed in the social studies academic	55492
content standards adopted by the state board of education under	55493
division (A)(1) of section 3301.079 of the Revised Code and the	55494
academic content standards for financial literacy and	55495
entrepreneurship adopted under division (A)(2) of that section,	55496
into one or more existing social studies credits required under	55497
division (C)(6) of this section, or into the content of another	55498
class, so that every high school student receives instruction in	55499
those concepts. In developing the curriculum required by this	55500
paragraph, schools shall use available public-private partnerships	55501
and resources and materials that exist in business, industry, and	55502
through the centers for economics education at institutions of	55503
higher education in the state.	55504



(7) Five units consisting of one or any combination of 55505  
foreign language, fine arts, business, career-technical education, 55506  
family and consumer sciences, technology, agricultural education, 55507  
a junior reserve officer training corps (JROTC) program approved 55508  
by the congress of the United States under title 10 of the United 55509  
States Code, or English language arts, mathematics, science, or 55510  
social studies courses not otherwise required under division (C) 55511  
of this section. 55512

Ohioans must be prepared to apply increased knowledge and 55513  
skills in the workplace and to adapt their knowledge and skills 55514  
quickly to meet the rapidly changing conditions of the 55515  
twenty-first century. National studies indicate that all high 55516  
school graduates need the same academic foundation, regardless of 55517  
the opportunities they pursue after graduation. The goal of Ohio's 55518  
system of elementary and secondary education is to prepare all 55519  
students for and seamlessly connect all students to success in 55520  
life beyond high school graduation, regardless of whether the next 55521  
step is entering the workforce, beginning an apprenticeship, 55522  
engaging in post-secondary training, serving in the military, or 55523  
pursuing a college degree. 55524

The Ohio core curriculum is the standard expectation for all 55525  
students entering ninth grade for the first time at a public or 55526  
chartered nonpublic high school on or after July 1, 2010. A 55527  
student may satisfy this expectation through a variety of methods, 55528  
including, but not limited to, integrated, applied, 55529  
career-technical, and traditional coursework. 55530

Whereas teacher quality is essential for student success in 55531  
completing the Ohio core curriculum, the general assembly shall 55532  
appropriate funds for strategic initiatives designed to strengthen 55533  
schools' capacities to hire and retain highly qualified teachers 55534  
in the subject areas required by the curriculum. Such initiatives 55535  
are expected to require an investment of \$120,000,000 over five 55536

years. 55537

Stronger coordination between high schools and institutions 55538  
of higher education is necessary to prepare students for more 55539  
challenging academic endeavors and to lessen the need for academic 55540  
remediation in college, thereby reducing the costs of higher 55541  
education for Ohio's students, families, and the state. The state 55542  
board and the chancellor of the Ohio board of regents shall 55543  
develop policies to ensure that only in rare instances will 55544  
students who complete the Ohio core curriculum require academic 55545  
remediation after high school. 55546

School districts, community schools, and chartered nonpublic 55547  
schools shall integrate technology into learning experiences 55548  
~~whenever practicable~~ across the curriculum in order to maximize 55549  
efficiency, enhance learning, and prepare students for success in 55550  
the technology-driven twenty-first century. Districts and schools 55551  
~~may~~ shall use distance and web-based course delivery as a method 55552  
of providing or augmenting all instruction required under this 55553  
division, including laboratory experience in science. Districts 55554  
and schools shall ~~whenever practicable~~ utilize technology access 55555  
and electronic learning opportunities provided by the eTech Ohio 55556  
commission, the Ohio learning network, education technology 55557  
centers, public television stations, and other public and private 55558  
providers. 55559

(D) Except as provided in division (E) of this section, a 55560  
student who enters ninth grade on or after July 1, 2010, and 55561  
before July 1, 2014, may qualify for graduation from a public or 55562  
chartered nonpublic high school even though the student has not 55563  
completed the Ohio core curriculum prescribed in division (C) of 55564  
this section if all of the following conditions are satisfied: 55565

(1) After the student has attended high school for two years, 55566  
as determined by the school, the student and the student's parent, 55567  
guardian, or custodian sign and file with the school a written 55568

statement asserting the parent's, guardian's, or custodian's 55569  
consent to the student's graduating without completing the Ohio 55570  
core curriculum and acknowledging that one consequence of not 55571  
completing the Ohio core curriculum is ineligibility to enroll in 55572  
most state universities in Ohio without further coursework. 55573

(2) The student and parent, guardian, or custodian fulfill 55574  
any procedural requirements the school stipulates to ensure the 55575  
student's and parent's, guardian's, or custodian's informed 55576  
consent and to facilitate orderly filing of statements under 55577  
division (D)(1) of this section. 55578

(3) The student and the student's parent, guardian, or 55579  
custodian and a representative of the student's high school 55580  
jointly develop an individual career plan for the student that 55581  
specifies the student matriculating to a two-year degree program, 55582  
acquiring a business and industry credential, or entering an 55583  
apprenticeship. 55584

(4) The student's high school provides counseling and support 55585  
for the student related to the plan developed under division 55586  
(D)(3) of this section during the remainder of the student's high 55587  
school experience. 55588

(5) The student successfully completes, at a minimum, the 55589  
curriculum prescribed in division (B) of this section. 55590

The department of education, in collaboration with the 55591  
chancellor, shall analyze student performance data to determine if 55592  
there are mitigating factors that warrant extending the exception 55593  
permitted by division (D) of this section to high school classes 55594  
beyond those entering ninth grade before July 1, 2014. The 55595  
department shall submit its findings and any recommendations not 55596  
later than August 1, 2014, to the speaker and minority leader of 55597  
the house of representatives, the president and minority leader of 55598  
the senate, the chairpersons and ranking minority members of the 55599

standing committees of the house of representatives and the senate 55600  
that consider education legislation, the state board of education, 55601  
and the superintendent of public instruction. 55602

(E) Each school district and chartered nonpublic school 55603  
retains the authority to require an even more rigorous minimum 55604  
curriculum for high school graduation than specified in division 55605  
(B) or (C) of this section. A school district board of education, 55606  
through the adoption of a resolution, or the governing authority 55607  
of a chartered nonpublic school may stipulate any of the 55608  
following: 55609

(1) A minimum high school curriculum that requires more than 55610  
twenty units of academic credit to graduate; 55611

(2) An exception to the district's or school's minimum high 55612  
school curriculum that is comparable to the exception provided in 55613  
division (D) of this section but with additional requirements, 55614  
which may include a requirement that the student successfully 55615  
complete more than the minimum curriculum prescribed in division 55616  
(B) of this section; 55617

(3) That no exception comparable to that provided in division 55618  
(D) of this section is available. 55619

(F) A student enrolled in a dropout prevention and recovery 55620  
program, which program has received a waiver from the department, 55621  
may qualify for graduation from high school by successfully 55622  
completing a competency-based instructional program administered 55623  
by the dropout prevention and recovery program in lieu of 55624  
completing the Ohio core curriculum prescribed in division (C) of 55625  
this section. The department shall grant a waiver to a dropout 55626  
prevention and recovery program, within sixty days after the 55627  
program applies for the waiver, if the program meets all of the 55628  
following conditions: 55629

(1) The program serves only students not younger than sixteen 55630

years of age and not older than twenty-one years of age. 55631

(2) The program enrolls students who, at the time of their 55632  
initial enrollment, either, or both, are at least one grade level 55633  
behind their cohort age groups or experience crises that 55634  
significantly interfere with their academic progress such that 55635  
they are prevented from continuing their traditional programs. 55636

(3) The program requires students to attain at least the 55637  
applicable score designated for each of the assessments prescribed 55638  
under division (B)(1) of section 3301.0710 of the Revised Code or, 55639  
to the extent prescribed by rule of the state board under division 55640  
~~(E)~~(D)(6) of section 3301.0712 of the Revised Code, division 55641  
(B)(2) of that section. 55642

(4) The program develops an individual career plan for the 55643  
student that specifies the student's matriculating to a two-year 55644  
degree program, acquiring a business and industry credential, or 55645  
entering an apprenticeship. 55646

(5) The program provides counseling and support for the 55647  
student related to the plan developed under division (F)(4) of 55648  
this section during the remainder of the student's high school 55649  
experience. 55650

(6) The program requires the student and the student's 55651  
parent, guardian, or custodian to sign and file, in accordance 55652  
with procedural requirements stipulated by the program, a written 55653  
statement asserting the parent's, guardian's, or custodian's 55654  
consent to the student's graduating without completing the Ohio 55655  
core curriculum and acknowledging that one consequence of not 55656  
completing the Ohio core curriculum is ineligibility to enroll in 55657  
most state universities in Ohio without further coursework. 55658

(7) Prior to receiving the waiver, the program has submitted 55659  
to the department an instructional plan that demonstrates how the 55660  
academic content standards adopted by the state board under 55661

section 3301.079 of the Revised Code will be taught and assessed. 55662

If the department does not act either to grant the waiver or 55663  
to reject the program application for the waiver within sixty days 55664  
as required under this section, the waiver shall be considered to 55665  
be granted. 55666

(G) Every high school may permit students below the ninth 55667  
grade to take advanced work. If a high school so permits, it shall 55668  
award high school credit for successful completion of the advanced 55669  
work and shall count such advanced work toward the graduation 55670  
requirements of division (B) or (C) of this section if the 55671  
advanced work was both: 55672

(1) Taught by a person who possesses a license or certificate 55673  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 55674  
Code that is valid for teaching high school; 55675

(2) Designated by the board of education of the city, local, 55676  
or exempted village school district, the board of the cooperative 55677  
education school district, or the governing authority of the 55678  
chartered nonpublic school as meeting the high school curriculum 55679  
requirements. 55680

Each high school shall record on the student's high school 55681  
transcript all high school credit awarded under division (G) of 55682  
this section. In addition, if the student completed a seventh- or 55683  
eighth-grade fine arts course described in division (K) of this 55684  
section and the course qualified for high school credit under that 55685  
division, the high school shall record that course on the 55686  
student's high school transcript. 55687

(H) The department shall make its individual academic career 55688  
plan available through its Ohio career information system web site 55689  
for districts and schools to use as a tool for communicating with 55690  
and providing guidance to students and families in selecting high 55691  
school courses. 55692

(I) Units earned in English language arts, mathematics, science, and social studies that are delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

(J) The state board, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district, and community school, ~~and chartered nonpublic school~~ shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.

(K) This division does not apply to students who qualify for graduation from high school under division (D) or (F) of this section, or to students pursuing a career-technical instructional track as determined by the school district board of education or the chartered nonpublic school's governing authority. Nevertheless, the general assembly encourages such students to consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first time on or after July 1, 2010, each student enrolled in a public or chartered nonpublic high school shall complete two semesters or the equivalent of fine arts to graduate from high school. The coursework may be completed in any of grades seven to twelve. Each student who completes a fine arts course in grade seven or eight

may elect to count that course toward the five units of electives 55725  
required for graduation under division (C)(7) of this section, if 55726  
the course satisfied the requirements of division (G) of this 55727  
section. In that case, the high school shall award the student 55728  
high school credit for the course and count the course toward the 55729  
five units required under division (C)(7) of this section. If the 55730  
course in grade seven or eight did not satisfy the requirements of 55731  
division (G) of this section, the high school shall not award the 55732  
student high school credit for the course but shall count the 55733  
course toward the two semesters or the equivalent of fine arts 55734  
required by this division. 55735

(L) Notwithstanding anything to the contrary in this section, 55736  
the board of education of each school district and the governing 55737  
authority of each chartered nonpublic school may adopt a policy to 55738  
excuse from the high school physical education requirement each 55739  
student who, during high school, has participated in 55740  
interscholastic athletics, marching band, or cheerleading for at 55741  
least two full seasons or in the junior reserve officer training 55742  
corps for at least two full school years. If the board or 55743  
authority adopts such a policy, the board or authority shall not 55744  
require the student to complete any physical education course as a 55745  
condition to graduate. However, the student shall be required to 55746  
complete one-half unit, consisting of at least sixty hours of 55747  
instruction, in another course of study. In the case of a student 55748  
who has participated in the junior reserve officer training corps 55749  
for at least two full school years, credit received for that 55750  
participation may be used to satisfy the requirement to complete 55751  
one-half unit in another course of study. 55752

**Sec. 3313.61.** (A) A diploma shall be granted by the board of 55753  
education of any city, exempted village, or local school district 55754  
that operates a high school to any person to whom all of the 55755  
following apply: 55756



(1) The person has successfully completed the curriculum in 55757  
any high school or the individualized education program developed 55758  
for the person by any high school pursuant to section 3323.08 of 55759  
the Revised Code, or has qualified under division (D) or (F) of 55760  
section 3313.603 of the Revised Code, provided that no school 55761  
district shall require a student to remain in school for any 55762  
specific number of semesters or other terms if the student 55763  
completes the required curriculum early; 55764

(2) Subject to section 3313.614 of the Revised Code, the 55765  
person has met the assessment requirements of division (A)(2)(a) 55766  
or (b) of this section, as applicable. 55767

(a) If the person entered the ninth grade prior to the date 55768  
prescribed by rule of the state board of education under division 55769  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person 55770  
either: 55771

(i) Has attained at least the applicable scores designated 55772  
under division (B)(1) of section 3301.0710 of the Revised Code on 55773  
all the assessments required by that division unless the person 55774  
was excused from taking any such assessment pursuant to section 55775  
3313.532 of the Revised Code or unless division (H) or (L) of this 55776  
section applies to the person; 55777

(ii) Has satisfied the alternative conditions prescribed in 55778  
section 3313.615 of the Revised Code. 55779

(b) If the person entered the ninth grade on or after the 55780  
date prescribed by rule of the state board under division 55781  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person has 55782  
~~attained on~~ met the requirements of the entire assessment system 55783  
prescribed under division (B)(2) of section 3301.0710 of the 55784  
Revised Code ~~at least the required passing composite score,~~ 55785  
~~designated under division (C)(1) of section 3301.0712 of the~~ 55786  
~~Revised Code,~~ except to the extent that the person is excused from 55787

some portion of that assessment system pursuant to section 55788  
3313.532 of the Revised Code or division (H) or (L) of this 55789  
section. 55790

(3) The person is not eligible to receive an honors diploma 55791  
granted pursuant to division (B) of this section. 55792

Except as provided in divisions (C), (E), (J), and (L) of 55793  
this section, no diploma shall be granted under this division to 55794  
anyone except as provided under this division. 55795

(B) In lieu of a diploma granted under division (A) of this 55796  
section, an honors diploma shall be granted, in accordance with 55797  
rules of the state board, by any such district board to anyone who 55798  
accomplishes all of the following: 55799

(1) Successfully completes the curriculum in any high school 55800  
or the individualized education program developed for the person 55801  
by any high school pursuant to section 3323.08 of the Revised 55802  
Code; 55803

(2) Subject to section 3313.614 of the Revised Code, has met 55804  
the assessment requirements of division (B)(2)(a) or (b) of this 55805  
section, as applicable. 55806

(a) If the person entered the ninth grade prior to the date 55807  
prescribed by rule of the state board of education under division 55808  
~~(E)~~(D)(2) of section 3301.0712 of the Revised Code, the person 55809  
either: 55810

(i) Has attained at least the applicable scores designated 55811  
under division (B)(1) of section 3301.0710 of the Revised Code on 55812  
all the assessments required by that division; 55813

(ii) Has satisfied the alternative conditions prescribed in 55814  
section 3313.615 of the Revised Code. 55815

(b) If the person entered the ninth grade on or after the 55816  
date prescribed by rule of the state board under division 55817

~~(E)(D)(2) of section 3301.0712 of the Revised Code, the person 55818  
has attained ~~on~~ met the requirements of the entire assessment 55819  
system prescribed under division (B)(2) of section 3301.0710 of 55820  
the Revised Code ~~at least the required passing composite score,~~ 55821  
~~designated under division (C)(1) of section 3301.0712 of the~~ 55822  
~~Revised Code.~~ 55823~~

(3) Has met additional criteria established by the state 55824  
board for the granting of such a diploma. 55825

An honors diploma shall not be granted to a student who is 55826  
subject to the Ohio core curriculum prescribed in division (C) of 55827  
section 3313.603 of the Revised Code but elects the option of 55828  
division (D) or (F) of that section. Except as provided in 55829  
divisions (C), (E), and (J) of this section, no honors diploma 55830  
shall be granted to anyone failing to comply with this division 55831  
and no more than one honors diploma shall be granted to any 55832  
student under this division. 55833

The state board shall adopt rules prescribing the granting of 55834  
honors diplomas under this division. These rules may prescribe the 55835  
granting of honors diplomas that recognize a student's achievement 55836  
as a whole or that recognize a student's achievement in one or 55837  
more specific subjects or both. The rules may prescribe the 55838  
granting of an honors diploma recognizing technical expertise for 55839  
a career-technical student. In any case, the rules shall designate 55840  
two or more criteria for the granting of each type of honors 55841  
diploma the board establishes under this division and the number 55842  
of such criteria that must be met for the granting of that type of 55843  
diploma. The number of such criteria for any type of honors 55844  
diploma shall be at least one less than the total number of 55845  
criteria designated for that type and no one or more particular 55846  
criteria shall be required of all persons who are to be granted 55847  
that type of diploma. 55848

(C) Any district board administering any of the assessments 55849

required by section 3301.0710 of the Revised Code to any person 55850  
requesting to take such assessment pursuant to division (B)(8)(b) 55851  
of section 3301.0711 of the Revised Code shall award a diploma to 55852  
such person if the person attains at least the applicable scores 55853  
designated under division (B)(1) of section 3301.0710 of the 55854  
Revised Code on all the assessments administered and if the person 55855  
has previously attained the applicable scores on all the other 55856  
assessments required by division (B)(1) of that section or has 55857  
been exempted or excused from attaining the applicable score on 55858  
any such assessment pursuant to division (H) or (L) of this 55859  
section or from taking any such assessment pursuant to section 55860  
3313.532 of the Revised Code. 55861

(D) Each diploma awarded under this section shall be signed 55862  
by the president and treasurer of the issuing board, the 55863  
superintendent of schools, and the principal of the high school. 55864  
Each diploma shall bear the date of its issue, be in such form as 55865  
the district board prescribes, and be paid for out of the 55866  
district's general fund. 55867

(E) A person who is a resident of Ohio and is eligible under 55868  
state board of education minimum standards to receive a high 55869  
school diploma based in whole or in part on credits earned while 55870  
an inmate of a correctional institution operated by the state or 55871  
any political subdivision thereof, shall be granted such diploma 55872  
by the correctional institution operating the programs in which 55873  
such credits were earned, and by the board of education of the 55874  
school district in which the inmate resided immediately prior to 55875  
the inmate's placement in the institution. The diploma granted by 55876  
the correctional institution shall be signed by the director of 55877  
the institution, and by the person serving as principal of the 55878  
institution's high school and shall bear the date of issue. 55879

(F) Persons who are not residents of Ohio but who are inmates 55880  
of correctional institutions operated by the state or any 55881

political subdivision thereof, and who are eligible under state 55882  
board of education minimum standards to receive a high school 55883  
diploma based in whole or in part on credits earned while an 55884  
inmate of the correctional institution, shall be granted a diploma 55885  
by the correctional institution offering the program in which the 55886  
credits were earned. The diploma granted by the correctional 55887  
institution shall be signed by the director of the institution and 55888  
by the person serving as principal of the institution's high 55889  
school and shall bear the date of issue. 55890

(G) The state board of education shall provide by rule for 55891  
the administration of the assessments required by section 55892  
3301.0710 of the Revised Code to inmates of correctional 55893  
institutions. 55894

(H) Any person to whom all of the following apply shall be 55895  
exempted from attaining the applicable score on the assessment in 55896  
social studies designated under division (B)(1) of section 55897  
3301.0710 of the Revised Code, any social studies end-of-course 55898  
examination required under division (B)(2) of that section if such 55899  
an exemption is prescribed by rule of the state board under 55900  
division ~~(E)~~(D)(4) of section 3301.0712 of the Revised Code, or 55901  
the test in citizenship designated under former division (B) of 55902  
section 3301.0710 of the Revised Code as it existed prior to 55903  
September 11, 2001: 55904

(1) The person is not a citizen of the United States; 55905

(2) The person is not a permanent resident of the United 55906  
States; 55907

(3) The person indicates no intention to reside in the United 55908  
States after the completion of high school. 55909

(I) Notwithstanding division (D) of section 3311.19 and 55910  
division (D) of section 3311.52 of the Revised Code, this section 55911  
and section 3311.611 of the Revised Code do not apply to the board 55912

of education of any joint vocational school district or any 55913  
cooperative education school district established pursuant to 55914  
divisions (A) to (C) of section 3311.52 of the Revised Code. 55915

(J) Upon receipt of a notice under division (D) of section 55916  
3325.08 of division (D) of section 3328.25 of the Revised Code 55917  
that a student has received a diploma under ~~that~~ either section, 55918  
the board of education receiving the notice may grant a high 55919  
school diploma under this section to the student, except that such 55920  
board shall grant the student a diploma if the student meets the 55921  
graduation requirements that the student would otherwise have had 55922  
to meet to receive a diploma from the district. The diploma 55923  
granted under this section shall be of the same type the notice 55924  
indicates the student received under section 3325.08 or 3328.25 of 55925  
the Revised Code. 55926

(K) As used in this division, "limited English proficient 55927  
student" has the same meaning as in division (C)(3) of section 55928  
3301.0711 of the Revised Code. 55929

Notwithstanding division (C)(3) of section 3301.0711 of the 55930  
Revised Code, no limited English proficient student who has not 55931  
either attained the applicable scores designated under division 55932  
(B)(1) of section 3301.0710 of the Revised Code on all the 55933  
assessments required by that division, or ~~attained the composite~~ 55934  
~~score designated for~~ met the requirements of the assessments 55935  
required by division (B)(2) of that section, shall be awarded a 55936  
diploma under this section. 55937

(L) Any student described by division (A)(1) of this section 55938  
may be awarded a diploma without attaining the applicable scores 55939  
designated on the assessments prescribed under division (B) of 55940  
section 3301.0710 of the Revised Code provided an individualized 55941  
education program specifically exempts the student from attaining 55942  
such scores. This division does not negate the requirement for 55943  
such a student to take all such assessments or alternate 55944

assessments required by division (C)(1) of section 3301.0711 of 55945  
the Revised Code for the purpose of assessing student progress as 55946  
required by federal law. 55947

**Sec. 3313.611.** (A) The state board of education shall adopt, 55948  
by rule, standards for awarding high school credit equivalent to 55949  
credit for completion of high school academic and vocational 55950  
education courses to applicants for diplomas under this section. 55951  
The standards may permit high school credit to be granted to an 55952  
applicant for any of the following: 55953

(1) Work experiences or experiences as a volunteer; 55954

(2) Completion of academic, vocational, or self-improvement 55955  
courses offered to persons over the age of twenty-one by a 55956  
chartered public or nonpublic school; 55957

(3) Completion of academic, vocational, or self-improvement 55958  
courses offered by an organization, individual, or educational 55959  
institution other than a chartered public or nonpublic school; 55960

(4) Other life experiences considered by the board to provide 55961  
knowledge and learning experiences comparable to that gained in a 55962  
classroom setting. 55963

(B) The board of education of any city, exempted village, or 55964  
local school district that operates a high school shall grant a 55965  
diploma of adult education to any applicant if all of the 55966  
following apply: 55967

(1) The applicant is a resident of the district; 55968

(2) The applicant is over the age of twenty-one and has not 55969  
been issued a diploma as provided in section 3313.61 of the 55970  
Revised Code; 55971

(3) Subject to section 3313.614 of the Revised Code, the 55972  
applicant has met the assessment requirements of division 55973  
(B)(3)(a) or (b) of this section, as applicable. 55974

(a) Prior to the date prescribed by rule of the state board 55975  
under division ~~(E)~~(D)(3) of section 3301.0712 of the Revised Code, 55976  
the applicant either: 55977

(i) Has attained the applicable scores designated under 55978  
division (B)(1) of section 3301.0710 of the Revised Code on all of 55979  
the assessments required by that division or was excused or 55980  
exempted from any such assessment pursuant to section 3313.532 or 55981  
was exempted from attaining the applicable score on any such 55982  
assessment pursuant to division (H) or (L) of section 3313.61 of 55983  
the Revised Code; 55984

(ii) Has satisfied the alternative conditions prescribed in 55985  
section 3313.615 of the Revised Code. 55986

(b) On or after the date prescribed by rule of the state 55987  
board under division ~~(E)~~(D)(3) of section 3301.0712 of the Revised 55988  
Code, has ~~attained or met the requirements of~~ the entire 55989  
assessment system prescribed under division (B)(2) of section 55990  
3301.0710 of the Revised Code ~~at least the required passing~~ 55991  
~~composite score, designated under division (C)(1) of section~~ 55992  
~~3301.0712 of the Revised Code~~, except and only to the extent that 55993  
the applicant is excused from some portion of that assessment 55994  
system pursuant to section 3313.532 of the Revised Code or 55995  
division (H) or (L) of section 3313.61 of the Revised Code. 55996

(4) The district board determines, in accordance with the 55997  
standards adopted under division (A) of this section, that the 55998  
applicant has attained sufficient high school credits, including 55999  
equivalent credits awarded under such standards, to qualify as 56000  
having successfully completed the curriculum required by the 56001  
district for graduation. 56002

(C) If a district board determines that an applicant is not 56003  
eligible for a diploma under division (B) of this section, it 56004  
shall inform the applicant of the reason the applicant is 56005



ineligible and shall provide a list of any courses required for 56006  
the diploma for which the applicant has not received credit. An 56007  
applicant may reapply for a diploma under this section at any 56008  
time. 56009

(D) If a district board awards an adult education diploma 56010  
under this section, the president and treasurer of the board and 56011  
the superintendent of schools shall sign it. Each diploma shall 56012  
bear the date of its issuance, be in such form as the district 56013  
board prescribes, and be paid for from the district's general 56014  
fund, except that the state board may by rule prescribe standard 56015  
language to be included on each diploma. 56016

(E) As used in this division, "limited English proficient 56017  
student" has the same meaning as in division (C)(3) of section 56018  
3301.0711 of the Revised Code. 56019

Notwithstanding division (C)(3) of section 3301.0711 of the 56020  
Revised Code, no limited English proficient student who has not 56021  
either attained the applicable scores designated under division 56022  
(B)(1) of section 3301.0710 of the Revised Code on all the 56023  
assessments required by that division, or ~~attained the composite~~ 56024  
~~score designated for~~ has not met the requirements of the 56025  
assessments required by division (B)(2) of that section, shall be 56026  
awarded a diploma under this section. 56027

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 56028  
board of education shall grant a high school diploma to any person 56029  
unless, subject to section 3313.614 of the Revised Code, the 56030  
person has met the assessment requirements of division (A)(1) or 56031  
(2) of this section, as applicable. 56032

(1) If the person entered the ninth grade prior to the date 56033  
prescribed by rule of the state board under division ~~(E)~~(D)(2) of 56034  
section 3301.0712 of the Revised Code, the person has attained at 56035  
least the applicable scores designated under division (B)(1) of 56036

section 3301.0710 of the Revised Code on all the assessments 56037  
required by that division, or has satisfied the alternative 56038  
conditions prescribed in section 3313.615 of the Revised Code. 56039

(2) If the person entered the ninth grade on or after the 56040  
date prescribed by rule of the state board under division (E)(2) 56041  
of section 3301.0712 of the Revised Code, the person has ~~attained~~ 56042  
~~or met the requirements of~~ the entire assessment system prescribed 56043  
under division (B)(2) of section 3301.0710 of the Revised Code ~~at~~ 56044  
~~least the required passing composite score, designated under~~ 56045  
~~division (C)(1) of section 3301.0712 of the Revised Code.~~ 56046

56047

(B) This section does not apply to either of the following: 56048

(1) Any person with regard to any assessment from which the 56049  
person was excused pursuant to division (C)(1)(c) of section 56050  
3301.0711 of the Revised Code; 56051

(2) Any person with regard to the social studies assessment 56052  
under division (B)(1) of section 3301.0710 of the Revised Code, 56053  
any social studies end-of-course examination required under 56054  
division (B)(2) of that section if such an exemption is prescribed 56055  
by rule of the state board of education under division ~~(E)~~(D)(4) 56056  
of section 3301.0712 of the Revised Code, or the citizenship test 56057  
under former division (B) of section 3301.0710 of the Revised Code 56058  
as it existed prior to September 11, 2001, if all of the following 56059  
apply: 56060

(a) The person is not a citizen of the United States; 56061

(b) The person is not a permanent resident of the United 56062  
States; 56063

(c) The person indicates no intention to reside in the United 56064  
States after completion of high school. 56065

(C) As used in this division, "limited English proficient 56066

student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 56067  
56068

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. 56069  
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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: 56077  
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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. 56080  
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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. 56083  
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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. 56086  
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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. 56090  
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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 proficiency test or achievement test in science as a condition to 56094  
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receiving a diploma. 56097

(2) A person who began ninth grade prior to July 1, 2003, is 56098  
not required to pass the Ohio graduation test prescribed under 56099  
division (B)(1) of section 3301.0710 or any assessment prescribed 56100  
under division (B)(2) of that section in any subject as a 56101  
condition to receiving a diploma once the person has passed the 56102  
ninth grade proficiency test in the same subject, so long as the 56103  
person passed the ninth grade proficiency test prior to September 56104  
15, 2008. However, any such person who passes the Ohio graduation 56105  
test in any subject prior to passing the ninth grade proficiency 56106  
test in the same subject shall be deemed to have passed the ninth 56107  
grade proficiency test in that subject as a condition to receiving 56108  
a diploma. For this purpose, the ninth grade proficiency test in 56109  
citizenship substitutes for the Ohio graduation test in social 56110  
studies. If a person began ninth grade prior to July 1, 2003, but 56111  
does not pass a ninth grade proficiency test or the Ohio 56112  
graduation test in a particular subject before September 15, 2008, 56113  
and passage of a test in that subject is a condition for the 56114  
person to receive a diploma, the person must pass the Ohio 56115  
graduation test instead of the ninth grade proficiency test in 56116  
that subject to receive a diploma. 56117

(3) A person who begins ninth grade on or after July 1, 2003, 56118  
in a school district, community school, or chartered nonpublic 56119  
school is not eligible to receive a diploma based on passage of 56120  
ninth grade proficiency tests. Each such person who begins ninth 56121  
grade prior to the date prescribed by the state board of education 56122  
under division ~~(E)~~(D)(5) of section 3301.0712 of the Revised Code 56123  
must pass Ohio graduation tests to meet the assessment 56124  
requirements applicable to that person as a condition to receiving 56125  
a diploma. 56126

(4) A person who begins ninth grade on or after the date 56127  
prescribed by the state board of education under division 56128

~~(E)(D)(5)~~ of section 3301.0712 of the Revised Code is not 56129  
eligible to receive a diploma based on passage of the Ohio 56130  
graduation tests. Each such person must ~~attain on~~ meet the 56131  
requirements of the entire assessment system prescribed under 56132  
division (B)(2) of section 3301.0710 of the Revised Code ~~at least~~ 56133  
~~the required passing composite score, designated under division~~ 56134  
~~(C)(1) of section 3301.0712 of the Revised Code.~~ 56135

(C) This division specifies the curriculum requirement that 56136  
shall be completed as a condition toward granting high school 56137  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 56138  
of the Revised Code. 56139

(1) A person who is under twenty-two years of age when the 56140  
person fulfills the curriculum requirement for a diploma shall 56141  
complete the curriculum required by the school district or school 56142  
issuing the diploma for the first year that the person originally 56143  
enrolled in high school, except for a person who qualifies for 56144  
graduation from high school under either division (D) or (F) of 56145  
section 3313.603 of the Revised Code. 56146

(2) Once a person fulfills the curriculum requirement for a 56147  
diploma, the person is never required, as a condition of receiving 56148  
a diploma, to meet any different curriculum requirements that take 56149  
effect pending the person's passage of proficiency tests or 56150  
achievement tests or assessments, including changes mandated by 56151  
section 3313.603 of the Revised Code, the state board, a school 56152  
district board of education, or a governing authority of a 56153  
community school or chartered nonpublic school. 56154

**Sec. 3313.64.** (A) As used in this section and in section 56155  
3313.65 of the Revised Code: 56156

(1)(a) Except as provided in division (A)(1)(b) of this 56157  
section, "parent" means either parent, unless the parents are 56158  
separated or divorced or their marriage has been dissolved or 56159

annulled, in which case "parent" means the parent who is the 56160  
residential parent and legal custodian of the child. When a child 56161  
is in the legal custody of a government agency or a person other 56162  
than the child's natural or adoptive parent, "parent" means the 56163  
parent with residual parental rights, privileges, and 56164  
responsibilities. When a child is in the permanent custody of a 56165  
government agency or a person other than the child's natural or 56166  
adoptive parent, "parent" means the parent who was divested of 56167  
parental rights and responsibilities for the care of the child and 56168  
the right to have the child live with the parent and be the legal 56169  
custodian of the child and all residual parental rights, 56170  
privileges, and responsibilities. 56171

(b) When a child is the subject of a power of attorney 56172  
executed under sections 3109.51 to 3109.62 of the Revised Code, 56173  
"parent" means the grandparent designated as attorney in fact 56174  
under the power of attorney. When a child is the subject of a 56175  
caretaker authorization affidavit executed under sections 3109.64 56176  
to 3109.73 of the Revised Code, "parent" means the grandparent 56177  
that executed the affidavit. 56178

(2) "Legal custody," "permanent custody," and "residual 56179  
parental rights, privileges, and responsibilities" have the same 56180  
meanings as in section 2151.011 of the Revised Code. 56181

(3) "School district" or "district" means a city, local, or 56182  
exempted village school district and excludes any school operated 56183  
in an institution maintained by the department of youth services. 56184

(4) Except as used in division (C)(2) of this section, "home" 56185  
means a home, institution, foster home, group home, or other 56186  
residential facility in this state that receives and cares for 56187  
children, to which any of the following applies: 56188

(a) The home is licensed, certified, or approved for such 56189  
purpose by the state or is maintained by the department of youth 56190

services. 56191

(b) The home is operated by a person who is licensed, 56192  
certified, or approved by the state to operate the home for such 56193  
purpose. 56194

(c) The home accepted the child through a placement by a 56195  
person licensed, certified, or approved to place a child in such a 56196  
home by the state. 56197

(d) The home is a children's home created under section 56198  
5153.21 or 5153.36 of the Revised Code. 56199

(5) "Agency" means all of the following: 56200

(a) A public children services agency; 56201

(b) An organization that holds a certificate issued by the 56202  
Ohio department of job and family services in accordance with the 56203  
requirements of section 5103.03 of the Revised Code and assumes 56204  
temporary or permanent custody of children through commitment, 56205  
agreement, or surrender, and places children in family homes for 56206  
the purpose of adoption; 56207

(c) Comparable agencies of other states or countries that 56208  
have complied with applicable requirements of section 2151.39 of 56209  
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 56210  
5103.23 to 5103.237 of the Revised Code. 56211

(6) A child is placed for adoption if either of the following 56212  
occurs: 56213

(a) An agency to which the child has been permanently 56214  
committed or surrendered enters into an agreement with a person 56215  
pursuant to section 5103.16 of the Revised Code for the care and 56216  
adoption of the child. 56217

(b) The child's natural parent places the child pursuant to 56218  
section 5103.16 of the Revised Code with a person who will care 56219  
for and adopt the child. 56220

- (7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 56221  
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- (8) "Child," unless otherwise indicated, includes preschool children with disabilities. 56223  
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- (9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 56225  
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- (B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 56229  
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- (1) A child shall be admitted to the schools of the school district in which the child's parent resides. 56234  
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- (2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 56236  
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- (a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 56240  
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- (b) The child resides in a home. 56243
- (c) The child requires special education. 56244
- (3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 56245  
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(a) The placement for adoption has been terminated.	56251
(b) Another school district is required to admit the child under division (B)(1) of this section.	56252 56253
Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.	56254 56255 56256 56257 56258
(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:	56259 56260 56261 56262 56263 56264
(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.	56265 56266 56267 56268 56269 56270 56271
(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:	56272 56273 56274 56275 56276
(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;	56277 56278 56279 56280
(b) If the parent's residence at the time the court removed	56281

the child from home or placed the child in the legal or permanent 56282  
custody of the person or government agency is unknown, tuition 56283  
shall be paid by the district in which the child resided at the 56284  
time the child was removed from home or placed in legal or 56285  
permanent custody, whichever occurred first; 56286

(c) If a school district cannot be established under division 56287  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 56288  
district determined as required by section 2151.362 of the Revised 56289  
Code by the court at the time it vests custody of the child in the 56290  
person or government agency; 56291

(d) If at the time the court removed the child from home or 56292  
vested legal or permanent custody of the child in the person or 56293  
government agency, whichever occurred first, one parent was in a 56294  
residential or correctional facility or a juvenile residential 56295  
placement and the other parent, if living and not in such a 56296  
facility or placement, was not known to reside in this state, 56297  
tuition shall be paid by the district determined under division 56298  
(D) of section 3313.65 of the Revised Code as the district 56299  
required to pay any tuition while the parent was in such facility 56300  
or placement; 56301

(e) If the department of education has determined, pursuant 56302  
to division (A)(2) of section 2151.362 of the Revised Code, that a 56303  
school district other than the one named in the court's initial 56304  
order, or in a prior determination of the department, is 56305  
responsible to bear the cost of educating the child, the district 56306  
so determined shall be responsible for that cost. 56307

(3) If the child is not in the permanent or legal custody of 56308  
a government agency or person other than the child's parent and 56309  
the child resides in a home, tuition shall be paid by one of the 56310  
following: 56311

(a) The school district in which the child's parent resides; 56312

(b) If the child's parent is not a resident of this state, 56313  
the home in which the child resides. 56314

(4) Division (C)(4) of this section applies to any child who 56315  
is admitted to a school district under division (B)(2) of this 56316  
section, resides in a home that is not a foster home or a home 56317  
maintained by the department of youth services, receives 56318  
educational services at the home in which the child resides 56319  
pursuant to a contract between the home and the school district 56320  
providing those services, and does not receive special education. 56321

In the case of a child to which division (C)(4) of this 56322  
section applies, the total educational cost to be paid for the 56323  
child shall be determined by a formula approved by the department 56324  
of education, which formula shall be designed to calculate a per 56325  
diem cost for the educational services provided to the child for 56326  
each day the child is served and shall reflect the total actual 56327  
cost incurred in providing those services. The department shall 56328  
certify the total educational cost to be paid for the child to 56329  
both the school district providing the educational services and, 56330  
if different, the school district that is responsible to pay 56331  
tuition for the child. The department shall deduct the certified 56332  
amount from the state basic aid funds payable under Chapter 3317. 56333  
of the Revised Code to the district responsible to pay tuition and 56334  
shall pay that amount to the district providing the educational 56335  
services to the child. 56336

(D) Tuition required to be paid under divisions (C)(2) and 56337  
(3)(a) of this section shall be computed in accordance with 56338  
section 3317.08 of the Revised Code. Tuition required to be paid 56339  
under division (C)(3)(b) of this section shall be computed in 56340  
accordance with section 3317.081 of the Revised Code. If a home 56341  
fails to pay the tuition required by division (C)(3)(b) of this 56342  
section, the board of education providing the education may 56343  
recover in a civil action the tuition and the expenses incurred in 56344

prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the

child's physician certifying that the child's medical condition 56376  
may require emergency medical attention. The statement shall be 56377  
supported by such other evidence as the board may require. 56378

(4) Any child residing with a person other than the child's 56379  
parent is entitled, for a period not to exceed twelve months, to 56380  
attend school in the district in which that person resides if the 56381  
child's parent files an affidavit with the superintendent of the 56382  
district in which the person with whom the child is living resides 56383  
stating all of the following: 56384

(a) That the parent is serving outside of the state in the 56385  
armed services of the United States; 56386

(b) That the parent intends to reside in the district upon 56387  
returning to this state; 56388

(c) The name and address of the person with whom the child is 56389  
living while the parent is outside the state. 56390

(5) Any child under the age of twenty-two years who, after 56391  
the death of a parent, resides in a school district other than the 56392  
district in which the child attended school at the time of the 56393  
parent's death is entitled to continue to attend school in the 56394  
district in which the child attended school at the time of the 56395  
parent's death for the remainder of the school year, subject to 56396  
approval of that district board. 56397

(6) A child under the age of twenty-two years who resides 56398  
with a parent who is having a new house built in a school district 56399  
outside the district where the parent is residing is entitled to 56400  
attend school for a period of time in the district where the new 56401  
house is being built. In order to be entitled to such attendance, 56402  
the parent shall provide the district superintendent with the 56403  
following: 56404

(a) A sworn statement explaining the situation, revealing the 56405  
location of the house being built, and stating the parent's 56406

intention to reside there upon its completion; 56407

(b) A statement from the builder confirming that a new house 56408  
is being built for the parent and that the house is at the 56409  
location indicated in the parent's statement. 56410

(7) A child under the age of twenty-two years residing with a 56411  
parent who has a contract to purchase a house in a school district 56412  
outside the district where the parent is residing and who is 56413  
waiting upon the date of closing of the mortgage loan for the 56414  
purchase of such house is entitled to attend school for a period 56415  
of time in the district where the house is being purchased. In 56416  
order to be entitled to such attendance, the parent shall provide 56417  
the district superintendent with the following: 56418

(a) A sworn statement explaining the situation, revealing the 56419  
location of the house being purchased, and stating the parent's 56420  
intent to reside there; 56421

(b) A statement from a real estate broker or bank officer 56422  
confirming that the parent has a contract to purchase the house, 56423  
that the parent is waiting upon the date of closing of the 56424  
mortgage loan, and that the house is at the location indicated in 56425  
the parent's statement. 56426

The district superintendent shall establish a period of time 56427  
not to exceed ninety days during which the child entitled to 56428  
attend school under division (F)(6) or (7) of this section may 56429  
attend without tuition obligation. A student attending a school 56430  
under division (F)(6) or (7) of this section shall be eligible to 56431  
participate in interscholastic athletics under the auspices of 56432  
that school, provided the board of education of the school 56433  
district where the student's parent resides, by a formal action, 56434  
releases the student to participate in interscholastic athletics 56435  
at the school where the student is attending, and provided the 56436  
student receives any authorization required by a public agency or 56437

private organization of which the school district is a member 56438  
exercising authority over interscholastic sports. 56439

(8) A child whose parent is a full-time employee of a city, 56440  
local, or exempted village school district, or of an educational 56441  
service center, may be admitted to the schools of the district 56442  
where the child's parent is employed, or in the case of a child 56443  
whose parent is employed by an educational service center, in the 56444  
district that serves the location where the parent's job is 56445  
primarily located, provided the district board of education 56446  
establishes such an admission policy by resolution adopted by a 56447  
majority of its members. Any such policy shall take effect on the 56448  
first day of the school year and the effective date of any 56449  
amendment or repeal may not be prior to the first day of the 56450  
subsequent school year. The policy shall be uniformly applied to 56451  
all such children and shall provide for the admission of any such 56452  
child upon request of the parent. No child may be admitted under 56453  
this policy after the first day of classes of any school year. 56454

(9) A child who is with the child's parent under the care of 56455  
a shelter for victims of domestic violence, as defined in section 56456  
3113.33 of the Revised Code, is entitled to attend school free in 56457  
the district in which the child is with the child's parent, and no 56458  
other school district shall be required to pay tuition for the 56459  
child's attendance in that school district. 56460

The enrollment of a child in a school district under this 56461  
division shall not be denied due to a delay in the school 56462  
district's receipt of any records required under section 3313.672 56463  
of the Revised Code or any other records required for enrollment. 56464  
Any days of attendance and any credits earned by a child while 56465  
enrolled in a school district under this division shall be 56466  
transferred to and accepted by any school district in which the 56467  
child subsequently enrolls. The state board of education shall 56468  
adopt rules to ensure compliance with this division. 56469

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent



form required by the district. A school district shall not incur 56502  
any liability solely because of its receipt of a consent form from 56503  
a grandparent in lieu of a parent. 56504

Division (F)(11) of this section does not create, and shall 56505  
not be construed as creating, a new cause of action or substantive 56506  
legal right against a school district, a member of a board of 56507  
education, or an employee of a school district. This section does 56508  
not affect, and shall not be construed as affecting, any 56509  
immunities from defenses to tort liability created or recognized 56510  
by Chapter 2744. of the Revised Code for a school district, 56511  
member, or employee. 56512

(12) A child under the age of twenty-two years is entitled to 56513  
attend school in a school district other than the district in 56514  
which the child is entitled to attend school under division (B), 56515  
(C), or (E) of this section provided that, prior to such 56516  
attendance in any school year, both of the following occur: 56517

(a) The superintendent of the district in which the child is 56518  
entitled to attend school under division (B), (C), or (E) of this 56519  
section contacts the superintendent of another district for 56520  
purposes of this division; 56521

(b) The superintendents of both districts enter into a 56522  
written agreement that consents to the attendance and specifies 56523  
that the purpose of such attendance is to protect the student's 56524  
physical or mental well-being or to deal with other extenuating 56525  
circumstances deemed appropriate by the superintendents. 56526

While an agreement is in effect under this division for a 56527  
student who is not receiving special education under Chapter 3323. 56528  
of the Revised Code and notwithstanding Chapter 3327. of the 56529  
Revised Code, the board of education of neither school district 56530  
involved in the agreement is required to provide transportation 56531  
for the student to and from the school where the student attends. 56532

A student attending a school of a district pursuant to this 56533  
division shall be allowed to participate in all student 56534  
activities, including interscholastic athletics, at the school 56535  
where the student is attending on the same basis as any student 56536  
who has always attended the schools of that district while of 56537  
compulsory school age. 56538

(13) All school districts shall comply with the 56539  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 56540  
seq., for the education of homeless children. Each city, local, 56541  
and exempted village school district shall comply with the 56542  
requirements of that act governing the provision of a free, 56543  
appropriate public education, including public preschool, to each 56544  
homeless child. 56545

When a child loses permanent housing and becomes a homeless 56546  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 56547  
such a homeless person changes temporary living arrangements, the 56548  
child's parent or guardian shall have the option of enrolling the 56549  
child in either of the following: 56550

(a) The child's school of origin, as defined in 42 U.S.C.A. 56551  
11432(g)(3)(C); 56552

(b) The school that is operated by the school district in 56553  
which the shelter where the child currently resides is located and 56554  
that serves the geographic area in which the shelter is located. 56555

(14) A child under the age of twenty-two years who resides 56556  
with a person other than the child's parent is entitled to attend 56557  
school in the school district in which that person resides if both 56558  
of the following apply: 56559

(a) That person has been appointed, through a military power 56560  
of attorney executed under section 574(a) of the "National Defense 56561  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 56562  
U.S.C. 1044b, or through a comparable document necessary to 56563

complete a family care plan, as the parent's agent for the care, 56564  
custody, and control of the child while the parent is on active 56565  
duty as a member of the national guard or a reserve unit of the 56566  
armed forces of the United States or because the parent is a 56567  
member of the armed forces of the United States and is on a duty 56568  
assignment away from the parent's residence. 56569

(b) The military power of attorney or comparable document 56570  
includes at least the authority to enroll the child in school. 56571

The entitlement to attend school in the district in which the 56572  
parent's agent under the military power of attorney or comparable 56573  
document resides applies until the end of the school year in which 56574  
the military power of attorney or comparable document expires. 56575

(G) A board of education, after approving admission, may 56576  
waive tuition for students who will temporarily reside in the 56577  
district and who are either of the following: 56578

(1) Residents or domiciliaries of a foreign nation who 56579  
request admission as foreign exchange students; 56580

(2) Residents or domiciliaries of the United States but not 56581  
of Ohio who request admission as participants in an exchange 56582  
program operated by a student exchange organization. 56583

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 56584  
3327.04, and 3327.06 of the Revised Code, a child may attend 56585  
school or participate in a special education program in a school 56586  
district other than in the district where the child is entitled to 56587  
attend school under division (B) of this section. 56588

(I)(1) Notwithstanding anything to the contrary in this 56589  
section or section 3313.65 of the Revised Code, a child under 56590  
twenty-two years of age may attend school in the school district 56591  
in which the child, at the end of the first full week of October 56592  
of the school year, was entitled to attend school as otherwise 56593  
provided under this section or section 3313.65 of the Revised 56594

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 56626  
division (I)(1) of this section shall be entitled to 56627  
transportation services pursuant to an agreement between the 56628  
district and the district in which the child or child's parent has 56629  
relocated unless the districts have not entered into such 56630  
agreement, in which case the child shall be entitled to 56631  
transportation services in the same manner as a pupil attending 56632  
school in the district under interdistrict open enrollment as 56633  
described in division (H) of section 3313.981 of the Revised Code, 56634  
regardless of whether the district has adopted an open enrollment 56635  
policy as described in division (B)(1)(b) or (c) of section 56636  
3313.98 of the Revised Code. 56637

(J) This division does not apply to a child receiving special 56638  
education. 56639

A school district required to pay tuition pursuant to 56640  
division (C)(2) or (3) of this section or section 3313.65 of the 56641  
Revised Code shall have an amount deducted under division ~~(F)~~(C) 56642  
of section 3317.023 of the Revised Code equal to its own tuition 56643  
rate for the same period of attendance. A school district entitled 56644  
to receive tuition pursuant to division (C)(2) or (3) of this 56645  
section or section 3313.65 of the Revised Code shall have an 56646  
amount credited under division ~~(F)~~(C) of section 3317.023 of the 56647  
Revised Code equal to its own tuition rate for the same period of 56648  
attendance. If the tuition rate credited to the district of 56649  
attendance exceeds the rate deducted from the district required to 56650  
pay tuition, the department of education shall pay the district of 56651  
attendance the difference from amounts deducted from all 56652  
districts' payments under division ~~(F)~~(C) of section 3317.023 of 56653  
the Revised Code but not credited to other school districts under 56654  
such division and from appropriations made for such purpose. The 56655  
treasurer of each school district shall, by the fifteenth day of 56656  
January and July, furnish the superintendent of public instruction 56657

a report of the names of each child who attended the district's 56658  
schools under divisions (C)(2) and (3) of this section or section 56659  
3313.65 of the Revised Code during the preceding six calendar 56660  
months, the duration of the attendance of those children, the 56661  
school district responsible for tuition on behalf of the child, 56662  
and any other information that the superintendent requires. 56663

Upon receipt of the report the superintendent, pursuant to 56664  
division ~~(F)~~(C) of section 3317.023 of the Revised Code, shall 56665  
deduct each district's tuition obligations under divisions (C)(2) 56666  
and (3) of this section or section 3313.65 of the Revised Code and 56667  
pay to the district of attendance that amount plus any amount 56668  
required to be paid by the state. 56669

(K) In the event of a disagreement, the superintendent of 56670  
public instruction shall determine the school district in which 56671  
the parent resides. 56672

(L) Nothing in this section requires or authorizes, or shall 56673  
be construed to require or authorize, the admission to a public 56674  
school in this state of a pupil who has been permanently excluded 56675  
from public school attendance by the superintendent of public 56676  
instruction pursuant to sections 3301.121 and 3313.662 of the 56677  
Revised Code. 56678

(M) In accordance with division (B)(1) of this section, a 56679  
child whose parent is a member of the national guard or a reserve 56680  
unit of the armed forces of the United States and is called to 56681  
active duty, or a child whose parent is a member of the armed 56682  
forces of the United States and is ordered to a temporary duty 56683  
assignment outside of the district, may continue to attend school 56684  
in the district in which the child's parent lived before being 56685  
called to active duty or ordered to a temporary duty assignment 56686  
outside of the district, as long as the child's parent continues 56687  
to be a resident of that district, and regardless of where the 56688  
child lives as a result of the parent's active duty status or 56689

temporary duty assignment. However, the district is not 56690  
responsible for providing transportation for the child if the 56691  
child lives outside of the district as a result of the parent's 56692  
active duty status or temporary duty assignment. 56693

**Sec. 3313.642.** (A) Except as provided in division (B) of this 56694  
section and notwithstanding the provisions of sections 3313.48 and 56695  
3313.64 of the Revised Code, the board of education of a city, 56696  
exempted village, or local school district shall not be required 56697  
to furnish, free of charge, to the pupils attending the public 56698  
schools any materials used in a course of instruction with the 56699  
exception of the necessary textbooks or electronic textbooks 56700  
required to be furnished without charge pursuant to section 56701  
3329.06 of the Revised Code. The board may, however, make 56702  
provision by appropriations transferred from the general fund of 56703  
the district or otherwise for furnishing free of charge any 56704  
materials used in a course of instruction to such pupils as it 56705  
determines are in serious financial need of such materials. 56706

(B) No board of education of a school district shall charge a 56707  
fee to a pupil who is eligible for a free lunch under the 56708  
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 56709  
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 56710  
42 U.S.C. 1771, as amended, for any materials needed to enable the 56711  
pupil to participate fully in a course of instruction. The 56712  
prohibition in this division against charging a fee does not apply 56713  
to any fee charged for any of the following: 56714

(1) Any materials needed to enable a pupil to participate 56715  
fully in extracurricular activities or in any pupil enrichment 56716  
program that is not a course of instruction; 56717

(2) Any tools, equipment, and materials that are necessary 56718  
for workforce-readiness training within a career-technical 56719  
education program that, to the extent the tools, equipment, and 56720

materials are not consumed, may be retained by the student upon 56721  
course completion. 56722

(C) Boards of education may adopt rules and regulations 56723  
prescribing a schedule of fees for materials used in a course of 56724  
instruction and prescribing a schedule of charges which may be 56725  
imposed upon pupils for the loss, damage, or destruction of school 56726  
apparatus, equipment, musical instruments, library material, 56727  
textbooks, or electronic textbooks required to be furnished 56728  
without charge, and for damage to school buildings, and may 56729  
enforce the payment of such fees and charges by withholding the 56730  
grades and credits of the pupils concerned. 56731

**Sec. 3313.6410.** This section applies to any school that is 56732  
operated by a school district and in which the enrolled students 56733  
work primarily on assignments in nonclassroom-based learning 56734  
opportunities provided via an internet- or other computer-based 56735  
instructional method. 56736

(A) Any school to which this section applies shall withdraw 56737  
from the school any student who, for two consecutive school years, 56738  
has failed to participate in the spring administration of any 56739  
assessment prescribed under section 3301.0710 or 3301.0712 of the 56740  
Revised Code for the student's grade level and was not excused 56741  
from the assessment pursuant to division (C)(1) or (3) of section 56742  
3301.0711 of the Revised Code, regardless of whether a waiver was 56743  
granted for the student under division (E) of section 3317.03 of 56744  
the Revised Code. The school shall report any such student's data 56745  
verification code, as assigned pursuant to section 3301.0714 of 56746  
the Revised Code, to the department of education to be added to 56747  
the list maintained by the department under section 3314.26 of the 56748  
Revised Code. 56749

(B) No school to which this section applies shall receive any 56750  
state funds under Chapter ~~3306~~ or 3317. of the Revised Code for 56751



any enrolled student whose data verification code appears on the 56752  
list maintained by the department under section 3314.26 of the 56753  
Revised Code. Notwithstanding any provision of the Revised Code to 56754  
the contrary, the parent of any such student shall pay tuition to 56755  
the school district that operates the school in an amount equal to 56756  
the state funds the district otherwise would receive for that 56757  
student, as determined by the department. A school to which this 56758  
section applies may withdraw any student for whom the parent does 56759  
not pay tuition as required by this division. 56760

**Sec. 3313.65.** (A) As used in this section and section 3313.64 56761  
of the Revised Code: 56762

(1) A person is "in a residential facility" if the person is 56763  
a resident or a resident patient of an institution, home, or other 56764  
residential facility that is: 56765

(a) Licensed as a nursing home, residential care facility, or 56766  
home for the aging by the director of health under section 3721.02 56767  
of the Revised Code; 56768

(b) Licensed as an adult care facility by the director of 56769  
mental health under Chapter 3722. sections 5119.70 to 5119.88 of 56770  
the Revised Code; 56771

(c) Maintained as a county home or district home by the board 56772  
of county commissioners or a joint board of county commissioners 56773  
under Chapter 5155. of the Revised Code; 56774

(d) Operated or administered by a board of alcohol, drug 56775  
addiction, and mental health services under section 340.03 or 56776  
340.06 of the Revised Code, or provides residential care pursuant 56777  
to contracts made under section 340.03 or 340.033 of the Revised 56778  
Code; 56779

(e) Maintained as a state institution for the mentally ill 56780  
under Chapter 5119. of the Revised Code; 56781

(f) Licensed by the department of mental health under section 56782  
5119.20 or 5119.22 of the Revised Code; 56783

(g) Licensed as a residential facility by the department of 56784  
developmental disabilities under section 5123.19 of the Revised 56785  
Code; 56786

(h) Operated by the veteran's administration or another 56787  
agency of the United States government; 56788

(i) ~~The~~ Operated by the Ohio soldiers' and sailors' veterans' 56789  
home. 56790

(2) A person is "in a correctional facility" if any of the 56791  
following apply: 56792

(a) The person is an Ohio resident and is: 56793

(i) Imprisoned, as defined in section 1.05 of the Revised 56794  
Code; 56795

(ii) Serving a term in a community-based correctional 56796  
facility or a district community-based correctional facility; 56797

(iii) Required, as a condition of parole, a post-release 56798  
control sanction, a community control sanction, transitional 56799  
control, or early release from imprisonment, as a condition of 56800  
shock parole or shock probation granted under the law in effect 56801  
prior to July 1, 1996, or as a condition of a furlough granted 56802  
under the version of section 2967.26 of the Revised Code in effect 56803  
prior to March 17, 1998, to reside in a halfway house or other 56804  
community residential center licensed under section 2967.14 of the 56805  
Revised Code or a similar facility designated by the court of 56806  
common pleas that established the condition or by the adult parole 56807  
authority. 56808

(b) The person is imprisoned in a state correctional 56809  
institution of another state or a federal correctional institution 56810  
but was an Ohio resident at the time the sentence was imposed for 56811

the crime for which the person is imprisoned. 56812

(3) A person is "in a juvenile residential placement" if the 56813  
person is an Ohio resident who is under twenty-one years of age 56814  
and has been removed, by the order of a juvenile court, from the 56815  
place the person resided at the time the person became subject to 56816  
the court's jurisdiction in the matter that resulted in the 56817  
person's removal. 56818

(4) "Community control sanction" has the same meaning as in 56819  
section 2929.01 of the Revised Code. 56820

(5) "Post-release control sanction" has the same meaning as 56821  
in section 2967.01 of the Revised Code. 56822

(B) If the circumstances described in division (C) of this 56823  
section apply, the determination of what school district must 56824  
admit a child to its schools and what district, if any, is liable 56825  
for tuition shall be made in accordance with this section, rather 56826  
than section 3313.64 of the Revised Code. 56827

(C) A child who does not reside in the school district in 56828  
which the child's parent resides and for whom a tuition obligation 56829  
previously has not been established under division (C)(2) of 56830  
section 3313.64 of the Revised Code shall be admitted to the 56831  
schools of the district in which the child resides if at least one 56832  
of the child's parents is in a residential or correctional 56833  
facility or a juvenile residential placement and the other parent, 56834  
if living and not in such a facility or placement, is not known to 56835  
reside in this state. 56836

(D) Regardless of who has custody or care of the child, 56837  
whether the child resides in a home, or whether the child receives 56838  
special education, if a district admits a child under division (C) 56839  
of this section, tuition shall be paid to that district as 56840  
follows: 56841

(1) If the child's parent is in a juvenile residential 56842

placement, by the district in which the child's parent resided at 56843  
the time the parent became subject to the jurisdiction of the 56844  
juvenile court; 56845

(2) If the child's parent is in a correctional facility, by 56846  
the district in which the child's parent resided at the time the 56847  
sentence was imposed; 56848

(3) If the child's parent is in a residential facility, by 56849  
the district in which the parent resided at the time the parent 56850  
was admitted to the residential facility, except that if the 56851  
parent was transferred from another residential facility, tuition 56852  
shall be paid by the district in which the parent resided at the 56853  
time the parent was admitted to the facility from which the parent 56854  
first was transferred; 56855

(4) In the event of a disagreement as to which school 56856  
district is liable for tuition under division (C)(1), (2), or (3) 56857  
of this section, the superintendent of public instruction shall 56858  
determine which district shall pay tuition. 56859

(E) If a child covered by division (D) of this section 56860  
receives special education in accordance with Chapter 3323. of the 56861  
Revised Code, the tuition shall be paid in accordance with section 56862  
3323.13 or 3323.14 of the Revised Code. Tuition for children who 56863  
do not receive special education shall be paid in accordance with 56864  
division (J) of section 3313.64 of the Revised Code. 56865

**Sec. 3313.75.** (A) The board of education of a city, exempted 56866  
village, or local school district may authorize the opening of 56867  
schoolhouses for any lawful purposes. ~~This~~ 56868

(B) In accordance with this section and section 3313.77 of 56869  
the Revised Code, a district board may rent or lease facilities 56870  
under its control to any public or nonpublic institution of higher 56871  
education for the institution's use in providing evening and 56872

summer classes. 56873

(C) This section does not authorize a board to rent or lease 56874  
a schoolhouse when such rental or lease interferes with the public 56875  
schools in such district, or for any purpose other than is 56876  
authorized by law. 56877

**Sec. 3313.816.** ~~(A)~~ No public or chartered nonpublic school 56878  
shall permit the sale of a la carte beverage items other than the 56879  
following during the regular and extended school day: 56880

~~(1)(A)~~ For a school in which the majority of grades offered 56881  
are in the range from kindergarten to grade four: 56882

~~(a)(1)~~ Water; 56883

~~(b)(i)~~ Prior to January 1, 2014, eight ounces or less of 56884  
low fat or fat free milk, including flavored milk, that contains 56885  
not more than one hundred seventy calories per eight ounces; 56886

~~(ii)~~ Beginning January 1, 2014, eight ounces or less of 56887  
low fat or fat free milk, including flavored milk, that contains 56888  
not more than one hundred fifty calories per eight ounces. 56889

~~(e)(2)~~ Milk; 56890

(3) Eight ounces or less of one hundred per cent fruit juice, 56891  
or a one hundred per cent fruit juice and water blend with no 56892  
added sweeteners, that contains not more than one hundred sixty 56893  
calories per eight ounces. 56894

~~(2)(B)~~ For a school in which the majority of grades offered 56895  
are in the range from grade five to grade eight: 56896

~~(a)(1)~~ Water; 56897

~~(b)(i)~~ Prior to January 1, 2014, eight ounces or less of 56898  
low fat or fat free milk, including flavored milk, that contains 56899  
not more than one hundred seventy calories per eight ounces; 56900

~~(ii)~~ Beginning January 1, 2014, eight ounces or less of 56901

~~low fat or fat free milk, including flavored milk, that contains 56902  
not more than one hundred fifty calories per eight ounces. 56903~~

~~(e)(2) Milk; 56904~~

~~(3) Ten ounces or less of one hundred per cent fruit juice, 56905  
or a one hundred per cent fruit juice and water blend with no 56906  
added sweeteners, that contains not more than one hundred sixty 56907  
calories per eight ounces. 56908~~

~~(3)(C) For a school in which the majority of grades offered 56909  
are in the range from grade nine to grade twelve: 56910~~

~~(a)(1) Water; 56911~~

~~(b)(i) Prior to January 1, 2014, sixteen ounces or less of 56912  
low fat or fat free milk, including flavored milk, that contains 56913  
not more than one hundred seventy calories per eight ounces; 56914~~

~~(ii) Beginning January 1, 2014, sixteen ounces or less of 56915  
low fat or fat free milk, including flavored milk, that contains 56916  
not more than one hundred fifty calories per eight ounces. 56917~~

~~(e)(2) Milk; 56918~~

~~(3) Twelve ounces or less of one hundred per cent fruit 56919  
juice, or a one hundred per cent fruit juice and water blend with 56920  
no added sweeteners, that contains not more than one hundred sixty 56921  
calories per eight ounces; 56922~~

~~(d)(4) Twelve ounces or less of any beverage that contains 56923  
not more than sixty-six calories per eight ounces; 56924~~

~~(e)(5) Any size of a beverage that contains not more than ten 56925  
calories per eight ounces, which may include caffeinated beverages 56926  
and beverages with added sweeteners, carbonation, or artificial 56927  
flavoring. 56928~~

~~(B) Each public and chartered nonpublic school shall require 56929  
at least fifty per cent of the a la carte beverage items available 56930  
for sale from each of the following sources during the regular and 56931~~

~~extended school day to be water or other beverages that contain 56932  
not more than ten calories per eight ounces. 56933~~

~~(1) A school food service program; 56934~~

~~(2) A vending machine located on school property that does 56935  
not sell only milk or reimbursable meals; 56936~~

~~(3) A store operated by the school, a student association, or 56937  
other school-sponsored organization. 56938~~

**Sec. 3313.842.** (A) The boards of education or governing 56939  
authorities of any two or more school districts or community 56940  
schools may enter into an agreement for joint or cooperative 56941  
establishment and operation of any educational program including 56942  
any class, course, or program that may be included in a school 56943  
district's or community school's graded course of study and staff 56944  
development programs for teaching and nonteaching school 56945  
employees. Each school district or community school that is party 56946  
to such an agreement may contribute funds of the district or 56947  
school in support of the agreement and for the establishment and 56948  
operation of any educational program established under the 56949  
agreement. The agreement shall designate one of the districts or 56950  
community schools as ~~the district~~ responsible for receiving and 56951  
disbursing the funds contributed by the ~~districts that are~~ parties 56952  
to the agreement. 56953

(B) Notwithstanding sections 3313.48 and 3313.64 of the 56954  
Revised Code, any school district that is party to an agreement 56955  
for joint or cooperative establishment and operation of an 56956  
educational program may charge fees or tuition for students who 56957  
participate in the program and are entitled to attend school in 56958  
the district under section 3313.64 or 3313.65 of the Revised Code. 56959  
Except as otherwise provided in division (H) of section 3321.01 of 56960  
the Revised Code, no community school that is party to the 56961  
agreement shall charge fees or tuition for students who 56962

participate in the program and are reported by the school under 56963  
division (B)(2) of section 3314.08 of the Revised Code. 56964

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 56965  
3311.52 of the Revised Code, this section does not apply to ~~either~~ 56966  
~~of the following:~~ 56967

~~(1) Any any cooperative education school district;~~ 56968

~~(2) Any city or exempted village school district with a total 56969  
student count of thirteen thousand or more determined pursuant to 56970  
section 3317.03 of the Revised Code that has not entered into one 56971  
or more agreements pursuant to this section prior to July 1, 1993, 56972  
unless the district's total student count did not exceed thirteen 56973  
thousand at the time it entered into an initial agreement under 56974  
this section. 56975~~

(B)(1) The board of education of a each city ~~or~~, exempted 56976  
village, or local school district and with a student count of 56977  
sixteen thousand or less, as defined in section 3301.011 of the 56978  
Revised Code, shall enter into an agreement with the governing 56979  
board of an educational service center ~~may enter into an~~ 56980  
~~agreement, through adoption of identical resolutions,~~ under which 56981  
the educational service center governing board will provide 56982  
services to the ~~city or exempted village school~~ district. 56983

(2) The board of education of a city, exempted village, or 56984  
local school district with a student count of more than sixteen 56985  
thousand may enter into an agreement with the governing board of 56986  
an educational service center, under which the educational service 56987  
center governing board will provide services to the district. 56988

(3) Services provided under ~~the~~ an agreement entered into 56989  
under division (B)(1) or (2) of this section shall be specified in 56990  
the agreement, and may include any ~~one or a combination~~ of the 56991  
following: supervisory teachers; in-service and continuing 56992



education programs for ~~city or exempted village school~~ district 56993  
personnel; curriculum services ~~as provided to the local school~~ 56994  
~~districts under the supervision of the service center governing~~ 56995  
~~board~~; research and development programs; academic instruction for 56996  
which the governing board employs teachers pursuant to section 56997  
3319.02 of the Revised Code; ~~and~~ assistance in the provision of 56998  
special accommodations and classes for students with disabilities; 56999  
or any other services the district board and service center 57000  
governing board agree can be better provided by the service center 57001  
and are not provided under an agreement entered into under section 57002  
3313.845 of the Revised Code. Services included in the agreement 57003  
shall be provided to the ~~city or exempted village~~ district in the 57004  
same manner ~~they are provided to local school districts under the~~ 57005  
~~governing board's supervision, unless otherwise~~ specified in the 57006  
agreement. The ~~city or exempted village~~ district board of 57007  
education shall reimburse the educational service center governing 57008  
board pursuant to section 3317.11 of the Revised Code. 57009

(C) ~~If an educational service center received funding under~~ 57010  
~~division (B) of former section 3317.11 or division (F) of section~~ 57011  
~~3317.11 of the Revised Code for an agreement under this section~~ 57012  
~~involving a city school district whose total student count was~~ 57013  
~~less than thirteen thousand, the service center may continue to~~ 57014  
~~receive funding under that division for such an agreement in any~~ 57015  
~~subsequent year if the city district's total student count exceeds~~ 57016  
~~thirteen thousand. However, only the first thirteen thousand~~ 57017  
~~pupils in the formula ADM of such district shall be included in~~ 57018  
~~determining the amount of the per pupil subsidy the service center~~ 57019  
~~shall receive under division (F) of section 3317.11 of the Revised~~ 57020  
~~Code.~~ 57021

(D) Any agreement entered into pursuant to this section shall 57022  
be ~~valid only if a copy is~~ filed with the department of education 57023  
by the first day of July of the school year for which the 57024

agreement is in effect. 57025

(D)(1) An agreement for services from an educational service center entered into under this section may be terminated by the school district board of education, at its option, by notifying the governing board of the service center by January 1, 2012, or by the first day of January of any odd-numbered year thereafter, that the district board intends to terminate the agreement in that year, and that termination shall be effective on the thirtieth day of June of that year. The failure of a district board to notify an educational service center of its intent to terminate an agreement by the first day of January of an odd-numbered year shall result in renewal of the existing agreement for the following two school years. 57026  
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(2) If the school district that terminates an agreement for services under division (D)(1) of this section is also subject to the requirement of division (B)(1) of this section, the district board shall enter into a new agreement with a different educational service center so that the new agreement is effective on the first day of July of that same year. 57038  
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**Sec. 3313.845.** The board of education of a city, exempted village, or local school district and the governing board of an educational service center may enter into an agreement, ~~through adoption of identical resolutions,~~ under which the educational service center will provide services to the school district. 57044  
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Services provided under the agreement and the amount to be paid for such services shall be mutually agreed to by the district board of education and the service center governing board, and shall be specified in the agreement. Payment for services 57049  
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specified in the agreement shall be made pursuant to division (D) of section 3317.11 of the Revised Code and shall not include any 57053  
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deduction under division (B), (C), or (F) of that section. Any

agreement entered into pursuant to this section shall be valid 57056  
only if a copy is filed with the department of education by the 57057  
first day of the school year for which the agreement is in effect. 57058

The authority granted under this section to the boards of 57059  
education of city ~~and~~, ~~exempted village, and local~~ school 57060  
districts is in addition to the authority granted to such boards 57061  
under section 3313.843 of the Revised Code. ~~No city or exempted~~ 57062  
~~village district that is eligible to receive services from an~~ 57063  
~~educational service center under section 3313.843 of the Revised~~ 57064  
~~Code may receive any of the services described in division (B) of~~ 57065  
~~that section pursuant to an agreement entered into with an~~ 57066  
~~educational service center under this section.~~ 57067

~~If a local school district enters into an agreement with an~~ 57068  
~~educational service center under this section and the district is~~ 57069  
~~not located within the territory of the service center, the~~ 57070  
~~agreement shall not require the district to receive any~~ 57071  
~~supervisory services described in division (B) of section 3317.11~~ 57072  
~~of the Revised Code from the service center. The supervisory~~ 57073  
~~services described in that section shall be provided to the~~ 57074  
~~district by the educational service center of the territory in~~ 57075  
~~which the district is located.~~ 57076

Sec. 3313.846. The governing board of an educational service 57077  
center may enter into a contract with any political subdivision as 57078  
defined in section 2744.01 of the Revised Code, not including 57079  
school districts, community schools, or STEM schools contracting 57080  
for services under section 3313.843, 3313.844, 3313.845, or 57081  
3326.45 of the Revised Code, under which the educational service 57082  
center will provide services to the political subdivision. 57083  
Services provided under the contract and the amount to be paid for 57084  
such services shall be mutually agreed to by the parties and shall 57085  
be specified in the contract. The political subdivision shall 57086

directly pay an educational service center for services specified 57087  
in the contract. The board of the educational service center shall 57088  
file a copy of each contract entered into under this section with 57089  
the department of education by the first day the contract is in 57090  
effect. 57091

**Sec. 3313.88.** (A)(1) Prior to the first day of August of each 57092  
school year, the board of education of any school district or the 57093  
governing authority of any chartered nonpublic school may submit 57094  
to the department of education a plan to require students to 57095  
access and complete classroom lessons posted on the district's or 57096  
nonpublic school's web portal or web site in order to make up days 57097  
in that school year on which it is necessary to close schools for 57098  
any of the reasons specified in division (B) of section 3317.01 of 57099  
the Revised Code in excess of the number of days permitted under 57100  
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 57101

Prior to the first day of August of each school year, the 57103  
governing authority of any community school established under 57104  
Chapter 3314. that is not an internet- or computer-based community 57105  
school, as defined in section 3314.02 of the Revised Code, may 57106  
submit to the department a plan to require students to access and 57107  
complete classroom lessons posted on the school's web portal or 57108  
web site in order to make up days or hours in that school year on 57109  
which it is necessary to close the school for any of the reasons 57110  
specified in division (L)(4) of section 3314.08 of the Revised 57111  
Code so that the school is in compliance with the minimum number 57112  
of hours required under Chapter 3314. of the Revised Code. 57113

A plan submitted by a school district board or chartered 57114  
nonpublic school governing authority shall provide for making up 57115  
any number of days, up to a maximum of three days. A plan 57116  
submitted by a community school governing authority shall provide 57117

for making up any number of hours, up to a maximum of the 57118  
equivalent of three days. Provided the plan meets all requirements 57119  
of this section, the department shall permit the board or 57120  
governing authority to implement the plan for the applicable 57121  
school year. 57122

(2) Each plan submitted under this section by a school 57123  
district board of education shall include the written consent of 57124  
the teachers' employee representative designated under division 57125  
(B) of section 4117.04 of the Revised Code. 57126

(3) Each plan submitted under this section shall provide for 57127  
the following: 57128

(a) Not later than the first day of November of the school 57129  
year, each classroom teacher shall develop a sufficient number of 57130  
lessons for each course taught by the teacher that school year to 57131  
cover the number of make-up days or hours specified in the plan. 57132  
The teacher shall designate the order in which the lessons are to 57133  
be posted on the district's, community school's, or nonpublic 57134  
school's web portal or web site in the event of a school closure. 57135  
Teachers may be granted up to one professional development day to 57136  
create lesson plans for those lessons. 57137

(b) To the extent possible and necessary, a classroom teacher 57138  
shall update or replace, based on current instructional progress, 57139  
one or more of the lesson plans developed under division (A)(3)(a) 57140  
of this section before they are posted on the web portal or web 57141  
site under division (A)(3)(c) of this section or distributed under 57142  
division (B) of this section. 57143

(c) As soon as practicable after a school closure, a district 57144  
or school employee responsible for web portal or web site 57145  
operations shall make the designated lessons available to students 57146  
on the district's, community school's, or nonpublic school's 57147  
portal or site. A lesson shall be posted for each course that was 57148

scheduled to meet on the day or hours of the closure. 57149

(d) Each student enrolled in a course for which a lesson is posted on the portal or site shall be granted a two-week period from the date of posting to complete the lesson. The student's classroom teacher shall grade the lesson in the same manner as other lessons. The student may receive an incomplete or failing grade if the lesson is not completed on time. 57150  
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(e) If a student does not have access to a computer at the student's residence and the plan does not include blizzard bags under division (B) of this section, the student shall be permitted to work on the posted lessons at school after the student's school reopens. If the lessons were posted prior to the reopening, the student shall be granted a two-week period from the date of the reopening, rather than from the date of posting as otherwise required under division (A)(3)(d) of this section, to complete the lessons. The district board or community school or nonpublic school governing authority may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons. 57156  
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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. 57169  
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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. 57174  
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(3) The board of education of any school district or governing authority of any community or chartered nonpublic school 57178  
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that opts to use blizzard bags shall specify in the plan the 57180  
method of distribution of blizzard bag lessons, which may include, 57181  
but not be limited to, requiring distribution by a specific 57182  
deadline or requiring distribution prior to anticipated school 57183  
closure as directed by the superintendent of a school district or 57184  
the principal, director, chief administrative officer, or the 57185  
equivalent, of a school. 57186

(4) Students shall turn in completed lessons in accordance 57187  
with division (A)(3)(d) of this section. 57188

(C)(1) No school district that implements a plan in 57189  
accordance with this section shall be considered to have failed to 57190  
comply with division (B) of section 3317.01 of the Revised Code 57191  
with respect to the number of make-up days specified in the plan. 57192

(2) No community school that implements a plan in accordance 57193  
with this section shall be considered to have failed to comply 57194  
with the minimum number of hours required under Chapter 3314. of 57195  
the Revised Code with respect to the number of make-up hours 57196  
specified in the plan. 57197

**Sec. 3313.911.** The state board of education may adopt a 57198  
resolution assigning a city, exempted village, or local school 57199  
district that is not a part of a joint vocational school district 57200  
to membership in a joint vocational school district. A copy of the 57201  
resolution shall be certified to the board of education of the 57202  
joint vocational school district and the board of education of the 57203  
district proposed to be assigned. The board of education of the 57204  
joint vocational school district shall advertise a copy of the 57205  
resolution in a newspaper of general circulation in the district 57206  
proposed to be assigned once each week for ~~at least~~ two weeks, or 57207  
as provided in section 7.16 of the Revised Code, immediately 57208  
following the certification of the resolution to the board. The 57209  
assignment shall take effect on the ninety-first day after the 57210

state board adopts the resolution, unless prior to that date 57211  
qualified electors residing in the school district proposed for 57212  
assignment, equal in number to ten per cent of the qualified 57213  
electors of that district voting at the last general election, 57214  
file a petition against the assignment. 57215

The petition of referendum shall be filed with the treasurer 57216  
of the board of education of the district proposed to be assigned 57217  
to the joint vocational school district. The treasurer shall give 57218  
the person presenting the petition a receipt showing the time of 57219  
day, date, and purpose of the petition. The treasurer shall cause 57220  
the board of elections to determine the sufficiency of signatures 57221  
on the petition and if the signatures are found to be sufficient, 57222  
shall present the petition to the board of education of the 57223  
district. The board of education shall promptly certify the 57224  
question to the board of elections for the purpose of having the 57225  
question placed on the ballot at the next general, primary, or 57226  
special election not earlier than sixty days after the date of the 57227  
certification. 57228

Only those qualified electors residing in the district 57229  
proposed for assignment to the joint vocational school district 57230  
are qualified to vote on the question. If a majority of the 57231  
electors voting on the question vote against the assignment, it 57232  
shall not take place, and the state board of education shall 57233  
require the district to contract with the joint vocational school 57234  
district or another school district as authorized by section 57235  
3313.91 of the Revised Code. 57236

If a majority of the electors voting on the question do not 57237  
vote against the assignment, the assignment shall take immediate 57238  
effect, and the board of education of the joint vocational school 57239  
district shall notify the county auditor of the county in which 57240  
the school district becoming a part of the joint vocational school 57241  
district is located to have any outstanding levy of the joint 57242



vocational school district spread over the territory of the school 57243  
district that has become a part of the joint vocational school 57244  
district. 57245

The assignment of a school district to a joint vocational 57246  
school district pursuant to this section is subject to any 57247  
agreements made between the board of education of the assigned 57248  
school district and the board of education of the joint vocational 57249  
school district. Such an agreement may include provisions for a 57250  
payment by the assigned school district to the joint vocational 57251  
school district of an amount to be contributed toward the cost of 57252  
the existing facilities of the joint vocational school district. 57253

On the assignment of a school district to a joint vocational 57254  
school district pursuant to this section, the joint vocational 57255  
school district's board of education shall submit a proposal to 57256  
the state board of education to enlarge or reorganize the 57257  
membership of the joint vocational school district's board of 57258  
education if expansion or reorganization of the board is necessary 57259  
in order to comply with section 3311.19 of the Revised Code. 57260

**Sec. 3313.97.** Notwithstanding division (D) of section 3311.19 57261  
and division (D) of section 3311.52 of the Revised Code, this 57262  
section does not apply to any joint vocational or cooperative 57263  
education school district. 57264

(A) As used in this section: 57265

(1) "Parent" has the same meaning as in section 3313.64 of 57266  
the Revised Code. 57267

(2) "Alternative school" means a school building other than 57268  
the one to which a student is assigned by the district 57269  
superintendent. 57270

(3) "IEP" has the same meaning as in section 3323.01 of the 57271  
Revised Code. 57272

(B) The board of education of each city, local, and exempted village school district shall adopt an open enrollment policy allowing students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code to enroll in an alternative school. Each policy shall provide for the following:

(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student's application is accepted. The policy shall require a student to apply only if the student wishes to attend an alternative school.

(2) The establishment of district capacity limits by grade level, school building, and education program;

(3) A requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants;

(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

Each policy may permit a student to permanently transfer to an alternative school so that the student need not reapply annually for permission to attend the alternative school.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) Limitations on admitting applicants because of disabling conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school

where the services described in the student's IEP are available; 57303

(3) A requirement that the student be proficient in the 57304  
English language; 57305

(4) Rejection of any applicant because the student has been 57306  
subject to disciplinary proceedings, except that if an applicant 57307  
has been suspended or expelled for ten consecutive days or more in 57308  
the term for which admission is sought or in the term immediately 57309  
preceding the term for which admission is sought, the procedures 57310  
may include a provision denying admission of such applicant to an 57311  
alternative school. 57312

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and 57313  
except as provided in division (D)(2) of this section, a district 57314  
board is not required to provide transportation to a nondisabled 57315  
student enrolled in an alternative school unless such student can 57316  
be picked up and dropped off at a regular school bus stop 57317  
designated in accordance with the board's transportation policy or 57318  
unless the board is required to provide additional transportation 57319  
to the student in accordance with a court-approved desegregation 57320  
plan. 57321

(2) A district board shall provide transportation to any 57322  
student described in 20 U.S.C. 6316(b)(1)(F) to the extent 57323  
required by division (E) of section 3302.04 of the Revised Code, 57324  
except that no district board shall be required to provide 57325  
transportation to any such student after the school in which the 57326  
student was enrolled immediately prior to enrolling in the 57327  
alternative school makes adequate yearly progress, as defined in 57328  
section 3302.01 of the Revised Code, for two consecutive school 57329  
years. 57330

(E) Each school board shall provide information about the 57331  
policy adopted under this section and the application procedures 57332  
and deadlines to the parent of each student in the district and to 57333

the general public. 57334

(F) The state board of education shall monitor school 57335  
districts to ensure compliance with this section and the 57336  
districts' policies. 57337

**Sec. 3313.975.** As used in this section and in sections 57338  
3313.975 to 3313.979 of the Revised Code, "the pilot project 57339  
school district" or "the district" means any school district 57340  
included in the pilot project scholarship program pursuant to this 57341  
section. 57342

(A) The superintendent of public instruction shall establish 57343  
a pilot project scholarship program and shall include in such 57344  
program any school districts that are or have ever been under 57345  
federal court order requiring supervision and operational 57346  
management of the district by the state superintendent. The 57347  
program shall provide for a number of students residing in any 57348  
such district to receive scholarships to attend alternative 57349  
schools, and for an equal number of students to receive tutorial 57350  
assistance grants while attending public school in any such 57351  
district. 57352

(B) The state superintendent shall establish an application 57353  
process and deadline for accepting applications from students 57354  
residing in the district to participate in the scholarship 57355  
program. In the initial year of the program students may only use 57356  
a scholarship to attend school in grades kindergarten through 57357  
third. 57358

The state superintendent shall award as many scholarships and 57359  
tutorial assistance grants as can be funded given the amount 57360  
appropriated for the program. In no case, however, shall more than 57361  
fifty per cent of all scholarships awarded be used by students who 57362  
were enrolled in a nonpublic school during the school year of 57363  
application for a scholarship. 57364

(C)(1) The pilot project program shall continue in effect 57365  
each year that the general assembly has appropriated sufficient 57366  
money to fund scholarships and tutorial assistance grants. In each 57367  
year the program continues, ~~no~~ new students may receive 57368  
scholarships ~~unless they are enrolled~~ in grades kindergarten to 57369  
~~eight~~ twelve. ~~However, any~~ A student who has received a 57370  
scholarship ~~the preceding year~~ may continue to receive one until 57371  
the student has completed grade ~~ten~~. ~~Beginning in the 2005-2006~~ 57372  
~~academic year, a student who previously has received a scholarship~~ 57373  
~~may receive a scholarship in grade eleven. Beginning in the~~ 57374  
~~2006-2007 academic year, a student who previously has received a~~ 57375  
~~scholarship may receive a scholarship in grade twelve.~~ 57376

(2) If the general assembly discontinues the scholarship 57377  
program, all students who are attending an alternative school 57378  
under the pilot project shall be entitled to continued admittance 57379  
to that specific school through all grades that are provided in 57380  
such school, under the same conditions as when they were 57381  
participating in the pilot project. The state superintendent shall 57382  
continue to make scholarship payments in accordance with division 57383  
(A) or (B) of section 3313.979 of the Revised Code for students 57384  
who remain enrolled in an alternative school under this provision 57385  
in any year that funds have been appropriated for this purpose. 57386

If funds are not appropriated, the tuition charged to the 57387  
parents of a student who remains enrolled in an alternative school 57388  
under this provision shall not be increased beyond the amount 57389  
equal to the amount of the scholarship plus any additional amount 57390  
charged that student's parent in the most recent year of 57391  
attendance as a participant in the pilot project, except that 57392  
tuition for all the students enrolled in such school may be 57393  
increased by the same percentage. 57394

(D) Notwithstanding sections 124.39, 3307.54, and 3319.17 of 57395  
the Revised Code, if the pilot project school district experiences 57396

a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

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

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

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

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

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

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 57427  
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(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 57429  
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(7) The school does not provide false or misleading information about the school to parents, students, or the general public; 57432  
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(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition ~~to low income families receiving ninety per cent of the scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code,~~ in excess of ~~ten per cent of~~ the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. ~~The school shall permit any such tuition, at the discretion of the parent, to be satisfied by the low income family's provision of in kind contributions or services.~~ 57435  
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(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition ~~to low income families receiving a seventy five per cent scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code,~~ in excess of the difference between the actual tuition charge of the school and ~~seventy five per cent of~~ the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that 57448  
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section. The school shall permit such tuition, at the discretion 57459  
of the parent, to be satisfied by the ~~low-income~~ family's 57460  
provision of in-kind contributions or services. 57461

(10) The school agrees not to charge any tuition to families 57462  
of students in grades nine through twelve receiving a scholarship 57463  
in excess of the actual tuition charge of the school less 57464  
~~seventy five or ninety per cent of~~ the scholarship amount 57465  
established pursuant to division (C)(1) of section 3313.978 of the 57466  
Revised Code, ~~as applicable,~~ excluding any increase described in 57467  
division (C)(2) of that section. 57468

(11) Notwithstanding division (K) of section 3301.0711 of the 57469  
Revised Code, the school annually administers the assessments 57470  
prescribed by section 3301.0710 of the Revised Code to each 57471  
scholarship student enrolled in the school in accordance with 57472  
section 3301.0711 of the Revised Code and reports to the 57473  
department of education the results of each such assessment 57474  
administered to each scholarship student. 57475

(B) The state superintendent shall revoke the registration of 57476  
any school if, after a hearing, the superintendent determines that 57477  
the school is in violation of any of the provisions of division 57478  
(A) of this section. 57479

(C) Any public school located in a school district adjacent 57480  
to the pilot project district may receive scholarship payments on 57481  
behalf of parents pursuant to section 3313.979 of the Revised Code 57482  
if the superintendent of the district in which such public school 57483  
is located notifies the state superintendent prior to the first 57484  
day of March that the district intends to admit students from the 57485  
pilot project district for the ensuing school year pursuant to 57486  
section 3327.06 of the Revised Code. 57487

(D) Any parent wishing to purchase tutorial assistance from 57488  
any person or governmental entity pursuant to the pilot project 57489



program under sections 3313.974 to 3313.979 of the Revised Code 57490  
shall apply to the state superintendent. The state superintendent 57491  
shall approve providers who appear to possess the capability of 57492  
furnishing the instructional services they are offering to 57493  
provide. 57494

**Sec. 3313.978.** (A) Annually by the first day of November, the 57495  
superintendent of public instruction shall notify the pilot 57496  
project school district of the number of initial scholarships that 57497  
the state superintendent will be awarding in each of grades 57498  
kindergarten through ~~eight~~ twelve. 57499

The state superintendent shall provide information about the 57500  
scholarship program to all students residing in the district, 57501  
shall accept applications from any such students until such date 57502  
as shall be established by the state superintendent as a deadline 57503  
for applications, and shall establish criteria for the selection 57504  
of students to receive scholarships from among all those applying 57505  
prior to the deadline, which criteria shall give preference to 57506  
students from low-income families. ~~For each student selected, the~~ 57507  
~~state superintendent shall also determine whether the student~~ 57508  
~~qualifies for seventy five or ninety per cent of the scholarship~~ 57509  
~~amount. Students whose family income is at or above two hundred~~ 57510  
~~per cent of the maximum income level established by the state~~ 57511  
~~superintendent for low income families shall qualify for~~ 57512  
~~seventy five per cent of the scholarship amount and students whose~~ 57513  
~~family income is below two hundred per cent of that maximum income~~ 57514  
~~level shall qualify for ninety per cent of the scholarship amount.~~ 57515  
The state superintendent shall notify students of their selection 57516  
prior to the fifteenth day of January ~~and whether they qualify for~~ 57517  
~~seventy five or ninety per cent of the scholarship amount.~~ 57518

(1) A student receiving a pilot project scholarship may 57519  
utilize it at an alternative public school by notifying the 57520

district superintendent, at any time before the beginning of the 57521  
school year, of the name of the public school in an adjacent 57522  
school district to which the student has been accepted pursuant to 57523  
section 3327.06 of the Revised Code. 57524

(2) A student may decide to utilize a pilot project 57525  
scholarship at a registered private school in the district if all 57526  
of the following conditions are met: 57527

(a) By the fifteenth day of February of the preceding school 57528  
year, or at any time prior to the start of the school year, the 57529  
parent makes an application on behalf of the student to a 57530  
registered private school. 57531

(b) The registered private school notifies the parent and the 57532  
state superintendent as follows that the student has been 57533  
admitted: 57534

(i) By the fifteenth day of March of the preceding school 57535  
year if the student filed an application by the fifteenth day of 57536  
February and was admitted by the school pursuant to division (A) 57537  
of section 3313.977 of the Revised Code; 57538

(ii) Within one week of the decision to admit the student if 57539  
the student is admitted pursuant to division (C) of section 57540  
3313.977 of the Revised Code. 57541

(c) The student actually enrolls in the registered private 57542  
school to which the student was first admitted or in another 57543  
registered private school in the district or in a public school in 57544  
an adjacent school district. 57545

(B) The state superintendent shall also award in any school 57546  
year tutorial assistance grants to a number of students equal to 57547  
the number of students who receive scholarships under division (A) 57548  
of this section. Tutorial assistance grants shall be awarded 57549  
solely to students who are enrolled in the public schools of the 57550  
district in a grade level covered by the pilot project. Tutorial 57551

assistance grants may be used solely to obtain tutorial assistance 57552  
from a provider approved pursuant to division (D) of section 57553  
3313.976 of the Revised Code. 57554

All students wishing to obtain tutorial assistance grants 57555  
shall make application to the state superintendent by the first 57556  
day of the school year in which the assistance will be used. The 57557  
state superintendent shall award assistance grants in accordance 57558  
with criteria the superintendent shall establish. ~~For each student~~ 57559  
~~awarded a grant, the state superintendent shall also determine~~ 57560  
~~whether the student qualifies for seventy five or ninety per cent~~ 57561  
~~of the grant amount and so notify the student. Students whose~~ 57562  
~~family income is at or above two hundred per cent of the maximum~~ 57563  
~~income level established by the state superintendent for~~ 57564  
~~low income families shall qualify for seventy five per cent of the~~ 57565  
~~grant amount and students whose family income is below two hundred~~ 57566  
~~per cent of that maximum income level shall qualify for ninety per~~ 57567  
~~cent of the grant amount.~~ 57568

(C)(1) In the case of basic scholarships for students in 57569  
grades kindergarten through eight, the scholarship amount shall 57570  
not exceed the lesser of the tuition charges of the alternative 57571  
school the scholarship recipient attends or three thousand dollars 57572  
before fiscal year 2007 ~~and~~, three thousand four hundred fifty 57573  
dollars in fiscal year 2007 through fiscal year 2011, and four 57574  
thousand two hundred fifty dollars in fiscal year 2012 and 57575  
thereafter. 57576

In the case of basic scholarships for students in grades nine 57577  
through twelve, the scholarship amount shall not exceed the lesser 57578  
of the tuition charges of the alternative school the scholarship 57579  
recipient attends or two thousand seven hundred dollars before 57580  
fiscal year 2007 ~~and~~, three thousand four hundred fifty dollars in 57581  
fiscal year 2007 through fiscal year 2011, and five thousand 57582  
dollars in fiscal year 2012 and thereafter. 57583

(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a mainstreamed student with a disability and shall further increase such amount in the case of any separately educated student with a disability. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:

(a) Before fiscal year 2007, a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;

(b) In fiscal year 2007 and thereafter, four hundred dollars.

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

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

(2) Annually by the fifteenth day of January, the chief

administrator of each registered private school located in the 57615  
pilot project district and the principal of each public school in 57616  
such district shall complete a parental information form and 57617  
forward it to the president of the board of education. The 57618  
parental information form shall be prescribed by the department of 57619  
education and shall provide information about the grade levels 57620  
offered, the numbers of students, tuition amounts, achievement 57621  
test results, and any sectarian or other organizational 57622  
affiliations. 57623

(E)(1) Only for the purpose of administering the pilot 57624  
project scholarship program, the department may request from any 57625  
of the following entities the data verification code assigned 57626  
under division (D)(2) of section 3301.0714 of the Revised Code to 57627  
any student who is seeking a scholarship under the program: 57628

(a) The school district in which the student is entitled to 57629  
attend school under section 3313.64 or 3313.65 of the Revised 57630  
Code; 57631

(b) If applicable, the community school in which the student 57632  
is enrolled; 57633

(c) The independent contractor engaged to create and maintain 57634  
data verification codes. 57635

(2) Upon a request by the department under division (E)(1) of 57636  
this section for the data verification code of a student seeking a 57637  
scholarship or a request by the student's parent for that code, 57638  
the school district or community school shall submit that code to 57639  
the department or parent in the manner specified by the 57640  
department. If the student has not been assigned a code, because 57641  
the student will be entering kindergarten during the school year 57642  
for which the scholarship is sought, the district shall assign a 57643  
code to that student and submit the code to the department or 57644  
parent by a date specified by the department. If the district does 57645

not assign a code to the student by the specified date, the 57646  
department shall assign a code to the student. 57647

The department annually shall submit to each school district 57648  
the name and data verification code of each student residing in 57649  
the district who is entering kindergarten, who has been awarded a 57650  
scholarship under the program, and for whom the department has 57651  
assigned a code under this division. 57652

(3) The department shall not release any data verification 57653  
code that it receives under division (E) of this section to any 57654  
person except as provided by law. 57655

(F) Any document relative to the pilot project scholarship 57656  
program that the department holds in its files that contains both 57657  
a student's name or other personally identifiable information and 57658  
the student's data verification code shall not be a public record 57659  
under section 149.43 of the Revised Code. 57660

(G)(1) The department annually shall compile the scores 57661  
attained by scholarship students enrolled in registered private 57662  
schools on the assessments administered to the students pursuant 57663  
to division (A)(11) of section 3313.976 of the Revised Code. The 57664  
scores shall be aggregated as follows: 57665

(a) By school district, which shall include all scholarship 57666  
students residing in the pilot project school district who are 57667  
enrolled in a registered private school and were required to take 57668  
an assessment pursuant to division (A)(11) of section 3313.976 of 57669  
the Revised Code; 57670

(b) By registered private school, which shall include all 57671  
scholarship students enrolled in that school who were required to 57672  
take an assessment pursuant to division (A)(11) of section 57673  
3313.976 of the Revised Code. 57674

(2) The department shall disaggregate the student performance 57675  
data described in division (G)(1) of this section according to the 57676

following categories:	57677
(a) Age;	57678
(b) Race and ethnicity;	57679
(c) Gender;	57680
(d) Students who have participated in the scholarship program for three or more years;	57681 57682
(e) Students who have participated in the scholarship program for more than one year and less than three years;	57683 57684
(f) Students who have participated in the scholarship program for one year or less;	57685 57686
(g) Economically disadvantaged students.	57687
(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.	57688 57689 57690 57691 57692 57693 57694 57695 57696 57697
(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	57698 57699 57700 57701 57702 57703 57704 57705 57706

socioeconomic status. 57707

**Sec. 3313.979.** Each scholarship to be used for payments to a 57708  
registered private school is payable to the parents of the student 57709  
entitled to the scholarship. Each scholarship to be used for 57710  
payments to a public school in an adjacent school district is 57711  
payable to the school district of attendance by the superintendent 57712  
of public instruction. Each grant to be used for payments to an 57713  
approved tutorial assistance provider is payable to the approved 57714  
tutorial assistance provider. 57715

(A)(1) By the fifteenth day of each month of the school year 57716  
that any scholarship students are enrolled in a registered private 57717  
school, the chief administrator of that school shall notify the 57718  
state superintendent of: 57719

(a) The number of scholarship students who were reported to 57720  
the school district as having been admitted by that private school 57721  
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 57722  
Code and who were still enrolled in the private school as of the 57723  
first day of such month, ~~and the numbers of such students who~~ 57724  
~~qualify for seventy five and ninety per cent of the scholarship~~ 57725  
~~amount;~~ 57726

(b) The number of scholarship students who were reported to 57727  
the school district as having been admitted by another private 57728  
school pursuant to division (A)(2)(b) of section 3313.978 of the 57729  
Revised Code and since the date of admission have transferred to 57730  
the school providing the notification under division (A)(1) of 57731  
this section, ~~and the numbers of such students who qualify for~~ 57732  
~~seventy five and ninety per cent of the scholarship amount.~~ 57733

(2) From time to time, the state superintendent shall make a 57734  
payment to the parent of each student entitled to a scholarship. 57735  
Each payment shall include for each student reported under 57736  
division (A)(1) of this section, a portion of ~~seventy five or~~ 57737



~~ninety per cent, as applicable, of the scholarship amount~~ 57738  
specified in divisions (C)(1) and (2) of section 3313.978 of the 57739  
Revised Code. This amount shall be proportionately reduced in the 57740  
case of any such student who is not enrolled in a registered 57741  
private school for the entire school year. 57742

(3) The first payment under this division shall be made by 57743  
the last day of November and shall equal one-third of ~~seventy-five~~ 57744  
~~or ninety per cent, as applicable, of the estimated total amount~~ 57745  
that will be due to the parent for the school year pursuant to 57746  
division (A)(2) of this section. 57747

(B) The state superintendent, on behalf of the parents of a 57748  
scholarship student enrolled in a public school in an adjacent 57749  
school district pursuant to section 3327.06 of the Revised Code, 57750  
shall make the tuition payments required by that section to the 57751  
school district admitting the student, except that, 57752  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 57753  
Revised Code, the total payments in any school year shall not 57754  
exceed ~~seventy-five or ninety per cent, as applicable, of the~~ 57755  
scholarship amount provided in divisions (C)(1) and (2) of section 57756  
3313.978 of the Revised Code. 57757

(C) Whenever an approved provider provides tutorial 57758  
assistance to a student, the state superintendent shall pay the 57759  
approved provider for such costs upon receipt of a statement 57760  
specifying the services provided and the costs of the services, 57761  
which statement shall be signed by the provider and verified by 57762  
the chief administrator having supervisory control over the 57763  
tutoring site. The total payments to any approved provider under 57764  
this division for all provider services to any individual student 57765  
in any school year shall not exceed ~~seventy-five or ninety per~~ 57766  
~~cent, as applicable, of the grant amount provided in division~~ 57767  
(C)(3) of section 3313.978 of the Revised Code. 57768

Sec. 3313.981. (A) The state board of education shall adopt 57769  
rules requiring all of the following: 57770

(1) The board of education of each city, exempted village, 57771  
and local school district to annually report to the department of 57772  
education all of the following: 57773

(a) The number of adjacent district or other district 57774  
students, as applicable, and adjacent district or other district 57775  
joint vocational students, as applicable, enrolled in the district 57776  
and the number of native students enrolled in adjacent or other 57777  
districts, in accordance with a policy adopted under division (B) 57778  
of section 3313.98 of the Revised Code; 57779

(b) Each adjacent district or other district student's or 57780  
adjacent district or other district joint vocational student's 57781  
date of enrollment in the district; 57782

(c) The full-time equivalent number of adjacent district or 57783  
other district students enrolled in vocational education programs 57784  
or classes described in division (A) of section 3317.014 of the 57785  
Revised Code and the full-time equivalent number of such students 57786  
enrolled in vocational education programs or classes described in 57787  
division (B) of that section; 57788

(d) Each native student's date of enrollment in an adjacent 57789  
or other district. 57790

(2) The board of education of each joint vocational school 57791  
district to annually report to the department all of the 57792  
following: 57793

(a) The number of adjacent district or other district joint 57794  
vocational students, as applicable, enrolled in the district; 57795

(b) The full-time equivalent number of adjacent district or 57796  
other district joint vocational students enrolled in vocational 57797  
education programs or classes described in division (A) of section 57798

3317.014 of the Revised Code and the full-time equivalent number 57799  
of such students enrolled in vocational education programs or 57800  
classes described in division (B) of that section; 57801

(c) For each adjacent district or other district joint 57802  
vocational student, the city, exempted village, or local school 57803  
district in which the student is also enrolled. 57804

(3) Prior to the first full school week in October each year, 57805  
the superintendent of each city, local, or exempted village school 57806  
district that admits adjacent district or other district students 57807  
or adjacent district or other district joint vocational students 57808  
in accordance with a policy adopted under division (B) of section 57809  
3313.98 of the Revised Code to notify each adjacent or other 57810  
district where those students are entitled to attend school under 57811  
section 3313.64 or 3313.65 of the Revised Code of the number of 57812  
the adjacent or other district's native students who are enrolled 57813  
in the superintendent's district under the policy. 57814

The rules shall provide for the method of counting students 57815  
who are enrolled for part of a school year in an adjacent or other 57816  
district or as an adjacent district or other district joint 57817  
vocational student. 57818

(B) From the payments made to a city, exempted village, or 57819  
local school district under Chapter ~~3306~~. 3317. of the Revised 57820  
Code and, if necessary, from the payments made to the district 57821  
under sections 321.24 and 323.156 of the Revised Code, the 57822  
department of education shall annually subtract both of the 57823  
following: 57824

(1) An amount equal to the number of the district's native 57825  
students reported under division (A)(1) of this section who are 57826  
enrolled in adjacent or other school districts pursuant to 57827  
policies adopted by such districts under division (B) of section 57828  
3313.98 of the Revised Code multiplied by the adjusted formula 57829

amount; 57830

(2) The excess costs computed in accordance with division (E) 57831  
of this section for any such native students receiving special 57832  
education and related services in adjacent or other school 57833  
districts or as an adjacent district or other district joint 57834  
vocational student; 57835

(3) For the full-time equivalent number of the district's 57836  
native students reported under division (A)(1)(c) or (2)(b) of 57837  
this section as enrolled in vocational education programs or 57838  
classes described in section 3317.014 of the Revised Code, an 57839  
amount equal to ~~the formula amount~~ \$5,732 times the applicable 57840  
multiple prescribed by that section. 57841

(C) To the payments made to a city, exempted village, or 57842  
local school district under Chapter ~~3306-~~ 3317. of the Revised 57843  
Code, the department of education shall annually add all of the 57844  
following: 57845

(1) An amount equal to the adjusted formula amount multiplied 57846  
by the remainder obtained by subtracting the number of adjacent 57847  
district or other district joint vocational students from the 57848  
number of adjacent district or other district students enrolled in 57849  
the district, as reported under division (A)(1) of this section; 57850

(2) The excess costs computed in accordance with division (E) 57851  
of this section for any adjacent district or other district 57852  
students, except for any adjacent or other district joint 57853  
vocational students, receiving special education and related 57854  
services in the district; 57855

(3) For the full-time equivalent number of the adjacent or 57856  
other district students who are not adjacent district or other 57857  
district joint vocational students and are reported under division 57858  
(A)(1)(c) of this section as enrolled in vocational education 57859  
programs or classes described in section 3317.014 of the Revised 57860

Code, an amount equal to ~~the formula amount~~ \$5,732 times the applicable multiple prescribed by that section;

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

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

(1) The adjusted formula amount;

(2) An amount equal to the full-time equivalent number of students reported pursuant to division (A)(2)(b) of this section times ~~the formula amount~~ \$5,732 times the applicable multiple prescribed by section 3317.014 of the Revised Code.

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

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

(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter ~~3306-~~ 3317. of the Revised Code to provide special education and related services to the student.

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

(3) If any student for whom excess costs are computed under

division (E)(1) of this section is an adjacent or other district 57891  
joint vocational student, the department of education shall add 57892  
the amount of such excess costs to the payments made under Chapter 57893  
~~3306-~~ 3317. of the Revised Code to the joint vocational school 57894  
district enrolling the student. 57895

(F) As provided in division (D)(1)(b) of section 3317.03 of 57896  
the Revised Code, no joint vocational school district shall count 57897  
any adjacent or other district joint vocational student enrolled 57898  
in the district in its formula ADM certified under section 3317.03 57899  
of the Revised Code. 57900

(G) No city, exempted village, or local school district shall 57901  
receive a payment under division (C) of this section for a 57902  
student, and no joint vocational school district shall receive a 57903  
payment under division (D) of this section for a student, if for 57904  
the same school year that student is counted in the district's 57905  
formula ADM certified under section 3317.03 of the Revised Code. 57906

(H) Upon request of a parent, and provided the board offers 57907  
transportation to native students of the same grade level and 57908  
distance from school under section 3327.01 of the Revised Code, a 57909  
city, exempted village, or local school board enrolling an 57910  
adjacent or other district student shall provide transportation 57911  
for the student within the boundaries of the board's district, 57912  
except that the board shall be required to pick up and drop off a 57913  
nonhandicapped student only at a regular school bus stop 57914  
designated in accordance with the board's transportation policy. 57915  
Pursuant to rules of the state board of education, such board may 57916  
reimburse the parent from funds received for pupil transportation 57917  
under section ~~3306.12~~ 3317.0212 of the Revised Code, or other 57918  
provisions of law, for the reasonable cost of transportation from 57919  
the student's home to the designated school bus stop if the 57920  
student's family has an income below the federal poverty line. 57921

**Sec. 3314.012.** (A) Within ninety days of September 28, 1999, 57922  
the superintendent of public instruction shall appoint 57923  
representatives of the department of education, including 57924  
employees who work with the education management information 57925  
system ~~and employees of the office of community schools~~ 57926  
~~established by section 3314.11 of the Revised Code~~, to a committee 57927  
to develop report card models for community schools. ~~The director~~ 57928  
~~of the legislative office of education oversight shall also~~ 57929  
~~appoint representatives to the committee.~~ The committee shall 57930  
design model report cards appropriate for the various types of 57931  
community schools approved to operate in the state. Sufficient 57932  
models shall be developed to reflect the variety of grade levels 57933  
served and the missions of the state's community schools. All 57934  
models shall include both financial and academic data. The initial 57935  
models shall be developed by March 31, 2000. 57936

(B) The department of education shall issue an annual report 57937  
card for each community school, regardless of how long the school 57938  
has been in operation. The report card shall report the academic 57939  
and financial performance of the school utilizing one of the 57940  
models developed under division (A) of this section. The report 57941  
card shall include all information applicable to school buildings 57942  
under division (A) of section 3302.03 of the Revised Code. The 57943  
ratings a community school receives under section 3302.03 of the 57944  
Revised Code for its first two full school years shall not be 57945  
considered toward automatic closure of the school under section 57946  
3314.35 of the Revised Code or any other matter that is based on 57947  
report card ratings. 57948

(C) Upon receipt of a copy of a contract between a sponsor 57949  
and a community school entered into under this chapter, the 57950  
department of education shall notify the community school of the 57951  
specific model report card that will be used for that school. 57952

(D) Report cards shall be distributed to the parents of all 57953  
students in the community school, to the members of the board of 57954  
education of the school district in which the community school is 57955  
located, and to any person who requests one from the department. 57956

**Sec. 3314.015.** (A) The department of education shall be 57957  
responsible for the oversight of any and all sponsors of the 57958  
community schools established under this chapter and shall provide 57959  
technical assistance to schools and sponsors in their compliance 57960  
with applicable laws and the terms of the contracts entered into 57961  
under section 3314.03 of the Revised Code and in the development 57962  
and start-up activities of those schools. In carrying out its 57963  
duties under this section, the department shall do all of the 57964  
following: 57965

(1) In providing technical assistance to proposing parties, 57966  
governing authorities, and sponsors, conduct training sessions and 57967  
distribute informational materials; 57968

(2) Approve entities to be sponsors of community schools; 57969

(3) Monitor the effectiveness of any and all sponsors in 57970  
their oversight of the schools with which they have contracted; 57971

(4) By December thirty-first of each year, issue a report to 57972  
the governor, the speaker of the house of representatives, the 57973  
president of the senate, and the chairpersons of the house and 57974  
senate committees principally responsible for education matters 57975  
regarding the effectiveness of academic programs, operations, and 57976  
legal compliance and of the financial condition of all community 57977  
schools established under this chapter and on the performance of 57978  
community school sponsors; 57979

(5) From time to time, make legislative recommendations to 57980  
the general assembly designed to enhance the operation and 57981  
performance of community schools. 57982



(B)(1) Except as provided in sections 3314.021 and 3314.027 57983  
of the Revised Code, no entity listed in division (C)(1) of 57984  
section 3314.02 of the Revised Code shall enter into a preliminary 57985  
agreement under division (C)(2) of section 3314.02 of the Revised 57986  
Code until it has received approval from the department of 57987  
education to sponsor community schools under this chapter and has 57988  
entered into a written agreement with the department regarding the 57989  
manner in which the entity will conduct such sponsorship. The 57990  
department shall adopt in accordance with Chapter 119. of the 57991  
Revised Code rules containing criteria, procedures, and deadlines 57992  
for processing applications for such approval, for oversight of 57993  
sponsors, for revocation of the approval of sponsors, and for 57994  
entering into written agreements with sponsors. The rules shall 57995  
require an entity to submit evidence of the entity's ability and 57996  
willingness to comply with the provisions of division (D) of 57997  
section 3314.03 of the Revised Code. The rules also shall require 57998  
entities approved as sponsors on and after June 30, 2005, to 57999  
demonstrate a record of financial responsibility and successful 58000  
implementation of educational programs. If an entity seeking 58001  
approval on or after June 30, 2005, to sponsor community schools 58002  
in this state sponsors or operates schools in another state, at 58003  
least one of the schools sponsored or operated by the entity must 58004  
be comparable to or better than the performance of Ohio schools in 58005  
need of continuous improvement under section 3302.03 of the 58006  
Revised Code, as determined by the department. 58007

~~An~~ Subject to section 3314.016 of the Revised Code, an entity 58008  
that sponsors community schools may enter into preliminary 58009  
agreements and sponsor up to one hundred schools ~~as follows,~~ 58010  
provided each school and the contract for sponsorship meets the 58011  
requirements of this chapter. 58012

~~(a) An entity that sponsored fifty or fewer schools that were~~ 58013  
~~open for operation as of May 1, 2005, may sponsor not more than~~ 58014

~~fifty schools.~~ 58015

~~(b) An entity that sponsored more than fifty but not more than seventy five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005.~~ 58016  
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~~(c) Until June 30, 2006, an entity that sponsored more than seventy five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005. After June 30, 2006, such an entity may sponsor not more than seventy five schools.~~ 58020  
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~~Upon approval of an entity to be a sponsor under this division, the department shall notify the entity of the number of schools the entity may sponsor.~~ 58026  
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~~The limit imposed on an entity to which division (B)(1) of this section applies shall be decreased by one for each school sponsored by the entity that permanently closes.~~ 58029  
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~~If at any time an entity exceeds the number of schools it may sponsor under this division, the department shall assist the schools in excess of the entity's limit in securing new sponsors. If a school is unable to secure a new sponsor, the department shall assume sponsorship of the school in accordance with division (C) of this section. Those schools for which another sponsor or the department assumes sponsorship shall be the schools that most recently entered into contracts with the entity under section 3314.03 of the Revised Code.~~ 58032  
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(2) The department of education shall determine, pursuant to criteria adopted by rule of the department, whether the mission proposed to be specified in the contract of a community school to be sponsored by a state university board of trustees or the board's designee under division (C)(1)(e) of section 3314.02 of 58041  
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the Revised Code complies with the requirements of that division. 58046  
Such determination of the department is final. 58047

(3) The department of education shall determine, pursuant to 58048  
criteria adopted by rule of the department, if any tax-exempt 58049  
entity under section 501(c)(3) of the Internal Revenue Code that 58050  
is proposed to be a sponsor of a community school is an 58051  
education-oriented entity for purpose of satisfying the condition 58052  
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 58053  
Revised Code. Such determination of the department is final. 58054

(C) If at any time the state board of education finds that a 58055  
sponsor is not in compliance or is no longer willing to comply 58056  
with its contract with any community school or with the 58057  
department's rules for sponsorship, the state board or designee 58058  
shall conduct a hearing in accordance with Chapter 119. of the 58059  
Revised Code on that matter. If after the hearing, the state board 58060  
or designee has confirmed the original finding, the department of 58061  
education may revoke the sponsor's approval to sponsor community 58062  
schools and may assume the sponsorship of any schools with which 58063  
the sponsor has contracted until the earlier of the expiration of 58064  
two school years or until a new sponsor as described in division 58065  
(C)(1) of section 3314.02 of the Revised Code is secured by the 58066  
school's governing authority. The department may extend the term 58067  
of the contract in the case of a school for which it has assumed 58068  
sponsorship under this division as necessary to accommodate the 58069  
term of the department's authorization to sponsor the school 58070  
specified in this division. 58071

(D) The decision of the department to disapprove an entity 58072  
for sponsorship of a community school or to revoke approval for 58073  
such sponsorship under division (C) of this section, may be 58074  
appealed by the entity in accordance with section 119.12 of the 58075  
Revised Code. 58076

(E) The department shall adopt procedures for use by a 58077

community school governing authority and sponsor when the school 58078  
permanently closes and ceases operation, which shall include at 58079  
least procedures for data reporting to the department, handling of 58080  
student records, distribution of assets in accordance with section 58081  
3314.074 of the Revised Code, and other matters related to ceasing 58082  
operation of the school. 58083

(F) In carrying out its duties under this chapter, the 58084  
department shall not impose requirements on community schools or 58085  
their sponsors that are not permitted by law or duly adopted 58086  
rules. 58087

Sec. 3314.016. This section applies to any entity that 58088  
sponsors a community school, regardless of whether section 58089  
3314.021 or 3314.027 of the Revised Code exempts the entity from 58090  
the requirement to be approved for sponsorship under divisions 58091  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. 58092

(A) An entity that sponsors a community school shall be 58093  
permitted to enter into contracts under section 3314.03 of the 58094  
Revised Code to sponsor additional community schools only if the 58095  
entity meets both of the following criteria: 58096

(1) The entity is in compliance with all provisions of this 58097  
chapter requiring sponsors of community schools to report data or 58098  
information to the department of education. 58099

(2) The entity has had at least eighty per cent of the 58100  
community schools it sponsors ranked, based on performance index 58101  
score as defined in section 3302.01 of the Revised Code, in the 58102  
highest ninety-five per cent of all public schools statewide for 58103  
three consecutive years, beginning with the ranking based on data 58104  
from the 2009-2010 school year. 58105

(B) If the governing authority of a community school enters 58106  
into a contract with a sponsor prior to the date on which the 58107

sponsor is prohibited from sponsoring additional schools under 58108  
division (A) of this section and the school has not opened for 58109  
operation as of that date, that contract shall be void and the 58110  
school shall not open until the governing authority secures a new 58111  
sponsor by entering into a contract with the new sponsor under 58112  
section 3314.03 of the Revised Code. 58113

**Sec. 3314.02.** (A) As used in this chapter: 58114

(1) "Sponsor" means an entity listed in division (C)(1) of 58115  
this section, which has been approved by the department of 58116  
education to sponsor community schools and with which the 58117  
governing authority of the proposed community school enters into a 58118  
contract pursuant to this section. 58119

(2) "Pilot project area" means the school districts included 58120  
in the territory of the former community school pilot project 58121  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 58122  
the 122nd general assembly. 58123

(3) "Challenged school district" means any of the following: 58124

(a) A school district that is part of the pilot project area; 58125

(b) A school district that is either in a state of academic 58126  
emergency or in a state of academic watch under section 3302.03 of 58127  
the Revised Code; 58128

(c) A big eight school district; 58129

(d) A school district ranked in the lowest five per cent 58130  
according to performance index score under section 3302.21 of the 58131  
Revised Code. 58132

(4) "Big eight school district" means a school district that 58133  
for fiscal year 1997 had both of the following: 58134

(a) A percentage of children residing in the district and 58135  
participating in the predecessor of Ohio works first greater than 58136

thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

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

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.

(8) "Operator" means either of the following:

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to

meet the organization's quality standards. 58168

(B) Any person or group of individuals may initially propose 58169  
under this division the conversion of all or a portion of a public 58170  
school or a building operated by an educational service center to 58171  
a community school. The proposal shall be made to the board of 58172  
education of the city, local, exempted village, or joint 58173  
vocational school district in which the public school is proposed 58174  
to be converted or, in the case of the conversion of a building 58175  
operated by an educational service center, to the governing board 58176  
of the service center. Upon receipt of a proposal, a board may 58177  
enter into a preliminary agreement with the person or group 58178  
proposing the conversion of the public school or service center 58179  
building, indicating the intention of the board to support the 58180  
conversion to a community school. A proposing person or group that 58181  
has a preliminary agreement under this division may proceed to 58182  
finalize plans for the school, establish a governing authority for 58183  
the school, and negotiate a contract with the board. Provided the 58184  
proposing person or group adheres to the preliminary agreement and 58185  
all provisions of this chapter, the board shall negotiate in good 58186  
faith to enter into a contract in accordance with section 3314.03 58187  
of the Revised Code and division (C) of this section. 58188

(C)(1) Any person or group of individuals may propose under 58189  
this division the establishment of a new start-up school to be 58190  
located in a challenged school district. The proposal may be made 58191  
to any of the following entities: 58192

(a) The board of education of the district in which the 58193  
school is proposed to be located; 58194

(b) The board of education of any joint vocational school 58195  
district with territory in the county in which is located the 58196  
majority of the territory of the district in which the school is 58197  
proposed to be located; 58198

(c) The board of education of any other city, local, or 58199  
exempted village school district having territory in the same 58200  
county where the district in which the school is proposed to be 58201  
located has the major portion of its territory; 58202

(d) The governing board of any educational service center, ~~as~~ 58203  
~~long as the proposed school will be located in a county within the~~ 58204  
~~territory of the service center or in a county contiguous to such~~ 58205  
~~county;~~ 58206

(e) A sponsoring authority designated by the board of 58207  
trustees of any of the thirteen state universities listed in 58208  
section 3345.011 of the Revised Code or the board of trustees 58209  
itself as long as a mission of the proposed school to be specified 58210  
in the contract under division (A)(2) of section 3314.03 of the 58211  
Revised Code and as approved by the department of education under 58212  
division (B)(2) of section 3314.015 of the Revised Code will be 58213  
the practical demonstration of teaching methods, educational 58214  
technology, or other teaching practices that are included in the 58215  
curriculum of the university's teacher preparation program 58216  
approved by the state board of education; 58217

(f) Any qualified tax-exempt entity under section 501(c)(3) 58218  
of the Internal Revenue Code as long as all of the following 58219  
conditions are satisfied: 58220

(i) The entity has been in operation for at least five years 58221  
prior to applying to be a community school sponsor. 58222

(ii) The entity has assets of at least five hundred thousand 58223  
dollars and a demonstrated record of financial responsibility. 58224

(iii) The department of education has determined that the 58225  
entity is an education-oriented entity under division (B)(3) of 58226  
section 3314.015 of the Revised Code and the entity has a 58227  
demonstrated record of successful implementation of educational 58228  
programs. 58229



(iv) The entity is not a community school. 58230

Any entity described in division (C)(1) of this section may 58231  
enter into a preliminary agreement pursuant to division (C)(2) of 58232  
this section with the proposing person or group. 58233

(2) A preliminary agreement indicates the intention of an 58234  
entity described in division (C)(1) of this section to sponsor the 58235  
community school. A proposing person or group that has such a 58236  
preliminary agreement may proceed to finalize plans for the 58237  
school, establish a governing authority as described in division 58238  
(E) of this section for the school, and negotiate a contract with 58239  
the entity. Provided the proposing person or group adheres to the 58240  
preliminary agreement and all provisions of this chapter, the 58241  
entity shall negotiate in good faith to enter into a contract in 58242  
accordance with section 3314.03 of the Revised Code. 58243

(3) A new start-up school that is established in a school 58244  
district while that district is either in a state of academic 58245  
emergency or in a state of academic watch under section 3302.03 of 58246  
the Revised Code or ranked in the lowest five per cent according 58247  
to performance index score under section 3302.21 of the Revised 58248  
Code may continue in existence once the school district is no 58249  
longer in a state of academic emergency or academic watch or 58250  
ranked in the lowest five per cent according to performance index 58251  
score, provided there is a valid contract between the school and a 58252  
sponsor. 58253

(4) A copy of every preliminary agreement entered into under 58254  
this division shall be filed with the superintendent of public 58255  
instruction. 58256

(D) A majority vote of the board of a sponsoring entity and a 58257  
majority vote of the members of the governing authority of a 58258  
community school shall be required to adopt a contract and convert 58259  
the public school or educational service center building to a 58260

community school or establish the new start-up school. Beginning 58261  
September 29, 2005, adoption of the contract shall occur not later 58262  
than the fifteenth day of March, and signing of the contract shall 58263  
occur not later than the fifteenth day of May, prior to the school 58264  
year in which the school will open. The governing authority shall 58265  
notify the department of education when the contract has been 58266  
signed. Subject to sections ~~3314.013, 3314.014,~~ 3314.016, and 58267  
~~3314.017~~ 3314.20 of the Revised Code, an unlimited number of 58268  
community schools may be established in any school district 58269  
provided that a contract is entered into for each community school 58270  
pursuant to this chapter. 58271

(E)(1) As used in this division, "immediate relatives" are 58272  
limited to spouses, children, parents, grandparents, siblings, and 58273  
in-laws. 58274

Each new start-up community school established under this 58275  
chapter shall be under the direction of a governing authority 58276  
which shall consist of a board of not less than five individuals. 58277

No person shall serve on the governing authority or operate 58278  
the community school under contract with the governing authority 58279  
so long as the person owes the state any money or is in a dispute 58280  
over whether the person owes the state any money concerning the 58281  
operation of a community school that has closed. 58282

(2) No person shall serve on the governing authorities of 58283  
more than two start-up community schools at the same time. 58284

(3) No present or former member, or immediate relative of a 58285  
present or former member, of the governing authority of any 58286  
community school established under this chapter shall be an owner, 58287  
employee, or consultant of any ~~nonprofit~~ sponsor or ~~for-profit~~ 58288  
operator of a community school, unless at least one year has 58289  
elapsed since the conclusion of the person's membership. 58290

(F)(1) A new start-up school that is established prior to 58291

August 15, 2003, in an urban school district that is not also a 58292  
big-eight school district may continue to operate after that date 58293  
and the contract between the school's governing authority and the 58294  
school's sponsor may be renewed, as provided under this chapter, 58295  
after that date, but no additional new start-up schools may be 58296  
established in such a district unless the district is a challenged 58297  
school district as defined in this section as it exists on and 58298  
after that date. 58299

(2) A community school that was established prior to June 29, 58300  
1999, and is located in a county contiguous to the pilot project 58301  
area and in a school district that is not a challenged school 58302  
district may continue to operate after that date, provided the 58303  
school complies with all provisions of this chapter. The contract 58304  
between the school's governing authority and the school's sponsor 58305  
may be renewed, but no additional start-up community school may be 58306  
established in that district unless the district is a challenged 58307  
school district. 58308

~~(3) Any educational service center that, on June 30, 2007,~~ 58309  
~~sponsors a community school that is not located in a county within~~ 58310  
~~the territory of the service center or in a county contiguous to~~ 58311  
~~such county may continue to sponsor that community school on and~~ 58312  
~~after June 30, 2007, and may renew its contract with the school.~~ 58313  
~~However, the educational service center shall not enter into a~~ 58314  
~~contract with any additional community school unless the school is~~ 58315  
~~located in a county within the territory of the service center or~~ 58316  
~~in a county contiguous to such county.~~ 58317

(G) Notwithstanding anything to the contrary in this section, 58318  
a person or group of individuals may propose the establishment of 58319  
a new start-up school to be located in a school district that is 58320  
not a challenged school district and, upon obtaining a sponsor in 58321  
accordance with divisions (C)(1) and (2) of this section, may 58322  
proceed to establish the school, if all of the following 58323

conditions are met: 58324

(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; 58325  
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(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, or at least seventy-five per cent of the school's total enrollment will be children identified as gifted under Chapter 3324. of the Revised Code; 58328  
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(3) Either the school district in which the school will be located or the department of education has certified that there is a need in that region for a school serving children with disabilities or a school serving children identified as gifted. 58333  
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**Sec. 3314.021.** (A) This section applies to any entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and that satisfies the conditions specified in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the Revised Code but does not satisfy the condition specified in division (C)(1)(f)(i) of that section. 58337  
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(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 of the Revised Code, an entity described in division (A) of this section may do both of the following without obtaining the department of education's initial approval of its sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code: 58343  
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(1) Succeed the board of trustees of a state university located in the pilot project area or that board's designee as the sponsor of a community school established under this chapter; 58349  
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(2) Continue to sponsor that school in conformance with the terms of the contract between the board of trustees or its 58352  
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designee and the governing authority of the community school and 58354  
renew that contract as provided in division (E) of section 3314.03 58355  
of the Revised Code. 58356

(C) The entity that succeeds the board of trustees or the 58357  
board's designee as sponsor of a community school under division 58358  
(B) of this section also may enter into contracts to sponsor other 58359  
community schools located in any challenged school district, 58360  
without obtaining the department's initial approval of its 58361  
sponsorship of those schools under divisions (A)(2) and (B)(1) of 58362  
section 3314.015 of the Revised Code, ~~and not subject to the~~ 58363  
~~restriction of division (A)(7) of section 3314.013 of the Revised~~ 58364  
~~Code,~~ as long as the contracts conform with and the entity 58365  
complies with all other requirements of this chapter. 58366

(D) Regardless of the entity's authority to sponsor community 58367  
schools without the initial approval of the department, the entity 58368  
is under the continuing oversight of the department in accordance 58369  
with rules adopted under section 3314.015 of the Revised Code. 58370

**Sec. 3314.023.** In order to provide monitoring and technical 58371  
assistance, ~~the sponsor of a community school shall be located or~~ 58372  
~~have representatives located within fifty miles of the location of~~ 58373  
~~the community school, or in the case of an internet or~~ 58374  
~~computer based community school, within fifty miles of the~~ 58375  
~~school's base of operation. A~~ a representative of the sponsor of a 58376  
community school shall meet with the governing authority or 58377  
treasurer of the school and shall review the financial and 58378  
enrollment records of the school at least once every ~~two months~~ 58379  
month. 58380

Not later than one hundred eighty days after the effective 58381  
date of this amendment, the state board of education shall adopt 58382  
rules under Chapter 119. of the Revised Code that define what 58383  
records constitute financial records for purposes of this section. 58384

Sec. 3314.0210. (A) Notwithstanding anything to the contrary in this chapter, any organization whose membership consists solely of entities described in divisions (C)(1)(a) to (f) of section 3314.02 of the Revised Code may sponsor community schools, provided that, in accordance with division (B) of section 3314.015 of the Revised Code, the department of education approves the organization as a sponsor and the organization enters into a written agreement with the department regarding the manner in which the organization will conduct its sponsorship. 58385  
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(B) An organization approved under division (A) of this section may do all of the following: 58394  
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(1) Assume the sponsorship of any community school with which a member of the organization has entered into a contract under section 3314.03 of the Revised Code, provided the transfer of the sponsorship authority takes effect only at the beginning of a school year and one of the following conditions is met: 58396  
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(a) If the contract has expired, the governing authority of the community school enters into a successor contract with the organization under section 3314.03 of the Revised Code. 58401  
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(b) If the contract has not expired, both the governing authority of the community school and the governing body of the member adopt a resolution consenting to the organization becoming the school's sponsor prior to the expiration of the contract, and the governing authority and the organization amend the contract to reflect the transfer of the school's sponsorship to the organization. 58404  
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(2) Enter into a preliminary agreement with a person or group proposing to convert all or a portion of a building operated by a school district or educational service center that is a member of the organization into a community school and, if the district board of education or service center governing board adopts a 58411  
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resolution approving the conversion, enter into a contract with 58416  
the governing authority of the school under section 3314.03 of the 58417  
Revised Code; 58418

(3) Enter into a preliminary agreement with a person or group 58419  
proposing the establishment of a new start-up school to be located 58420  
in a challenged school district and enter into a contract with the 58421  
governing authority of the school under section 3314.03 of the 58422  
Revised Code. 58423

(C) An organization approved under division (A) of this 58424  
section shall comply with all applicable requirements of this 58425  
chapter in the same manner as any other sponsor. 58426

(D) Nothing in this section prohibits a member of an 58427  
organization approved under division (A) of this section from 58428  
sponsoring a community school on its own in its capacity as an 58429  
autonomous entity authorized to sponsor community schools under 58430  
section 3314.02 of the Revised Code. 58431

**Sec. 3314.03.** A copy of every contract entered into under 58432  
this section shall be filed with the superintendent of public 58433  
instruction. 58434

(A) Each contract entered into between a sponsor and the 58435  
governing authority of a community school shall specify the 58436  
following: 58437

(1) That the school shall be established as either of the 58438  
following: 58439

(a) A nonprofit corporation established under Chapter 1702. 58440  
of the Revised Code, if established prior to April 8, 2003; 58441

(b) A public benefit corporation established under Chapter 58442  
1702. of the Revised Code, if established after April 8, 2003. 58443

(2) The education program of the school, including the 58444  
school's mission, the characteristics of the students the school 58445

is expected to attract, the ages and grades of students, and the focus of the curriculum; 58446  
58447

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 58448  
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58450

(4) Performance standards by which the success of the school will be evaluated by the sponsor; 58451  
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(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 58453  
58454

(6)(a) Dismissal procedures; 58455

(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. 58456  
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 58462  
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(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. 58464  
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(9) The facilities to be used and their locations; 58470

(10) Qualifications of teachers, including the following: 58471

(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 58472  
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pursuant to section 3319.301 of the Revised Code; 58476

(b) A requirement that each classroom teacher initially hired 58477  
by the school on or after July 1, 2013, and employed to provide 58478  
instruction in physical education hold a valid license issued 58479  
pursuant to section 3319.22 of the Revised Code for teaching 58480  
physical education. 58481

(11) That the school will comply with the following 58482  
requirements: 58483

(a) The school will provide learning opportunities to a 58484  
minimum of twenty-five students for a minimum of nine hundred 58485  
twenty hours per school year. 58486

(b) The governing authority will purchase liability 58487  
insurance, or otherwise provide for the potential liability of the 58488  
school. 58489

(c) The school will be nonsectarian in its programs, 58490  
admission policies, employment practices, and all other 58491  
operations, and will not be operated by a sectarian school or 58492  
religious institution. 58493

(d) The school will comply with sections 9.90, 9.91, 109.65, 58494  
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 58495  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 58496  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.643, 3313.648, 58497  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 58498  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 58499  
3313.718, 3313.719, 3313.80, 3313.814, 3313.816, ~~3314.817~~ 58500  
3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 58501  
3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 58502  
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 58503  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 58504  
and 4167. of the Revised Code as if it were a school district and 58505  
will comply with section 3301.0714 of the Revised Code in the 58506

manner specified in section 3314.17 of the Revised Code. 58507

(e) The school shall comply with Chapter 102. and section 58508  
2921.42 of the Revised Code. 58509

(f) The school will comply with sections 3313.61, 3313.611, 58510  
and 3313.614 of the Revised Code, except that for students who 58511  
enter ninth grade for the first time before July 1, 2010, the 58512  
requirement in sections 3313.61 and 3313.611 of the Revised Code 58513  
that a person must successfully complete the curriculum in any 58514  
high school prior to receiving a high school diploma may be met by 58515  
completing the curriculum adopted by the governing authority of 58516  
the community school rather than the curriculum specified in Title 58517  
XXXIII of the Revised Code or any rules of the state board of 58518  
education. Beginning with students who enter ninth grade for the 58519  
first time on or after July 1, 2010, the requirement in sections 58520  
3313.61 and 3313.611 of the Revised Code that a person must 58521  
successfully complete the curriculum of a high school prior to 58522  
receiving a high school diploma shall be met by completing the 58523  
Ohio core curriculum prescribed in division (C) of section 58524  
3313.603 of the Revised Code, unless the person qualifies under 58525  
division (D) or (F) of that section. Each school shall comply with 58526  
the plan for awarding high school credit based on demonstration of 58527  
subject area competency, adopted by the state board of education 58528  
under division (J) of section 3313.603 of the Revised Code. 58529

(g) The school governing authority will submit within four 58530  
months after the end of each school year a report of its 58531  
activities and progress in meeting the goals and standards of 58532  
divisions (A)(3) and (4) of this section and its financial status 58533  
to the sponsor and the parents of all students enrolled in the 58534  
school. 58535

(h) The school, unless it is an internet- or computer-based 58536  
community school, will comply with ~~sections 3313.674~~ and section 58537  
3313.801 of the Revised Code as if it were a school district. 58538

(12) Arrangements for providing health and other benefits to employees; 58539  
58540

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section. 58541  
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(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 58545  
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(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code. 58547  
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(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 58559  
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(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or 58562  
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any specified group of employees provided the delegation is not 58570  
prohibited by a collective bargaining agreement applicable to such 58571  
employees; 58572

(18) Provisions establishing procedures for resolving 58573  
disputes or differences of opinion between the sponsor and the 58574  
governing authority of the community school; 58575

(19) A provision requiring the governing authority to adopt a 58576  
policy regarding the admission of students who reside outside the 58577  
district in which the school is located. That policy shall comply 58578  
with the admissions procedures specified in sections 3314.06 and 58579  
3314.061 of the Revised Code and, at the sole discretion of the 58580  
authority, shall do one of the following: 58581

(a) Prohibit the enrollment of students who reside outside 58582  
the district in which the school is located; 58583

(b) Permit the enrollment of students who reside in districts 58584  
adjacent to the district in which the school is located; 58585

(c) Permit the enrollment of students who reside in any other 58586  
district in the state. 58587

(20) A provision recognizing the authority of the department 58588  
of education to take over the sponsorship of the school in 58589  
accordance with the provisions of division (C) of section 3314.015 58590  
of the Revised Code; 58591

(21) A provision recognizing the sponsor's authority to 58592  
assume the operation of a school under the conditions specified in 58593  
division (B) of section 3314.073 of the Revised Code; 58594

(22) A provision recognizing both of the following: 58595

(a) The authority of public health and safety officials to 58596  
inspect the facilities of the school and to order the facilities 58597  
closed if those officials find that the facilities are not in 58598  
compliance with health and safety laws and regulations; 58599

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;	58631 58632
(2) The management and administration of the school;	58633
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	58634 58635 58636 58637 58638
(4) The instructional program and educational philosophy of the school;	58639 58640
(5) Internal financial controls.	58641
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	58642 58643 58644 58645 58646 58647 58648 58649 58650
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	58651 58652 58653 58654 58655
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	58656 58657
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	58658 58659 58660

(3) Report on an annual basis the results of the evaluation 58661  
conducted under division (D)(2) of this section to the department 58662  
of education and to the parents of students enrolled in the 58663  
community school; 58664

(4) Provide technical assistance to the community school in 58665  
complying with laws applicable to the school and terms of the 58666  
contract; 58667

(5) Take steps to intervene in the school's operation to 58668  
correct problems in the school's overall performance, declare the 58669  
school to be on probationary status pursuant to section 3314.073 58670  
of the Revised Code, suspend the operation of the school pursuant 58671  
to section 3314.072 of the Revised Code, or terminate the contract 58672  
of the school pursuant to section 3314.07 of the Revised Code as 58673  
determined necessary by the sponsor; 58674

(6) Have in place a plan of action to be undertaken in the 58675  
event the community school experiences financial difficulties or 58676  
closes prior to the end of a school year. 58677

(E) Upon the expiration of a contract entered into under this 58678  
section, the sponsor of a community school may, with the approval 58679  
of the governing authority of the school, renew that contract for 58680  
a period of time determined by the sponsor, but not ending earlier 58681  
than the end of any school year, if the sponsor finds that the 58682  
school's compliance with applicable laws and terms of the contract 58683  
and the school's progress in meeting the academic goals prescribed 58684  
in the contract have been satisfactory. Any contract that is 58685  
renewed under this division remains subject to the provisions of 58686  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 58687

(F) If a community school fails to open for operation within 58688  
one year after the contract entered into under this section is 58689  
adopted pursuant to division (D) of section 3314.02 of the Revised 58690  
Code or permanently closes prior to the expiration of the 58691

contract, the contract shall be void and the school shall not 58692  
enter into a contract with any other sponsor. A school shall not 58693  
be considered permanently closed because the operations of the 58694  
school have been suspended pursuant to section 3314.072 of the 58695  
Revised Code. ~~Any contract that becomes void under this division~~ 58696  
~~shall not count toward any statewide limit on the number of such~~ 58697  
~~contracts prescribed by section 3314.013 of the Revised Code.~~ 58698

**Sec. 3314.05.** (A) The contract between the community school 58699  
and the sponsor shall specify the facilities to be used for the 58700  
community school and the method of acquisition. Except as provided 58701  
in ~~division~~ divisions (B)(3) and (4) of this section, no community 58702  
school shall be established in more than one school district under 58703  
the same contract. 58704

(B) Division (B) of this section shall not apply to internet- 58705  
or computer-based community schools. 58706

(1) A community school may be located in multiple facilities 58707  
under the same contract only if the limitations on availability of 58708  
space prohibit serving all the grade levels specified in the 58709  
contract in a single facility or division (B)(2) ~~or~~, (3), or (4) 58710  
of this section applies to the school. The school shall not offer 58711  
the same grade level classrooms in more than one facility. 58712

(2) A community school may be located in multiple facilities 58713  
under the same contract and, notwithstanding division (B)(1) of 58714  
this section, may assign students in the same grade level to 58715  
multiple facilities, as long as all of the following apply: 58716

(a) The governing authority of the community school filed a 58717  
copy of its contract with the school's sponsor under section 58718  
3314.03 of the Revised Code with the superintendent of public 58719  
instruction on or before May 15, 2008. 58720

(b) The school was not open for operation prior to July 1, 58721



2008. 58722

(c) The governing authority has entered into and maintains a 58723  
contract with an operator of the type described in division 58724  
(A)~~(2)~~(8)(b) of section ~~3314.014~~ 3314.02 of the Revised Code. 58725

(d) The contract with that operator qualified the school to 58726  
be established pursuant to division (A) of former section 3314.016 58727  
of the Revised Code. 58728

(e) The school's rating under section 3302.03 of the Revised 58729  
Code does not fall below "in need of continuous improvement" for 58730  
two or more consecutive years. 58731

(3) A new start-up community school may be established in two 58732  
school districts under the same contract if all of the following 58733  
apply: 58734

(a) At least one of the school districts in which the school 58735  
is established is a challenged school district; 58736

(b) The school operates not more than one facility in each 58737  
school district and, in accordance with division (B)(1) of this 58738  
section, the school does not offer the same grade level classrooms 58739  
in both facilities; and 58740

(c) Transportation between the two facilities does not 58741  
require more than thirty minutes of direct travel time as measured 58742  
by school bus. 58743

In the case of a community school to which division (B)(3) of 58744  
this section applies, if only one of the school districts in which 58745  
the school is established is a challenged school district, that 58746  
district shall be considered the school's primary location and the 58747  
district in which the school is located for the purposes of 58748  
division (A)(19) of section 3314.03 and divisions (C) and (H) of 58749  
section 3314.06 of the Revised Code and for all other purposes of 58750  
this chapter. If both of the school districts in which the school 58751

is established are challenged school districts, the school's 58752  
governing authority shall designate one of those districts to be 58753  
considered the school's primary location and the district in which 58754  
the school is located for the purposes of those divisions and all 58755  
other purposes of this chapter and shall notify the department of 58756  
education of that designation. 58757

(4) A community school may be located in multiple facilities 58758  
under the same contract and, notwithstanding division (B)(1) of 58759  
this section, may assign students in the same grade level to 58760  
multiple facilities, as long as both of the following apply: 58761

(a) The facilities are all located in the same county. 58762

(b) The governing authority has entered into and maintains a 58763  
contract with an operator. 58764

In the case of a community school to which division (B)(4) of 58765  
this section applies and that maintains facilities in more than 58766  
one school district, the school's governing authority shall 58767  
designate one of those districts to be considered the school's 58768  
primary location and the district in which the school is located 58769  
for the purposes of division (A)(19) of section 3314.03 and 58770  
divisions (C) and (H) of section 3314.06 of the Revised Code and 58771  
for all other purposes of this chapter and shall notify the 58772  
department of that designation. 58773

(5) Any facility used for a community school shall meet all 58774  
health and safety standards established by law for school 58775  
buildings. 58776

(C) In the case where a community school is proposed to be 58777  
located in a facility owned by a school district or educational 58778  
service center, the facility may not be used for such community 58779  
school unless the district or service center board owning the 58780  
facility enters into an agreement for the community school to 58781  
utilize the facility. Use of the facility may be under any terms 58782

and conditions agreed to by the district or service center board 58783  
and the school. 58784

(D) Two or more separate community schools may be located in 58785  
the same facility. 58786

**Sec. 3314.051.** (A) When the governing authority of a 58787  
community school that acquired real property from a school 58788  
district pursuant to former division (G)(2) of section 3313.41 of 58789  
the Revised Code decides to dispose of that property, it first 58790  
shall offer that property for sale to the school district board of 58791  
education from which it acquired the property, at a price that is 58792  
not higher than the appraised fair market value of that property. 58793  
If the district board does not accept the offer within sixty days 58794  
after the offer is made, the community school may dispose of the 58795  
property in another lawful manner. 58796

(B) When a community school that acquired real property from 58797  
a school district pursuant to former division (G)(2) of section 58798  
3313.41 of the Revised Code permanently closes, in distributing 58799  
the school's assets under section 3314.074 of the Revised Code, 58800  
that property first shall be offered for sale to the school 58801  
district board of education from which the community school 58802  
acquired the property, at a price that is not higher than the 58803  
appraised fair market value of that property. If the district 58804  
board does not accept the offer within sixty days after the offer 58805  
is made, the property may be disposed in another lawful manner. 58806

**Sec. 3314.07.** (A) The expiration of the contract for a 58807  
community school between a sponsor and a school shall be the date 58808  
provided in the contract. A successor contract may be entered into 58809  
pursuant to division (E) of section 3314.03 of the Revised Code 58810  
unless the contract is terminated or not renewed pursuant to this 58811  
section. 58812

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

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

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

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

(d) Other good cause.

(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code.

(3) ~~At least ninety days prior to the termination or nonrenewal of a~~ Not later than the first day of 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.

(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 58844  
the contract. Within sixty days of receipt of the notice of 58845  
appeal, the state board shall conduct a hearing and issue a 58846  
written decision on the appeal. The written decision of the state 58847  
board shall include the reasons for affirming or rescinding the 58848  
decision of the sponsor. The decision by the state board 58849  
pertaining to an appeal under this division is final. If the 58850  
sponsor is the state board, its decision to terminate a contract 58851  
under division (B)(3) of this section shall be final. 58852

(5) The termination of a contract under this section shall be 58853  
effective upon the occurrence of the later of the following 58854  
events: 58855

(a) ~~Ninety days following the~~ The date the sponsor notifies 58856  
the school of its decision to terminate the contract as prescribed 58857  
in division (B)(3) of this section; 58858

(b) If an informal hearing is requested under division (B)(3) 58859  
of this section and as a result of that hearing the sponsor 58860  
affirms its decision to terminate the contract, the effective date 58861  
of the termination specified in the notice issued under division 58862  
(B)(3) of this section, or if that decision is appealed to the 58863  
state board under division (B)(4) of this section and the state 58864  
board affirms that decision, the date established in the 58865  
resolution of the state board affirming the sponsor's decision. 58866

(6) Any community school whose contract is terminated under 58867  
division (B) of this section shall close permanently at the end of 58868  
the current school year or on a date specified in the notification 58869  
of termination under (B)(3) of this section. Any community school 58870  
whose contract is terminated under this division shall not enter 58871  
into a contract with any other sponsor. 58872

(C) A child attending a community school whose contract has 58873  
been terminated, nonrenewed, or suspended or that closes for any 58874

reason shall be admitted to the schools of the district in which 58875  
the child is entitled to attend under section 3313.64 or 3313.65 58876  
of the Revised Code. Any deadlines established for the purpose of 58877  
admitting students under section 3313.97 or 3313.98 of the Revised 58878  
Code shall be waived for students to whom this division pertains. 58879

(D) If a community school does not intend to renew a contract 58880  
with its sponsor, the community school shall notify its sponsor in 58881  
writing of that fact at least one hundred eighty days prior to the 58882  
expiration of the contract. Such a community school may enter into 58883  
a contract with a new sponsor in accordance with section 3314.03 58884  
of the Revised Code upon the expiration of the previous contract. 58885

(E) A sponsor of a community school and the officers, 58886  
directors, or employees of such a sponsor are immune from civil 58887  
liability for any action authorized under this chapter or the 58888  
contract entered into with the school under section 3314.03 of the 58889  
Revised Code that is taken to fulfill the sponsor's responsibility 58890  
to oversee and monitor the school. The sponsor and its officers, 58891  
directors, or employees are not liable in damages in a tort or 58892  
other civil action for harm allegedly arising from either of the 58893  
following: 58894

(1) A failure of the community school or any of its officers, 58895  
directors, or employees to perform any statutory or common law 58896  
duty or responsibility or any other legal obligation; 58897

(2) An action or omission of the community school or any of 58898  
its officers, directors, or employees that results in harm. 58899

(F) As used in this section: 58900

(1) "Harm" means injury, death, or loss to person or 58901  
property. 58902

(2) "Tort action" means a civil action for damages for 58903  
injury, death, or loss to person or property other than a civil 58904  
action for damages for a breach of contract or another agreement 58905

between persons. 58906

**Sec. 3314.08.** The deductions under division (C) and the 58907  
payments under division (D) of this section for fiscal years ~~2010~~ 58908  
2012 and ~~2011~~ 2013 shall be made in accordance with section 58909  
3314.088 of the Revised Code. 58910

(A) As used in this section: 58911

(1) "Base formula amount" means the amount specified as such 58912  
in a community school's financial plan for a school year pursuant 58913  
to division (A)(15) of section 3314.03 of the Revised Code. 58914

(2) "IEP" has the same meaning as in section 3323.01 of the 58915  
Revised Code. 58916

(3) "Applicable special education weight" means the multiple 58917  
specified in section 3317.013 of the Revised Code for a disability 58918  
described in that section. 58919

(4) "Applicable vocational education weight" means: 58920

(a) For a student enrolled in vocational education programs 58921  
or classes described in division (A) of section 3317.014 of the 58922  
Revised Code, the multiple specified in that division; 58923

(b) For a student enrolled in vocational education programs 58924  
or classes described in division (B) of section 3317.014 of the 58925  
Revised Code, the multiple specified in that division. 58926

(5) "Entitled to attend school" means entitled to attend 58927  
school in a district under section 3313.64 or 3313.65 of the 58928  
Revised Code. 58929

(6) A community school student is "included in the poverty 58930  
student count" of a school district if the student is entitled to 58931  
attend school in the district and the student's family receives 58932  
assistance under the Ohio works first program. 58933

(7) "Poverty-based assistance reduction factor" means the 58934

percentage figure, if any, for reducing the per pupil amount of 58935  
poverty-based assistance a community school is entitled to receive 58936  
pursuant to divisions (D)(5) to (9) of this section in any year, 58937  
as specified in the school's financial plan for the year pursuant 58938  
to division (A)(15) of section 3314.03 of the Revised Code. 58939

(8) "All-day kindergarten" has the same meaning as in section 58940  
~~3317.029~~ 3321.05 of the Revised Code. 58941

(9) "State education aid" has the same meaning as in section 58942  
5751.20 of the Revised Code. 58943

(B) The state board of education shall adopt rules requiring 58944  
both of the following: 58945

(1) The board of education of each city, exempted village, 58946  
and local school district to annually report the number of 58947  
students entitled to attend school in the district who are 58948  
enrolled in grades one through twelve in a community school 58949  
established under this chapter, the number of students entitled to 58950  
attend school in the district who are enrolled in kindergarten in 58951  
a community school, the number of those kindergartners who are 58952  
enrolled in all-day kindergarten in their community school, and 58953  
for each child, the community school in which the child is 58954  
enrolled. 58955

(2) The governing authority of each community school 58956  
established under this chapter to annually report all of the 58957  
following: 58958

(a) The number of students enrolled in grades one through 58959  
twelve and the number of students enrolled in kindergarten in the 58960  
school who are not receiving special education and related 58961  
services pursuant to an IEP; 58962

(b) The number of enrolled students in grades one through 58963  
twelve and the number of enrolled students in kindergarten, who 58964  
are receiving special education and related services pursuant to 58965



an IEP;	58966
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	58967 58968 58969 58970
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;	58971 58972 58973 58974 58975
(e) Twenty per cent of the number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code at a joint vocational school district under a contract between the community school and the joint vocational school district and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational <u>school</u> district;	58976 58977 58978 58979 58980 58981 58982 58983 58984 58985
(f) The number of enrolled preschool children with disabilities receiving special education services in a state-funded unit;	58986 58987 58988
(g) The community school's base formula amount;	58989
(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school;	58990 58991
(i) Any poverty-based assistance reduction factor that applies to a school year.	58992 58993
(C) From the state education aid calculated for a city, exempted village, or local school district and, if necessary, from	58994 58995

the payment made to the district under sections 321.24 and 323.156 58996  
of the Revised Code, the department of education shall annually 58997  
subtract the sum of the amounts described in divisions (C)(1) to 58998  
(9) of this section. However, when deducting payments on behalf of 58999  
students enrolled in internet- or computer-based community 59000  
schools, the department shall deduct only those amounts described 59001  
in divisions (C)(1) and (2) of this section. Furthermore, the 59002  
aggregate amount deducted under this division shall not exceed the 59003  
sum of the district's state education aid and its payment under 59004  
sections 321.24 and 323.156 of the Revised Code. 59005

(1) An amount equal to the sum of the amounts obtained when, 59006  
for each community school where the district's students are 59007  
enrolled, the number of the district's students reported under 59008  
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 59009  
in grades one through twelve, and one-half the number of students 59010  
reported under those divisions who are enrolled in kindergarten, 59011  
in that community school is multiplied by the sum of the base 59012  
formula amount of that community school plus the per pupil amount 59013  
of the base funding supplements specified in divisions (C)(1) to 59014  
(4) of section 3317.012 of the Revised Code. 59015

(2) The sum of the amounts calculated under divisions 59016  
(C)(2)(a) and (b) of this section: 59017

(a) For each of the district's students reported under 59018  
division (B)(2)(c) of this section as enrolled in a community 59019  
school in grades one through twelve and receiving special 59020  
education and related services pursuant to an IEP for a disability 59021  
described in section 3317.013 of the Revised Code, the product of 59022  
the applicable special education weight times the community 59023  
school's base formula amount; 59024

(b) For each of the district's students reported under 59025  
division (B)(2)(c) of this section as enrolled in kindergarten in 59026  
a community school and receiving special education and related 59027

services pursuant to an IEP for a disability described in section 59028  
3317.013 of the Revised Code, one-half of the amount calculated as 59029  
prescribed in division (C)(2)(a) of this section. 59030

(3) For each of the district's students reported under 59031  
division (B)(2)(d) of this section for whom payment is made under 59032  
division (D)(4) of this section, the amount of that payment; 59033

(4) An amount equal to the sum of the amounts obtained when, 59034  
for each community school where the district's students are 59035  
enrolled, the number of the district's students enrolled in that 59036  
community school who are included in the district's poverty 59037  
student count is multiplied by the per pupil amount of 59038  
poverty-based assistance the school district receives that year 59039  
pursuant to division (C) of section 3317.029 of the Revised Code, 59040  
as adjusted by any poverty-based assistance reduction factor of 59041  
that community school. The per pupil amount of that aid for the 59042  
district shall be calculated by the department. 59043

(5) An amount equal to the sum of the amounts obtained when, 59044  
for each community school where the district's students are 59045  
enrolled, the district's per pupil amount of aid received under 59046  
division (E) of section 3317.029 of the Revised Code, as adjusted 59047  
by any poverty-based assistance reduction factor of the community 59048  
school, is multiplied by the sum of the following: 59049

(a) The number of the district's students reported under 59050  
division (B)(2)(a) of this section who are enrolled in grades one 59051  
to three in that community school and who are not receiving 59052  
special education and related services pursuant to an IEP; 59053

(b) One-half of the district's students who are enrolled in 59054  
all-day or any other kindergarten class in that community school 59055  
and who are not receiving special education and related services 59056  
pursuant to an IEP; 59057

(c) One-half of the district's students who are enrolled in 59058

all-day kindergarten in that community school and who are not 59059  
receiving special education and related services pursuant to an 59060  
IEP. 59061

The district's per pupil amount of aid under division (E) of 59062  
section 3317.029 of the Revised Code is the quotient of the amount 59063  
the district received under that division divided by the 59064  
district's kindergarten through third grade ADM, as defined in 59065  
that section. 59066

(6) An amount equal to the sum of the amounts obtained when, 59067  
for each community school where the district's students are 59068  
enrolled, the district's per pupil amount received under division 59069  
(F) of section 3317.029 of the Revised Code, as adjusted by any 59070  
poverty-based assistance reduction factor of that community 59071  
school, is multiplied by the number of the district's students 59072  
enrolled in the community school who are identified as 59073  
limited-English proficient. 59074

(7) An amount equal to the sum of the amounts obtained when, 59075  
for each community school where the district's students are 59076  
enrolled, the district's per pupil amount received under division 59077  
(G) of section 3317.029 of the Revised Code, as adjusted by any 59078  
poverty-based assistance reduction factor of that community 59079  
school, is multiplied by the sum of the following: 59080

(a) The number of the district's students enrolled in grades 59081  
one through twelve in that community school; 59082

(b) One-half of the number of the district's students 59083  
enrolled in kindergarten in that community school. 59084

The district's per pupil amount under division (G) of section 59085  
3317.029 of the Revised Code is the district's amount per teacher 59086  
calculated under division (G)(1) or (2) of that section divided by 59087  
17. 59088

(8) An amount equal to the sum of the amounts obtained when, 59089

for each community school where the district's students are 59090  
enrolled, the district's per pupil amount received under divisions 59091  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 59092  
by any poverty-based assistance reduction factor of that community 59093  
school, is multiplied by the sum of the following: 59094

(a) The number of the district's students enrolled in grades 59095  
one through twelve in that community school; 59096

(b) One-half of the number of the district's students 59097  
enrolled in kindergarten in that community school. 59098

The district's per pupil amount under divisions (H) and (I) 59099  
of section 3317.029 of the Revised Code is the amount calculated 59100  
under each division divided by the district's formula ADM, as 59101  
defined in section 3317.02 of the Revised Code. 59102

(9) An amount equal to the per pupil state parity aid funding 59103  
calculated for the school district under either division (C) or 59104  
(D) of section 3317.0217 of the Revised Code multiplied by the sum 59105  
of the number of students in grades one through twelve, and 59106  
one-half of the number of students in kindergarten, who are 59107  
entitled to attend school in the district and are enrolled in a 59108  
community school as reported under division (B)(1) of this 59109  
section. 59110

(D) The department shall annually pay to a community school 59111  
established under this chapter the sum of the amounts described in 59112  
divisions (D)(1) to (10) of this section. However, the department 59113  
shall calculate and pay to each internet- or computer-based 59114  
community school only the amounts described in divisions (D)(1) to 59115  
(3) of this section. Furthermore, the sum of the payments to all 59116  
community schools under divisions (D)(1), (2), and (4) to (10) of 59117  
this section for the students entitled to attend school in any 59118  
particular school district shall not exceed the sum of that 59119  
district's state education aid and its payment under sections 59120

321.24 and 323.156 of the Revised Code. If the sum of the payments 59121  
calculated under those divisions for the students entitled to 59122  
attend school in a particular school district exceeds the sum of 59123  
that district's state education aid and its payment under sections 59124  
321.24 and 323.156 of the Revised Code, the department shall 59125  
calculate and apply a proration factor to the payments to all 59126  
community schools under those divisions for the students entitled 59127  
to attend school in that district. 59128

~~(1) Subject to section 3314.085 of the Revised Code, an An 59129  
amount equal to the sum of the amounts obtained when the number of 59130  
students enrolled in grades one through twelve, plus one-half of 59131  
the kindergarten students in the school, reported under divisions 59132  
(B)(2)(a), (b), and (e) of this section who are not receiving 59133  
special education and related services pursuant to an IEP for a 59134  
disability described in section 3317.013 of the Revised Code is 59135  
multiplied by the sum of the community school's base formula 59136  
amount plus the per pupil amount of the base funding supplements 59137  
specified in divisions (C)(1) to (4) of section 3317.012 of the 59138  
Revised Code. 59139~~

~~(2) Prior to fiscal year 2007, the greater of the amount 59140  
calculated under division (D)(2)(a) or (b) of this section, and in 59141  
fiscal year 2007 and thereafter, the amount calculated under 59142  
division (D)(2)(b) of this section: 59143~~

~~(a) The aggregate amount that the department paid to the 59144  
community school in fiscal year 1999 for students receiving 59145  
special education and related services pursuant to IEPs, excluding 59146  
federal funds and state disadvantaged pupil impact aid funds; 59147~~

~~(b) The sum of the following amounts calculated under 59148  
divisions (D)(2)(b)(i) and (ii) of this section: 59149~~

~~(i)(a) For each student reported under division (B)(2)(c) of 59150  
this section as enrolled in the school in grades one through 59151~~

twelve and receiving special education and related services 59152  
pursuant to an IEP for a disability described in section 3317.013 59153  
of the Revised Code, the following amount: 59154  
    (the school's base formula amount plus 59155  
the per pupil amount of the base funding supplements specified in 59156  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 59157  
    + (the applicable special education weight X the 59158  
community school's base formula amount); 59159

~~(ii)~~(b) For each student reported under division (B)(2)(c) of 59160  
this section as enrolled in kindergarten and receiving special 59161  
education and related services pursuant to an IEP for a disability 59162  
described in section 3317.013 of the Revised Code, one-half of the 59163  
amount calculated under the formula prescribed in division 59164  
(D)(2)~~(b)~~~~(i)~~(a) of this section. 59165

(3) An amount received from federal funds to provide special 59166  
education and related services to students in the community 59167  
school, as determined by the superintendent of public instruction. 59168

(4) For each student reported under division (B)(2)(d) of 59169  
this section as enrolled in vocational education programs or 59170  
classes that are described in section 3317.014 of the Revised 59171  
Code, are provided by the community school, and are comparable as 59172  
determined by the superintendent of public instruction to school 59173  
district vocational education programs and classes eligible for 59174  
state weighted funding under section 3317.014 of the Revised Code, 59175  
an amount equal to the applicable vocational education weight 59176  
times the community school's base formula amount times the 59177  
percentage of time the student spends in the vocational education 59178  
programs or classes. 59179

(5) An amount equal to the sum of the amounts obtained when, 59180  
for each school district where the community school's students are 59181  
entitled to attend school, the number of that district's students 59182  
enrolled in the community school who are included in the 59183

district's poverty student count is multiplied by the per pupil 59184  
amount of poverty-based assistance that school district receives 59185  
that year pursuant to division (C) of section 3317.029 of the 59186  
Revised Code, as adjusted by any poverty-based assistance 59187  
reduction factor of the community school. The per pupil amount of 59188  
aid shall be determined as described in division (C)(4) of this 59189  
section. 59190

(6) An amount equal to the sum of the amounts obtained when, 59191  
for each school district where the community school's students are 59192  
entitled to attend school, the district's per pupil amount of aid 59193  
received under division (E) of section 3317.029 of the Revised 59194  
Code, as adjusted by any poverty-based assistance reduction factor 59195  
of the community school, is multiplied by the sum of the 59196  
following: 59197

(a) The number of the district's students reported under 59198  
division (B)(2)(a) of this section who are enrolled in grades one 59199  
to three in that community school and who are not receiving 59200  
special education and related services pursuant to an IEP; 59201

(b) One-half of the district's students who are enrolled in 59202  
all-day or any other kindergarten class in that community school 59203  
and who are not receiving special education and related services 59204  
pursuant to an IEP; 59205

(c) One-half of the district's students who are enrolled in 59206  
all-day kindergarten in that community school and who are not 59207  
receiving special education and related services pursuant to an 59208  
IEP. 59209

The district's per pupil amount of aid under division (E) of 59210  
section 3317.029 of the Revised Code shall be determined as 59211  
described in division (C)(5) of this section. 59212

(7) An amount equal to the sum of the amounts obtained when, 59213  
for each school district where the community school's students are 59214



entitled to attend school, the number of that district's students 59215  
enrolled in the community school who are identified as 59216  
limited-English proficient is multiplied by the district's per 59217  
pupil amount received under division (F) of section 3317.029 of 59218  
the Revised Code, as adjusted by any poverty-based assistance 59219  
reduction factor of the community school. 59220

(8) An amount equal to the sum of the amounts obtained when, 59221  
for each school district where the community school's students are 59222  
entitled to attend school, the district's per pupil amount 59223  
received under division (G) of section 3317.029 of the Revised 59224  
Code, as adjusted by any poverty-based assistance reduction factor 59225  
of the community school, is multiplied by the sum of the 59226  
following: 59227

(a) The number of the district's students enrolled in grades 59228  
one through twelve in that community school; 59229

(b) One-half of the number of the district's students 59230  
enrolled in kindergarten in that community school. 59231

The district's per pupil amount under division (G) of section 59232  
3317.029 of the Revised Code shall be determined as described in 59233  
division (C)(7) of this section. 59234

(9) An amount equal to the sum of the amounts obtained when, 59235  
for each school district where the community school's students are 59236  
entitled to attend school, the district's per pupil amount 59237  
received under divisions (H) and (I) of section 3317.029 of the 59238  
Revised Code, as adjusted by any poverty-based assistance 59239  
reduction factor of the community school, is multiplied by the sum 59240  
of the following: 59241

(a) The number of the district's students enrolled in grades 59242  
one through twelve in that community school; 59243

(b) One-half of the number of the district's students 59244  
enrolled in kindergarten in that community school. 59245

The district's per pupil amount under divisions (H) and (I) 59246  
of section 3317.029 of the Revised Code shall be determined as 59247  
described in division (C)(8) of this section. 59248

(10) An amount equal to the sum of the amounts obtained when, 59249  
for each school district where the community school's students are 59250  
entitled to attend school, the district's per pupil amount of 59251  
state parity aid funding calculated under either division (C) or 59252  
(D) of section 3317.0217 of the Revised Code is multiplied by the 59253  
sum of the number of that district's students enrolled in grades 59254  
one through twelve, and one-half of the number of that district's 59255  
students enrolled in kindergarten, in the community school as 59256  
reported under ~~division~~ divisions (B)(2)(a) and (b) of this 59257  
section. 59258

(E)(1) If a community school's costs for a fiscal year for a 59259  
student receiving special education and related services pursuant 59260  
to an IEP for a disability described in divisions (B) to (F) of 59261  
section 3317.013 of the Revised Code exceed the threshold 59262  
catastrophic cost for serving the student as specified in division 59263  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 59264  
submit to the superintendent of public instruction documentation, 59265  
as prescribed by the superintendent, of all its costs for that 59266  
student. Upon submission of documentation for a student of the 59267  
type and in the manner prescribed, the department shall pay to the 59268  
community school an amount equal to the school's costs for the 59269  
student in excess of the threshold catastrophic costs. 59270

(2) The community school shall only report under division 59271  
(E)(1) of this section, and the department shall only pay for, the 59272  
costs of educational expenses and the related services provided to 59273  
the student in accordance with the student's individualized 59274  
education program. Any legal fees, court costs, or other costs 59275  
associated with any cause of action relating to the student may 59276  
not be included in the amount. 59277

(F) A community school may apply to the department of 59278  
education for preschool children with disabilities ~~or-gifted~~ unit 59279  
funding the school would receive if it were a school district. 59280  
Upon request of its governing authority, a community school that 59281  
received such unit funding as a school district-operated school 59282  
before it became a community school shall retain any units awarded 59283  
to it as a school district-operated school provided the school 59284  
continues to meet eligibility standards for the unit. 59285

A community school shall be considered a school district and 59286  
its governing authority shall be considered a board of education 59287  
for the purpose of applying to any state or federal agency for 59288  
grants that a school district may receive under federal or state 59289  
law or any appropriations act of the general assembly. The 59290  
governing authority of a community school may apply to any private 59291  
entity for additional funds. 59292

(G) A board of education sponsoring a community school may 59293  
utilize local funds to make enhancement grants to the school or 59294  
may agree, either as part of the contract or separately, to 59295  
provide any specific services to the community school at no cost 59296  
to the school. 59297

(H) A community school may not levy taxes or issue bonds 59298  
secured by tax revenues. 59299

(I) No community school shall charge tuition for the 59300  
enrollment of any student. 59301

(J)(1)(a) A community school may borrow money to pay any 59302  
necessary and actual expenses of the school in anticipation of the 59303  
receipt of any portion of the payments to be received by the 59304  
school pursuant to division (D) of this section. The school may 59305  
issue notes to evidence such borrowing. The proceeds of the notes 59306  
shall be used only for the purposes for which the anticipated 59307  
receipts may be lawfully expended by the school. 59308

(b) A school may also borrow money for a term not to exceed 59309  
fifteen years for the purpose of acquiring facilities. 59310

(2) Except for any amount guaranteed under section 3318.50 of 59311  
the Revised Code, the state is not liable for debt incurred by the 59312  
governing authority of a community school. 59313

(K) For purposes of determining the number of students for 59314  
which divisions (D)(5) and (6) of this section applies in any 59315  
school year, a community school may submit to the department of 59316  
job and family services, no later than the first day of March, a 59317  
list of the students enrolled in the school. For each student on 59318  
the list, the community school shall indicate the student's name, 59319  
address, and date of birth and the school district where the 59320  
student is entitled to attend school. Upon receipt of a list under 59321  
this division, the department of job and family services shall 59322  
determine, for each school district where one or more students on 59323  
the list is entitled to attend school, the number of students 59324  
residing in that school district who were included in the 59325  
department's report under section 3317.10 of the Revised Code. The 59326  
department shall make this determination on the basis of 59327  
information readily available to it. Upon making this 59328  
determination and no later than ninety days after submission of 59329  
the list by the community school, the department shall report to 59330  
the state department of education the number of students on the 59331  
list who reside in each school district who were included in the 59332  
department's report under section 3317.10 of the Revised Code. In 59333  
complying with this division, the department of job and family 59334  
services shall not report to the state department of education any 59335  
personally identifiable information on any student. 59336

(L) The department of education shall adjust the amounts 59337  
subtracted and paid under divisions (C) and (D) of this section to 59338  
reflect any enrollment of students in community schools for less 59339  
than the equivalent of a full school year. The state board of 59340

education within ninety days after April 8, 2003, shall adopt in 59341  
accordance with Chapter 119. of the Revised Code rules governing 59342  
the payments to community schools under this section and section 59343  
3314.13 of the Revised Code including initial payments in a school 59344  
year and adjustments and reductions made in subsequent periodic 59345  
payments to community schools and corresponding deductions from 59346  
school district accounts as provided under divisions (C) and (D) 59347  
of this section and section 3314.13 of the Revised Code. For 59348  
purposes of this section and section 3314.13 of the Revised Code: 59349

(1) A student shall be considered enrolled in the community 59350  
school for any portion of the school year the student is 59351  
participating at a college under Chapter 3365. of the Revised 59352  
Code. 59353

(2) A student shall be considered to be enrolled in a 59354  
community school ~~during a school year~~ for the period of time 59355  
beginning on the later of the date on which the school both has 59356  
received documentation of the student's enrollment from a parent 59357  
and the student has commenced participation in learning 59358  
opportunities as defined in the contract with the sponsor, or 59359  
thirty days prior to the date on which the student is entered into 59360  
the education management information system established under 59361  
section 3301.0714 of the Revised Code. For purposes of applying 59362  
this division and divisions (L)(3) and (4) of this section to a 59363  
community school student, "learning opportunities" shall be 59364  
defined in the contract, which shall describe both classroom-based 59365  
and non-classroom-based learning opportunities and shall be in 59366  
compliance with criteria and documentation requirements for 59367  
student participation which shall be established by the 59368  
department. Any student's instruction time in non-classroom-based 59369  
learning opportunities shall be certified by an employee of the 59370  
community school. A student's enrollment shall be considered to 59371  
cease on the date on which any of the following occur: 59372

(a) The community school receives documentation from a parent terminating enrollment of the student.	59373 59374
(b) The community school is provided documentation of a student's enrollment in another public or private school.	59375 59376
(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter.	59377 59378 59379 59380
(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.	59381 59382 59383 59384 59385 59386 59387 59388 59389 59390 59391 59392 59393
(4) With respect to the calculation of full-time equivalency under division (L)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours	59394 59395 59396 59397 59398 59399 59400 59401 59402 59403 59404

required by this chapter. The department shall treat the school as 59405  
if it were open for instruction with students in attendance during 59406  
the hours or days waived under this division. 59407

(M) The department of education shall reduce the amounts paid 59408  
under division (D) of this section to reflect payments made to 59409  
colleges under division (B) of section 3365.07 of the Revised Code 59410  
or through alternative funding agreements entered into under rules 59411  
adopted under section 3365.12 of the Revised Code. 59412

(N)(1) No student shall be considered enrolled in any 59413  
internet- or computer-based community school or, if applicable to 59414  
the student, in any community school that is required to provide 59415  
the student with a computer pursuant to division (C) of section 59416  
3314.22 of the Revised Code, unless both of the following 59417  
conditions are satisfied: 59418

(a) The student possesses or has been provided with all 59419  
required hardware and software materials and all such materials 59420  
are operational so that the student is capable of fully 59421  
participating in the learning opportunities specified in the 59422  
contract between the school and the school's sponsor as required 59423  
by division (A)(23) of section 3314.03 of the Revised Code; 59424

(b) The school is in compliance with division (A) of section 59425  
3314.22 of the Revised Code, relative to such student. 59426

(2) In accordance with policies adopted jointly by the 59427  
superintendent of public instruction and the auditor of state, the 59428  
department shall reduce the amounts otherwise payable under 59429  
division (D) of this section to any community school that includes 59430  
in its program the provision of computer hardware and software 59431  
materials to any student, if such hardware and software materials 59432  
have not been delivered, installed, and activated for each such 59433  
student in a timely manner or other educational materials or 59434  
services have not been provided according to the contract between 59435

the individual community school and its sponsor. 59436

The superintendent of public instruction and the auditor of 59437  
state shall jointly establish a method for auditing any community 59438  
school to which this division pertains to ensure compliance with 59439  
this section. 59440

The superintendent, auditor of state, and the governor shall 59441  
jointly make recommendations to the general assembly for 59442  
legislative changes that may be required to assure fiscal and 59443  
academic accountability for such schools. 59444

(O)(1) If the department determines that a review of a 59445  
community school's enrollment is necessary, such review shall be 59446  
completed and written notice of the findings shall be provided to 59447  
the governing authority of the community school and its sponsor 59448  
within ninety days of the end of the community school's fiscal 59449  
year, unless extended for a period not to exceed thirty additional 59450  
days for one of the following reasons: 59451

(a) The department and the community school mutually agree to 59452  
the extension. 59453

(b) Delays in data submission caused by either a community 59454  
school or its sponsor. 59455

(2) If the review results in a finding that additional 59456  
funding is owed to the school, such payment shall be made within 59457  
thirty days of the written notice. If the review results in a 59458  
finding that the community school owes moneys to the state, the 59459  
following procedure shall apply: 59460

(a) Within ten business days of the receipt of the notice of 59461  
findings, the community school may appeal the department's 59462  
determination to the state board of education or its designee. 59463

(b) The board or its designee shall conduct an informal 59464  
hearing on the matter within thirty days of receipt of such an 59465



appeal and shall issue a decision within fifteen days of the 59466  
conclusion of the hearing. 59467

(c) If the board has enlisted a designee to conduct the 59468  
hearing, the designee shall certify its decision to the board. The 59469  
board may accept the decision of the designee or may reject the 59470  
decision of the designee and issue its own decision on the matter. 59471

(d) Any decision made by the board under this division is 59472  
final. 59473

(3) If it is decided that the community school owes moneys to 59474  
the state, the department shall deduct such amount from the 59475  
school's future payments in accordance with guidelines issued by 59476  
the superintendent of public instruction. 59477

(P) The department shall not subtract from a school 59478  
district's state aid account under division (C) of this section 59479  
and shall not pay to a community school under division (D) of this 59480  
section any amount for any of the following: 59481

(1) Any student who has graduated from the twelfth grade of a 59482  
public or nonpublic high school; 59483

(2) Any student who is not a resident of the state; 59484

(3) Any student who was enrolled in the community school 59485  
during the previous school year when assessments were administered 59486  
under section 3301.0711 of the Revised Code but did not take one 59487  
or more of the assessments required by that section and was not 59488  
excused pursuant to division (C)(1) or (3) of that section, unless 59489  
the superintendent of public instruction grants the student a 59490  
waiver from the requirement to take the assessment and a parent is 59491  
not paying tuition for the student pursuant to section 3314.26 of 59492  
the Revised Code. The superintendent may grant a waiver only for 59493  
good cause in accordance with rules adopted by the state board of 59494  
education. 59495

(4) Any student who has attained the age of twenty-two years, 59496  
except for veterans of the armed services whose attendance was 59497  
interrupted before completing the recognized twelve-year course of 59498  
the public schools by reason of induction or enlistment in the 59499  
armed forces and who apply for enrollment in a community school 59500  
not later than four years after termination of war or their 59501  
honorable discharge. If, however, any such veteran elects to 59502  
enroll in special courses organized for veterans for whom tuition 59503  
is paid under federal law, or otherwise, the department shall not 59504  
subtract from a school district's state aid account under division 59505  
(C) of this section and shall not pay to a community school under 59506  
division (D) of this section any amount for that veteran. 59507

**Sec. 3314.087.** (A) As used in this section: 59508

(1) "Career-technical program" means vocational programs or 59509  
classes described in division (A) or (B) of section 3317.014 of 59510  
the Revised Code in which a student is enrolled. 59511

(2) "Formula ADM," "category one or two vocational education 59512  
ADM," and "FTE basis" have the same meanings as in section 3317.02 59513  
of the Revised Code. 59514

(3) "Resident school district" means the city, exempted 59515  
village, or local school district in which a student is entitled 59516  
to attend school under section 3313.64 or 3313.65 of the Revised 59517  
Code. 59518

(B) Notwithstanding anything to the contrary in this chapter 59519  
or Chapter ~~3306~~ or 3317. of the Revised Code, a student enrolled 59520  
in a community school may simultaneously enroll in the 59521  
career-technical program operated by the student's resident school 59522  
district. On an FTE basis, the student's resident school district 59523  
shall count the student in the category one or two vocational 59524  
education ADM for the proportion of the time the student is 59525  
enrolled in the district's career-technical program and, 59526

accordingly, the department of education shall calculate funds 59527  
under ~~Chapters 3306.~~ and Chapter 3317. for the district 59528  
attributable to the student for the proportion of time the student 59529  
attends the career-technical program. The community school shall 59530  
count the student in its enrollment report under section 3314.08 59531  
of the Revised Code and shall report to the department the 59532  
proportion of time that the student attends classes at the 59533  
community school. The department shall pay the community school 59534  
and deduct from the student's resident school district the amount 59535  
computed for the student under section 3314.08 of the Revised Code 59536  
in proportion to the fraction of the time on an FTE basis that the 59537  
student attends classes at the community school. "Full-time 59538  
equivalency" for a community school student, as defined in 59539  
division (L) of section 3314.08 of the Revised Code, does not 59540  
apply to the student. 59541

**Sec. 3314.088.** ~~(A)~~ For purposes of applying sections 3314.08 59542  
and 3314.13 of the Revised Code to fiscal years ~~2010~~ 2012 and ~~2011~~ 59543  
2013: 59544

~~(1)~~(A) The base formula amount for community schools for each 59545  
of fiscal year 2010 is \$5,718 and for fiscal year 2011 is \$5,703. 59546  
These respective amounts years 2012 and 2013 is \$5,653. That 59547  
amount shall be applied wherein sections 3314.08 and 3314.13 of 59548  
the Revised Code the base formula amount is specified, except for 59549  
deducting and paying amounts for special education weighted 59550  
funding and vocational education weighted funding. 59551

~~(2)~~(B) The base funding supplements under section 3317.012 of 59552  
the Revised Code shall be deemed in each year to be the amounts 59553  
specified in that section for fiscal year 2009. Accordingly, when 59554  
computing the per-pupil base funding supplements for a community 59555  
school under that section for fiscal years 2012 and 2013, the 59556  
department of education shall substitute \$5,732 for the "formula 59557

amount" as used in divisions (C)(2), (3), and (4) of that section. 59558

~~(3)(C)~~ Special education additional weighted funding shall be 59559  
calculated by first grouping children with disabilities into the 59560  
appropriate disability categories prescribed by section 3317.013 59561  
of the Revised Code as amended by H.B. 153 of the 129th general 59562  
assembly, and then by multiplying the applicable weight respective 59563  
multiple specified for fiscal year 2009 in that section 3317.013 59564  
of the Revised Code, as it existed for that fiscal year 2009, 59565  
times \$5,732. 59566

~~(4)(D)~~ Vocational education additional weighted funding shall 59567  
be calculated by multiplying the applicable weight specified in 59568  
section 3317.014 of the Revised Code for fiscal year 2009 times 59569  
\$5,732. 59570

~~(5)(E)~~ The per pupil amounts paid to a school district under 59571  
sections 3317.029 and 3317.0217 of the Revised Code shall be 59572  
deemed to be the respective per pupil amounts paid under those 59573  
sections to that district for fiscal year 2009. 59574

~~(6)(F)~~ A community school may receive all-day kindergarten 59575  
payments under section 3314.13 of the Revised Code only for 59576  
all-day kindergarten students who are entitled to attend school in 59577  
school districts that, for fiscal year 2009, met the eligibility 59578  
requirements of division (D) of section 3317.029 of the Revised 59579  
Code. For students entitled to attend school in such school 59580  
districts that actually received payment for all-day kindergarten 59581  
for fiscal year 2009, the payments to community schools under 59582  
section 3314.13 of the Revised Code shall be deducted from the 59583  
school district's state education aid. For students entitled to 59584  
attend school in such school districts that did not receive 59585  
payment for all-day kindergarten for fiscal year 2009, the 59586  
payments to community schools under section 3314.13 of the Revised 59587  
Code shall be paid out of the funds appropriated under 59588  
appropriation item 200550, foundation funding, ~~as appropriated in~~ 59589

~~section 265.10 of Am. Sub. H.B. 1 of the 128th General Assembly.~~ 59590

As used in this division, "entitled to attend school" has the same 59591

meaning as in section 3314.08 of the Revised Code. 59592

~~(B) For purposes of applying section 3314.085 of the Revised 59593~~

~~Code to fiscal years 2010 and 2011, the minimum per pupil 59594~~

~~expenditure required for pupil instruction under that section is 59595~~

~~\$2,931, which equals the minimum amount required by that section 59596~~

~~for fiscal year 2009.~~ 59597

**Sec. 3314.091.** (A) A school district is not required to 59598

provide transportation for any native student enrolled in a 59599

community school if the district board of education has entered 59600

into an agreement with the community school's governing authority 59601

that designates the community school as responsible for providing 59602

or arranging for the transportation of the district's native 59603

students to and from the community school. For any such agreement 59604

to be effective, it must be certified by the superintendent of 59605

public instruction as having met all of the following 59606

requirements: 59607

(1) It is submitted to the department of education by a 59608

deadline which shall be established by the department. 59609

(2) In accordance with divisions (C)(1) and (2) of this 59610

section, it specifies qualifications, such as residing a minimum 59611

distance from the school, for students to have their 59612

transportation provided or arranged. 59613

(3) The transportation provided by the community school is 59614

subject to all provisions of the Revised Code and all rules 59615

adopted under the Revised Code pertaining to pupil transportation. 59616

(4) The sponsor of the community school also has signed the 59617

agreement. 59618

(B)(1) For the school year that begins on July 1, 2007, a 59619

school district is not required to provide transportation for any 59620  
native student enrolled in a community school, if the community 59621  
school during the previous school year transported the students 59622  
enrolled in the school or arranged for the students' 59623  
transportation, even if that arrangement consisted of having 59624  
parents transport their children to and from the school, but did 59625  
not enter into an agreement to transport or arrange for 59626  
transportation for those students under division (A) of this 59627  
section, and if the governing authority of the community school by 59628  
July 15, 2007, submits written notification to the district board 59629  
of education stating that the governing authority is accepting 59630  
responsibility for providing or arranging for the transportation 59631  
of the district's native students to and from the community 59632  
school. 59633

(2) For any school year subsequent to the school year that 59634  
begins on July 1, 2007, a school district is not required to 59635  
provide transportation for any native student enrolled in a 59636  
community school if the governing authority of the community 59637  
school, by the thirty-first day of January of the previous school 59638  
year, submits written notification to the district board of 59639  
education stating that the governing authority is accepting 59640  
responsibility for providing or arranging for the transportation 59641  
of the district's native students to and from the community 59642  
school. If the governing authority of the community school has 59643  
previously accepted responsibility for providing or arranging for 59644  
the transportation of a district's native students to and from the 59645  
community school, under division (B)(1) or (2) of this section, 59646  
and has since relinquished that responsibility under division 59647  
(B)(3) of this section, the governing authority shall not accept 59648  
that responsibility again unless the district board consents to 59649  
the governing authority's acceptance of that responsibility. 59650

(3) A governing authority's acceptance of responsibility 59651

under division (B)(1) or (2) of this section shall cover an entire 59652  
school year, and shall remain in effect for subsequent school 59653  
years unless the governing authority submits written notification 59654  
to the district board that the governing authority is 59655  
relinquishing the responsibility. However, a governing authority 59656  
shall not relinquish responsibility for transportation before the 59657  
end of a school year, and shall submit the notice relinquishing 59658  
responsibility by the thirty-first day of January, in order to 59659  
allow the school district reasonable time to prepare 59660  
transportation for its native students enrolled in the school. 59661

(C)(1) A community school governing authority that enters 59662  
into an agreement under division (A) of this section, or that 59663  
accepts responsibility under division (B) of this section, shall 59664  
provide or arrange transportation free of any charge for each of 59665  
its enrolled students who is required to be transported under 59666  
section 3327.01 of the Revised Code or who would otherwise be 59667  
transported by the school district under the district's 59668  
transportation policy. The governing authority shall report to the 59669  
department of education the number of students transported or for 59670  
whom transportation is arranged under this section in accordance 59671  
with rules adopted by the state board of education. 59672

(2) The governing authority may provide or arrange 59673  
transportation for any other enrolled student who is not eligible 59674  
for transportation in accordance with division (C)(1) of this 59675  
section and may charge a fee for such service up to the actual 59676  
cost of the service. 59677

(3) Notwithstanding anything to the contrary in division 59678  
(C)(1) or (2) of this section, a community school governing 59679  
authority shall provide or arrange transportation free of any 59680  
charge for any disabled student enrolled in the school for whom 59681  
the student's individualized education program developed under 59682  
Chapter 3323. of the Revised Code specifies transportation. 59683

(D)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of this section, the department of education shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of this section.

If a community school governing authority accepts transportation responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as reported under division (B)(13) of section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section ~~3306.12~~ 3317.0212 of the Revised Code and any rules of the state board of education



implementing that section, the payment to the community school 59715  
shall be the amount so calculated that otherwise would be paid to 59716  
the school district in which the student is entitled to attend 59717  
school by the method of transportation the district would have 59718  
used. The community school, however, is not required to use the 59719  
same method to transport that student. 59720

(c) Divisions (D)(1)(a) and (b) of this section do not apply 59721  
to fiscal years 2012 and 2013. Rather, for each of those fiscal 59722  
years, the per pupil payment to a community school for 59723  
transporting a student shall be the total amount paid under former 59724  
section 3306.12 of the Revised Code for fiscal year 2011 to the 59725  
school district in which the child is entitled to attend school 59726  
divided by that district's "qualifying ridership," as defined in 59727  
that section for fiscal year 2011. 59728

As used in this division "entitled to attend school" means 59729  
entitled to attend school under section 3313.64 or 3313.65 of the 59730  
Revised Code. 59731

(2) The department shall deduct the payment under division 59732  
(D)(1) of this section from the state education aid, as defined in 59733  
section 3314.08 of the Revised Code, and, if necessary, the 59734  
payment under sections 321.14 and 323.156 of the Revised Code, 59735  
that is otherwise paid to the school district in which the student 59736  
enrolled in the community school is entitled to attend school. The 59737  
department shall include the number of the district's native 59738  
students for whom payment is made to a community school under 59739  
division (D)(1) of this section in the calculation of the 59740  
district's transportation payment under section ~~3306.12~~ 3317.0212 59741  
of the Revised Code and the operating appropriations act. 59742

(3) A community school shall be paid under division (D)(1) of 59743  
this section only for students who are eligible as specified in 59744  
section 3327.01 of the Revised Code and division (C)(1) of this 59745  
section, and whose transportation to and from school is actually 59746

provided, who actually utilized transportation arranged, or for 59747  
whom a payment in lieu of transportation is made by the community 59748  
school's governing authority. To qualify for the payments, the 59749  
community school shall report to the department, in the form and 59750  
manner required by the department, data on the number of students 59751  
transported or whose transportation is arranged, the number of 59752  
miles traveled, cost to transport, and any other information 59753  
requested by the department. 59754

(4) A community school shall use payments received under this 59755  
section solely to pay the costs of providing or arranging for the 59756  
transportation of students who are eligible as specified in 59757  
section 3327.01 of the Revised Code and division (C)(1) of this 59758  
section, which may include payments to a parent, guardian, or 59759  
other person in charge of a child in lieu of transportation. 59760

(E) Except when arranged through payment to a parent, 59761  
guardian, or person in charge of a child, transportation provided 59762  
or arranged for by a community school pursuant to an agreement 59763  
under this section is subject to all provisions of the Revised 59764  
Code, and all rules adopted under the Revised Code, pertaining to 59765  
the construction, design, equipment, and operation of school buses 59766  
and other vehicles transporting students to and from school. The 59767  
drivers and mechanics of the vehicles are subject to all 59768  
provisions of the Revised Code, and all rules adopted under the 59769  
Revised Code, pertaining to drivers and mechanics of such 59770  
vehicles. The community school also shall comply with sections 59771  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 59772  
of section 3327.16 of the Revised Code and, subject to division 59773  
(C)(1) of this section, sections 3327.01 and 3327.02 of the 59774  
Revised Code, as if it were a school district. 59775

**Sec. 3314.10.** (A)(1) The governing authority of any community 59776  
school established under this chapter may employ teachers and 59777

nonteaching employees necessary to carry out its mission and 59778  
fulfill its contract. 59779

(2) Except as provided under division (A)(3) of this section, 59780  
employees hired under this section may organize and collectively 59781  
bargain pursuant to Chapter 4117. of the Revised Code. 59782  
Notwithstanding division (D)(1) of section 4117.06 of the Revised 59783  
Code, a unit containing teaching and nonteaching employees 59784  
employed under this section shall be considered an appropriate 59785  
unit. As applicable, employment under this section is subject to 59786  
either Chapter 3307. or 3309. of the Revised Code. 59787

(3) If a school is created by converting all or part of an 59788  
existing public school rather than by establishment of a new 59789  
start-up school, at the time of conversion, the employees of the 59790  
governing authority community school shall remain part of any 59791  
collective bargaining unit in which they were included immediately 59792  
prior to the conversion and shall remain subject to any collective 59793  
bargaining agreement for that unit in effect on the first day of 59794  
July of the year in which the community school initially begins 59795  
operation and shall be subject to any subsequent collective 59796  
bargaining agreement for that unit, unless a petition is certified 59797  
as sufficient under division (A)(6) of this section with regard to 59798  
those employees. Any new employees of the community school 59799  
governing authority shall also be included in the unit to which 59800  
they would have been assigned had not the conversion taken place 59801  
and shall be subject to the collective bargaining agreement for 59802  
that unit unless a petition is certified as sufficient under 59803  
division (A)(6) of this section with regard to those employees. 59804

Notwithstanding division (B) of section 4117.01 of the 59805  
Revised Code, the board of education of a school district and not 59806  
the governing authority of a community school shall be regarded, 59807  
for purposes of Chapter 4117. of the Revised Code, as the "public 59808  
employer" of the employees of a conversion community school 59809

subject to a collective bargaining agreement pursuant to division 59810  
(A)(3) of this section unless a petition is certified under 59811  
division (A)(6) of this section with regard to those employees. 59812  
Only on and after the effective date of a petition certified as 59813  
sufficient under division (A)(6) of this section shall division 59814  
(A)(2) of this section apply to those employees of that community 59815  
school and only on and after the effective date of that petition 59816  
shall Chapter 4117. of the Revised Code apply to the governing 59817  
authority of that community school with regard to those employees. 59818

(4) Notwithstanding sections 4117.03 to 4117.18 of the 59819  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 59820  
133 of the 115th general assembly, the employees of a conversion 59821  
community school who are subject to a collective bargaining 59822  
agreement pursuant to division (A)(3) of this section shall cease 59823  
to be subject to that agreement and all subsequent agreements 59824  
pursuant to that division and shall cease to be part of the 59825  
collective bargaining unit that is subject to that and all 59826  
subsequent agreements, if a majority of the employees of that 59827  
community school who are subject to that collective bargaining 59828  
agreement sign and submit to the state employment relations board 59829  
a petition requesting all of the following: 59830

(a) That all the employees of the community school who are 59831  
subject to that agreement be removed from the bargaining unit that 59832  
is subject to that agreement and be designated by the state 59833  
employment relations board as a new and separate bargaining unit 59834  
for purposes of Chapter 4117. of the Revised Code; 59835

(b) That the employee organization certified as the exclusive 59836  
representative of the employees of the bargaining unit from which 59837  
the employees are to be removed be certified as the exclusive 59838  
representative of the new and separate bargaining unit for 59839  
purposes of Chapter 4117. of the Revised Code; 59840

(c) That the governing authority of the community school be 59841

regarded as the "public employer" of these employees for purposes 59842  
of Chapter 4117. of the Revised Code. 59843

(5) Notwithstanding sections 4117.03 to 4117.18 of the 59844  
Revised Code and Section 4 of Amended Substitute Senate Bill No. 59845  
133 of the 115th general assembly, the employees of a conversion 59846  
community school who are subject to a collective bargaining 59847  
agreement pursuant to division (A)(3) of this section shall cease 59848  
to be subject to that agreement and all subsequent agreements 59849  
pursuant to that division, shall cease to be part of the 59850  
collective bargaining unit that is subject to that and all 59851  
subsequent agreements, and shall cease to be represented by any 59852  
exclusive representative of that collective bargaining unit, if a 59853  
majority of the employees of the community school who are subject 59854  
to that collective bargaining agreement sign and submit to the 59855  
state employment relations board a petition requesting all of the 59856  
following: 59857

(a) That all the employees of the community school who are 59858  
subject to that agreement be removed from the bargaining unit that 59859  
is subject to that agreement; 59860

(b) That any employee organization certified as the exclusive 59861  
representative of the employees of that bargaining unit be 59862  
decertified as the exclusive representative of the employees of 59863  
the community school who are subject to that agreement; 59864

(c) That the governing authority of the community school be 59865  
regarded as the "public employer" of these employees for purposes 59866  
of Chapter 4117. of the Revised Code. 59867

(6) Upon receipt of a petition under division (A)(4) or (5) 59868  
of this section, the state employment relations board shall check 59869  
the sufficiency of the signatures on the petition. If the 59870  
signatures are found sufficient, the board shall certify the 59871  
sufficiency of the petition and so notify the parties involved, 59872

including the board of education, the governing authority of the community school, and any exclusive representative of the bargaining unit. The changes requested in a certified petition shall take effect on the first day of the month immediately following the date on which the sufficiency of the petition is certified under division (A)(6) of this section.

(B)(1) The board of education of each city, local, and exempted village school district sponsoring a community school and the governing board of each educational service center in which a community school is located shall adopt a policy that provides a leave of absence of at least three years to each teacher or nonteaching employee of the district or service center who is employed by a conversion or new start-up community school sponsored by the district or located in the district or center for the period during which the teacher or employee is continuously employed by the community school. The policy shall also provide that any teacher or nonteaching employee may return to employment by the district or service center if the teacher or employee leaves or is discharged from employment with the community school for any reason, unless, in the case of a teacher, the board of the district or service center determines that the teacher was discharged for a reason for which the board would have sought to discharge the teacher under section 3319.16 of the Revised Code, in which case the board may proceed to discharge the teacher utilizing the procedures of that section. Upon termination of such a leave of absence, any seniority that is applicable to the person shall be calculated to include all of the following: all employment by the district or service center prior to the leave of absence; all employment by the community school during the leave of absence; and all employment by the district or service center after the leave of absence. The policy shall also provide that if any teacher holding valid certification returns to employment by the district or service center upon termination of such a leave of

absence, the teacher shall be restored to the previous position 59906  
and salary or to a position and salary similar thereto. If, as a 59907  
result of teachers returning to employment upon termination of 59908  
such leaves of absence, a school district or educational service 59909  
center reduces the number of teachers it employs, it shall make 59910  
such reductions in accordance with section ~~3319.17~~ or, if 59911  
~~applicable,~~ 3319.171 of the Revised Code. 59912

Unless a collective bargaining agreement providing otherwise 59913  
is in effect for an employee of a conversion community school 59914  
pursuant to division (A)(3) of this section, an employee on a 59915  
leave of absence pursuant to this division shall remain eligible 59916  
for any benefits that are in addition to benefits under Chapter 59917  
3307. or 3309. of the Revised Code provided by the district or 59918  
service center to its employees provided the employee pays the 59919  
entire cost associated with such benefits, except that personal 59920  
leave and vacation leave cannot be accrued for use as an employee 59921  
of a school district or service center while in the employ of a 59922  
community school unless the district or service center board 59923  
adopts a policy expressly permitting this accrual. 59924

(2) While on a leave of absence pursuant to division (B)(1) 59925  
of this section, a conversion community school shall permit a 59926  
teacher to use sick leave accrued while in the employ of the 59927  
school district from which the leave of absence was taken and 59928  
prior to commencing such leave. If a teacher who is on such a 59929  
leave of absence uses sick leave so accrued, the cost of any 59930  
salary paid by the community school to the teacher for that time 59931  
shall be reported to the department of education. The cost of 59932  
employing a substitute teacher for that time shall be paid by the 59933  
community school. The department of education shall add amounts to 59934  
the payments made to a community school under this chapter as 59935  
necessary to cover the cost of salary reported by a community 59936  
school as paid to a teacher using sick leave so accrued pursuant 59937

to this section. The department shall subtract the amounts of any 59938  
payments made to community schools under this division from 59939  
payments made to such sponsoring school district under ~~Chapters~~ 59940  
~~3306.~~ and Chapter 3317. of the Revised Code. 59941

A school district providing a leave of absence and employee 59942  
benefits to a person pursuant to this division is not liable for 59943  
any action of that person while the person is on such leave and 59944  
employed by a community school. 59945

**Sec. 3314.13.** Payments and deductions under this section for 59946  
fiscal years ~~2010~~ 2012 and ~~2011~~ 2013 shall be made in accordance 59947  
with section 3314.088 of the Revised Code. 59948

(A) As used in this section: 59949

(1) "All-day kindergarten" has the same meaning as in section 59950  
3317.029 of the Revised Code. 59951

(2) "Formula amount" has the same meaning as in section 59952  
3317.02 of the Revised Code. 59953

(B) Except as provided in division (C) of this section, the 59954  
department of education annually shall pay each community school 59955  
established under this chapter one-half of the formula amount for 59956  
each student to whom both of the following apply: 59957

(1) The student is entitled to attend school under section 59958  
3313.64 or 3313.65 of the Revised Code in a school district that 59959  
is eligible to receive a payment under division (D) of section 59960  
3317.029 of the Revised Code if it provides all-day kindergarten; 59961

(2) The student is reported by the community school as 59962  
enrolled in all-day kindergarten at the community school. 59963

(C) The department shall make no payments under this section 59964  
to any internet- or computer-based community school. 59965

(D) If a student for whom payment is made under division (B) 59966



of this section is entitled to attend school in a district that 59967  
receives any payment for all-day kindergarten under division (D) 59968  
of section 3317.029 of the Revised Code, the department shall 59969  
deduct the payment to the community school under this section from 59970  
the amount paid that school district under that division. If that 59971  
school district does not receive payment for all-day kindergarten 59972  
under that division because it does not provide all-day 59973  
kindergarten, the department shall pay the community school from 59974  
state funds appropriated generally for poverty-based assistance to 59975  
school districts. 59976

(E) The department shall adjust the amounts deducted from 59977  
school districts and paid to community schools under this section 59978  
to reflect any enrollments of students in all-day kindergarten in 59979  
community schools for less than the equivalent of a full school 59980  
year. 59981

**Sec. 3314.19.** The sponsor of each community school annually 59982  
shall provide the following assurances in writing to the 59983  
department of education not later than ten business days prior to 59984  
the opening of the school: 59985

(A) That a current copy of the contract between the sponsor 59986  
and the governing authority of the school entered into under 59987  
section 3314.03 of the Revised Code has been filed with the ~~state~~ 59988  
~~office of community schools established under section 3314.11 of~~ 59989  
~~the Revised Code~~ department and that any subsequent modifications 59990  
to that contract will be filed with the ~~office~~ department; 59991

(B) That the school has submitted to the sponsor a plan for 59992  
providing special education and related services to students with 59993  
disabilities and has demonstrated the capacity to provide those 59994  
services in accordance with Chapter 3323. of the Revised Code and 59995  
federal law; 59996

(C) That the school has a plan and procedures for 59997

administering the achievement and diagnostic assessments 59998  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 59999  
Revised Code; 60000

(D) That school personnel have the necessary training, 60001  
knowledge, and resources to properly use and submit information to 60002  
all databases maintained by the department for the collection of 60003  
education data, including the education management information 60004  
system established under section 3301.0714 of the Revised Code in 60005  
accordance with methods and timelines established under section 60006  
3314.17 of the Revised Code; 60007

(E) That all required information about the school has been 60008  
submitted to the Ohio education directory system or any successor 60009  
system; 60010

(F) That the school will enroll at least the minimum number 60011  
of students required by division (A)(11)(a) of section 3314.03 of 60012  
the Revised Code in the school year for which the assurances are 60013  
provided; 60014

(G) That all classroom teachers are licensed in accordance 60015  
with sections 3319.22 to 3319.31 of the Revised Code, except for 60016  
noncertificated persons engaged to teach up to twelve hours per 60017  
week pursuant to section 3319.301 of the Revised Code; 60018

(H) That the school's fiscal officer is in compliance with 60019  
section 3314.011 of the Revised Code; 60020

(I) That the school has complied with sections 3319.39 and 60021  
3319.391 of the Revised Code with respect to all employees and 60022  
that the school has conducted a criminal records check of each of 60023  
its governing authority members; 60024

(J) That the school holds all of the following: 60025

(1) Proof of property ownership or a lease for the facilities 60026  
used by the school; 60027

(2) A certificate of occupancy;	60028
(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;	60029 60030 60031 60032
(4) A satisfactory health and safety inspection;	60033
(5) A satisfactory fire inspection;	60034
(6) A valid food permit, if applicable.	60035
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	60036 60037 60038
(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;	60039 60040 60041 60042
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	60043 60044
<u>Sec. 3314.20. On and after the effective date of this section, no new internet- or computer-based community school shall open for operation in this state unless the school, for at least the three years preceding its opening in this state, operated in another state and performed at a level higher than academic watch, as determined by the department of education.</u>	60045 60046 60047 60048 60049 60050
<b>Sec. 3314.22.</b> (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	60051 60052 60053 60054 60055 60056

substitute to an enrolled child or the child's parent in lieu of 60057  
supplying a computer to the child. The prohibition contained in 60058  
the preceding sentence is intended to clarify the meaning of this 60059  
division as it existed prior to September 29, 2005, and is not 60060  
intended to change that meaning in any way. 60061

(2) Notwithstanding division (A)(1) of this section, if more 60062  
than one child living in a single residence is enrolled in an 60063  
internet- or computer-based community school, at the option of the 60064  
parent of those children, the school may supply less than one 60065  
computer per child, as long as at least one computer is supplied 60066  
to the residence. An internet- or computer-based community school 60067  
may supply no computer at all only if the parent has waived the 60068  
entitlement prescribed in division (A)(1) of this section in the 60069  
manner specified in division (A)(3) of this section. The parent 60070  
may amend the decision to accept less than one computer per child 60071  
anytime during the school year, and, in such case, within thirty 60072  
days after the parent notifies the school of such amendment, the 60073  
school shall provide any additional computers requested by the 60074  
parent up to the number necessary to comply with division (A)(1) 60075  
of this section. 60076

(3) The parent of any child enrolled in an internet- or 60077  
computer-based community school may waive the entitlement to one 60078  
computer per child, and have no computer at all supplied by the 60079  
school, if the school and parent set forth that waiver in writing 60080  
with both parties attesting that there is a computer available to 60081  
the child in the child's residence with sufficient hardware, 60082  
software, programming, and connectivity so that the child may 60083  
fully participate in all of the learning opportunities offered to 60084  
the child by the school. The parent may amend the decision to 60085  
waive the entitlement at any time during the school year and, in 60086  
such case, within thirty days after the parent notifies the school 60087  
of that decision, the school shall provide any additional 60088

computers requested by the parent up to the number necessary to 60089  
comply with division (A)(1) of this section, regardless of whether 60090  
there is any change in the conditions attested to in the waiver. 60091

(4) A copy of a waiver executed under division (A)(3) of this 60092  
section shall be retained by the internet- or computer-based 60093  
community school and the parent who attested to the conditions 60094  
prescribed in that division. The school shall submit a copy of the 60095  
waiver to the ~~office of community schools, established under~~ 60096  
~~section 3314.11 of the Revised Code,~~ department of education 60097  
immediately upon execution of the waiver. 60098

(5) The school shall notify the ~~office of community schools~~ 60099  
department of education, in the manner specified by the ~~office~~ 60100  
department, of any parent's decision under division (A)(2) of this 60101  
section to accept less than one computer per child or the parent's 60102  
amendment to that decision, and of any parent's decision to amend 60103  
the waiver executed under division (A)(3) of this section. 60104

(B) Each internet- or computer-based community school shall 60105  
provide to each parent who is considering enrolling the parent's 60106  
child in the school and to the parent of each child already 60107  
enrolled in the school a written notice of the provisions 60108  
prescribed in division (A) of this section. 60109

(C) If a community school that is not an internet- or 60110  
computer-based community school provides any of its enrolled 60111  
students with nonclassroom-based learning opportunities provided 60112  
via an internet- or other computer-based instructional method and 60113  
requires such students to participate in any of those learning 60114  
opportunities from their residences, the school shall be subject 60115  
to this section and division (C)(1) of section 3314.21 of the 60116  
Revised Code relative to each such student in the same manner as 60117  
an internet- or computer-based community school, unless both of 60118  
the following conditions apply to the student: 60119

(1) The nonclassroom-based learning opportunities in which the student is required to participate from the student's residence are supplemental in nature or do not constitute a significant portion of the total classroom-based and nonclassroom-based learning opportunities provided to the student by the school;

(2) The student's residence is equipped with a computer available for the student's use.

Sec. 3314.23. (A) The state board of education shall adopt rules under Chapter 119. of the Revised Code establishing operating standards for internet- and computer-based community schools based on standards developed by the international association for K-12 online learning. The rules shall include a method by which the department of education shall monitor schools' compliance with the standards adopted under this section.

(B) Internet- and computer-based community schools operating on the effective date of this section shall have three years after the initial adoption of rules under division (A) of this section to be in compliance with those rules.

~~Sec. 3314.35. (A)(1) 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, 2008, but before July 1, 2009:~~

~~(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.~~

~~(b) The school satisfies all of the following conditions:~~

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~

~~(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.~~ 60150  
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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.~~ 60153  
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~~(c) The school satisfies all of the following conditions:~~ 60158

~~(i) The school offers any of grade levels ten to twelve.~~ 60159

~~(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.~~ 60160  
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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.~~ 60163  
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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:~~ 60168  
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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 three of the four most  
recent school years.~~ 60171  
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~~(b) The school satisfies all of the following conditions:~~ 60175

~~(i) The school offers any of grade levels four to eight but  
does not offer a grade level higher than nine.~~ 60176  
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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~~ 60178  
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two of the three most recent school years. 60180

(iii) In at least two of the three most recent school years, 60181  
the school showed less than one standard year of academic growth 60182  
in either reading or mathematics, as determined by the department 60183  
of education in accordance with rules adopted under division (A) 60184  
of section 3302.021 of the Revised Code. 60185

(c) The school offers any of grade levels ten to twelve and 60186  
has been declared to be in a state of academic emergency under 60187  
section 3302.03 of the Revised Code for three of the four most 60188  
recent school years. 60189

(2) Except as provided in division (A)(3) of this section, 60190  
this section applies to any community school that meets one of the 60191  
following criteria after July 1, 2011: 60192

(a) The school does not offer a grade level higher than three 60193  
and has been declared to be in a state of academic emergency under 60194  
section 3302.03 of the Revised Code for two of the three most 60195  
recent school years. 60196

(b) The school satisfies all of the following conditions: 60197

(i) The school offers any of grade levels four to eight but 60198  
does not offer a grade level higher than nine. 60199

(ii) The school has been declared to be in a state of 60200  
academic emergency under section 3302.03 of the Revised Code for 60201  
two of the three most recent school years. 60202

(iii) In at least two of the three most recent school years, 60203  
the school showed less than one standard year of academic growth 60204  
in either reading or mathematics, as determined by the department 60205  
in accordance with rules adopted under division (A) of section 60206  
3302.021 of the Revised Code. 60207

(c) The school offers any of grade levels ten to twelve and 60208  
has been declared to be in a state of academic emergency under 60209



section 3302.03 of the Revised Code for two of the three most 60210  
recent school years. 60211

(3) This section does not apply to either of the following: 60212

(a) Any community school in which a majority of the students 60213  
are enrolled in a dropout prevention and recovery program that is 60214  
operated by the school and that has been granted a waiver under 60215  
section 3314.36 of the Revised Code; 60216

(b) Any community school in which a majority of the enrolled 60217  
students are children with disabilities receiving special 60218  
education and related services in accordance with Chapter 3323. of 60219  
the Revised Code. 60220

(B) Any community school to which this section applies shall 60221  
permanently close at the conclusion of the school year in which 60222  
the school first becomes subject to this section. The sponsor and 60223  
governing authority of the school shall comply with all procedures 60224  
for closing a community school adopted by the department under 60225  
division (E) of section 3314.015 of the Revised Code. The 60226  
governing authority of the school shall not enter into a contract 60227  
with any other sponsor under section 3314.03 of the Revised Code 60228  
after the school closes. 60229

~~(C) Not later than July 1, 2008, the department shall 60230  
determine the feasibility of using the value added progress 60231  
dimension, as defined in section 3302.01 of the Revised Code, as a 60232  
factor in evaluating the academic performance of community schools 60233  
described in division (A)(1)(c)(i) of this section. 60234  
Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 60235  
if the department determines that using the value added progress 60236  
dimension to evaluate community schools described in division 60237  
(A)(1)(c)(i) of this section is not feasible, a community school 60238  
described in that division shall be required to permanently close 60239  
under this section only if it has been declared to be in a state 60240~~

~~of academic emergency under section 3302.03 of the Revised Code 60241  
for four consecutive school years. 60242~~

~~(D) In accordance with division (B) of section 3314.012 of 60243  
the Revised Code, the department shall not consider the 60244  
performance ratings assigned to a community school for its first 60245  
two years of operation when determining whether the school meets 60246  
the criteria prescribed by division (A)(1) or (2) of this section. 60247  
The department shall reevaluate each community school that the 60248  
department directed to close at the conclusion of the 2009-2010 60249  
school year to determine if the school still meets the criteria 60250  
prescribed by division (A)(2) of this section when the school's 60251  
performance ratings for its first two years of operation are not 60252  
considered and, if the school no longer meets those criteria, the 60253  
department shall not require the school to close at the conclusion 60254  
of that school year. 60255~~

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 60256  
not apply to any community school in which a majority of the 60257  
students are enrolled in a dropout prevention and recovery program 60258  
that is operated by the school and that has been granted a waiver 60259  
by the department of education. The department shall grant a 60260  
waiver to a dropout prevention and recovery program, within sixty 60261  
days after the program applies for the waiver, if the program 60262  
meets all of the following conditions: 60263

(1) The program serves only students not younger than sixteen 60264  
years of age and not older than twenty-one years of age. 60265

(2) The program enrolls students who, at the time of their 60266  
initial enrollment, either, or both, are at least one grade level 60267  
behind their cohort age groups or experience crises that 60268  
significantly interfere with their academic progress such that 60269  
they are prevented from continuing their traditional programs. 60270

(3) The program requires students to attain at least the 60271

applicable score designated for each of the assessments prescribed 60272  
under division (B)(1) of section 3301.0710 of the Revised Code or, 60273  
to the extent prescribed by rule of the state board of education 60274  
under division ~~(E)~~(D)(6) of section 3301.0712 of the Revised Code, 60275  
division (B)(2) of that section. 60276

(4) The program develops an individual career plan for the 60277  
student that specifies the student's matriculating to a two-year 60278  
degree program, acquiring a business and industry credential, or 60279  
entering an apprenticeship. 60280

(5) The program provides counseling and support for the 60281  
student related to the plan developed under division (A)(4) of 60282  
this section during the remainder of the student's high school 60283  
experience. 60284

(6) Prior to receiving the waiver, the program has submitted 60285  
to the department an instructional plan that demonstrates how the 60286  
academic content standards adopted by the state board of education 60287  
under section 3301.079 of the Revised Code will be taught and 60288  
assessed. 60289

If the department does not act either to grant the waiver or 60290  
to reject the program application for the waiver within sixty days 60291  
as required under this section, the waiver shall be considered to 60292  
be granted. 60293

(B) Notwithstanding division (A) of this section, the 60294  
department shall not grant a waiver to any community school that 60295  
did not qualify for a waiver under this section when it initially 60296  
began operations, unless the state board of education approves the 60297  
waiver. 60298

Sec. 3314.46. As used in this section, "sponsor" includes any 60299  
officer, director, employee, agent, representative, subsidiary, or 60300  
independent contractor of the sponsor of a community school. 60301

(A) Except as provided in division (B) of this section, no sponsor of a community school shall sell any goods or services to any community school it sponsors. 60302  
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(B) If the sponsor of a community school entered into a contract prior to the effective date of this section that involves the sale of goods or services to a community school it sponsors, the sponsor shall not be required to comply with division (A) of this section with respect to that school until the expiration of the contract. 60305  
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**Sec. 3315.01.** (A) Except as provided in division (B) of this section and notwithstanding sections 3315.12 and 3315.14 of the Revised Code, the board of education of any school district may adopt a resolution requiring the treasurer of the district to credit the earnings made on the investment of the principal of the moneys specified in the resolution to the fund from which the earnings arose or any other fund of the district as the board specifies in its resolution. 60311  
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(B) This section does not apply to the earnings made on the investment of the bond retirement fund, the sinking fund, a project construction fund established pursuant to sections 3318.01 to 3318.20 of the Revised Code, or the payments received by school districts pursuant to division ~~(I)~~(E) of section 3317.024 of the Revised Code. 60319  
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**Sec. 3316.041.** (A) Notwithstanding any provision of Chapter 133. or sections 3313.483 to 3313.4811 of the Revised Code, and subject to the approval of the superintendent of public instruction, a school district that is in a state of fiscal watch declared under section 3316.03 of the Revised Code may restructure or refinance loans obtained or in the process of being obtained under section 3313.483 of the Revised Code if all of the following 60325  
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requirements are met: 60332

(1) The operating deficit certified for the school district 60333  
for the current or preceding fiscal year under section 3313.483 of 60334  
the Revised Code exceeds fifteen per cent of the district's 60335  
general revenue fund for the fiscal year preceding the year for 60336  
which the certification of the operating deficit is made. 60337

(2) The school district voters have, during the period of the 60338  
fiscal watch, approved the levy of a tax under section 718.09, 60339  
718.10, 5705.194, 5705.21, ~~or 5748.02~~, or 5748.09 of the Revised 60340  
Code that is not a renewal or replacement levy, or a levy under 60341  
section 5705.199 of the Revised Code, and that will provide new 60342  
operating revenue. 60343

(3) The board of education of the school district has adopted 60344  
or amended the financial plan required by section 3316.04 of the 60345  
Revised Code to reflect the restructured or refinanced loans, and 60346  
sets forth the means by which the district will bring projected 60347  
operating revenues and expenditures, and projected debt service 60348  
obligations, into balance for the life of any such loan. 60349

(B) Subject to the approval of the superintendent of public 60350  
instruction, the school district may issue securities to evidence 60351  
the restructuring or refinancing authorized by this section. Such 60352  
securities may extend the original period for repayment not to 60353  
exceed ten years, and may alter the frequency and amount of 60354  
repayments, interest or other financing charges, and other terms 60355  
or agreements under which the loans were originally contracted, 60356  
provided the loans received under sections 3313.483 of the Revised 60357  
Code are repaid from funds the district would otherwise receive 60358  
under Chapter ~~3306~~, 3317, of the Revised Code, as required under 60359  
division (E)(3) of section 3313.483 of the Revised Code. 60360  
Securities issued for the purpose of restructuring or refinancing 60361  
under this section shall be repaid in equal payments and at equal 60362  
intervals over the term of the debt and are not eligible to be 60363

included in any subsequent proposal to restructure or refinance. 60364

(C) Unless the district is declared to be in a state of 60365  
fiscal emergency under division (D) of section 3316.04 of the 60366  
Revised Code, a school district shall remain in a state of fiscal 60367  
watch for the duration of the repayment period of any loan 60368  
restructured or refinanced under this section. 60369

**Sec. 3316.06.** (A) Within one hundred twenty days after the 60370  
first meeting of a school district financial planning and 60371  
supervision commission, the commission shall adopt a financial 60372  
recovery plan regarding the school district for which the 60373  
commission was created. During the formulation of the plan, the 60374  
commission shall seek appropriate input from the school district 60375  
board and from the community. This plan shall contain the 60376  
following: 60377

(1) Actions to be taken to: 60378

(a) Eliminate all fiscal emergency conditions declared to 60379  
exist pursuant to division (B) of section 3316.03 of the Revised 60380  
Code; 60381

(b) Satisfy any judgments, past-due accounts payable, and all 60382  
past-due and payable payroll and fringe benefits; 60383

(c) Eliminate the deficits in all deficit funds, except that 60384  
any prior year deficits in the capital and maintenance fund 60385  
established pursuant to section 3315.18 of the Revised Code shall 60386  
be forgiven; 60387

(d) Restore to special funds any moneys from such funds that 60388  
were used for purposes not within the purposes of such funds, or 60389  
borrowed from such funds by the purchase of debt obligations of 60390  
the school district with the moneys of such funds, or missing from 60391  
the special funds and not accounted for, if any; 60392

(e) Balance the budget, avoid future deficits in any funds, 60393

and maintain on a current basis payments of payroll, fringe 60394  
benefits, and all accounts; 60395

(f) Avoid any fiscal emergency condition in the future; 60396

(g) Restore the ability of the school district to market 60397  
long-term general obligation bonds under provisions of law 60398  
applicable to school districts generally. 60399

(2) The management structure that will enable the school 60400  
district to take the actions enumerated in division (A)(1) of this 60401  
section. The plan shall specify the level of fiscal and management 60402  
control that the commission will exercise within the school 60403  
district during the period of fiscal emergency, and shall 60404  
enumerate respectively, the powers and duties of the commission 60405  
and the powers and duties of the school board during that period. 60406  
The commission may elect to assume any of the powers and duties of 60407  
the school board it considers necessary, including all powers 60408  
related to personnel, curriculum, and legal issues in order to 60409  
successfully implement the actions described in division (A)(1) of 60410  
this section. 60411

(3) The target dates for the commencement, progress upon, and 60412  
completion of the actions enumerated in division (A)(1) of this 60413  
section and a reasonable period of time expected to be required to 60414  
implement the plan. The commission shall prepare a reasonable time 60415  
schedule for progress toward and achievement of the requirements 60416  
for the plan, and the plan shall be consistent with that time 60417  
schedule. 60418

(4) The amount and purpose of any issue of debt obligations 60419  
that will be issued, together with assurances that any such debt 60420  
obligations that will be issued will not exceed debt limits 60421  
supported by appropriate certifications by the fiscal officer of 60422  
the school district and the county auditor. Debt obligations 60423  
issued pursuant to section 133.301 of the Revised Code shall 60424

include assurances that such debt shall be in an amount not to exceed the amount certified under division (B) of such section. If the commission considers it necessary in order to maintain or improve educational opportunities of pupils in the school district, the plan may include a proposal to restructure or refinance outstanding debt obligations incurred by the board under section 3313.483 of the Revised Code contingent upon the approval, during the period of the fiscal emergency, by district voters of a tax levied under section 718.09, 718.10, 5705.194, 5705.21, 5748.02, ~~or 5748.08~~, or 5748.09 of the Revised Code that is not a renewal or replacement levy, or a levy under section 5705.199 of the Revised Code, and that will provide new operating revenue. Notwithstanding any provision of Chapter 133. or sections 3313.483 to 3313.4811 of the Revised Code, following the required approval of the district voters and with the approval of the commission, the school district may issue securities to evidence the restructuring or refinancing. Those securities may extend the original period for repayment, not to exceed ten years, and may alter the frequency and amount of repayments, interest or other financing charges, and other terms of agreements under which the debt originally was contracted, at the discretion of the commission, provided that any loans received pursuant to section 3313.483 of the Revised Code shall be paid from funds the district would otherwise receive under Chapter ~~3306~~. 3317. of the Revised Code, as required under division (E)(3) of section 3313.483 of the Revised Code. The securities issued for the purpose of restructuring or refinancing the debt shall be repaid in equal payments and at equal intervals over the term of the debt and are not eligible to be included in any subsequent proposal for the purpose of restructuring or refinancing debt under this section.

(B) Any financial recovery plan may be amended subsequent to its adoption. Each financial recovery plan shall be updated annually.



(C) Each school district financial planning and supervision commission shall submit the financial recovery plan it adopts or updates under this section to the state superintendent of public instruction for approval immediately following its adoption or updating. The state superintendent shall evaluate the plan and either approve or disapprove it within thirty calendar days from the date of its submission. If the plan is disapproved, the state superintendent shall recommend modifications that will render it acceptable. No financial planning and supervision commission shall implement a financial recovery plan that is adopted or updated on or after April 10, 2001, unless the state superintendent has approved it.

**Sec. 3316.08.** During a school district's fiscal emergency period, the auditor of state shall determine annually, or at any other time upon request of the financial planning and supervision commission, whether the school district will incur an operating deficit. If the auditor of state determines that a school district will incur an operating deficit, the auditor of state shall certify that determination to the superintendent of public instruction, the financial planning and supervision commission, and the board of education of the school district. Upon receiving the auditor of state's certification, the commission shall adopt a resolution requesting that the board of education work with the county auditor or tax commissioner to estimate the amount and rate of a tax levy that is needed under section 5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised Code to produce a positive fund balance not later than the fifth year of the five-year forecast submitted under section 5705.391 of the Revised Code.

The board of education shall recommend to the commission whether the board supports or opposes a tax levy under section 5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised Code and shall provide supporting documentation to the commission

of its recommendation. 60490

After considering the board of education's recommendation and 60491  
supporting documentation, the commission shall adopt a resolution 60492  
to either submit a ballot question proposing a tax levy or not to 60493  
submit such a question. 60494

Except as otherwise provided in this division, the tax shall 60495  
be levied in the manner prescribed for a tax levied under section 60496  
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 60497  
Revised Code. If the commission decides that a tax should be 60498  
levied, the tax shall be levied for the purpose of paying current 60499  
operating expenses of the school district. The rate of a property 60500  
tax levied under section 5705.194, 5709.199, ~~or~~ 5705.21, or 60501  
5748.09 of the Revised Code shall be determined by the county 60502  
auditor, and the rate of a an income tax levied under section 60503  
5748.02 ~~or~~, 5748.08, or 5748.09 of the Revised Code shall be 60504  
determined by the tax commissioner, upon the request of the 60505  
commission. The commission, in consultation with the board of 60506  
education, shall determine the election at which the question of 60507  
the tax shall appear on the ballot, and the commission shall 60508  
submit a copy of its resolution to the board of elections not 60509  
later than ninety days prior to the day of that election. The 60510  
board of elections conducting the election shall certify the 60511  
results of the election to the board of education and to the 60512  
financial planning and supervision commission. 60513

**Sec. 3316.20.** (A)(1) The school district solvency assistance 60514  
fund is hereby created in the state treasury, to consist of such 60515  
amounts designated for the purposes of the fund by the general 60516  
assembly. The fund shall be used to provide assistance and grants 60517  
to school districts to enable them to remain solvent and to pay 60518  
unforeseeable expenses of a temporary or emergency nature that 60519  
they are unable to pay from existing resources. 60520

(2) There is hereby created within the fund an account known 60521  
as the school district shared resource account, which shall 60522  
consist of money appropriated to it by the general assembly. The 60523  
money in the account shall be used solely for solvency assistance 60524  
to school districts that have been declared under division (B) of 60525  
section 3316.03 of the Revised Code to be in a state of fiscal 60526  
emergency. 60527

(3) There is hereby created within the fund an account known 60528  
as the catastrophic expenditures account, which shall consist of 60529  
money appropriated to the account by the general assembly plus all 60530  
investment earnings of the fund. Money in the account shall be 60531  
used solely for the following: 60532

(a) Solvency assistance to school districts that have been 60533  
declared under division (B) of section 3316.03 of the Revised Code 60534  
to be in a state of fiscal emergency, in the event that all money 60535  
in the shared resource account is utilized for solvency 60536  
assistance; 60537

(b) Grants to school districts under division (C) of this 60538  
section. 60539

(B) Solvency assistance payments under division (A)(2) or 60540  
(3)(a) of this section shall be made from the fund by the 60541  
superintendent of public instruction in accordance with rules 60542  
adopted by the director of budget and management, after consulting 60543  
with the superintendent, specifying approval criteria and 60544  
procedures necessary for administering the fund. 60545

The fund shall be reimbursed for any solvency assistance 60546  
amounts paid under division (A)(2) or (3)(a) of this section not 60547  
later than the end of the ~~second~~ fourth fiscal year following the 60548  
fiscal year in which the solvency assistance payment was made, 60549  
except that the fund may be reimbursed not later than the end of 60550  
the tenth fiscal year following the fiscal year in which the 60551

solvency assistance payment was made upon the approval of the 60552  
director of budget and management and the superintendent of public 60553  
instruction. If not made directly by the school district, such 60554  
reimbursement shall be made by the director of budget and 60555  
management from the amounts the school district would otherwise 60556  
receive pursuant to Chapter ~~3306~~, 3317, of the Revised Code, or 60557  
from any other funds appropriated for the district by the general 60558  
assembly. Reimbursements shall be credited to the respective 60559  
account from which the solvency assistance paid to the district 60560  
was deducted. 60561

(C) The superintendent of public instruction may make 60562  
recommendations, and the controlling board may grant money from 60563  
the catastrophic expenditures account to any school district that 60564  
suffers an unforeseen catastrophic event that severely depletes 60565  
the district's financial resources. The superintendent shall make 60566  
recommendations for the grants in accordance with rules adopted by 60567  
the director of budget and management, after consulting with the 60568  
superintendent. A school district shall not be required to repay 60569  
any grant awarded to the district under this division, unless the 60570  
district receives money from this state or a third party, 60571  
including an agency of the government of the United States, 60572  
specifically for the purpose of compensating the district for 60573  
revenue lost or expenses incurred as a result of the unforeseen 60574  
catastrophic event. If a school district receives a grant from the 60575  
catastrophic expenditures account on the basis of the same 60576  
circumstances for which an adjustment or recomputation is 60577  
authorized under section 3317.025, 3317.026, 3317.027, 3317.028, 60578  
3317.0210, or 3317.0211 of the Revised Code, the department of 60579  
education shall reduce the adjustment or recomputation by an 60580  
amount not to exceed the total amount of the grant, and an amount 60581  
equal to the reduction shall be transferred, from the funding 60582  
source from which the adjustment or recomputation would be paid, 60583  
to the catastrophic expenditures account. Any adjustment or 60584

recomputation under such sections that is in excess of the total 60585  
amount of the grant shall be paid to the school district. 60586

Sec. 3316.21. (A) If a school district has been declared to 60587  
be in a state of fiscal emergency by the auditor of state under 60588  
section 3316.03 of the Revised Code, and if the auditor of state 60589  
has further determined upon examination of the district's 60590  
financial recovery plan that implementing that plan cannot 60591  
reasonably be expected to correct and eliminate all of the 60592  
district's fiscal emergency conditions within five fiscal years, 60593  
the auditor of state shall notify the superintendent of public 60594  
instruction of that determination. 60595

(B) Not later than ninety days after the state superintendent 60596  
receives the auditor of state's notification under division (A) of 60597  
this section, the state superintendent shall develop an operations 60598  
plan for the district and submit that plan to the state board of 60599  
education for approval. Upon approval of the plan, the state board 60600  
shall suspend the charter of the district and shall take over the 60601  
operation of the district. The state board shall continue to 60602  
operate the school district until such time as the district's 60603  
board and its financial planning and supervision commission submit 60604  
an acceptable financial recovery plan to the state superintendent 60605  
and the auditor of state has determined that the district does 60606  
have a plan that can reasonably be expected to correct and 60607  
eliminate the district's fiscal emergency conditions within five 60608  
fiscal years. 60609

(C) While the state board is operating the district, all of 60610  
the following apply: 60611

(1) The state board shall exercise all powers granted to the 60612  
school district board under the Revised Code for management and 60613  
control of the schools of the district, except for the power to 60614  
propose property tax or school district income tax levies under 60615

Title LVII of the Revised Code, and shall carry out such powers in 60616  
the place of the district board. 60617

(2) Subject to approval of the state board, the district 60618  
board shall continue to propose tax levies necessary to operate 60619  
the district and to resolve the district's fiscal emergency 60620  
conditions. 60621

(3) Employees and officers of the district shall be deemed 60622  
employees of the state board. 60623

(4) The state board may delegate any management and control 60624  
functions of the district to the district's financial planning and 60625  
supervision commission. 60626

(5) The state board shall not revoke the charter of the 60627  
district or transfer its territory to other districts. 60628

**Sec. 3317.01.** As used in this section ~~and section 3317.011 of~~ 60629  
~~the Revised Code,~~ "school district," unless otherwise specified, 60630  
means any city, local, exempted village, joint vocational, or 60631  
cooperative education school district and any educational service 60632  
center. 60633

This chapter shall be administered by the state board of 60634  
education. The superintendent of public instruction shall 60635  
calculate the amounts payable to each school district and shall 60636  
certify the amounts payable to each eligible district to the 60637  
treasurer of the district as provided by this chapter. As soon as 60638  
possible after such amounts are calculated, the superintendent 60639  
shall certify to the treasurer of each school district the 60640  
district's adjusted charge-off increase, as defined in section 60641  
5705.211 of the Revised Code. No moneys shall be distributed 60642  
pursuant to this chapter without the approval of the controlling 60643  
board. 60644

The state board of education shall, in accordance with 60645

appropriations made by the general assembly, meet the financial 60646  
obligations of this chapter. 60647

Moneys distributed pursuant to this chapter shall be 60648  
calculated and paid on a fiscal year basis, beginning with the 60649  
first day of July and extending through the thirtieth day of June. 60650  
The moneys appropriated for each fiscal year shall be distributed 60651  
periodically to each school district unless otherwise provided 60652  
for. The state board, in June of each year, shall submit a ~~yearly~~ 60653  
~~distribution plan~~ to the controlling board ~~at its first meeting in~~ 60654  
~~July. The state board shall submit any proposed midyear revision~~ 60655  
~~of the plan to the controlling board in January. Any year end~~ 60656  
~~revision of the plan shall be submitted to the controlling board~~ 60657  
~~in June. If moneys appropriated for each fiscal year are~~ 60658  
~~distributed other than monthly, such distribution shall be on the~~ 60659  
~~same basis for each school district~~ the state board's year-end 60660  
distributions pursuant to this chapter. 60661

Except as otherwise provided, payments under this chapter 60662  
shall be made only to those school districts in which: 60663

(A) The school district, except for any educational service 60664  
center and any joint vocational or cooperative education school 60665  
district, levies for current operating expenses at least twenty 60666  
mills. Levies for joint vocational or cooperative education school 60667  
districts or county school financing districts, limited to or to 60668  
the extent apportioned to current expenses, shall be included in 60669  
this qualification requirement. School district income tax levies 60670  
under Chapter 5748. of the Revised Code, limited to or to the 60671  
extent apportioned to current operating expenses, shall be 60672  
included in this qualification requirement to the extent 60673  
determined by the tax commissioner under division (D) of section 60674  
3317.021 of the Revised Code. 60675

(B) The school year next preceding the fiscal year for which 60676  
such payments are authorized meets the requirement of section 60677

3313.48 or 3313.481 of the Revised Code, with regard to the 60678  
minimum number of days or hours school must be open for 60679  
instruction with pupils in attendance, for individualized 60680  
parent-teacher conference and reporting periods, and for 60681  
professional meetings of teachers. This requirement shall be 60682  
waived by the superintendent of public instruction if it had been 60683  
necessary for a school to be closed because of disease epidemic, 60684  
hazardous weather conditions, inoperability of school buses or 60685  
other equipment necessary to the school's operation, damage to a 60686  
school building, or other temporary circumstances due to utility 60687  
failure rendering the school building unfit for school use, 60688  
provided that for those school districts operating pursuant to 60689  
section 3313.48 of the Revised Code the number of days the school 60690  
was actually open for instruction with pupils in attendance and 60691  
for individualized parent-teacher conference and reporting periods 60692  
is not less than one hundred seventy-five, or for those school 60693  
districts operating on a trimester plan the number of days the 60694  
school was actually open for instruction with pupils in attendance 60695  
not less than seventy-nine days in any trimester, for those school 60696  
districts operating on a quarterly plan the number of days the 60697  
school was actually open for instruction with pupils in attendance 60698  
not less than fifty-nine days in any quarter, or for those school 60699  
districts operating on a pentamester plan the number of days the 60700  
school was actually open for instruction with pupils in attendance 60701  
not less than forty-four days in any pentamester. 60702

A school district shall not be considered to have failed to 60703  
comply with this division or section 3313.481 of the Revised Code 60704  
because schools were open for instruction but either twelfth grade 60705  
students were excused from attendance for up to three days or only 60706  
a portion of the kindergarten students were in attendance for up 60707  
to three days in order to allow for the gradual orientation to 60708  
school of such students. 60709



The superintendent of public instruction shall waive the requirements of this section with reference to the minimum number of days or hours school must be in session with pupils in attendance for the school year succeeding the school year in which a board of education initiates a plan of operation pursuant to section 3313.481 of the Revised Code. The minimum requirements of this section shall again be applicable to such a district beginning with the school year commencing the second July succeeding the initiation of one such plan, and for each school year thereafter.

A school district shall not be considered to have failed to comply with this division or section 3313.48 or 3313.481 of the Revised Code because schools were open for instruction but the length of the regularly scheduled school day, for any number of days during the school year, was reduced by not more than two hours due to hazardous weather conditions.

(C) The school district has on file, and is paying in accordance with, a teachers' salary schedule which complies with section 3317.13 of the Revised Code.

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by ~~sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code~~ this chapter, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.

**Sec. 3317.013.** Except for a preschool child with a disability

for whom a scholarship has been awarded under section 3310.41 of 60741  
the Revised Code, this section does not apply to preschool 60742  
children with disabilities. 60743

Analysis of special education cost data has resulted in a 60744  
finding that the average special education additional cost per 60745  
pupil, including the costs of related services, can be expressed 60746  
as a multiple of the ~~base cost per pupil calculated under section~~ 60747  
~~3317.012 of the Revised Code~~ formula amount. The multiples for the 60748  
following categories of special education programs, as these 60749  
programs are defined for purposes of Chapter 3323. of the Revised 60750  
Code, and adjusted as provided in this section, are as follows: 60751

(A) A multiple of ~~0.2892~~ 0.2906 for students whose primary or 60752  
only identified disability is a speech and language disability, as 60753  
this term is defined pursuant to Chapter 3323. of the Revised 60754  
Code; 60755

(B) A multiple of ~~0.3691~~ 0.7374 for students identified as 60756  
specific learning disabled or developmentally disabled, as these 60757  
terms are defined pursuant to Chapter 3323. of the Revised Code, 60758  
or as having an other health impairment-minor; 60759

(C) A multiple of ~~1.7695~~ 1.7716 for students identified as 60760  
hearing disabled, ~~vision impaired,~~ or severe behavior disabled, as 60761  
these terms are defined pursuant to Chapter 3323. of the Revised 60762  
Code; 60763

(D) A multiple of ~~2.3646~~ 2.3643 for students identified as 60764  
~~orthopedically disabled~~ vision impaired, as this term is defined 60765  
pursuant to Chapter 3323. of the Revised Code, or as having an 60766  
other health impairment-major; 60767

(E) A multiple of ~~3.1129~~ 3.2022 for students identified as 60768  
orthopedically disabled or as having multiple disabilities, as 60769  
~~this term is~~ these terms are defined pursuant to Chapter 3323. of 60770  
the Revised Code; 60771

(F) A multiple of ~~4.7342~~ 4.7205 for students identified as  
autistic, having traumatic brain injuries, or as both visually and  
hearing impaired, as these terms are defined pursuant to Chapter  
3323. of the Revised Code.

In fiscal years 2008, 2009, 2010, ~~and 2011, 2012, and 2013,~~  
the multiples specified in divisions (A) to (F) of this section  
shall be adjusted by multiplying them by 0.90.

~~Not later than the thirtieth day of December in 2007, 2008,  
and 2009, the department of education shall submit to the office  
of budget and management a report that specifies for each city,  
local, exempted village, and joint vocational school district the  
fiscal year allocation of the state and local shares of special  
education and related services additional weighted funding and  
federal special education funds passed through to the district.~~

**Sec. 3317.014.** The ~~average~~ vocational education additional  
cost per pupil can be expressed as a multiple of the ~~base cost per~~  
~~pupil calculated under section 3317.012 of the Revised Code~~  
formula amount. The multiples for the following categories of  
vocational education programs are as follows:

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

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

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

~~By the thirtieth day of each December, the department of education shall report to the office of budget and management and the general assembly the amount of weighted funding for vocational education and associated services that was spent by each city, local, exempted village, and joint vocational school district specifically for vocational educational and associated services during the previous fiscal year.~~

**Sec. 3317.018.** (A) The department of education shall make no calculations or payments under ~~Chapter 3317. of the Revised Code~~ this chapter for any fiscal year except as prescribed in this section. The payments authorized under this section are in addition to payments computed and paid for fiscal years 2012 and 2013 under the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS."

(B) School districts shall report student enrollment data as prescribed by section 3317.03 of the Revised Code, which data the department shall use to make payments under ~~Chapters 3306. and 3317. of the Revised Code.~~ this chapter and the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS."

(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, 3317.0211, and 3317.08 and by division ~~(M)~~(K) of section 3317.02 of the Revised Code, which data the department shall use to make payments under ~~Chapters 3306. and 3317. of the Revised Code.~~ this chapter and the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL SCHOOL DISTRICTS."

(D) Unless otherwise specified by another provision of law,

~~in addition to the payments prescribed by Chapter 3306. of the~~ 60833  
~~Revised Code,~~ the department shall continue to make payments to or 60834  
adjustments for school districts in fiscal years after fiscal year 60835  
2009 under the following provisions of ~~Chapter 3317. of the~~ 60836  
~~Revised Code~~ this chapter: 60837

(1) The catastrophic cost reimbursement under division (C)(3) 60838  
of section 3317.022 of the Revised Code; however, when computing 60839  
that payment, the department shall use the disability categories 60840  
and multiples specified in section 3317.013 of the Revised Code as 60841  
that section existed prior to the effective date of this 60842  
amendment. No other payments shall be made under ~~that~~ section 60843  
3317.022 of the Revised Code. 60844

(2) All payments or adjustments under section 3317.023 of the 60845  
Revised Code, ~~except no payments or adjustments shall be made~~ 60846  
~~under divisions (B), (C), and (D) of that section.;~~ 60847

(3) All payments or adjustments under section 3317.024 of the 60848  
Revised Code, ~~except no payments or adjustments shall be made~~ 60849  
~~under divisions (F) and (N) of that section for fiscal years after~~ 60850  
~~fiscal year 2009 or under division (L) of that section for fiscal~~ 60851  
~~years 2010 and 2011.;~~ 60852

(4) All payments and adjustments under sections 3317.025, 60853  
3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the 60854  
Revised Code; 60855

~~(5) Payments under section 3317.04 of the Revised Code;~~ 60856

~~(6)~~ Unit payments under sections 3317.05, 3317.051, 3317.052, 60857  
and 3317.053 of the Revised Code, except that no units for gifted 60858  
funding are authorized ~~for~~ after fiscal years ~~2010 and 2011 year~~ 60859  
2009. 60860

~~(7)~~(6) Payments under sections 3317.06, 3317.063, and 60861  
3317.064 of the Revised Code; 60862

<del>(8) Payments under section 3317.07 of the Revised Code;</del>	60863
<del>(9)(7) Payments to educational service centers under section 3317.11 of the Revised Code;</del>	60864 60865
<del>(10)(8) The catastrophic cost reimbursement under division (E) of section 3317.16 of the Revised Code and excess cost reimbursements under division (G) of that section; <u>however, when computing that payment, the department shall use the disability categories and multiples specified in section 3317.013 of the Revised Code as that section existed prior to the effective date of this amendment.</u> No other payments shall be made under <del>that</del> section; <u>3317.16 of the Revised Code.</u></del>	60866 60867 60868 60869 60870 60871 60872 60873
<del>(11) Payments under section 3317.17 of the Revised Code;</del>	60874
<del>(12)(9) Adjustments under section 3317.18 of the Revised Code;</del>	60875 60876
<del>(13)(10) Payments to cooperative education school districts under section 3317.19 of the Revised Code;</del>	60877 60878
<del>(14)(11) Payments to county <del>MR/DD</del> <u>DD</u> boards under section 3317.20 of the Revised Code;</del>	60879 60880
<del>(15)(12) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.</del>	60881 60882
<del>(E) Sections 3317.016 and 3317.017 shall not apply to fiscal years after fiscal year 2009.</del>	60883 60884
<del>(F) This section does not affect the provisions of sections 3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, <u>3317.141</u>, 3317.15, 3317.50, <u>and</u> 3317.51, <del>3317.62, 3317.63, and 3317.64</del> of the Revised Code.</del>	60885 60886 60887 60888 60889
<del>(F) <u>The department shall make no payments for fiscal years 2012 or 2013 under section 3317.0212 of the Revised Code.</u></del>	60890 60891

Sec. 3317.02. As used in this chapter: 60892

(A) Unless otherwise specified, "school district" means city, 60893  
local, and exempted village school districts. 60894

(B) "Formula amount" means ~~\$5,732~~ \$5,653 for fiscal year ~~2010~~ 60895  
2012 and fiscal year ~~2011~~ 2013. 60896

(C) "FTE basis" means a count of students based on full-time 60897  
equivalency, in accordance with rules adopted by the department of 60898  
education pursuant to section 3317.03 of the Revised Code. In 60899  
adopting its rules under this division, the department shall 60900  
provide for counting any student in category one, two, three, 60901  
four, five, or six special education ADM or in category one or two 60902  
vocational education ADM in the same proportion the student is 60903  
counted in formula ADM. 60904

(D)(1) "Formula ADM" means, for a city, local, or exempted 60905  
village school district, ~~"formula ADM" as defined in section~~ 60906  
~~3306.02 of the Revised Code. the average daily membership~~ 60907  
described in division (A) of section 3317.03 of the Revised Code, 60908  
as verified by the superintendent of public instruction and 60909  
adjusted if so ordered under division (K) of that section, and as 60910  
further adjusted by the department of education, as follows: 60911

(a) Count only twenty per cent of the number of joint 60912  
vocational school district students counted under division (A)(3) 60913  
of section 3317.03 of the Revised Code; 60914

(b) Add twenty per cent of the number of students who are 60915  
entitled to attend school in the district under section 3313.64 or 60916  
3313.65 of the Revised Code and are enrolled in another school 60917  
district under a career-technical educational compact. 60918

(2) "Formula ADM" means, for a joint vocational school 60919  
district, the final number verified by the superintendent of 60920  
public instruction, based on the number reported pursuant to 60921

division (D) of section 3317.03 of the Revised Code, as adjusted, 60922  
if so ordered, under division (K) of that section. For purposes of 60923  
~~the calculation of payments to or adjustments for a city, exempted~~ 60924  
~~village, local, or joint vocational school district under this~~ 60925  
~~chapter or under Chapter 3306. of the Revised Code, calculations~~ 60926  
~~required under Chapter 3318. of the Revised Code, or adjustments~~ 60927  
~~required under Chapter 3365. of the Revised Code, the department~~ 60928  
~~of education shall use the district's formula ADM for the previous~~ 60929  
~~fiscal year, unless the district's average daily membership~~ 60930  
~~reported and verified for the current fiscal year is at least two~~ 60931  
~~per cent greater than the formula ADM reported for the previous~~ 60932  
~~fiscal year, in which case the department shall use the district's~~ 60933  
~~formula ADM for the current fiscal year.~~ 60934

(E) "Three-year average formula ADM" means the average of 60935  
formula ADMs for the preceding three fiscal years. 60936

(F)(1) "Category one special education ADM" means the average 60937  
daily membership of children with disabilities receiving special 60938  
education services for the disability specified in division 60939  
~~(D)(1)(A)~~ of section ~~3306.02~~ 3317.013 of the Revised Code and 60940  
reported under division (B)(5) or (D)(2)(b) of section 3317.03 of 60941  
the Revised Code. 60942

(2) "Category two special education ADM" means the average 60943  
daily membership of children with disabilities receiving special 60944  
education services for those disabilities specified in division 60945  
~~(D)(2)(B)~~ of section ~~3306.02~~ 3317.013 of the Revised Code and 60946  
reported under division (B)(6) or (D)(2)(c) of section 3317.03 of 60947  
the Revised Code. 60948

(3) "Category three special education ADM" means the average 60949  
daily membership of students receiving special education services 60950  
for those disabilities specified in division ~~(D)(3)(C)~~ of section 60951  
~~3306.02~~ 3317.013 of the Revised Code, and reported under division 60952  
(B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 60953



(4) "Category four special education ADM" means the average 60954  
daily membership of students receiving special education services 60955  
for those disabilities specified in division (D)~~(4)~~ of section 60956  
~~3306.02~~ 3317.013 of the Revised Code and reported under division 60957  
(B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 60958

(5) "Category five special education ADM" means the average 60959  
daily membership of students receiving special education services 60960  
for the disabilities specified in division ~~(D)(5)~~(E) of section 60961  
~~3306.02~~ 3317.013 of the Revised Code and reported under division 60962  
(B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 60963

(6) "Category six special education ADM" means the average 60964  
daily membership of students receiving special education services 60965  
for the disabilities specified in division ~~(D)(6)~~(F) of section 60966  
~~3306.02~~ 3317.013 of the Revised Code and reported under division 60967  
(B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 60968

(7) "Category one vocational education ADM" means the average 60969  
daily membership of students receiving vocational education 60970  
services described in division (A) of section 3317.014 of the 60971  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 60972  
section 3317.03 of the Revised Code. 60973

(8) "Category two vocational education ADM" means the average 60974  
daily membership of students receiving vocational education 60975  
services described in division (B) of section 3317.014 of the 60976  
Revised Code and reported under division (B)(12) or (D)(2)(i) of 60977  
section 3317.03 of the Revised Code. 60978

(G) "Preschool child with a disability" means a child with a 60979  
disability, as defined in section 3323.01 of the Revised Code, who 60980  
is at least age three but is not of compulsory school age, as 60981  
defined in section 3321.01 of the Revised Code, and who is not 60982  
currently enrolled in kindergarten. 60983

(H) "County DD board" means a county board of developmental 60984

disabilities. 60985

(I) "Recognized valuation" means the amount calculated for a 60986  
school district pursuant to section 3317.015 of the Revised Code. 60987

~~(J) "Transportation ADM" means the number of children 60988  
reported under division (B)(13) of section 3317.03 of the Revised 60989  
Code. 60990~~

~~(K) "Average efficient transportation use cost per student" 60991  
means a statistical representation of transportation costs as 60992  
calculated under division (D)(2) of section 3317.022 of the 60993  
Revised Code. 60994~~

~~(L) "Taxes charged and payable" means the taxes charged and 60995  
payable against real and public utility property after making the 60996  
reduction required by section 319.301 of the Revised Code, plus 60997  
the taxes levied against tangible personal property. 60998~~

~~(M)(K) "Total taxable value" means the sum of the amounts 60999  
certified for a city, local, exempted village, or joint vocational 61000  
school district under divisions (A)(1) and (2) of section 3317.021 61001  
of the Revised Code. 61002~~

~~(N)(L) "Tax exempt value" of a school district means the 61003  
amount certified for a school district under division (A)(4) of 61004  
section 3317.021 of the Revised Code. 61005~~

~~(O)(M) "Potential value" of a school district means the 61006  
recognized valuation of a school district plus the tax exempt 61007  
value of the district. 61008~~

~~(P)(N) "District median income" means the median Ohio 61009  
adjusted gross income certified for a school district. On or 61010  
before the first day of July of each year, the tax commissioner 61011  
shall certify to the department of education and the office of 61012  
budget and management for each city, exempted village, and local 61013  
school district the median Ohio adjusted gross income of the 61014~~

residents of the school district determined on the basis of tax 61015  
returns filed for the second preceding tax year by the residents 61016  
of the district. 61017

~~(Q)~~(O) "Statewide median income" means the median district 61018  
median income of all city, exempted village, and local school 61019  
districts in the state. 61020

~~(R)~~(P) "Income factor" for a city, exempted village, or local 61021  
school district means the quotient obtained by dividing that 61022  
district's median income by the statewide median income. 61023

~~(S)~~(Q) "Medically fragile child" means a child to whom all of 61024  
the following apply: 61025

(1) The child requires the services of a doctor of medicine 61026  
or osteopathic medicine at least once a week due to the 61027  
instability of the child's medical condition. 61028

(2) The child requires the services of a registered nurse on 61029  
a daily basis. 61030

(3) The child is at risk of institutionalization in a 61031  
hospital, skilled nursing facility, or intermediate care facility 61032  
for the mentally retarded. 61033

~~(T)~~(R) A child may be identified as having an "other health 61034  
impairment-major" if the child's condition meets the definition of 61035  
"other health impaired" established in rules adopted by the state 61036  
board of education prior to July 1, 2001, and if either of the 61037  
following apply: 61038

(1) The child is identified as having a medical condition 61039  
that is among those listed by the superintendent of public 61040  
instruction as conditions where a substantial majority of cases 61041  
fall within the definition of "medically fragile child." The 61042  
superintendent of public instruction shall issue an initial list 61043  
no later than September 1, 2001. 61044

(2) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

~~(U)~~(S) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, but the child's condition does not meet either of the conditions specified in division ~~(T)~~(R)(1) or (2) of this section.

~~(V)~~(T) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

~~(W)~~(U) "Property exemption value" means zero in fiscal year 2006, and in fiscal year 2007 and each fiscal year thereafter, the amount certified for a school district under divisions (A)(6) and (7) of section 3317.021 of the Revised Code.

~~(X)~~(V) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

~~(Y)~~(W) "State share percentage" ~~has the same meaning as in,~~ for a city, exempted village, or local school district, for fiscal years 2012 and 2013, means the district's state share percentage as computed for fiscal year 2011 under former section 3306.02 of the Revised Code. "State share percentage," for a joint vocational school district, for fiscal years 2012 and 2013, means the district's state share percentage as computed for fiscal year 2009 under section 3317.16 of the Revised Code as that section existed for that fiscal year.

~~Sec. 3317.021. The information certified under this section shall be used to calculate payments under this chapter and Chapter~~

~~3306. of the Revised Code.~~ 61075

(A) On or before the first day of June of each year, the tax 61076  
commissioner shall certify to the department of education and the 61077  
office of budget and management the information described in 61078  
divisions (A)(1) to (7) of this section for each city, exempted 61079  
village, and local school district, and the information required 61080  
by divisions (A)(1) and (2) of this section for each joint 61081  
vocational school district, and it shall be used, along with the 61082  
information certified under division (B) of this section, in 61083  
making the computations for the district under this chapter ~~and~~ 61084  
~~Chapter 3306. of the Revised Code.~~ 61085

(1) The taxable value of real and public utility real 61086  
property in the school district subject to taxation in the 61087  
preceding tax year, by class and by county of location. 61088

(2) The taxable value of tangible personal property, 61089  
including public utility personal property, subject to taxation by 61090  
the district for the preceding tax year. 61091

(3)(a) The total property tax rate and total taxes charged 61092  
and payable for the current expenses for the preceding tax year 61093  
and the total property tax rate and the total taxes charged and 61094  
payable to a joint vocational district for the preceding tax year 61095  
that are limited to or to the extent apportioned to current 61096  
expenses. 61097

(b) The portion of the amount of taxes charged and payable 61098  
reported for each city, local, and exempted village school 61099  
district under division (A)(3)(a) of this section attributable to 61100  
a joint vocational school district. 61101

(4) The value of all real and public utility real property in 61102  
the school district exempted from taxation minus both of the 61103  
following: 61104

(a) The value of real and public utility real property in the 61105

district owned by the United States government and used 61106  
exclusively for a public purpose; 61107

(b) The value of real and public utility real property in the 61108  
district exempted from taxation under Chapter 725. or 1728. or 61109  
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 61110  
5709.73, or 5709.78 of the Revised Code. 61111

(5) The total federal adjusted gross income of the residents 61112  
of the school district, based on tax returns filed by the 61113  
residents of the district, for the most recent year for which this 61114  
information is available. 61115

(6) The sum of the school district compensation value as 61116  
indicated on the list of exempted property for the preceding tax 61117  
year under section 5713.08 of the Revised Code as if such property 61118  
had been assessed for taxation that year and the other 61119  
compensation value for the school district, minus the amounts 61120  
described in divisions (A)(6)(c) to (i) of this section. The 61121  
portion of school district compensation value or other 61122  
compensation value attributable to an incentive district exemption 61123  
may be subtracted only once even if that incentive district 61124  
satisfies more than one of the criteria in divisions (A)(6)(c) to 61125  
(i) of this section. 61126

(a) "School district compensation value" means the aggregate 61127  
value of real property in the school district exempted from 61128  
taxation pursuant to an ordinance or resolution adopted under 61129  
division (C) of section 5709.40, division (C) of section 5709.73, 61130  
or division (B) of section 5709.78 of the Revised Code to the 61131  
extent that the exempted value results in the charging of payments 61132  
in lieu of taxes required to be paid to the school district under 61133  
division (D)(1) or (2) of section 5709.40, division (D) of section 61134  
5709.73, or division (C) of section 5709.78 of the Revised Code. 61135

(b) "Other compensation value" means the quotient that 61136

results from dividing (i) the dollar value of compensation 61137  
received by the school district during the preceding tax year 61138  
pursuant to division (B), (C), or (D) of section 5709.82 of the 61139  
Revised Code and the amounts received pursuant to an agreement as 61140  
specified in division (D)(2) of section 5709.40, division (D) of 61141  
section 5709.73, or division (C) of section 5709.78 of the Revised 61142  
Code to the extent those amounts were not previously reported or 61143  
included in division (A)(6)(a) of this section, and so that any 61144  
such amount is reported only once under division (A)(6)(b) of this 61145  
section, in relation to exemptions from taxation granted pursuant 61146  
to an ordinance or resolution adopted under division (C) of 61147  
section 5709.40, division (C) of section 5709.73, or division (B) 61148  
of section 5709.78 of the Revised Code, by (ii) the real property 61149  
tax rate in effect for the preceding tax year for 61150  
nonresidential/agricultural real property after making the 61151  
reductions required by section 319.301 of the Revised Code. 61152

(c) The portion of school district compensation value or 61153  
other compensation value that was exempted from taxation pursuant 61154  
to such an ordinance or resolution for the preceding tax year, if 61155  
the ordinance or resolution is adopted prior to January 1, 2006, 61156  
and the legislative authority or board of township trustees or 61157  
county commissioners, prior to January 1, 2006, executes a 61158  
contract or agreement with a developer, whether for-profit or 61159  
not-for-profit, with respect to the development of a project 61160  
undertaken or to be undertaken and identified in the ordinance or 61161  
resolution, and upon which parcels such project is being, or will 61162  
be, undertaken; 61163

(d) The portion of school district compensation value that 61164  
was exempted from taxation for the preceding tax year and for 61165  
which payments in lieu of taxes for the preceding tax year were 61166  
provided to the school district under division (D)(1) of section 61167  
5709.40 of the Revised Code. 61168

(e) The portion of school district compensation value that 61169  
was exempted from taxation for the preceding tax year pursuant to 61170  
such an ordinance or resolution, if and to the extent that, on or 61171  
before April 1, 2006, the fiscal officer of the municipal 61172  
corporation that adopted the ordinance, or of the township or 61173  
county that adopted the resolution, certifies and provides 61174  
appropriate supporting documentation to the tax commissioner and 61175  
the director of development that, based on hold-harmless 61176  
provisions in any agreement between the school district and the 61177  
legislative authority of the municipal corporation, board of 61178  
township trustees, or board of county commissioners that was 61179  
entered into on or before June 1, 2005, the ability or obligation 61180  
of the municipal corporation, township, or county to repay bonds, 61181  
notes, or other financial obligations issued or entered into prior 61182  
to January 1, 2006, will be impaired, including obligations to or 61183  
of any other body corporate and politic with whom the legislative 61184  
authority of the municipal corporation or board of township 61185  
trustees or county commissioners has entered into an agreement 61186  
pertaining to the use of service payments derived from the 61187  
improvements exempted; 61188

(f) The portion of school district compensation value that 61189  
was exempted from taxation for the preceding tax year pursuant to 61190  
such an ordinance or resolution, if the ordinance or resolution is 61191  
adopted prior to January 1, 2006, in a municipal corporation with 61192  
a population that exceeds one hundred thousand, as shown by the 61193  
most recent federal decennial census, that includes a major 61194  
employment center and that is adjacent to historically distressed 61195  
neighborhoods, if the legislative authority of the municipal 61196  
corporation that exempted the property prepares an economic 61197  
analysis that demonstrates that all taxes generated within the 61198  
incentive district accruing to the state by reason of improvements 61199  
constructed within the district during its existence exceed the 61200  
amount the state pays the school district under section 3317.022 61201



of the Revised Code attributable to such property exemption from 61202  
the school district's recognized valuation. The analysis shall be 61203  
submitted to and approved by the department of development prior 61204  
to January 1, 2006, and the department shall not unreasonably 61205  
withhold approval. 61206

(g) The portion of school district compensation value that 61207  
was exempted from taxation for the preceding tax year under such 61208  
an ordinance or resolution, if the ordinance or resolution is 61209  
adopted prior to January 1, 2006, and if service payments have 61210  
been pledged to be used for mixed-use riverfront entertainment 61211  
development in any county with a population that exceeds six 61212  
hundred thousand, as shown by the most recent federal decennial 61213  
census; 61214

(h) The portion of school district compensation value that 61215  
was exempted from taxation for the preceding tax year under such 61216  
an ordinance or resolution, if, prior to January 1, 2006, the 61217  
legislative authority of a municipal corporation, board of 61218  
township trustees, or board of county commissioners has pledged 61219  
service payments for a designated transportation capacity project 61220  
approved by the transportation review advisory council under 61221  
Chapter 5512. of the Revised Code; 61222

(i) The portion of school district compensation value that 61223  
was exempted from taxation for the preceding tax year under such 61224  
an ordinance or resolution if the legislative authority of a 61225  
municipal corporation, board of township trustees, or board of 61226  
county commissioners have, by January 1, 2006, pledged proceeds 61227  
for designated transportation improvement projects that involve 61228  
federal funds for which the proceeds are used to meet a local 61229  
share match requirement for such funding. 61230

As used in division (A)(6) of this section, "project" has the 61231  
same meaning as in section 5709.40 of the Revised Code. 61232

(7) The aggregate value of real property in the school district for which an exemption from taxation is granted by an ordinance or resolution adopted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code, as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code and as if such property had been assessed for taxation that year, minus the product determined by multiplying (a) the aggregate value of the real property in the school district exempted from taxation for the preceding tax year under any of the chapters or sections specified in this division, by (b) a fraction, the numerator of which is the difference between (i) the amount of anticipated revenue such school district would have received for the preceding tax year if the real property exempted from taxation had not been exempted from taxation and (ii) the aggregate amount of payments in lieu of taxes on the exempt real property for the preceding tax year and other compensation received for the preceding tax year by the school district pursuant to any agreements entered into on or after January 1, 2006, under section 5709.82 of the Revised Code between the school district and the legislative authority of a political subdivision that acted under the authority of a chapter or statute specified in this division, that were entered into in relation to such exemption, and the denominator of which is the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation had not been exempted.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If a public utility has properly and timely filed a petition for reassessment under section 5727.47 of the Revised Code with respect to an assessment issued under section 5727.23 of the Revised Code affecting taxable property apportioned by the tax commissioner to a school district, the taxable value of public utility tangible personal property included in the certification under divisions (A)(2) and (B) of this section for the school district shall include only the amount of taxable value on the basis of which the public utility paid tax for the preceding year as provided in division (B)(1) or (2) of section 5727.47 of the Revised Code.

(D) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in ~~division (A)(1) of section 3306.01~~ and division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (D)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of ~~division (A)(1) of section 3306.01~~ and division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this

section; 61298

(2) Estimate the total amount of tax liability for the 61299  
current tax year under taxes levied by Chapter 5748. of the 61300  
Revised Code that are apportioned to current operating expenses of 61301  
the district, excluding any income tax receipts allocated for the 61302  
project cost, debt service, or maintenance set-aside associated 61303  
with a state-assisted classroom facilities project as authorized 61304  
by section 3318.052 of the Revised Code; 61305

(3) Divide the amount estimated under division (D)(2) of this 61306  
section by the product obtained under division (D)(1) of this 61307  
section. 61308

(E)(1) On or before June 1, 2006, and the first day of April 61309  
of each year thereafter, the director of development shall report 61310  
to the department of education, the tax commissioner, and the 61311  
director of budget and management the total amounts of payments 61312  
received by each city, local, exempted village, or joint 61313  
vocational school district for the preceding tax year pursuant to 61314  
division (D) of section 5709.40, division (D) of section 5709.73, 61315  
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 61316  
or (D) of section 5709.82 of the Revised Code in relation to 61317  
exemptions from taxation granted pursuant to an ordinance adopted 61318  
by the legislative authority of a municipal corporation under 61319  
division (C) of section 5709.40 of the Revised Code, or a 61320  
resolution adopted by a board of township trustees or board of 61321  
county commissioners under division (C) of section 5709.73 or 61322  
division (B) of section 5709.78 of the Revised Code, respectively. 61323  
On or before April 1, 2006, and the first day of March of each 61324  
year thereafter, the treasurer of each city, local, exempted 61325  
village, or joint vocational school district that has entered into 61326  
such an agreement shall report to the director of development the 61327  
total amounts of such payments the district received for the 61328  
preceding tax year as provided in this section. The state board of 61329

education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.

(2) On or before April 1, 2007, and the first day of April of each year thereafter, the director of development shall report to the department of education, the tax commissioner, and the director of budget and management the total amounts of payments received by each city, local, exempted village, or joint vocational school district for the preceding tax year pursuant to divisions (B), (C), and (D) of section 5709.82 of the Revised Code in relation to exemptions from taxation granted pursuant to ordinances or resolutions adopted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code. On or before March 1, 2007, and the first day of March of each year thereafter, the treasurer of each city, local, exempted village, or joint vocational school district that has entered into such an agreement shall report to the director of development the total amounts of such payments the district received for the preceding tax year as provided by this section. The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke the license of a treasurer found to have willfully reported erroneous, inaccurate, or incomplete data under this division.

**Sec. 3317.022.** (A)(1) The department of education shall compute and distribute state base cost funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, according to the following formula:

{[the formula amount X (formula ADM +  
preschool scholarship ADM)] +  
the sum of the base funding supplements  
prescribed in divisions (C)(1) to (4)  
of section 3317.012 of the Revised Code} -  
[.023 x (the sum of recognized valuation  
and property exemption value)] +  
the amounts calculated for the district under  
sections 3317.029 and 3317.0217 of the Revised Code

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

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

(b) For each school district to which division (A)(2)(a) of  
this section applies, the department shall adjust the recognized  
valuation used in the calculation under division (A)(1) of this  
section by subtracting from it the amount calculated under  
division (A)(2)(a) of this section.

(B) As used in this section:

(1) The "total special education weight" for a district means  
the sum of the following amounts:

(a) The district's category one special education ADM  
multiplied by the multiple specified in division (A) of section  
3317.013 of the Revised Code;

(b) The district's category two special education ADM  
multiplied by the multiple specified in division (B) of section  
3317.013 of the Revised Code;

(c) The district's category three special education ADM

multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code;	61392 61393
(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code;	61394 61395 61396
(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code;	61397 61398 61399
(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code.	61400 61401 61402
(2) "Related services" includes:	61403
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	61404 61405 61406 61407 61408 61409 61410 61411 61412
(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;	61413 61414 61415
(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;	61416 61417 61418
(d) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	61419 61420
(e) Any other related service needed by children with	61421

disabilities in accordance with their individualized education programs. 61422  
61423

(3) The "total vocational education weight" for a district means the sum of the following amounts: 61424  
61425

(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; 61426  
61427  
61428

(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. 61429  
61430  
61431

(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. 61432  
61433  
61434

(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: 61435  
61436  
61437  
61438

The district's state share percentage X 61439  
the formula amount for the year for which 61440  
the aid is calculated X the district's 61441  
total special education weight 61442

(2) The attributed local share of special education and related services additional weighted costs equals: 61443  
61444

(1 - the district's state share percentage) X the district's total special education weight X the formula amount 61445  
61446

(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 61447  
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61450  
61451  
61452



may submit to the superintendent of public instruction 61453  
documentation, as prescribed by the superintendent, of all its 61454  
costs for that student. Upon submission of documentation for a 61455  
student of the type and in the manner prescribed, the department 61456  
shall pay to the district an amount equal to the sum of the 61457  
following: 61458

(i) One-half of the district's costs for the student in 61459  
excess of the threshold catastrophic cost; 61460

(ii) The product of one-half of the district's costs for the 61461  
student in excess of the threshold catastrophic cost multiplied by 61462  
the district's state share percentage. 61463

(b) For purposes of division (C)(3)(a) of this section, the 61464  
threshold catastrophic cost for serving a student equals: 61465

(i) For a student in the school district's category two, 61466  
three, four, or five special education ADM, twenty-seven thousand 61467  
three hundred seventy-five dollars; 61468

(ii) For a student in the district's category six special 61469  
education ADM, thirty-two thousand eight hundred fifty dollars. 61470

(c) The district shall only report under division (C)(3)(a) 61471  
of this section, and the department shall only pay for, the costs 61472  
of educational expenses and the related services provided to the 61473  
student in accordance with the student's individualized education 61474  
program. Any legal fees, court costs, or other costs associated 61475  
with any cause of action relating to the student may not be 61476  
included in the amount. 61477

(4)(a) As used in this division, the "personnel allowance" 61478  
means thirty thousand dollars in fiscal years 2008 and 2009. 61479

(b) For the provision of speech language pathology services 61480  
to students, including students who do not have individualized 61481  
education programs prepared for them under Chapter 3323. of the 61482

Revised Code, and for no other purpose, the department of 61483  
education shall pay each school district an amount calculated 61484  
under the following formula: 61485

(formula ADM divided by 2000) X 61486  
the personnel allowance X 61487  
the state share percentage 61488

(5) In any fiscal year, a school district shall spend for 61489  
purposes that the department designates as approved for special 61490  
education and related services expenses at least the amount 61491  
calculated as follows: 61492

(formula amount X the sum of categories 61493  
one through six special education ADM) + 61494  
(total special education weight X formula amount) 61495

The purposes approved by the department for special education 61496  
expenses shall include, but shall not be limited to, 61497  
identification of children with disabilities, compliance with 61498  
state rules governing the education of children with disabilities 61499  
and prescribing the continuum of program options for children with 61500  
disabilities, provision of speech language pathology services, and 61501  
the portion of the school district's overall administrative and 61502  
overhead costs that are attributable to the district's special 61503  
education student population. 61504

The scholarships deducted from the school district's account 61505  
under section 3310.41 of the Revised Code shall be considered to 61506  
be an approved special education and related services expense for 61507  
the purpose of the school district's compliance with division 61508  
(C)(5) of this section. 61509

The department shall require school districts to report data 61510  
annually to allow for monitoring compliance with division (C)(5) 61511  
of this section. The department shall annually report to the 61512  
governor and the general assembly the amount of money spent by 61513  
each school district for special education and related services. 61514

(6) In any fiscal year, a school district shall spend for the provision of speech language pathology services not less than the sum of the amount calculated under division (C)(1) of this section for the students in the district's category one special education ADM and the amount calculated under division (C)(4) of this section.

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

~~(a) "Daily bus miles per student" equals the number of bus miles traveled per day, divided by transportation base.~~

~~(b) "Transportation base" equals total student count as defined in section 3301.011 of the Revised Code, minus the number of students enrolled in units for preschool children with disabilities, plus the number of nonpublic school students included in transportation ADM.~~

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

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

~~(2) Analysis of student transportation cost data has resulted 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:~~

<del>FISCAL YEAR</del>	<del>PERCENTAGE</del>	
<del>2000</del>	<del>52.5%</del>	
<del>2001</del>	<del>55%</del>	
<del>2002</del>	<del>57.5%</del>	
<del>2003 and thereafter</del>	<del>The greater of 60% or the district's state share percentage</del>	

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

~~(4) In addition to funds paid under divisions (D)(2) and (3)~~

~~of this section, a school district shall receive a rough road  
subsidy if both of the following apply:~~ 61576  
61577

~~(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;~~ 61578  
61579  
61580

~~(b) Its district student density is lower than the statewide  
student density, as those terms are defined in that division.~~ 61581  
61582

~~(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:~~ 61583  
61584  
61585

~~(per rough mile subsidy X total rough road miles)  
X density multiplier~~ 61586  
61587

~~where:~~ 61588

~~(a) "Per rough mile subsidy" equals the amount calculated in  
accordance with the following formula:~~ 61589  
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~~0.75 — {0.75 X [(maximum rough road percentage —  
county rough road percentage)/(maximum rough road  
percentage — statewide rough road percentage)]}~~ 61591  
61592  
61593

~~(i) "Maximum rough road percentage" means the highest county  
rough road percentage in the state.~~ 61594  
61595

~~(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.~~ 61596  
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~~(iii) "Statewide rough road percentage" means the percentage  
of the statewide total mileage of state, municipal, county, and  
township roads that is rated as type A, B, C, E2, or F by the~~ 61603  
61604  
61605

~~department of transportation.~~ 61606

~~(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage.~~ 61607  
61608  
61609

~~(c) "Density multiplier" means a figure calculated in accordance with the following formula:~~ 61610  
61611

~~1 - [(minimum student density - district student density) / (minimum student density - statewide student density)]~~ 61612  
61613  
61614

~~(i) "Minimum student density" means the lowest district student density in the state.~~ 61615  
61616

~~(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district.~~ 61617  
61618  
61619

~~(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.~~ 61620  
61621  
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~~(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board owned or contractor operated buses and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.~~ 61623  
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~~(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula:~~ 61631  
61632  
61633

~~state share percentage X~~ 61634

~~the formula amount X~~ 61635

total vocational education weight 61636

In any fiscal year, a school district receiving funds under 61637  
division ~~(E)~~(D)(1) of this section shall spend those funds only 61638  
for the purposes that the department designates as approved for 61639  
vocational education expenses. Vocational educational expenses 61640  
approved by the department shall include only expenses connected 61641  
to the delivery of career-technical programming to 61642  
career-technical students. The department shall require the school 61643  
district to report data annually so that the department may 61644  
monitor the district's compliance with the requirements regarding 61645  
the manner in which funding received under division ~~(E)~~(D)(1) of 61646  
this section may be spent. 61647

(2) The department shall compute for each school district 61648  
state funds for vocational education associated services in 61649  
accordance with the following formula: 61650

state share percentage X .05 X the formula amount X 61651  
the sum of categories one and two vocational education ADM 61652

In any fiscal year, a school district receiving funds under 61653  
division ~~(E)~~(D)(2) of this section, or through a transfer of funds 61654  
pursuant to division ~~(H)~~(I) of section 3317.023 of the Revised 61655  
Code, shall spend those funds only for the purposes that the 61656  
department designates as approved for vocational education 61657  
associated services expenses, which may include such purposes as 61658  
apprenticeship coordinators, coordinators for other vocational 61659  
education services, vocational evaluation, and other purposes 61660  
designated by the department. The department may deny payment 61661  
under division ~~(E)~~(D)(2) of this section to any district that the 61662  
department determines is not operating those services or is using 61663  
funds paid under division ~~(E)~~(D)(2) of this section, or through a 61664  
transfer of funds pursuant to division ~~(H)~~(I) of section 3317.023 61665  
of the Revised Code, for other purposes. 61666

~~(F)~~(E) The actual local share in any fiscal year for the 61667

combination of special education and related services additional 61668  
weighted costs funding calculated under division (C)(1) of this 61669  
section, transportation ~~funding~~ base payment calculated under 61670  
divisions ~~(D)(2) and (3)~~ division (E) of ~~this~~ section 3317.0212 of 61671  
the Revised Code, and vocational education and associated services 61672  
additional weighted costs funding calculated under divisions 61673  
~~(E)(D)~~(1) and (2) of this section shall not exceed for any school 61674  
district the product of three and three-tenths mills times the 61675  
district's recognized valuation. The department annually shall pay 61676  
each school district as an excess cost supplement any amount by 61677  
which the sum of the district's attributed local shares for that 61678  
funding exceeds that product. For purposes of calculating the 61679  
excess cost supplement: 61680

(1) The attributed local share for special education and 61681  
related services additional weighted costs funding is the amount 61682  
specified in division (C)(2) of this section. 61683

(2) The attributed local share of the district's 61684  
transportation ~~funding~~ base payment equals the difference of the 61685  
total amount calculated for the district ~~using the formula~~ 61686  
~~developed~~ under division ~~(D)(2)~~(E) of ~~this~~ section 3317.0212 of 61687  
the Revised Code minus the actual amount paid to the district 61688  
after applying the percentage specified in division ~~(D)~~(E)(3) of 61689  
~~this~~ that section. 61690

(3) The attributed local share of vocational education and 61691  
associated services additional weighted costs funding is the 61692  
amount determined as follows: 61693

(1 - state share percentage) X 61694  
[(total vocational education weight X 61695  
the formula amount) + the payment under 61696  
division ~~(E)~~(D)(2) of this section] 61697

**Sec. 3317.023.** (A) The amounts required to be paid to a 61698



district under this chapter and ~~Chapter 3306.~~ of the Revised Code 61699  
shall be adjusted by the amount of the computations made under 61700  
divisions (B) to ~~(N)~~(K) of this section. ~~The department of~~ 61701  
~~education shall not make payments or adjustments under divisions~~ 61702  
~~(B), (C), and (D) of this section for any fiscal year after fiscal~~ 61703  
~~year 2009.~~ 61704

As used in this section: 61705

(1) ~~"Classroom teacher" means a licensed employee who~~ 61706  
~~provides direct instruction to pupils, excluding teachers funded~~ 61707  
~~from money paid to the district from federal sources; educational~~ 61708  
~~service personnel; and vocational and special education teachers.~~ 61709

~~(2) "Educational service personnel" shall not include such~~ 61710  
~~specialists funded from money paid to the district from federal~~ 61711  
~~sources or assigned full-time to vocational or special education~~ 61712  
~~students and classes and may only include those persons employed~~ 61713  
~~in the eight specialist areas in a pattern approved by the~~ 61714  
~~department of education under guidelines established by the state~~ 61715  
~~board of education.~~ 61716

~~(3) "Annual salary" means the annual base salary stated in~~ 61717  
~~the state minimum salary schedule for the performance of the~~ 61718  
~~teacher's regular teaching duties that the teacher earns for~~ 61719  
~~services rendered for the first full week of October of the fiscal~~ 61720  
~~year for which the adjustment is made under division (C) of this~~ 61721  
~~section. It shall not include any salary payments for supplemental~~ 61722  
~~teachers contracts.~~ 61723

~~(4) "Regular student population" means the formula ADM plus~~ 61724  
~~the number of students reported as enrolled in the district~~ 61725  
~~pursuant to division (A)(1) of section 3313.981 of the Revised~~ 61726  
~~Code; minus the number of students reported under division (A)(2)~~ 61727  
~~of section 3317.03 of the Revised Code; minus the FTE of students~~ 61728  
~~reported under division (B)(6), (7), (8), (9), (10), (11), or (12)~~ 61729

~~of that section who are enrolled in a vocational education class 61730  
or receiving special education; and minus twenty per cent of the 61731  
students enrolled concurrently in a joint vocational school 61732  
district. 61733~~

~~(5) "VEPD" means a school district or group of school 61734  
districts designated by the department of education as being 61735  
responsible for the planning for and provision of vocational 61736  
education services to students within the district or group. 61737~~

~~(6)(2) "Lead district" means a school district, including a 61738  
joint vocational school district, designated by the department as 61739  
a VEPD, or designated to provide primary vocational education 61740  
leadership within a VEPD composed of a group of districts. 61741~~

~~(B) If the district employs less than one full-time 61742  
equivalent classroom teacher for each twenty-five pupils in the 61743  
regular student population in any school district, deduct the sum 61744  
of the amounts obtained from the following computations: 61745~~

~~(1) Divide the number of the district's full-time equivalent 61746  
classroom teachers employed by one twenty-fifth; 61747~~

~~(2) Subtract the quotient in (1) from the district's regular 61748  
student population; 61749~~

~~(3) Multiply the difference in (2) by seven hundred fifty-two 61750  
dollars. 61751~~

~~(C) If a positive amount, add one-half of the amount obtained 61752  
by multiplying the number of full-time equivalent classroom 61753  
teachers by: 61754~~

~~(1) The mean annual salary of all full-time equivalent 61755  
classroom teachers employed by the district at their respective 61756  
training and experience levels minus; 61757~~

~~(2) The mean annual salary of all such teachers at their 61758  
respective levels in all school districts receiving payments under 61759~~

~~this section.~~ 61760

~~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.~~ 61761  
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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:~~ 61771  
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~~(1) Divide the number of full time equivalent educational service personnel employed by the district by five one thousandths;~~ 61780  
61781  
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~~(2) Subtract the quotient in (1) from the district's regular student population;~~ 61783  
61784

~~(3) Multiply the difference in (2) by ninety four dollars.~~ 61785

~~(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~~ 61786  
61787  
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the Revised Code. 61791

~~(F)~~(C)(1) If the district is required to pay to or entitled 61792  
to receive tuition from another school district under division 61793  
(C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised 61794  
Code, or if the superintendent of public instruction is required 61795  
to determine the correct amount of tuition and make a deduction or 61796  
credit under section 3317.08 of the Revised Code, deduct and 61797  
credit such amounts as provided in division (J) of section 3313.64 61798  
or section 3317.08 of the Revised Code. 61799

(2) For each child for whom the district is responsible for 61800  
tuition or payment under division (A)(1) of section 3317.082 or 61801  
section 3323.091 of the Revised Code, deduct the amount of tuition 61802  
or payment for which the district is responsible. 61803

~~(G)~~(D) If the district has been certified by the 61804  
superintendent of public instruction under section 3313.90 of the 61805  
Revised Code as not in compliance with the requirements of that 61806  
section, deduct an amount equal to ten per cent of the amount 61807  
computed for the district under ~~Chapter 3306. of the Revised Code~~ 61808  
this chapter. 61809

~~(H)~~(E) If the district has received a loan from a commercial 61810  
lending institution for which payments are made by the 61811  
superintendent of public instruction pursuant to division (E)(3) 61812  
of section 3313.483 of the Revised Code, deduct an amount equal to 61813  
such payments. 61814

~~(I)~~(F)(1) If the district is a party to an agreement entered 61815  
into under division (D), (E), or (F) of section 3311.06 or 61816  
division (B) of section 3311.24 of the Revised Code and is 61817  
obligated to make payments to another district under such an 61818  
agreement, deduct an amount equal to such payments if the district 61819  
school board notifies the department in writing that it wishes to 61820  
have such payments deducted. 61821

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

~~(J)~~(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B)(4) of section 3311.52 or division (B)(8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B)(1) of section 3317.19 of the Revised Code.

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

(a) An amount equal to the formula amount.

(b) An amount equal to ~~the current formula amount~~ \$5,732 times the state share percentage times any multiple applicable to the student for fiscal year 2009 pursuant to section ~~3306.11~~ 3317.013 or 3317.014 of the Revised Code, as those sections existed for that fiscal year.

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

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the

service center pursuant to section 3317.11 of the Revised Code. 61853

~~(I)~~(I)(1) If a district, including a joint vocational school 61854  
district, is a lead district of a VEPD, credit to that district 61855  
the following amounts calculated for all the school districts 61856  
within that VEPD ~~pursuant to~~: 61857

(a) In any fiscal year except fiscal year 2012 or 2013, the 61858  
amount computed under division ~~(E)~~(D)(2) of section 3317.022 of 61859  
the Revised Code; 61860

(b) In fiscal years 2012 and 2013, an amount equal to the 61861  
following: 61862

state share percentage X .05 X \$5,732 X 61863

the sum of categories one 61864

and two vocational education ADM 61865

(2) Deduct from each appropriate district that is not a lead 61866  
district, the amount attributable to that district that is 61867  
credited to a lead district under division ~~(I)~~(I)(1) of this 61868  
section. 61869

~~(M)~~(J) If the department pays a joint vocational school 61870  
district under division (G)(4) of section 3317.16 of the Revised 61871  
Code for excess costs of providing special education and related 61872  
services to a student with a disability, as calculated under 61873  
division (G)(2) of that section, the department shall deduct the 61874  
amount of that payment from the city, local, or exempted village 61875  
school district that is responsible as specified in that section 61876  
for the excess costs. 61877

~~(N)~~(K)(1) If the district reports an amount of excess cost 61878  
for special education services for a child under division (C) of 61879  
section 3323.14 of the Revised Code, the department shall pay that 61880  
amount to the district. 61881

(2) If the district reports an amount of excess cost for 61882  
special education services for a child under division (C) of 61883

section 3323.14 of the Revised Code, the department shall deduct 61884  
that amount from the district of residence of that child. 61885

**Sec. 3317.024.** The following shall be distributed monthly, 61886  
quarterly, or annually as may be determined by the state board of 61887  
education, ~~except that the department of education shall not make~~ 61888  
~~payments under divisions (F) and (N) of this section for any~~ 61889  
~~fiscal year after fiscal year 2009 or under division (L) of this~~ 61890  
~~section for fiscal year 2010 or 2011:~~ 61891

(A) An amount for each island school district and each joint 61892  
state school district for the operation of each high school and 61893  
each elementary school maintained within such district and for 61894  
capital improvements for such schools. Such amounts shall be 61895  
determined on the basis of standards adopted by the state board of 61896  
education. However, for fiscal years 2012 and 2013, an island 61897  
district shall receive the lesser of its actual cost of operation, 61898  
as certified to the department of education, or ninety-three per 61899  
cent of the amount the district received in state operating 61900  
funding for fiscal year 2011. If an island district received no 61901  
funding for fiscal year 2011, it shall receive no funding for 61902  
either of fiscal year 2012 or 2013. 61903

~~(B) An amount for each school district operating classes for~~ 61904  
~~children of migrant workers who are unable to be in attendance in~~ 61905  
~~an Ohio school during the entire regular school year. The amounts~~ 61906  
~~shall be determined on the basis of standards adopted by the state~~ 61907  
~~board of education, except that payment shall be made only for~~ 61908  
~~subjects regularly offered by the school district providing the~~ 61909  
~~classes.~~ 61910

~~(C) An amount for each school district with guidance,~~ 61911  
~~testing, and counseling programs approved by the state board of~~ 61912  
~~education. The amount shall be determined on the basis of~~ 61913  
~~standards adopted by the state board of education.~~ 61914

~~(D) An amount for the emergency purchase of school buses as provided for in section 3317.07 of the Revised Code;~~ 61915  
61916

~~(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.~~ 61917  
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~~(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.~~ 61923  
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~~(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 service center. 61927  
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~~(H)~~(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children and an amount to assist needy school districts in purchasing necessary equipment for food preparation. The amounts shall be determined on the basis of rules adopted by the state board of education. 61940  
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~~(I)~~(E) An amount to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. The amount shall equal the amount appropriated for the implementation of section 3317.06 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in nonpublic elementary and high schools within the state as determined during the first full week in October of each school year. 61947  
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~~(J)~~(F) An amount for each county DD board, distributed on the basis of standards adopted by the state board of education, for the approved cost of transportation required for children attending special education programs operated by the county DD board under section 3323.09 of the Revised Code; 61955  
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~~(K) An amount for each school district that establishes a mentor teacher program that complies with rules of the state board of education. No school district shall be required to establish or maintain such a program in any year unless sufficient funds are appropriated to cover the district's total costs for the program.~~ 61960  
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~~(L) An amount to each school district or educational service center for the total number of gifted units approved pursuant to section 3317.05 of the Revised Code. The amount for each such unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to July 1, 2001, plus fifteen per cent of that minimum salary amount, plus two thousand six hundred seventy eight dollars.~~ 61965  
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~~(M)~~(G) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of 61974  
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all tuition amounts required to be paid to the institution under 61979  
division (A)(1) of section 3317.082 of the Revised Code. 61980

~~(N) A grant to each school district and joint vocational 61981  
school district that operates a "graduation, reality, and 61982  
dual role skills" (GRADS) program for pregnant and parenting 61983  
students that is approved by the department. The amount of the 61984  
payment shall be the district's state share percentage, as defined 61985  
in section 3317.022 or 3317.16 of the Revised Code, times the 61986  
GRADS personnel allowance times the full time equivalent number of 61987  
GRADS teachers approved by the department. The GRADS personnel 61988  
allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS 61989  
program shall include instruction on adoption as an option for 61990  
unintended pregnancies. 61991~~

The state board of education or any other board of education 61992  
or governing board may provide for any resident of a district or 61993  
educational service center territory any educational service for 61994  
which funds are made available to the board by the United States 61995  
under the authority of public law, whether such funds come 61996  
directly or indirectly from the United States or any agency or 61997  
department thereof or through the state or any agency, department, 61998  
or political subdivision thereof. 61999

**Sec. 3317.025.** On or before the first day of June of each 62000  
year, the tax commissioner shall certify the following information 62001  
to the department of education and the office of budget and 62002  
management, for each school district in which the value of the 62003  
property described under division (A) of this section exceeds one 62004  
per cent of the taxable value of all real and tangible personal 62005  
property in the district or in which is located tangible personal 62006  
property designed for use or used in strip mining operations, 62007  
whose taxable value exceeds five million dollars, and the taxes 62008  
upon which the district is precluded from collecting by virtue of 62009

legal proceedings to determine the value of such property: 62010

(A) The total taxable value of all property in the district 62011  
owned by a public utility or railroad that has filed a petition 62012  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 62013  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 62014  
property in the district designed for use or used in strip mining 62015  
operations whose taxable value exceeds five million dollars upon 62016  
which have not been paid in full on or before the first day of 62017  
April of that calendar year all real and tangible personal 62018  
property taxes levied for the preceding calendar year and which 62019  
the district was precluded from collecting by virtue of 62020  
proceedings under section 205 of said act or by virtue of legal 62021  
proceedings to determine the tax liability of such strip mining 62022  
equipment; 62023

(B) The percentage of the total operating taxes charged and 62024  
payable for school district purposes levied against such valuation 62025  
for the preceding calendar year that have not been paid by such 62026  
date; 62027

(C) The product obtained by multiplying the value certified 62028  
under division (A) of this section by the percentage certified 62029  
under division (B) of this section. If the value certified under 62030  
division (A) of this section includes taxable property owned by a 62031  
public utility or railroad that has filed a petition for 62032  
reorganization under the bankruptcy act, the amount used in making 62033  
the calculation under this division shall be reduced by one per 62034  
cent of the total value of all real and tangible personal property 62035  
in the district or the value of the utility's or railroad's 62036  
property, whichever is less. 62037

Upon receipt of the certification, the department shall 62038  
recompute the payments required under ~~Chapter 3306. of the Revised~~ 62039  
~~Code~~ this chapter in the manner the payments would have been 62040  
computed if: 62041

(1) The amount certified under division (C) of this section 62042  
was not subject to taxation by the district and was not included 62043  
in the certification made under division (A)(1), (A)(2), or (D) of 62044  
section 3317.021 of the Revised Code. 62045

(2) The amount of taxes charged and payable and unpaid and 62046  
used to make the computation under division (B) of this section 62047  
had not been levied and had not been used in the computation 62048  
required by division (B) of section 3317.021 of the Revised Code. 62049  
The department shall pay the district that amount in the ensuing 62050  
fiscal year in lieu of the amounts computed under ~~Chapter 3306. of~~ 62051  
~~the Revised Code~~ this chapter. 62052

If a school district received a grant from the catastrophic 62053  
expenditures account pursuant to division (C) of section 3316.20 62054  
of the Revised Code on the basis of the same circumstances for 62055  
which a recomputation is made under this section, the amount of 62056  
the recomputation shall be reduced and transferred in accordance 62057  
with division (C) of section 3316.20 of the Revised Code. 62058

**Sec. 3317.0210.** (A) As used in this section: 62059

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 62060  
of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 62061

(2) "Chapter 11 corporation" means a corporation, company, or 62062  
other business organization that has filed a petition for 62063  
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 62064  
Stat. 2626, 11 U.S.C. 1101, as amended. 62065

(3) "Uncollectable taxes" means property taxes payable in a 62066  
calendar year by a Chapter 11 corporation on its property that a 62067  
school district is precluded from collecting by virtue of 62068  
proceedings under the Bankruptcy Reform Act. 62069

(4) "Basic state aid" means ~~the a school district's~~ state 62070  
education aid ~~calculated for a school district under Chapter 3306.~~ 62071

~~of the Revised Code.~~ 62072

(5) "Effective value" means the amount obtained by 62073  
multiplying the total taxable value certified in a calendar year 62074  
under section 3317.021 of the Revised Code by a fraction, the 62075  
numerator of which is the total taxes charged and payable in that 62076  
calendar year exclusive of the uncollectable taxes payable in that 62077  
year, and the denominator of which is the total taxes charged and 62078  
payable in that year. 62079

(6) "Total taxes charged and payable" has the same meaning 62080  
given "taxes charged and payable" in section 3317.02 of the 62081  
Revised Code. 62082

(B)(1) Between the first day of January and the first day of 62083  
February of any year, a school district shall notify the 62084  
department of education if it has uncollectable taxes payable in 62085  
the preceding calendar year from one Chapter 11 corporation. 62086

(2) The department shall verify whether the district has such 62087  
uncollectable taxes from such a corporation, and if the district 62088  
does, shall immediately request the tax commissioner to certify 62089  
the district's total taxes charged and payable in the preceding 62090  
calendar year, and the tax commissioner shall certify that 62091  
information to the department within thirty days after receiving 62092  
the request. For the purposes of this section, taxes are payable 62093  
in the calendar year that includes the day prescribed by law for 62094  
their payment, including any lawful extension thereof. 62095

(C) Upon receiving the certification from the tax 62096  
commissioner, the department shall determine whether the amount of 62097  
uncollectable taxes from the corporation equals at least one per 62098  
cent of the total taxes charged and payable as certified by the 62099  
tax commissioner. If it does, the department shall compute the 62100  
district's effective value and shall recompute the basic state aid 62101  
payable to the district for the current fiscal year using the 62102

effective value in lieu of the total taxable value used to compute 62103  
the basic state aid for the current fiscal year. The difference 62104  
between the basic state aid amount originally computed for the 62105  
district for the current fiscal year and the recomputed amount 62106  
shall be paid to the district from the lottery profits education 62107  
fund before the end of the current fiscal year. 62108

(D) Except as provided in division (E) of this section, 62109  
amounts received by a school district under division (C) of this 62110  
section shall be repaid to the department of education in any 62111  
future year to the extent the district receives payments of 62112  
uncollectable taxes in such future year. The district shall notify 62113  
the department of any amount owed under this division. 62114

(E) If a school district received a grant from the 62115  
catastrophic expenditures account pursuant to division (C) of 62116  
section 3316.20 of the Revised Code on the basis of the same 62117  
circumstances for which a recomputation is made under this 62118  
section, the amount of the recomputation shall be reduced and 62119  
transferred in accordance with division (C) of section 3316.20 of 62120  
the Revised Code. 62121

**Sec. 3317.0211.** (A) As used in this section: 62122

(1) "Port authority" means any port authority as defined in 62123  
section 4582.01 or 4582.21 of the Revised Code. 62124

(2) "Real property" includes public utility real property and 62125  
"personal property" includes public utility personal property. 62126

(3) "Uncollected taxes" means property taxes charged and 62127  
payable against the property of a port authority for a tax year 62128  
that a school district has not collected. 62129

(4) "Basic state aid" means ~~the a school district's state~~ 62130  
~~education aid calculated for a school district under Chapter 3306.~~ 62131  
~~of the Revised Code.~~ 62132

(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.

(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.

(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 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 nonresidential/agricultural real property subject to taxation in the district.

(8) "Effective personal value" means, for a tax year, the amount obtained by multiplying the value for that year certified under division (A)(2) of section 3317.021 of the Revised Code by a fraction, the numerator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district, exclusive of the uncollected taxes for

that year on that property, and the denominator of which is the 62165  
total taxes charged and payable for that year against personal 62166  
property subject to taxation in the district. 62167

(9) "Nonresidential/agricultural real property value" means, 62168  
for a tax year, the sum of the values certified for a school 62169  
district for that year under division (B)(2)(a) of this section, 62170  
and "residential/agricultural real property value" means, for a 62171  
tax year, the sum of the values certified for a school district 62172  
under division (B)(2)(b) of this section. 62173

(10) "Taxes charged and payable against real property" means 62174  
the taxes charged and payable against that property after making 62175  
the reduction required by section 319.301 of the Revised Code. 62176

(11) "Total taxes charged and payable" has the same meaning 62177  
given "taxes charged and payable" in section 3317.02 of the 62178  
Revised Code. 62179

(B)(1) By the first day of August of any calendar year, a 62180  
school district shall notify the department of education if it has 62181  
any uncollected taxes from one port authority for the second 62182  
preceding tax year whose taxes charged and payable represent at 62183  
least one-half of one per cent of the district's total taxes 62184  
charged and payable for that tax year. 62185

(2) The department shall verify whether the district has such 62186  
uncollected taxes by the first day of September, and if the 62187  
district does, shall immediately request the county auditor of 62188  
each county in which the school district has territory to certify 62189  
the following information concerning the district's property 62190  
values and taxes for the second preceding tax year, and each such 62191  
auditor shall certify that information to the department within 62192  
thirty days of receiving the request: 62193

(a) The value of the property subject to taxation in the 62194  
district that was classified as nonresidential/agricultural real 62195